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T U R K E Y
HUMAN RIGHTS REPORT

Ankara, 2000

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ABBREVIATIONS

ANAP	Motherland Party	MIT	National Intelligence Organization
BP	Peace Party	MKM	Mesopotamian Culture Center
BBP	Great Unity Party	MLKP	Marxist Leninist Communist Party
ÇGD	Progressive Journalists' Association	NSC	National Security Council
ÇHD	Contemporary Lawyers Association	OHAL	State of Emergency (Region)
CHP	Republican People's Party	ÖDP	Freedom and Solidarity Party
DBP	Democracy and Peace Party	RP	Welfare Party
DEP	Democracy Party	RTÜK	Radio and Television Supreme Board
DHKP-C	Revolutionary People's Liberation Party	SES	Union of Health and Social Workers
DİSK	Progressive Trade Unions	SHP	Social Democratic Populist Party
DKP	Democratic Mass Party	SİP	Socialist Power Party
DSP	Democratic Left Party	SPY	Law on Political Parties
DTP	Democratic Turkey Party	SSC	State Security Court
DYP	True Path Party	TBB	Union of Bar Associations of Turkey
ECHR	European Court of Human Rights	GNAT	Grand National Assembly of Turkey
EHRC	European Human Rights Convention	TCPC	Code of Criminal Procedures
EMEP	Labor's Party	TİKKO	Workers Peasants' Liberation Army
EP	Labor Party	TİSK	Employers' Trade Unions of Turkey
FP	Virtue Party	TMMOB	Chambers of Engineers and Architects
HADEP	People's Democracy Party	TOBB	Chambers and Exchange Markets of T.
HEP	People's Labor Party	TPC	Turkish Penal Code
HRFT	Human Rights Foundation of Turkey	TSK	Turkish Armed Forces
HRA	Human Rights Association	TTB	Turkish Medical Association
ILO	International Labor Organization	Türk İş	Confed. of Workers' Trade Unions
KESK	Public Laborers' Trade Unions	TÜSİAD	Industrialists and Businessmen
LFT	Law to Fight Terrorism	UN	United Nations
Mazlum-Der	Organization for Human Rights and Solidarity with Oppressed People	UNHCR	UN High Commissioner of Refugees
MHP	Nationalist Action Party	YÖK	Higher Education Institution

FOREWORD: HUMAN RIGHTS IN 1998

Yavuz Önen

President of HRFT

The ANAP-DSP-DTP coalition government led by Mesut Yılmaz was in power in 1998. This government was established after Necmettin Erbakan, the leader of the Welfare Party that represented the political Islam was made to resign as a result of the anti-fundamentalist policy imposed by the National Security Council (NSC) in its meeting on 28 February 1997. The public outrage against the counter-guerrilla relations that came out to light with the car crash in Susurluk also contributed to the change of government. When the 8-year obligatory education, the most important provision of the 28 February decisions, was put in force, students of the *İmam Hatip* High Schools giving religious education and their families held protests and these demonstrations marked the year 1998. The state organs and the government placed far greater emphasis on "secularism" and this policy also marked the political atmosphere in 1998. On the other hand, the 8-year obligatory education was not supported with a reform in the education system, and tens of thousands of children continued to be deprived of primary education.

Another item on the political agenda was the gangs. The government wanted to give the impression that there was a struggle against these crime organizations. The report prepared by the Prime Ministry Inspection Board was publicized partially in January. This report expressed that these gangs that are related with the state organs had involved in illegal activities and white-collar crimes beyond murders by unknown assailants, such as influencing the decisions in public tenders within the frame of privatization and providing financial loans for certain businessmen from the public banks. Corruption was another topic that was discussed extensively in 1998. Many files regarding corruption were brought on the agenda of the Parliament, including those that involved ANAP and DYP leaders. The Migration Commission in the Parliament resorted to the opinions of many NGOs, including HRA and HRFT, on the problem of migration. The Human Rights Commission in the Parliamentary dealt with the problem of torture, and provided the public with true information. The Commission's Chairwoman Sema Pişkinsüt carried out investigations at police stations and in the State of Emergency Region (OHAL), which were given an ovation. However, in 1998, NGOs were not invited to attend the meetings of the Human Rights Coordinating High Council, which was established in 1997 by the Minister of State responsible for Human Rights Hikmet Sami Türk in order to enter into a dialogue with human rights defenders. The efforts of the High Council proved out to be ineffective, lacking cooperation with jurists and the human rights organizations. The state organs resisted against the studies of the High Council. In 1998, it was not possible to establish an independent human rights board in line with the UN standards. The National Committee for the Prevention of Torture that was mentioned by Minister Türk and emphasized by HRFT was not brought to existence.

Minister of Foreign Affairs İsmail Cem left the policy of denial and assumed a more realistic approach with regards to the human rights violations, and had a more convincing discourse both in the country and abroad. However, he did not change his attitude on the Kurdish problem.

Speeches and statements of certain members of the government and the parliament occasionally gave rise to hopes of a new policy aiming at the protection and improvement of rights and freedoms, but those promises were never fulfilled. Torture and extra-judicial executions continued to be systematic practices. The freedom of expression was not realized and those who expressed their opinions were punished. Incidents took place in prisons and the prison conditions were not improved. Extra-judicial executions, murders by unknown assailants and village evictions decreased in number when compared to previous years but they continued in 1998. The security officers resorting to excessive force violated the freedom of assembly and demonstrations. The police dispersed the crowd in meetings of the Confederation of Public Laborers' Trade Unions (KESK). The police continuously interrupted the weekly vigil of the Saturday Mothers seeking trace of their relatives outside the Galatasaray High School in İstanbul. Many of the relatives of the disappeared persons and those who gave support to them were detained, and many of the meetings were banned.

The legitimate and peaceful demonstrations of the university students were also interrupted by the police resorting to excessive force and by ultra-nationalist militants. The students, who demanded a free and democratic university system basing on equality, became the target of the police as well as the State Security Courts (SSC). Students, who opened placards during a session of the Parliament in order to voice their demands, were given a total of about 100 years' imprisonment, which was commuted to a lesser term in 1998. This case indicated that the security forces had influenced the judgments of the SSCs, and the Court of Cassation also approved such a tendency.

In 1998, the newspapers and journalists continued to pay a high-price for their work. The police beat the reporters and broke their cameras during demonstrations. Newspapers Özgür Gündem and Emek were closed down.

Dissent political parties were also under close scrutiny. Many activities of ÖDP, EMEP and other socialist political parties were banned, investigations were brought against their board members, and their members were detained and arrested. The main target of the pressures was again HADEP. Its leader Murat Bozlak was arrested twice. Besides, he was not allowed to enter Diyarbakır after the general elections in 1995. Security officers raided the HADEP headquarters three times. One of the most important developments that marked 1998 was the closure of the Welfare Party, which was the first party after the elections. The Constitutional Court also banned some of the board members of RP from civic rights for 5 years and prevented their political activities. Recep Tayyip Erdoğan, the Mayor of the metropolis of İstanbul, who was elected from the list of RP, was convicted because of a poem he read out in a speech. He was removed from office and banned from politics.

Şemdin Sakık Case, Armed Assault against Akın Birdal

In 1998, Turkey witnessed important developments with regards to the Kurdish problem. However, the Kurdish problem was not discussed at all during this process. One of the leaders of the PKK, Şemdin Sakık was surrendered to security officers. Subsequently, the media started to quote certain statements, alleged testimonies of Sakık, accusing defenders of democracy and human rights in general, and the HRA and its chairman Akın Birdal in particular, of "having relations with the PKK and aiding the PKK." Akın Birdal became a target in the campaign started with the special efforts of the media cartels and some of their columnists. It was observed that the aim of this campaign was provocation of the public against the HRA and other dissent sections of the society. And two gunmen of the counter-guerilla, one whom could be considered a child, showered Akın Birdal with bullets. Five bullets hit Akın Birdal, and he barely survived the armed assault at noon on 12 May. This was shameful attack against a human rights defender in 1998, when the UN adopted the declaration on human rights defenders, the statute of the International Criminal Court was approved and Pinochet was arrested in England because of his crimes against the humanity.

Abdullah Öcalan and the Rome process

The Moscow-Rome journey of PKK leader Abdullah Öcalan, which started when he left Syria, was the main topic at the end of the year. This period increased the diplomatic initiatives on the international level, and led to a polarization among the Turkish public.

The security forces interrupted the demonstrations that developed around HADEP centers during the Rome period. Nearly 3,000 members and executives of HADEP were detained, many of them were remanded and trials were brought against them. These actions, which were held independent from HADEP, increased the oppression on HADEP. The counter-reactions were organized within an official outline and under the leadership of MHP, and they were staged outside the foreign mission offices in Turkey. These actions by the MHP supporters included violence, and two people of Kurdish origin died after having been detained during such attacks. In this period, the funerals of the soldiers who died in clashes with the PKK were resorted extensively for creating a chauvinist and nationalist wave of rage to an extent that even some of the columnists with the mainstream media cartels occasionally criticized this process.

Relations with Gangs and Battle of Tapes

One of the most important developments in 1998 was the accusations brought against some political party leaders and some of their executives regarding their relations with the mafia and gangs, and mutual campaigns started around these claims. The public was manipulated with the articles and reports accusing the political party leaders, top-level bureaucrats, parliamentarians and some ministers. The result was an erosion of power in civilian political sphere, giving a proper excuse for adoption of the oppressive provisions and practices of the Prime Ministry crisis administration and the provincial administrative law. Certain centers of force increased their power in this period.

Early General and Local Elections

It was inevitable to go to early elections under the political instability, and the Parliament took a decision to this end. The ANAP-DSP-DTP coalition started to work in this atmosphere. However, it fell from power with a Parliamentary investigation. A consensus was reached for the establishment of the government by members of the DSP under the leadership of DSP leader Bülent Ecevit. The task of this government was carrying out the preparations until the elections on 18 April 1999. Besides, it would investigate the "crime organizations" and the "money laundering activities." However, by the end of 1998, the corruption files involving ANAP leader Mesut Yılmaz and DYP leader Tansu Çiller were covered up at the commissions of the Parliament with a common action staged by DYP, ANAP and DSP MPs.

Certain developments with respect to the democratization were discussed during the term of the ANAP-DSP-DTP coalition, thanks to the efforts of the ministers from DSP and Hasan Denizkurdu, a minister from DTP. However, no steps were taken for the abolishment of the death penalty or amendment of the status of the SSCs in line with the decision taken by the European Court of Human Rights. The debates also included a general amnesty and adopting a repentance law for a smooth transition into the peace period, but no further steps were taken. The democratization process was cancelled once again. No amendments were made in the laws for the conformity of these laws with the amendments made to the Constitution prior to the Customs Union debates in 1995.

Prior to the early elections, a general consensus appeared for taking the 10 percent country threshold down, easing the alliances between political parties, and making the necessary amendments in the election law and the law on political parties in order to maintain democracy in the political parties, but no steps were taken for these improvements. It was a common opinion that unless these amendments were made there could be no improvement in the political life, no democratization and no true representation of the people in the Parliament.

Trials brought in connection with human rights violations

The police officers on trial for torturing the youths in Manisa were acquitted. The Court of Cassation overturned the judgment, which had been delivered despite the fact that the torture inflicted on the youth had been certified with medical reports. The police officers went on re-trial. However, the local court insisted on its first judgment and the case file was referred to the Penal Chamber of the Court of Cassation, which ruled that "the medical reports were valid, that the youths had been subjected to torture, that the police officers were guilty, and that they should be punished."

Five of the police officers who were put on trial for killing journalist Metin Göktepe in detention were each sentenced to 18 years in prison. However, these sentences were commuted to 7 years because of "good manner at the court" and "it was impossible to determine the real assailant." Five other police officers were acquitted.

No steps were taken in the trial brought against 20 police officers in connection with the killing of 19 people in Gazi quarter of İstanbul in 1995. The appeal made for the transfer of trial from Trabzon to İstanbul was rejected, and no developments took place in the process of collecting the evidence.

Police officers who were prosecuted for killing Baki Erdoğan under torture in detention in 1993 were each sentenced to 5 years and 6 months' imprisonment. The Court of Cassation overturned the verdict, concluding that the original trial had flawed, as the court "had not taken into consideration the claims that Erdoğan had suffered from epilepsy."

Captain Musa Çitil who was accused of raping and torturing Şükran Aydın was acquitted on the grounds of insufficient evidence. This decision was made after the European Court of Human Rights concluded that Şükran Aydın had been tortured and raped in detention.

The trial brought against 11 police officers in connection with the death of 18-year old Mehmet Yavuz in detention at Adana Police HQ on 13 March 1998 was concluded on 23 November 1998. Ten of the police officers were acquitted at Adana Criminal Court No. 3, and police officer Murat Gültaş was sentenced to 10 years in prison. This sentence was commuted to 1 year and 8 months on the grounds that "he had defended himself." The court released Murat Gültaş.

Foreign Policy

Turkey was not mentioned among the candidates for full-membership to the European Union in the Luxembourg Summit of the European Council in December 1997. The Turkish government reacted harshly against this development in 1998, and decided to suspend the political relations with the European Council. Besides, the government rejected to participate in the European Conference. The disruption in political relations continued despite the fact that the Luxembourg Summit had decided to prepare a strategy report for accession of Turkey. (The Cardiff Summit of March 1998 adopted the European strategy for Turkey). The relations between Turkey and EU continued at the technical level, regarding the development of the relations maintained in Ankara Agreement, improving the Customs Union process, regulating the basis of financial cooperation, adopting the customs union case law and maintaining the unity in other laws.

The 50th Anniversary of the Universal Declaration of Human Rights

HRA and HRFT held a conference in Ankara on 28-29 November, titled "Human Rights Movement in Turkey at the 50th Anniversary of the Universal Declaration: Experiences and Perspectives". People who took part in the human rights struggle in various periods and representatives of various groups attended the conference, which aimed at discussing the Universal Declaration of Human Rights and its impacts on present

day, and to derive an outline for the future struggle of rights in Turkey and all around the world. The Conference was fruitful, and the results and the proposals were publicized in the 36-item "Final Report and Declaration."

HRFT also participated in the activities of international human rights organizations held for the 50th anniversary of the Universal Declaration. The president of HRFT took place in the executive committee of the platform formed by Amnesty International, International Federation of Human Rights, ATD Quart Monde and France Liberte. Over a year's work, a summit was held at Chaillot Palace in Paris, where the Universal Declaration was signed, between 3 and 11 December with the participation of over 500 delegates from all countries. The "Paris Declaration" of the human rights defenders and the "Action Plan" for future was adopted in this summit. Regional representatives were elected to take part in the executive committee that organized the human rights defenders summit. The HRFT participated in the regional meetings held by the OMCT in Geneva, European Council in Strasbourg and Amnesty International in Istanbul.

Another important development on the 50th anniversary was the adoption of the Declaration of Human Rights Defenders by the UN, and the approval of the Statute of the International Criminal Court in Rome on 17 July.

Besides, Chile dictator General Pinochet was arrested in London. The House of Lords did not send him back to Chile and this decision paved the way for his prosecution in Spain. This was the first step against the impunity of those who have committed crimes against humanity, and it would discourage many similar criminals. The mothers and relatives of people who were disappeared and killed in Chile, and the human rights defenders in all countries have been gratified by the arrest of General Pinochet, which gave rise to the hopes that those who commit crimes may not escape from prosecution.

HRFT Received the 1998 European Human Rights Prize

In 1998, HRFT was awarded the Council of Europe's 1998 European Human Rights Prize. We shared this prize with Mrs. Chiara Lubich, founder of the International Focolari movement, and "the Committee on the Administration of Justice"

Speech Delivered at the Ceremony:

Ladies and Gentlemen,

I would like to express my gratefulness to the Parliamentary Assembly and Committee of Ministers of Council of Europe for awarding the HRFT with the 1998 European Human Rights Prize. We are honored to share this Prize with Mrs. Chiara Lubich, founder of the International Focolari movement, and the Committee on the Administration of Justice, and we regard this occasion as an indicator of international solidarity.

The HRFT was established in 1990 in hellish conditions following the military coup in Turkey in 1980. We started the organized human rights struggle in Turkey with the families of extrajudicially murdered, tortured persons, persons killed or disabled under torture, disappeared persons, prisoners, and we started this struggle especially with mothers. We knew that killings, violence and oppression were awaiting us. And we faced them. Unknown assailants killed fourteen members and executives of the Human Rights Association. Akin Birdal, the Chairman of HRA, has been the target of bullets in his office in Ankara in May. The branches of our organizations have been closed down, we have been prosecuted and still being prosecuted in many trials. We accept the European Human Rights Prize also on behalf of all the human rights advocates mentioned above.

We have resisted unfairness, injustice and pressures with our conscious, and with the love of human being, honor and courage in our hearts for years. We could have never thought to be meeting with you in

such a European apex. The Human Rights Prize that is given to us on the Fiftieth Anniversary of the Universal Declaration of Human Rights will be a significant support for the self-sacrificing and committed struggle we have been carrying out up to date. I would like to announce before all that we will continue our struggle for the protection and improvement of human rights together with our staff and volunteers, and with international solidarity.

Dear members of the Parliamentary Assembly;

The killing, destruction and pain caused by two big wars of the century, unfortunately have long been forgotten. Even in Europe wars are continuing to sow the seeds of hatred and revenge. One wonders where next we will find blood and tears after Sobrenica, Bukovar, Kosova and Rwanda.

Regional economical differences, violence, war, genocide, discrimination on the basis of ethnicity, religion and sex, refugees due to economic and political reasons, refugee camps, and hatred against foreigners are on the rise in the world despite the United Nations, European Council and the Organization of Security and Cooperation in Europe (OSCE). Poverty, hunger, unemployment, diseases, illiteracy is becoming widespread. Drug and arms traffic, prostitution, corruption, brutality and armament have become a way of life. A privileged minority in the world in general and in single countries can benefit from human rights, justice, freedom, development and welfare.

It is no doubt that the developed countries have important responsibility in generating such an unfair and injustice human condition and human rights violations all over the world. The Council of Europe and member states encounter the duty of establishing a new Europe, respectful of human rights and democracy in deed, and the duty of developing a new civilization concept on a global scale.

While ending my words, I would like to express once again my wish for a peaceful solution of the Kurdish problem, which is the main source of many human rights violations and anti-democratic implementations in Turkey. The ongoing wars in many regions of Europe and the world shall end and never start again.

Strasbourg, 10 December 1998.

PREFACE

Selim Ölçer, MD

Secretary General of HRFT

The main activity of the Documentation Center of HRFT is to document human rights abuses and report them. In our work, we have concentrated on the violations of the right to life because of the current atmosphere of violence. Among these, extra-judicial executions and deaths because of torture or in prisons play an important role. Besides we have also concentrated on the freedom of expression as being an important means of promoting and protecting the human rights values.

The documentation of the human rights violations and reporting of them necessitates a great deal of attention and a proper organization. The documentation and reporting of the human rights violations play an important role for opening up a discussion on the human rights score of a country on the basis of the extent of the human rights violations and for taking necessary measures for eliminating the violations. On the other hand, political circles are highly sensitive about the reporting of the violations and unfortunately, the information on these violations can affect the personal security of the individuals. For this reason, it is extremely important to preserve our reliability and that's why we have chosen to be an independent expertise organization instead of being the voice of the victims.

Our primary objective in the documentation activity is to report the real situations experienced by individuals, and by so doing to form an institutional and vivid memory for the public and the society. We regard this documentation activity as our responsibility for the individual victims of the human rights violations who have to protect their sense of reality after the trauma and necessitate solidarity. We also carry out this activity in the name of the Turkish society, which has developed a tendency to ignore such traumatic situations. In view of our observations, we can conclude that the societies which have long lived with the phenomena of torture, extra-judicial executions and disappearances and which have failed to take the necessary steps for eliminating these violations damage their own future and capacity to change the wrong deeds in all areas. There should be harmony between the measures to be taken in the state organization and the extent of the human rights violations. This harmony can only be established on the basis of the true information on the real situations.

We face great difficulties while documenting the violations of the right to life. The most serious limitations in the documentation of the human rights violations can be listed as follows: The violations are extensive and on a wide scale; carrying out a research on these matters is risky; violations are covered up by the authorities and they are not taken to courts on many occasions; there are problems in the operation and the organization of the Forensics; it is impossible to carry out human rights activities and independent

research in the State of Emergency Region, especially because of the circulars frequently issued by the Ministry of Interior. The wide scale human rights violations and difficulties in tracing documents on these violations cast an important problem in the entire human rights field.

In its daily and annual reports the HRFT Documentation Center can only give place to at most twenty- percent of the information it compiles. However, we continue to update our archive and database so as to provide an effective instrument for future studies. In Turkey a deficiency in the human rights area is related to the principle of time-lapse. Every year many of the trials against the perpetrators are being dismissed because of this reason. The families of victims may not initiate the legal proceedings or the public may be reluctant to follow-up the violations. However, the human rights violations injure the whole society and neither the state nor the families of the victims should regard these trials as having been closed. For this reason, HRFT, which has been experienced on trauma, follows up such trials even if they are dismissed, and continue to collect information as much as it can. It is the same in the case of “political murders by unknown assailants” which are deeply wounding both the families of victims and the society. These murders, which have started before 1980, should be solved and the perpetrators at all levels should be punished.

The Documentation Center issues daily reports, urgent action calls and special reports on the violations, and sends them to the persons and organizations concerned with the human rights situation in Turkey. Besides, we issue annual reports. Tasks like supplying data for the international institutions focusing on the human rights situation in Turkey and answering questions concerning the individual cases constitute an important part of our center’s workload. We still face the necessity of getting re-organized in order to fulfill these tasks properly.

In 1999 the Documentation Center, besides its daily research and reporting activities, wrote the 1997 and 1998 annual reports. These studies were concluded in March 2000, thus an important step was taken for closing the gap between the annual reports. The delay in releasing the annual reports shall end if the 1999 annual report can be published in October 2000. Then the Documentation Center will have the opportunity of improving its studies aiming at a more systematic contribution to the efforts of protecting the human rights, as being planned.

In the 1998 annual report we gave a broader place to the problem of internal displacement. As the problem is an outcome of the “special security operations”, we put this section after the chapter on the Kurdish Problem. Discussions and polices on the problem of torture were described in the section titled Personal Security. In this report we gave place to a limited number of sample cases of torture and for this reason the chapter on Torture and Ill-Treatment is a brief one. Related sections of 1997 report should also be read while reading this section in 1998 report.

Bülent Peker has undertaken the responsibility to prepare the 1998 report; our volunteers Ayşe Tatar-Peker, Tanıl Bora, Gökçen Alpkaya together with our staff Genco Dönmez, Berivan Kutlay, Ufuk Çamak, Filiz Altun and Hayati Durmaz were in charge of the writing of the report; Ebru Şenol, Serpil Odabaşı, Dilan Adıgüzel, Özlem Odabaşı and Yekbun Geylani were in charge for the data processing for the archive. Hüsnü Öndül and Gül Erdost kindly edited the report. Alper Fidaner did the page design and Özlem Ölçer designed the cover. Without the support and contribution of a great number of human rights defenders our documentation and reporting studies would have been incomplete. Here we would like to thank especially to Osman Baydemir, Nimet Tanrıku, Gülizar Tuncer, Ender Büyükçulha, Mustafa Çinkılıç and Sezgin Tanrıku, and to all branches of the Human Rights Association and İstanbul Bar Association.

We have to apologize to all readers and supporters of HRFT that English version of this report did not appear in time. Besides the fact that the Turkish version of these reports were delayed for a number of

reasons we took some decisions for the translation of them, that only at a very late stage turned out to be wrong. For instance, we felt that professional translators could do better than our own staff, but in the end they had to either deal with an enormous amount of correctional work or even translate whole chapters "from scratch". Since we did not want to let you wait for the English version for yet another extended period of time we told our staff to produce an English version that (at least) can be "understood". Therefore, the English version is not perfect in the sense of a native speaker. Still we hope that you can make use of it. In case that any queries on the contents arise do not hesitate to contact us immediately.

We are thankful to all our friends, June Demir, Üstün Reinard, Helmut Oberdiek and all staff members who took part within the activities of the Documentation Center, who paid efforts for the reports, who worked for days and nights for the continuation of the works, and who supported us in difficult and 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.

1.

INTRODUCTION

HUMAN RIGHTS IN TURKEY IN 1998

In 1998, at least **80** people were killed in extra-judicial executions; at least **11** people were disappeared; at least **3,853** people were tortured, at least **15** people died in detention and at least **28** people died in prisons and detention places. In 1998, **2,284** people were put on trial with the demand of death penalty. Security officers, who involved in murders, torture and ill-treatment cases, continue to be immune from penal and administrative punishment. Only a few of these officers, who were accused of extra-judicial execution, torture resulted with death, and torture or ill-treatment, could be prosecuted. Security officers, who were put on trial in connection with "extra-judicial executions", were either acquitted or given trivial penalties, on the ground that they had committed these crimes on duty. Although 295 of the trials opened against security officers on charges of torture or ill-treatment resulted with penalties, they were generally commuted to fines and then reprieved. In 1998, at least 297 people were convicted for expressing their thoughts and views, or conveying others' thoughts and views as news, at least 259 others were acquitted. (The people who were prosecuted for expressing their thoughts or for their work as journalists but who were charged and sentenced with the accusations of "aiding a terrorist organization or sheltering its members" or "membership of an illegal organization" are not included in this number.) In 1998, **3,298** people were put on trial on charges of violation of the Press Law, and **7,796** people for violating the Law on Meetings and Demonstrations. At least **379** "criminals of thought" spent 1998 in prisons or detention places. In 1998, **2,587** people were put on trial under the "Law to Fight Terrorism (LFT)". Of these trials, **1,099** were concluded with a conviction. While **6,054** children were prosecuted at juvenile courts, **366** children were put on trial at the State Security Courts (SSC), **3,676** children at criminal courts, and **41,249** children at penal courts.

Human rights defenders underlined three main factors behind the violation of human rights in Turkey in 1998:

- (i) Crime organizations that were formed within security forces and their impunity from punishment;
- (ii) The determining and all encompassing role of the security forces and the policy of "state security", especially of the National Security Council (NSC) as an institution, in public sphere.
- (iii) The determining role of the official Turkish nationalism and the related approach of using violence for solving the Kurdish problem, in social economic and political arena.

In the first three chapters of this report, those problem areas lying behind the human rights violations and non-accomplishment of certain basic rights (nourishment, health, housing and education rights; human rights of children and women, which we could not discuss in detail in the 1998 report, too) were considered. The Prime Ministry Inspection Board submitted the "Susurluk Report" to then-Prime Minister Mesut Yılmaz on 12 January. At first Mesut Yılmaz was reluctant to publicize the report on the ground that "it contained State secrets". However, he partially publicized it later on, and the discussions on the counter-guerrilla were extended. Important evidence came out to indicate to what extent the security of the people in Turkey was

under the threat of the counter-guerrilla organization, which was based on the concept of the "security of the state" and which included mass murderers, members of the Mafia, confessor PKK militants, village guards, police officers, gendarmes, politicians and businessmen. Immense flow of information on the counter-guerrilla caused a disinformation. It was understood that certain information conveyed to the public was distorted either to serve for the struggle among certain groups or for blackmail. The judiciary could not reach any result regarding the counter-guerrilla relations and "murders by unknown assailants" and narcotics trafficking within this scope. The point most emphasized by the authorities in 1998 was the claim that "soldiers did not involve in these affairs". No legal proceedings were initiated against General Veli Küçük, although there were many clues of his relations with Abdullah Çatlı and other mass murderers. The ones who were put on trial among the many of the security officers who were determined to have involved in the counter-guerrilla and held responsible for certain crimes, were not punished in 1998, too. (See chapter on "Susurluk Scandal.")

The influence of NSC in political and public life was stiffened in 1998. The Welfare Party (RP) and organizations that are close to this party or other Pan-Islamic groups, were closed after they were declared as "constituting a threat against the state security" by the Turkish Armed Forces (TSK). Many people were prosecuted and convicted when they defended the establishment of an Islamic administration (some of them for the speeches they delivered in the past). The propaganda of the mainstream media against these groups continued in 1998, too. Pan-Islamic groups and followers of RP, on the other hand, attempted to defend themselves, asserting that "leftist and pro-Kurdish organizations and persons constituted the real threat." NSC and TSK reacted against the Motherland Party (ANAP), Democratic Left Party (DSP) and the Democratic Turkey Party (DTP) coalition government, upon the government's attempts for taking the initiative from NSC and TSK during the period of "28 February" and in the "struggle against Islamic fundamentalism". The tension between the government and NSC ended with a compromise in the NSC meeting in March, after which the military was still influential but left a certain decision-making authority for the government. In 1998, when making statements or carrying out actions against Pan-Islamic groups, NSC did not mention on the "İlim wing" of the Hezbollah, the armed wing which is held responsible for many political "murders by unknown assailants" and "disappearances".

In 1998, the Kurdish problem was conceived as a problem only between NSC and the PKK; after one of the former commanders of the PKK, Şemdin Sakık, was captured in Northern Iraq on 13 April and brought to Turkey and after PKK leader Abdullah Öcalan left Syria on 9 October for Russia first and then Italy. Political problems and human rights violations, on which based the Kurdish problem or to which the atmosphere of violence after 1984 had given birth, were never discussed. Instead, people were convicted when they mentioned on these problems. In the period when Sakık was interrogated at an unknown place, the mainstream media published some fake testimonies given to them by the security forces. Upon this campaign, many organizations or persons who do not share the views of NSC or criticize its policies, especially HADEP and human rights defenders were accused of being "an affiliate of the PKK" or "supporting the PKK". One of the persons shown as a target, HRA Chairman Akın Birdal, was seriously wounded in and could hardly survive the armed attack by a counter-guerrilla group on 12 May. Then-Prime Minister Mesut Yılmaz evaluated the attack as an "internal conflict", implying that "Birdal was shot as a result of a disagreement within the PKK". Later, he asserted that the security forces had misled him. Sakık denied the testimonies ascribed to him. He disclosed that certain assertions did not belong to him and he told some others upon the "insistence" of the persons who interrogated him. However, nothing was done about publication and broadcast of these fake claims on the mainstream media. Besides, the official Anatolia News Agency, in its annual evaluation for 1998, continued to present Sakık's alleged accusations against Akın Birdal as if they were true claim declared at the SSC.

The Kurdish and the PKK problem also marked the Turkish international relations in 1998. In 1997, the flow of Kurdish immigrants to Europe accelerated upon the closure of Ertuğrulpaşa Refugee Camp by the UNHCR as a result of the pressure by Turkey and the Kurdistan Democratic Party's (KDP) attacks against the Refugee Camp in Ninova. This flow of migrants and Öcalan's request of asylum in Italy increased the tension between the Turkish government and the European governments. Deputy Prime Minister Bülent Ecevit and Minister of Foreign Affairs İsmail Cem stated that the opinions of the European Parliament on the Kurdish problem were "racist" and "secessionist". The tension decreased when the European governments adopted a way that does not exclude the views of Turkish government about Kurdish problem and the PKK and which is close to the views of USA. It was argued that the project of modernization of the Turkish army, which amounted to a total of US\$ 150 billion, as well as the Turkey's location within the pipeline projects for the Caucasian and Middle East oil, were determinant in this change of approach.

1.1: "THE 28 FEBRUARY PROCESS": RELATIONS BETWEEN NSC AND THE GOVERNMENT

"The 28 February (1997) process", during which NSC -especially the military side of NSC- concluded that Pan-Islamic movements, a.k.a. the "Islamic fundamentalism" in the official terminology, had become a serious threat to the constitutional principle of secularism and to the existing regime and then took comprehensive and vigorous measures against this threat, was also in the ascendant in 1998.¹

On 16 January, the Constitutional Court outlawed the Welfare Party, decided to lift the Parliamentary memberships of Necmettin Erbakan, Şevket Kazan, Ahmet Tekdal, Şevki Yılmaz, Hasan Hüseyin Ceylan, İbrahim Halil Çelik and dismiss Şükrü Karatepe the mayor of Kayseri Metropolitan Municipality from office, and banned these people from political activity. The Court decided to close RP on the ground that "the party acted in contravention of the principle of democratic and secular Republic and violated the principles of the indivisible unity of the state with its nation and country and of national sovereignty, and has become the center of the Islamic fundamentalist activities". After the judgment, a number of trials were brought against the MPs, who were mentioned in the judgment, because of their speeches. (See the section "Freedom of Expression.")

The ANAP-DSP-DTP coalition government, which was "constituted" in harmony with the 28 February process, put some efforts for "normalizing" the political atmosphere by asserting that they took the initiatives over in the struggle against Islamic fundamentalism. However, NSC and the General Staff Chief Office criticized –harshly from time to time- these efforts. At the end of 1997, the government tried to take the control over the struggle against Islamic fundamentalism, by establishing the "Prime Ministry Follow up and Coordination Committee" (BTK), in which were included the representatives of the General Staff Chief Office and the MIT. BTK, which was also referred as "the civilian Western Work Group (BÇG)" in the media, held its first meeting on 14 January 1998. In the early days of January, Ankara Police HQ prepared a report on the Islamic fundamentalist activities, and the State Scrutiny Board took the Department of Religious Affairs under inspection upon the request by President Demirel. (The report by the Police HQ gave an account of the official secularism; "identifying Islam with being a Turk", saying "Turks had been the protector of Islam for ages" and that "the religion should not be degenerated".) The Prime Ministry issued a circular on 4 February, recommending a control mechanism against the "destructive, separatist, Islamic

¹ For the "28 February Process", see Turkey Human Rights Report 1997.

fundamentalist organizations". On 22 March, the Prime Ministry issued another "package of control and precautions". In March, the Ministry of Interior carried out investigations about its own personnel. In mid-April, a number of national education district and branch directors in Ankara were dismissed from office as a result of the investigations carried out against them with the suspicion of "involving in fundamentalism". In July, in addition to the investigations against the teachers, the Ministry of Interior increased the extent of the investigations against district governors. According to a news story in the newspapers in December 1997, the Ministry of National Education had stated that "Sheria" (Islamic Law) was praised in 22 lecture books. In early January, 3 dervish lodges, in early May, 3 dormitories in Konya and one each in Çankırı and Samsun were closed down; at the same time investigations on 9 "dormitories" were under way.

Efforts to stiffen the 28 February process with judicial and legal mechanisms were also observed. In March, BTK announced that it carried out studies projecting amendments to 60 different laws and putting the provisions in the abolished Article 163 of the Turkish Penal Code (TPC) into effect. Meanwhile, the Chief Prosecutor of the Court of Cassation Vural Savaş and certain SSC judges complained from deficiency of Article 163, and continued to accuse the government. NSC, on the other hand, was entreating the authorities to mention the activities and statements against secularism as "terror crimes" in the legal provisions. However, there was no concrete attempt to enact Article 163 once again. (The Supreme Administrative Court, in one of its decisions, ruled that only those who completed 8-year compulsory secular education could attend to Koran courses. In 1997, the Parliament had decided that students who completed the first 5-year of the primary education could attend these courses. The Supreme Administrative Court, in July, annulled Şevket Kazan's -the Minister of Justice in the Refahyol [RP-DYP] coalition government- decision of rendering the judges responsible for allowing or not the female lawyers to attend the hearings with headscarves, commenting that this authority should be vested with the bar associations.)

However, the administrative regulations and investigations by the government were deemed insufficient by the military authorities, who "doubted about the government's negligence in the 28 February process". This arose the tension between TSK and the government in January and March. By the end of January, the government made statements such as "there is no need for BÇG as the BTK was established". In retaliation of these statements, TSK authorities stated that "BÇG would continue its activities until the threat of Islamic fundamentalism disappear". The military authorities uttered their discontent in the NSC meeting held on 25 February, and the tension between them and the government ever increased in March. Mesut Yılmaz, in his party group meeting on 17 March, said, "Soldiers should mind their own business; it's our duty to struggle against Islamic fundamentalism. There won't be any obstinacy on 27 March. But if there will be any, I will do that, not the soldiers". Yılmaz, in the group meeting held closed to the journalists, reportedly said "the government determinedly sustained the struggle against Islamic fundamentalism, terror and inflation; and nobody had the right to employ illegal methods in this struggle". Yılmaz said, "Struggle against terror is a state policy. Soldiers indeed carry on this struggle successfully. However, the success in office of our government has a different aspect. In this period, we did not employ gangs or apply illegal methods in the struggle against terrorism". Yılmaz added, "There is no need for military establishments, legality of which are ambiguous. Civil bodies have been established on this issue. The civil work group continues its work for its tasks, and meets every month."

Subsequent to Yılmaz's statement, NSC gave its report, titled "The Effect of Current Political Circumstances to Turkey's Future", to the media. The report reads as follows: *"It is known that before 27 May [1960 military coup], the Democratic Party and the Republican People's Party's policies of labeling people as supporters of Menderes and of İnönü, caused damages that were impossible to repair. Also before 12 September 1980 [military coup], the political party leaders had the policy of avoiding any compromise, which almost encouraged the struggle between the left and right wings, provoking the fight between brothers*

more seriously than the period of 27 May, and polarizing the people in right and left wings. Regretfully, the politics in the recent years has been heading towards a deadlock. The current social, political and economic problems of the country have been intensifying, and the opposition and the government, instead of cooperating, followed policies of wearing each other out. All of these have made it difficult to deal with the social, political and economic problems of the country, weaken the struggle against Islamic fundamentalism, strengthen the difference between secular and anti-secular, and stiffened the belief that the secessionist terror, which was demolished, might reach a result through a political way. It is observed that the Parliament, failing to fulfill its duties, is in a position to be a part of vicious circle, bickering and deadlock in the politics. It has to be accepted as a fact that the deadlock and the unnecessary debates among political parties have paved the way for the intensifying of the social, political and economic problems, strengthening the destructive and separatist groups in the country. It is known that certain section of the media takes part in this unproductive debates and bickering of the political parties, whereas certain newspapers and journals that support Islamic fundamentalism and secessionist movements, deem the weakening of all of the state organs as an instrument for their projects. Nowadays, it is seen that the struggle against Islamic fundamentalism cannot be concluded in a short period of time, and the secessionist terrorism, which was reduced to the minimum level, will continue to cast a problem for Turkey with its political efforts supported by certain European countries. It has been concluded that under these circumstances, the debates on secularism and anti-secularism might be added to the current social, political and economic problems and all might lead to an internal conflict if the media, politicians, so-called intellectuals and certain religious men insist on their current approach". In the conclusion of the report, it was stated that "the political deadlock would continue and the Law on Elections should be amended so as to bring only one central political party into power."

In early March the leaders of the three political parties in the government held a summit and they decided to set a policy of flexibility for the problem of headscarves, which would take the "local traditions" into consideration, "in order to avoid increasing the tension in the political arena". The tension reached its peak with Mesut Yılmaz's statement on 17 March, when he proposed the soldiers "to mind their own business". The same day, in the briefing given to President Demirel, authorities from the General Staff Chief Office claimed that the government and Prime Minister Yılmaz were "undermining" the principles set forth on 28 February. In addition, they made a statement on 20 March, asserting that "Nobody, whatever be his/her office, position or duty, can assume an attitude or make statements or proposals in line with their own political ambitions or personal interests, in an attempt to discourage, weaken or led to hesitation in TSK while the Turkish Army is performing its legal duty of struggling against Islamic fundamentalist and separatist activities that cast a threat against the national security". After this austere statement was made, Mesut Yılmaz stepped back, saying, "there was a misunderstanding". Yılmaz said the following: "The case is evident. Commanders of the armed forces have assembled, commented on the recent developments, and disclosed their opinions. They exposed their attitude in a democratic manner. In addition to their opinions on the recent developments, they also disclosed their own sense of duty. I will not discuss about these. As also mentioned in the statement, the authorities and responsibilities of all the institutions are set forth in our Constitution. There are certain points that I agree with, certain others I don't; but, in the end, the government holds the responsibility of governing the country. My duty is to avoid any tension that would put this duty into hardship. For this reason, I deem it unnecessary to make any further evaluation on this issue for the time being."

After its meeting on 23 March, the Council of Ministers made the following statement as to the activities carried out within the framework of the "struggle against Islamic fundamentalism": "An inspection mechanism at the district level was established for inspecting schools, dormitories, pensions, private lecture organizations etc. run by private persons or bodies. It's our government to underline for the first time the

importance of financial inspection in the struggle against Islamic fundamentalism. The Ministry of Finance and the related Ministry of State have started a wide-scale inspection for finding out the financial sources of the fundamentalists. The issue of collecting the sheep skin during the Sacrifice Feast, which is the most important financial source of the fundamentalists who work for destroying the regime, was taken into consideration, and the Ministries of Interior and Finance, and the Directorate of Religious Affairs have publicized the necessary circulars on the issue. Our government has established inspection units under the provincial governors in order to eliminate the deficiency in the inspection on the fundamentalist, destructive and secessionist broadcast of private radios and TV channels. These units have been auditing the broadcasts and they inform the Prosecutor's Offices and the Radio and Television Supreme Board (RTÜK) if they detect any crime. Our government instantly evaluates any piece of information about the activities of Islamic fundamentalists and it has been starting all the necessary proceedings without any hesitation and at the right time. The Prime Ministry has issued a Circular on Dressing in order to eliminate certain problems regarding the clothes of the public servants. It has been assumed that the public officers should be provided with the necessary support by the political authority in their struggle against Islamic fundamentalism, and shown that the government backed them; and this support has been declared with a circular". The Council of Ministers gave the following information about the legal regulations concerning the "activities against secularism": "The necessary provisions were included in the draft bill on the TPC, which has been submitted to the Parliament. The preliminary studies have been completed in order to add certain expressions in the related articles of this draft bill. The draft bill regarding amendments to the Law on Meetings and Demonstrations numbered 2911, has already been referred to the Parliament. A draft bill has been prepared, proposing an increase in the sentences stipulated in the Law on Closure of Dervish Lodges and Recluse Cells numbered 677, the Law on Hats numbered 671, and the Law on Banning Certain Clothes numbered 2596. Draft bills have been prepared proposing amendments to Article 125 of the Law on Civil Servants numbered 657, the Decree in the Force of Law numbered 399, and the Law on Civil Servants of the Ministry of Interior numbered 1700. Amendments have been made in the Disciplinary Regulation of the General Directorate for Security, and it was stipulated that security officers would be dismissed from duty should they involve in fundamentalist activities. A draft bill has been prepared for an amendment to Article 73 and subsequent articles of the Turkish Civil Code regarding the Foundations. Certain regulations have been issued and immediately put into implementation until these amendments regarding the foundations are enacted. A draft bill has been prepared for an amendment to the Law on Establishment of State Scrutiny Board numbered 2443 in line with Article 108 of the Constitution. A draft bill has been prepared for an amendment to the Law of Public Works, in order to secure that the construction of mosques are carried out within the regulations to be set out by the Directorate of Religious Affairs. A draft bill has been prepared for the management of the mosques by the Directorate of Religious Affairs. A draft bill has been prepared for amendments to the Law on Pump-Action and Semi-Automatic Rifles numbered 2521, and referred to the Parliament by the Council of Ministers. The draft bill proposing amendments to the Law on Stock Exchanges Market numbered 2499 has been discussed at the Council of Ministers and opened for signature. The studies for amendments to the Law on Banks numbered 3182 are under way."

After this statement was made, the Chief of General Staff Office, General İsmail Hakkı Karadayı met with Prime Minister Yılmaz on 26 March, and gave him "several documents related with threat of Islamic fundamentalism". According to the information given to the journalists prior to the meeting, General Karadayı "would emphasize in this meeting that 27 governors and 276 district governors had presumed an attitude of supporting or tolerating Islamic fundamentalist activities". Besides, the journalists were also given the information that the following points would be stressed in this meeting: "It has been concluded at the end of the evaluation at the General Staff Chief Office that 'NSC does not make hourly, daily or monthly evaluations. It forms a strategy and follows this strategy without any concession. Islamic fundamentalism is evaluated within this scope. Islamic fundamentalism is the primary threat in the country. Necessary warnings

are made as to this threat first. If these warnings are not taken into account, the Turkish Armed Forces will struggle against it, as they did against the PKK'. The most important ingredient point in the struggle against Islamic fundamentalism is the attitude of governors and district governors. It would be an evidence of the government's genuineness in this struggle if they dismiss the administrators, who do not believe or take part in this struggle, from office. Otherwise the struggle will have no effect. Another evidence of the government's genuineness in this struggle would be taking steps against the fundamentalist symbols such as headscarves."

NSC, after the monthly meeting held on 27 March, made the following statement:

The fundamentalist activities, which have been the subject of the decisions taken in the NSC meeting on 28 February 1997 and which have been carried out against the Turkish Republic that has been constitutionally determined as being loyal to the Atatürk's nationalism, democratic, secular and social state of law, and the implementation of the necessary sanctions against such activities, which were requested from the Council of Ministers with the aforementioned decisions of NSC, were reviewed in the meeting.

In the light of the evaluations on the issue:

A- As to the implementation of the legal and administrative precautions to be taken for eliminating the fundamentalist activities against the regime, it was observed gladly that there exists the intention and the will necessary for the struggle against the mentality of a minority that wanted to condemn the Turkish nation to a outdated life style; as a result of the political will of and the decisions taken by the government, the legal proceedings started by the judicial organs within the framework of the existing laws, and the sincere loyalty of our people, media and the Parliament to the principles and reforms of Atatürk, and to the democratic and secular republic.

B- However, it was that certain persons and organizations continued their efforts to meet their own political ambitions or personal interests by abusing the sacred religious feelings of our people; they attempted to represent the legal sanctions taken against the fundamentalists as if they were taken against Islam, and they carried out certain activities within this respect.

C- It was unanimously concluded that the freedom of religion and conscience, guaranteed by Article 24 of our Constitution, has been utilized at the most broad sense by our sincere and religious citizens; that any limitation on these freedoms cannot be in question; and that religious beliefs cannot be involved in the state affairs and politics as the prerequisite of the principle of secularism, which is the basis of democracy.

D- It was determined that the protection of the Turkish Republic, the greatest heritage entrusted by great leader Atatürk to the Turkish nation, and its basic principles set forth in the Constitution, is the duty of all of the state institutions and organizations and of everyone who is affiliated to the Turkish State with citizenship; that it is impossible to give any concession on this issue; and that, as a prerequisite of carrying out this struggle against the fundamentalist activities within the framework of democratic and secular state of law, it is necessary to avoid any statements or illegal actions that would offend the religious citizens while employing the legal proceedings, first and foremost the constitution.

E- Besides, it was unanimously concluded that the toleration of these activities against the regime by certain persons and organizations openly or covertly and by disregarding the laws, might encourage these persons and organizations; and for this reason, it is extremely important that the current legal provisions should be employed precisely at the first hand, and the amendments to the existing laws and the recently prepared laws concerning this struggle should promptly be enacted by the Parliament.

In the NSC meeting on 27 March, the "harmony" between TSK and the government was underlined.

In 1998 BÇG, or the military authorities in particular, carried out investigations on their own will in line with the principles set forth on 28 February. At the end of January, it was discerned that BÇG inspected the Turkish associations established abroad in terms of the threat of "Islamic fundamentalism" and "secessionism". According to the information given to the media, BÇG had prepared a report, which read that BÇG closely followed the activities of the left groups other than the PKK, and gave a detailed account of the BÇG activities abroad. According to the report, officers of consulates as well as the representatives of the associations abroad attended to the meetings held by BÇG, and in those meetings actions to be carried out against Islamic fundamentalism and separatism were discussed. Besides, conferences were held for religious officers and teachers abroad, and they were told that "democracy was luxury for Turkey; that the political parties and the Parliament were inert; that the PKK had been destroyed; that next struggle would be staged against Islamic groups that wanted Turkey to be similar to Iran". The propaganda in these conferences also included the following claims: "The fundamentalists wanted to separate the county; the struggle against Islamic fundamentalism had to be performed also in Europe just like the struggle against the PKK in the past". Besides, it was emphasized in these meetings that "there could be no duality in the state administration; that NSC did not want such a duality; and that no action could start without receiving the consent of the army".

In November, it came out that the War Academy HQ made a survey about the National Youth Foundation. The HQ report claimed that "the army was the only body of the state in which the fundamentalism did not exist". The efforts of the military officers to keep "Islamic fundamentalism" under surveillance in the daily life continued in 1998, but not as intense as in 1997. Osmaniye Mayor Ahmet Gürbüz was not allowed to attend to the celebrations organized for 29 October Republic Day; reportedly for "having a beard". In early December, Konya Selçuklu Garrison Commander General Mehmet Kenzi Suner had an investigation opened against Mayor İsmail Öksüzler, whom he had also scolded for his words "the artisan and pasha should know their place". The briefings given by NSC and the General Staff Chief Office within the framework of the propaganda against the threat of Islamic fundamentalism in 1997, continued in 1998 as well. Briefings on "fundamentalism" were given to journalists on 7 January and to university rectors on 13 March. Top-level bureaucrats were given a "lecture on fundamentalism" on 14 March. It was announced that similar briefings had been scheduled for the religious officers, businessmen, journalists and even the executive members of the political parties starting from March. In his speech on the occasion of 30 August Victory Day, Air Force Commander İlhan Kılıç mentioned on the "Turkish Islam"; thus put forth the army's claim of strengthening the official "Turkish secularism" which coincided with the inspiration of a model of "true religion". A retired colonel was assigned as an executive member of the Department of Religious Affairs for the first time; and in December this officer prepared a regulation regarding the personnel to be charged at mosques and similar worship places.

In the army, the dismissal of the personnel on the suspicion of "involving fundamentalist activities" increased in 1998. In late January, it was discerned that certain regulations were prepared for enabling the commanders of the armed forces to dismiss officers if they concluded that the latter had involved in fundamentalist activities. Accordingly, the commanders would do so in the cadre system of the military, without waiting for the decision of the Supreme Military Council (YAŞ) to this end. In 1998, several operations were carried out in line with the official question marks about "Islamic fundamentalist capital". Managers of the Dost Insurance Co., who are members of MÜSİAD (Association of Independent Businessmen), were detained in late April. At the end of May, Ankara SSC Prosecutor's Office prepared an indictment against the board of MÜSİAD. In August, it was discerned that MİT carried out an inquiry on Kombassan Holding Company, one of the major companies of "Islamic capital". In January, certain news stories claimed that the General Staff Chief Office had closely scrutinized the community of Fethullah Gülen

both for its capital and for its organization within the state; however, no actions were brought against this community in 1998.

No comprehensive and systematic evidence was brought about the attempts of the pro-Islamists to stage an armed struggle against the regime; but the authorities occasionally gave examples to sustain the doubts in this regard. In January, the newspapers published stories on the membership of the defunct RP's leader Erbakan to the "International Islamic People's Committee" based in Libya. These news stories increased the doubts on the possible relations of RP and the succeeding Virtue Party (FP) with "external enemies" as well as with an international armed organization. In March, Ankara Police HQ disclosed that certain students, for whom RP had provided fake documents for taking them abroad, were given military training in Hezbollah camps in Lebanon. In the same period, Ankara SSC Prosecutor's Office indicted board members of the "Youth and Solidarity Foundation of Foreign Graduates", on charges of "providing false diplomas, giving Islamic law education and military training in foreign countries". In November, as a result of the investigations about the radical Islamic organization based in Germany, which was led by Cemalettin Kaplan and by his son Metin Kaplan after his death, 23 people were detained on the accusations of membership of this organization and planning an attack against Atatürk's mausoleum, and 21 of these people were remanded to prison. The German government refused to extradite Metin Kaplan, who is reportedly a "political refugee", to Turkey, and then she was accused of "sheltering secessionists and fundamentalists for rendering Turkey unstable."

The Islamic section, on the other hand, held public protests, but these were usually limited to the obstruction of the right to education of students wearing headscarves. In 1998, the public organizations and the universities accelerated their efforts to ban headscarves, a.k.a. "wearing headscarves with political intentions" in the official discourse. In the meeting of the "Rectors Committee" held on 12 March, the officials from NSC reminded the rectors of "the National Security Document's section on the universities and of the internal and external threats". The statement made after this meeting denoted that "it was not possible for any body to come to the campus wearing clothes that are banned by laws". The statement reads as follows:

"Members and administrators of the higher education institutions work at full strength for increasing the well-being of our nation in health, happiness and wealth, and for strengthening our state, and they are loyal to the basic principles of the Turkish Republic and to all of the moral and national values of the Great Turkish Nation as much as any body else. Every administrator in the Turkish Republic is obliged to fulfill the necessities of law without bringing any personal interpretation of these laws; and the staff working at every level of our universities and our students are obliged to obey the current regulations. With this consideration, the provisions of the disciplinary regulation will continuously be employed at the one hand against the evil-minded people who have in their mind the aim of giving harm to the basic principles of the Turkish Republic and then totally destroying the Republic while abusing the issue of clothes and dressing; and at the other, maximum efforts will continuously be paid for the enlightenment of our youths who have been deceived with all kinds of methods. We must never forget that we should be grateful to great Atatürk and his friends in army and politics, who established the Turkish Republic, if we take into consideration that today we can still see our glorious Turkish flag waving over this sacred country, and Islam has been practiced in the most perfect form in our country with vast indulgence and tolerance, which is the characteristics of Turks and formed in thousands of years of our glorious history until today".

After the Rector of İstanbul University banned the students wearing headscarves from entry into campus, pro-Islamic students started to hold rallies in protest of the ban. The demonstrations intensified in October, the beginning of 1998-1999 education year. In November, an investigation was opened against 300 activists in Sivas and 35 of them were suspended from school. In Gaziantep, 100 students were put under investigation. The police dispersed the crowd in the demonstration staged in Konya on 14 November and

detained 51 people. In the same month, the Higher Education Institution (YÖK) dismissed Hatice Kural Ünlü, a research assistant at Harran University in Urfa, when she insisted on wearing a headscarf despite the regulations of the university banning the headscarf. Ünlü cannot be employed in any of public institutions. At the end of November, an investigation was started against Ahmet Ağırakça, a professor at Istanbul University Faculty of Literature, on charges of "insulting to students" and "involving in fundamentalist activities". Meanwhile, in March, the European Commission of Human Rights declared that the case brought by certain students regarding the ban on headscarves was inadmissible.

In the NSC meeting held in March, the "intelligence units" submitted a report in retaliation of the certain ministers' evaluation of the problem of headscarves as a "vicious circle". The report reads, "The group who carry out these discussions regards the Turkish Republic as an enemy, and they do whatever they can for destroying it. The heavy criticisms for instance against TSK and MİT in the last one year were also made with the same purpose". The report also claimed that "any concession to be made on headscarves would not be the last one", and that "the fundamentalists had planned in a dangerous way to incite the police to resort force, thus they would be regarded as being persecuted and under oppression". "An initial evaluation may lead to accept the justifications such as the girls wearing headscarves are right; that this is a prerequisite of religious practice; that it is wrong to ban people in Turkey from entrance in the universities for wearing headscarves at the dawn of the 21st century while the western countries are carrying out researches in space. However, when the problem is taken into consideration in detail and without any sentiments, it will be understood that this is not real case". The report reads as follows:

"Whatever be their number, there exists in Turkey a powerful group of people who aim at destroying the secular state and establishing a religious one instead. These people run associations, foundations and companies and have all kinds of opportunities. These people regard the Turkish Republic as an enemy and they do whatever they can for destroying it. The heavy criticisms for instance against TSK and MİT in the last one year were also made to the same end. It is known that any concession to be made on headscarves would not be the last one. They will take such a concession as a victory. The intelligence units have determined that students wearing headscarves accepted to enter to lectures by taking their headscarves off, but the religious sects they belong to did not permit it, saying 'This is our symbol'. Besides, some of the students who do not wear headscarves but wander around with the students wearing headscarves had intentionally opened their heads, trying to give a false impression about the extent of the support given to the headscarf. How much the government tries to explain its rightness about the headscarves, it cannot stand against the powerful propaganda of Islamic fundamentalist forces. Being aware of this, the fundamentalists will continue to be seen as mistreated and oppressed before the nation and continue their actions on headscarves to increase the support given to them. When the problem is evaluated from this point of view, saying 'Let's not deal with unimportant problems in this century; let anybody wear whatever he/she wants' would mean to serve, consciously or unconsciously, to the fundamentalism."

In their evaluation of the 28 February process, some NGOs concluded that this policy not only aimed at criminalizing pro-Islamic groups but also stiffening the authoritarian regime which suppressed all kinds of political and social opposition. It was observed that the pressure on HRA, HADEP and the Mesopotamian Culture Center (MKM) had intensified after 28 February. KESK disclosed that the privatization and regulations against the workers had also intensified in this period. The HRA İstanbul Branch criticized the regulations that urged the people to give the skins of sacrificed animals only to the Turkish Aerospace Institution.

On 26 March, the Human Rights Commission in the Parliamentary made official appeals requesting information on the activities of BÇG and BTK. Besides, the Commission attempted to scrutinize the activities of these bodies. In retaliation of the Commission's attempts for scrutinizing these extraordinary units of administration that have been placed over all of the current political and administrative mechanisms, the Ministry of Defense contended with the answer that "they were legal", without giving any other information. The Commission requested from the officials of the Ministry to give information at the commission meeting, but these officials did not attend the meeting held in June. The only information obtained by the Commission was that: BTK submitted the reports on its investigations to the Secretary General of NSC.

1.2

OFFICIAL INITIATIVES ON HUMAN RIGHTS

In 1998, the governmental bodies made various studies for the protection of human rights. After Turkey was excluded from the list of prospective members of the European Union (EU) in the Luxembourg summit in late 1997, the government decided to review the problems about "the human rights violations". In 1998, judges of the Court of Cassation and the Constitutional Court, as well as the NGOs working on human rights, proposed certain regulations for the improvement of human rights. However, the government disregarded these suggestions. It was observed that even the Bars and the supreme judicial organs were not invited to comment on the studies of the government on laws and regulations.

The Draft Bill of Turkish Penal Code, which was the most comprehensive project regarding the human rights situation and which was publicized in 1997, was not brought on the agenda despite certain statements made about it occasionally. In January, it was reported that the draft bill was signed by the members of the Council of Ministers and referred to the Parliament. The draft, which proposed the abolishment of the death penalty and a decrease in the penalties to the "crimes of thought", received substantial criticisms by jurists after it was referred to the Parliament. In the communication he sent to the Parliament in February, the President of the Court of Cassation criticized the government for not taking the consent of the judicial organs. The Court of Cassation also criticized certain provisions of the draft bill, commenting that "the penalties stipulated for murder were less than the penalties of crimes against the property; the penalties proposed for members for Mafia were less than the existing penalties; and the upper limits of the crimes stipulated for the crimes against secularism were decreased."

It has been observed that the efforts of the governmental bodies on human rights mostly focused on the concerns of the EU. Although the European Human Rights Convention constitutes a part of the constitutional law, the judgments of the European Court of Human Rights (ECHR) on Turkey were rarely taken into consideration in the legal system and by the courts in their judgments. The defensive approach in retaliation of the judgments by the ECHR prevented the courts from applying the case law of the ECHR. For instance, then-Minister of Justice Hasan Denizkurdu, who made a speech at the General Assembly of İstanbul Bar in October, claimed that the decisions of the ECHR had to be examined in detail. Minister Denizkurdu continued: "Here, unfortunately there is a double-standard which is especially in question in the political cases. We have to accept that many of the judgments of the ECHR are right. Nobody can claim that the situation in Turkey in terms of the human rights is perfect. We have to reach a legal structure that accepts every body as being equal before the law, regardless of his language, religion and race, and make the necessary legal amendments that would prevent the ECHR from criticizing us in the future". This was the most positive statement that authorities had ever made about the ECHR's judgments. On the other hand, the

courts in Turkey continued to make different judgments in some cases that were also heard by the ECHR finding a violation of the Convention. For instance, in the trial Şükran Aydın vs Turkey, the ECHR concluded that Şükran Aydın had been raped in detention. However, contrary to the judgment by the ECHR, the local court acquitted the defendant who was accused of rape. After the İncal trial, in which the ECHR commented on the SSC only in terms of the presence of the military judges in the court boards, the authorities began to study for exclusion of the military judges from the SSCs. (See chapter on "Right to Fair Trial.")

In 1998, the report by the State Scrutiny Board of the Presidency, titled "Amendment to the Laws that Constitute Obstacle Before Democratization", was a study carried out on human rights and democratization at the top-level of the state. One of the proposals of the report was "the establishment of a permanent commission in the Parliament for the amendment to the laws that constitute an obstacle before democratization and for enacting related laws for the protection of the basic rights and freedoms which are guaranteed by the constitution". The report noted, "Turkish democracy has important problems when the norms of modern state are taken into consideration, and most of these problems are related with legal and organizational structure". The report said the following about the constitutional law: "Although our Constitution is affluent in terms of human rights and democratic establishments, it constitutes an important obstacle for democratization because of the provisions set forth for the utilization of these rights and freedoms, and because of limiting a freedom described in the very same article. After the amendments to the constitution, the Turkish Republic, with its modern constitution, would come to a level that would respond most positively to the requirements of the modern state, human rights, rule of law and the social state".

The State Scrutiny Board also proposed to render the decision of the Supreme Military Council (YAŞ) to be subjected to judicial control; and radical changes in the statute of the Supreme Council of Judges and Prosecutors (HSYK) in line with the principle of independence of the judiciary and the guarantees set forth for the judges. The proposals for HSYK included the establishment of separate councils for the judges and prosecutors working at criminal courts and at administrative courts; lifting the council memberships of the Minister of Justice and his undersecretary; and the right to judicial appeal against the decisions of HSYK. The report also requested the annulment of Paragraph 3 of the Temporary Article 15 of the Constitution, which rendered the leaders of the military coup d'état of 12 September 1980 immune from prosecution.

The Human Rights Coordinating High Council, which is affiliated with the Ministry of State responsible for human rights, convened 62 times between 17 July 1997 and 23 November 1998. The most important study of the Council in 1998 was the "Directive on Apprehension, Custody and Evidence Collection", which entered into force on 1 October. Besides, the Council carried out the studies for the amendments to Articles 243 and 245 of the TPC, which are on the punishment of the crimes of torture and ill-treatment, and to Article 354, which is on the forensic reports. (See chapter on "Right to Personal Security.")

In its meeting on 6 January, the Human Rights Coordinating High Council accepted a regulation, which proposed that vaginal examination ("virginity test") should not be performed unless deemed necessary in court cases. Minister of State responsible for human rights Hikmet Sami Türk said, "The vaginal examinations offend the women. Vaginal examination can be performed when it is necessary in judicial cases. However, we know that they are performed for reasons other than such an obligation. These examinations are necessary in trials of rape, breaking the hymen and adultery. However, the case in Turkey has gone far beyond the judicial requirements. A slightest rumor can be enough for referring a woman or a girl to the doctor for vaginal examination. These examinations are exposed to the public by the media. In Turkish society, chastity comes first among the highest moral values, and these examinations are performed

for this reason. But at the end, the way this examination is carried out and its exposition to the public by the media offend the woman who is examined."

The Human Rights Coordinating High Council intensified its studies on the establishment of the Ombudsman mechanism for the protection of human rights. It was reported that the Ministry of Justice prepared a draft bill for the establishment of "Settlement Boards" and Ombudsman, and that the Justice Committee in the Parliament had accepted the draft bill. However, this draft bill was not reviewed at the General Assembly of the Parliament in 1998.

As a result of the studies carried out by the Human Rights Coordinating High Council, a question, "How much is the civil servant interested in human rights; how much is he respectful to the human rights?" was added to the questionnaire attached to the Regulation on Register of Civil Servants, which is kept to follow up the level of success of the civil servants in their performance of duty.

With a protocol signed by Hikmet Sami Türk and Turkish Radio and Television Institution (TRT) General Director Yücel Yener, it was decided that TRT would produce programs on human rights. With the decision of the Human Rights Coordinating High Council, it was concluded that the TRT would give place to the legislation activities and the implementations in human rights; the studies of the Human High Council; the celebrations of the 50th anniversary of the Universal Declaration of Human Rights; and the activities of the UN's 10 Years of Human Rights Education in its programs; and a human rights program would be broadcast weekly or biweekly.

Upon this development, HRA Chairman Akın Birdal disclosed that the Turkish government, which signed the Universal Declaration 49 years ago, had decided that it would be read on the radio and at schools, but no attempts had been made by any member of the media or by schools for the human rights education. Birdal added that the human rights violations are the problem of the system, and, these problems cannot be solved only through public education. Birdal evaluated the efforts of Minister Türk against the violations as "good intended but insufficient". He said, "It is necessary to set a system which is based on the rule of law. This is only possible by the amendments to the Constitution and the Laws."

The Human Rights Coordinating High Council also put the issue of establishment of judicial police system on its agenda. The High Council reportedly decided on the temporary solution of training some members from the security forces to be charged in judicial services. It was stated that the personnel that would be charged in judicial services would be given in-job training.

On 26 February, Prime Minister Yılmaz sent a circular to the Ministry of Justice and to the Ministry of Interior in line with the decisions of the High Council. Then-Minister of Justice Oltan Sungurlu sent the circular, which "requested sensitivity for democratization, respect to the human rights and the rule of law, protection of the individual rights and freedoms and realization of the judicial services that have been listed in the program of the 55th government", to the public prosecutor's offices on 6 March. Minister Sungurlu requested from the public prosecutors to follow the interrogations very closely after the necessary equipment for following the radio channel of the police and gendarmerie is maintained, and to inform the Ministry about the number of the personnel that would be necessary for establishing the unit that would ensure the communication between the security forces and the prosecutor's offices. This initiative, which aimed at establishing the control of the prosecutors' over the security forces as a temporary alternative for the formation of judicial police unit, did not produce any effective result in 1998.

With this aim, it was also proposed that the personnel registers of the police and the gendarmerie HQs would be kept by prosecutors. In February, Minister of Justice Oltan Sungurlu suggested that the following remarks as to be considered when issuing personnel registers: "The number and ratio of concluding the preliminary investigations; if the investigations are incomplete or not; the number of warrants of arrest in absentia and warrants of arrests issued for execution of sentences; the ratio of the fulfillment the necessities of summons of notification and appear before the court; the ratio of solving the crimes by unknown assailants, especially murders by unknown assailants; the sensitivity in handling the investigations and the fulfillment of the judicial duties; the success in establishment of the necessary coordination with the prosecutors". However, this attempt produced no result because of the reaction of the Ministry of Interior. It was reported that the bureaucrats of the Ministry of Interior opposed to the keeping of the personnel registers of the security officers by the prosecutors, asserting that governors and district governors did this keeping of the personnel registers and it was unnecessary to authorize the prosecutors on this issue. They also reacted to the draft bill proposing amendments to the Law on Prosecution of Civil Servants in a way that would ease the prosecution of the security forces, asserting that "this would decrease the motivation of the police in performing their duty". It was also reported that these bureaucrats also stood against new regulations on human rights, asserting that "they police currently showed the utmost respect for human rights, and that there was no need for any further regulation".

Human Rights Education National Committee was established in 1998. The officials from certain ministries, academicians and representatives of NGOs involved in the National Committee, which was established in line with the UN's declaration of 1995-2004 years as "Ten Years of Human Rights Education". HRA was also invited to take part in the Committee. However, HRA declined this invitation because of a provision of the statute of the Committee, which read that "the Committee would perform the works to be given by the High Council". The Helsinki Citizens Assembly took part in the Committee.

The National Committee did not start its activities in 1998. The Ministries continued to give human rights education to the members of the security forces and their chiefs. The Ministry of Interior held a conference for all of the governors and police chiefs of the provinces on 30 March. In his speech at the Conference, President Süleyman Demirel stated that the murder of Metin Göktepe and torture inflicted on the students in Manisa were "just a drop of ink stain in the whole demijohn" and "these would not disgrace the police organization". Demirel said, "Turkey has been impeached. Turkey should not stay under accusations. According to the modern nations, Turkey violates the human rights. Are these accusations true? In my opinion, no. So, does it mean that everyone is an enemy to Turkey? Some enemies and friends of Turkey see Turkey as a country violating the human rights at various scales. The most important mission of the governors and security directors is to acquit Turkey of these charges".

In his speech at the conference, then-Minister of Interior Murat Başesgioğlu accused the human rights organizations in Turkey of "being apparatus of the psychological war against Turkey". Başesgioğlu said that "certain circles had sent messages to certain places and claimed that human rights were violated and torture was inflicted in Turkey". He continued: "It is easy to accuse the state in such a way in a free country. I wonder if they know that they are under the guarantee of the free republic while they are making such accusations. We have not seen a single day when the malicious terrorists were reproached for their attacks targeting the security forces. The concept of the human rights is a universal concept. However, terror is a universal evil". Başesgioğlu said, "The real aim of the accusations and claims on human rights violations by the security forces is to put the security forces, judiciary and executive mechanisms under pressure, to render them weak in their duties, and to put Turkey in a bad position in the world". Minister of the State Hikmet Sami Türk, who spoke in the conference, said, "Torture and ill-treatment are the greatest stains for a society in the modern world. Turkish nation does not deserve to carry such a stain".

Another body that carried out studies on human rights was the Human Rights Commission in the Parliament, headed by DSP Aydın MP Sema Pişkinsüt. Making a statement after she was assigned as the Chairwoman of the Commission, Pişkinsüt said, "The first thing to do in the commission is to maintain the flow and compilation of information and to secure continuity of this flow of information at the international and national level. We are building here a databank on human rights supported with a computer system and a technical structure that will enable us to give the most effective decisions rapidly. There will be internet connection and translation will be provided instantly. Here, there won't be any approach such as 'the law abroad won't be binding for us'."

Pişkinsüt emphasized on the importance of forming a public opinion on human rights, and stated that the commission should have a periodical publication. She proposed to hold a summit every year. She said, "In addition to this summit, we have to convey with various groups. For an effective human rights education at schools in order to improve the human rights, we have to establish a structure that will enable us to analyze the data in order to find the problematic areas, how such an education can be programmed, and how we deal with the international problems. We definitely have to set out an international dimension. In addition, it is inevitable to encourage the volunteer organizations working on this field. We have never seen such a motivation. When we look at the commission, cumbersome structure displays itself immediately. Because you study and write your report, but you see that nothing has changed. You write to the government, they send a reply but that is not satisfactory. The reasons behind this problem should be examined very carefully. I assume it as a duty of this commission to set the dialogue with the police and to observe the training given to the police officers. The police organization carried out certain studies on human rights and provided some courses; but as far as we know the instructors have given lectures to directors above the rank of superintendent. But the crucial thing is to provide education of police officers and gendarmerie one by one. The Commission has to carry out field studies for the solution of murders by unknown assailants."

These projects set forth by Sema Pişkinsüt were not realized in 1998. The Commission carried out a detailed examination in detention places and prisons in 1998. (See chapter on "Right to Personal Security".) However, the report of this examination was not published in 1998. Haşim Haşimi, a member of the Commission, stated that the report was written, but the government prevented its publication on the ground that "it would impair the respect for the state".

1.3 HUMAN RIGHTS AND INTERNATIONAL RELATIONS

1998 the problems inherent in the Turkish Foreign Policy continued to exist and almost no solution came out for any of these problems. The human rights problem and other problems related with this continued to shadow either bilateral or multilateral relations.

No improvement was recorded on the most important traditional problem, the Cyprus and the relations with Greece. Despite the US government's declaration of 1998 as the "year for solution" for Cyprus, 1998 witnessed no solution. Indeed, the problem became much more complicated when the EU started meetings with Cyprus for the full-membership. Turkey continued its policy of dealing with the problems with Greece in bilateral meetings. In February, the Turkish government submitted a package of proposals in this

line; however these proposals were declined by Greece, as the Greek government had the policy of taking the disputes to the International Court of Justice; a policy which is also supported by the USA and the EU. The problems with Cyprus and Greece included the issues such as the S-300 missiles, military maneuvers in Aegean Sea, support given to the PKK in Greece, and the Greek veto on the financial aid from the EU. On the other hand, the minority problems continued in both countries: Greece, instead of reinstating the rights of 60,000 people who were extricated from citizenship and most of whom are of Turkish origin, issued documents of statelessness for them. In Turkey, on the other hand, the General Directorate of Foundations decided in November to dissolve the supervisory committee of the Theological School of Chalki in the island of Heybeliada, which led to further tension between the two countries. The European Parliament, in its resolution adopted on 19 November, described Turkey's decision of dissolving the supervisory committee "claiming financial mismanagement and anti-Turkish propaganda", as constituting "the latest in a long series of actions by the Turkish authorities, which began in 1971", and aimed "to abolish all activities of the Theological School of Chalki with a view to transfer its property to the Turkish state". The resolution urged the Turkish authorities to take all necessary measures to change this illegal and unfair decision, and to do everything within their power to reopen the Theological School of Chalki.

One of the most important problems of the Turkish foreign policy in 1998 was the tension in the relations with the EU, which were almost frozen after the Luxembourg Summit of the European Council held on 12-13 December 1997. Throughout 1998, Turkey was committed to the decision of ending the dialogue with the EU on political problems and keeping the relations limited to the Partnership Agreement, on the ground that the EU's approach towards Turkey was unjust and discriminatory. The Turkish government set out its expectations from the EU as a government strategy; and requested to be subjected to the same pre-accession strategy devised for the other candidates, the grounding the financial cooperation on a new and more secure legal framework, and acceptance of Turkey in the multilateral EU platforms in an equal status with the other candidates. The government declared that it would decline any proposals if they did not meet these expectations. Turkey did not participate in the European Conference held in London on 12 March.

Under the British Presidency, the EU paid efforts to base the relations between Turkey on the ground of the "European Strategy for Turkey", which was adopted in March. However, the EU also found the USA against itself. The US government kept its promise to support the full-membership of Turkey, "its 50-year steady ally", and expressed its position on every occasion. Furthermore, this support occasionally turned into asserting pressure, such as when Clinton called the Greek Prime Minister, Kostas Simitis, at midnight from his hotel during the Cardiff Summit, and asked him to lift their veto on Turkey. However, the Cardiff Summit, which was held on 15-16 June, produced no different decision for Turkey: Turkey was no listed among the candidates, nor the Greek government lifted its veto in the financial area.

This situation also caused discomfort within European Union and the relations between Turkey and the EU came to a different stage with a resolution adopted by the European Parliament on 3 December. This resolution, which was adopted upon the EU Commission's report on Turkey, verified that the Customs Union Agreement was working, and stated that all provisions of the Customs Union Agreement, including the financial provisions, could be applied. The resolution also conceded that the implementation of the Customs Union package and the improvement of the relations between Turkey and the EU would necessitate considerable financial resources, at least to be met from budgetary resource of the EU; but the resolution set no criteria for its financing. The resolution asserted that financial cooperation with Turkey was necessary in order to help it to restructure its economy and reduce the difference between its economy and that of the Community. The resolution called for an end to the obstructions that would isolate Turkey and thus prevent the improvements in its political system, in living conditions of the people and in the human rights; and insisted on the necessity of inaugurating the political dialogue again.

As in the previous resolutions on Turkey, the resolution of the EP requested the Turkish government to fulfill its promises concerning human rights and democratic reform; to maintain control over military administration; to improve its relations with its neighbors, especially with Greece; and to contribute finding a political solution in Cyprus on the basis of the UN Security Council resolutions. The resolution also recommended a peaceful and political solution to the Kurdish problem through a dialogue between all the relevant sections of society; and called for the release of Leyla Zana, the European Parliament's Sakharov Prize Laureate, and of all political prisoners. However, no pre-conditions were set forth in the resolution for the financial assistance, which was evaluated as a change in the EP's policy on Turkey. Indeed, in order to eliminate the veto obstacle, certain proposals were made in October to provide the financial assistance from the "funds on developing countries", as unanimous votes of the member countries is not required for using these funds. The report of the European Commission dated 4 November, which recognized Turkey's candidate status in the EU's enlargement process, was evaluated by the Turkish government as a success of its foreign policy and as the beginning of a new period in the EU-Turkey relations. Nevertheless, the resolution adopted by the EP on 3 December, apparently also with the influence of the Öcalan problem (see chapter on "Kurdish Problem"), asserted that the political problems were the main obstacle to Turkey's membership of the European Union, and recommended Turkey to make concrete proposals for action within a clear timeframe to bring Turkey closer to fulfilling the Copenhagen criteria; and called for an international conference to be held on the Kurdish problem with a view to finding a political and peaceful solution acceptable to all parties involved. The Vienna Summit of 11-12 December emphasized on further development of relations with Turkey and preparing her for full membership to the EU on the basis of the European Strategy, implementation of which would play a central role in line with the decisions taken at Luxembourg and Cardiff Summits. The Turkish government was satisfied since the issue of an international conference was not put on the agenda; but she had to postpone her hopes for full membership until another year to come.

1998 was a problematic year in the bilateral relations with EU-member countries. Problems in the relations with Germany, Italy and France occasionally caused tension between these countries and Turkey. The government's insistent attempts to impute to certain countries the responsibility for rejecting her eligibility for full membership, led the governments of almost all of the EU members to make statements asserting that they in fact had supported Turkey's membership. However, the relations with Germany turned to a dead-end. The relations were actually aggrieved when, for instance, the German judicial organs gave up to describe the PKK as a "terrorist organization" and named it as a "crime organization"; and completely overturned when Prime Minister Mesut Yılmaz accused the German government of following "expansionist" policies. The relations entered a new period when SPD, which implied "a totally new Turkish policy" and promised to develop the relations of Turkey with Germany and European Union, won the elections on 27 September, but this period produced no improvement in the relations of the two countries in 1998.

Another problematic relation of the Turkish government was with France. The good relations that were developed when France supported Turkey's membership of the EU and strengthen with the visit of President to France in February were damaged when the French National Assembly adopted a draft bill on the Armenian genocide on 19 May. The Turkish government started all kind of diplomatic initiatives in order to avoid the one-article draft bill, which read "France openly acknowledges the 1915 genocide", be voted in favor at the French Senate and adopted as a law. A committee headed by Mümtaz Soysal went to France, and tried to explain that this law would be against the France Constitution. The problem was suspended temporarily, when the Turkish government suspended the negotiations with the French government over the defense project that amounted over US\$ 10 billion. Turkey, which increased its armament although the armament in the world was in decrease, occasionally faced problems when buying weapons as the

government introduced the policy of using defense expenditures as a trump in the international relations. For instance, the newspapers reported in September that there was no favorable candidate other than the Israeli-Russian consortium in US\$ 4 billion helicopter auction, because of the US government's embargo on weapons transfer to Turkey; Germany's attitude on Turkey's membership of the EU; France's draft law on the Armenian Genocide; and Italy's letting the Kurdish Parliament in Exile to summon in the Parliament building.

Turkey's relation with Italy deteriorated throughout the year because of various developments. The first problem was in January about the refugees, most of whom are Kurds, who went Italy by sea (see chapter on "Internal Displacement"). Turkey claimed that these people were not refugees but illegal immigrants, and in retaliation, Italy declared that they would open their doors for the people under oppression. This attitude of Italy also overwhelmed other EU members. The police chiefs of France, Germany, Austria, Holland, Greece, Italy and Turkey convened in order to discuss preventive measures. The EP adopted a resolution on 15 January, stating that the problem of refugees would be solved if a political solution were found for the armed conflicts in the Southeast Turkey and Northern Iraq. The resolution called the European Union to set up international initiative for a political solution; noted that the refugee problem arose from political and humanitarian problems; and supported the Italian government's policy of accepting the refugees, whilst criticizing the Schengen states for their policy of attempting to show the refugees as criminals.

The tension with Italy accelerated when the Kurdish Parliament in Exile summoned in the building of the Italian Parliament in late September. Turkey declared that this issue would lead to "damages in relations with Italy that would be difficult to repair". NSC decided that Italy should be warned diplomatically, and "a series of economic sanctions be brought, such as vetoing Italian firm Agusta in the helicopter auction that amounted US\$ 4,5 billion, in case that this country did not renounce its hostile attitude towards Turkey". The tension between the two countries turned into a crisis after the PKK leader Abdullah Öcalan was apprehended in Italy on 12 November. Italy arrested Öcalan on 12 November and lifted the decision of arrest on 20 November. Öcalan was not extradited to Turkey because of the death penalty in the Turkish judicial system. Besides, Italy accepted to review the asylum request of Öcalan. Thereupon, the economic sanctions brought by Turkey turned into a boycott of Italian goods. The attitude of the Italy on the Öcalan case was also affirmed by the Political Affairs Commission of the Parliamentary Assembly of the Council of Europe, which declared on 30 November that this attitude was in full compatibility with one of the basic principles of the European Council, the respect to law in international relations. However, Italy failed to find concrete support from the European countries in the solution of Öcalan crises.

Contrary to the problematic relations with the EU-member countries, Turkey developed its relations with Israel through joint military maneuvers, reciprocal visits and various agreements, which also led to the support provided by the Jewish Lobby in USA to Turkish Lobby that was weak against the Armenian and Greek Lobbies. In the relations between Turkey and the USA, there was no serious problem throughout 1998. In its Country Reports on Human Rights Practices for 1997, which was published in March 1998, the US Department of State criticized the government for the serious human rights violations such as widespread torture practices, deaths in detention, murders by unknown assailants and enforced migration. The report read that the rarity of convictions and the light sentences imposed on police and other security officials for killings and torture fostered a climate of impunity that remained the largest obstacle to reduce human rights abuses. The report also criticized the closure of RP, sentence passed on İstanbul Mayor Recep Tayyip Erdoğan and the acquittal decision made for the police officers for torturing youths in Manisa. Despite this report, the US government's support to Turkey continued throughout 1998.

Turkey's human rights performance, which affected her relations with other governments, was also determinant in the relations with international organizations. The government was not seriously criticized at the decision-making bodies of the OSCE mechanism throughout 1998 and indeed gained deference with the decision of holding the OSCE summit in Istanbul in 1999; but harshly criticized by the governments and NGOs during the OSCE meetings on human dimension. The human rights performance of the Turkish government was also mentioned in several reports and resolutions of the European Council and the UN.

The Parliamentary Assembly of the Council of Europe (PACE) issued a recommendation on 25 June on the humanitarian situation of the Kurdish refugees and displaced persons in southeastern Turkey and northern Iraq. In its recommendation, the PACE invited Turkey "to find a non-military solution for the existing problems in the southeastern provinces; to protect the civilian population of the regions concerned against any kind of armed violence; to expedite and intensify its efforts to promote the economic and social development and reconstruction of the southeastern provinces; to sign and ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages and apply its provisions to the Kurds; to bring to light the fate of the missing persons; to adopt policies and take adequate measures to enable Turkish citizens of Kurdish origin to exercise their cultural and political rights; to restore the rule of law in the southeast of the country, and in particular to lift emergency rule prevailing in the southeastern provinces, to ensure effective protection of villages, to exercise civilian control over military activity in the region, including the keeping of records and observance of human rights, and to prosecute anyone who violates human rights; to abolish the village guard system; to undertake additional effective measures aimed at the reconstruction and revival of the economy in the southeastern provinces; to take further steps to reconstruct schools and hospitals in the area; to implement, in cooperation with international humanitarian organizations, a major program with a view to encourage those members of the Kurdish population who so desire to return to their homes; to ensure particular protection for returning women, children and elderly people; to present reconstruction projects to be financed by the Council of Europe's Social Development Fund, in the framework of return programs; to adopt measures to integrate those displaced persons of Kurdish origin who wish to settle in other parts of Turkey, and provide them, as well as returnees, with compensation for damaged property; to grant access to the region for international humanitarian organizations, and provide them with support from local authorities; to continue to facilitate the transfer of supplies for humanitarian purposes to Iraq; to lift the geographical limitation to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 protocol, and in particular abstain from deportation of asylum-seekers without prior consultation with the Office of the UNHCR, and abolish the five day limit for making asylum applications; and to refrain from military incursions into northern Iraq".

The directive, which was adopted by the PACE on the same day along with the recommendation, instructed the Assembly's Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe to study the issue of the Kurdish minority in the framework of the monitoring procedure concerning Turkey. Rapporteurs were assigned to prepare a report in line with this directive, and a fact-finding mission was held in Turkey on 6-9 September. However, this report was not completed and discussed until 1999.

In 1998, the ECHR came to a decision in several trials opened against the Turkish government in previous years. The judgments made by the ECHR were the verification, on a legal basis, of the criticisms brought against Turkey for her human rights performance. Turkey had attempted to undermine those criticisms by labeling them as "having political intentions". The decisions of the Constitutional Court on dissolution of two political parties were regarded as a violation of the European Convention of Human Rights. In the case of United Communist Party of Turkey (TBKP) and others, which was concluded on 30 January, and of Socialist Party and others, which was concluded on 25 May, the ECHR declared that there

was a violation of Article 11 of the Convention, which is on the right to freedom of association. In its report on the application by the Freedom and Democracy Party (ÖZDEP) the Commission had taken a similar decision on 12 March 1998, and given the clues of the Court's further judgments.

On the other hand, the Court also verified the criticisms and the doubts about the independence and impartiality of the State Security Courts. In the case of İncal, which was concluded on 9 June, and of Çıraklar, which was concluded on 28 October, the Court declared that there was a violation of Article 6 of the Convention. Besides, the reports about the persistent cases of torture and extra-judicial executions in Turkey and impunity of the perpetrators were also verified by the ECHR in its several judgments in 1998 which convicted Turkey unlike to any other country: In the case of Kaya, which was concluded on 19 February, the Court declared that there was a violation of Article 2 of the Convention, which is on the right to life, and of Article 13, on the right to have effective remedies; in the case of Selçuk and Asker that was concluded on 24 April, the court declared a violation of Article 3 on the ban on torture, of Article 8 on the right to respect for home, of Article 13 on the right to have effective remedies, and Article 1 of the Protocol No. 1 on the right to private property; in the case of Kurt that was concluded on 25 May, the Court declared a violation of Article 3, of Article on the right to liberty and security of the person, of Article 13, and of Article 25 on the right to appeal to the Commission; in the case of Ergi that was concluded on 28 July, the Court declared violations of Articles 2, 3 and 25; in the case of Güleç that was concluded on 27 July, the Court declared violation of Article 2; and in the case of Yaşa that was concluded on 2 September, the Court declared violations of Articles 2 and 13. In addition, in the case of Demir and others that was concluded on 23 September, the Court declared a violation of Article 5; in the case of Aka that was concluded on 23 September, the Court declared a violation of Article 1 of the Protocol. In 1998, the ECHR found no violation of the Convention only in 2 cases; the case of Gündem and the case of Tekin, which were concluded on 25 May and 9 June, respectively. And in one case, the case of Aytekin that was concluded on 23 September, the Court did not consider the merits of the case as domestic remedies were not exhausted.

In 1998, the ECHR, in line with the previous decisions of violation of the Convention in 3 cases, the cases of Akdivar, Menteş and Loizidou which are all related with enforced migration, declared the amount of compensation to be given by the Turkish government for pecuniary and non-pecuniary damages. The Turkish government previously did not make any difficulty about the compensations either accepted on the basis of a friendly solution or ordered by the court. However, in the case of *Loizidou*, the government declared that she would not abide by the court's decision in order to avoid many similar appeals from Cyprus. In 1998, the European Council did not bring about any sanctions against this attitude by the Turkish government, which was unique in the Court's history. Nevertheless, the Turkish government's efforts to avoid similar appeals from Cyprus became meaningless when a permanent court was established with the implementation of the Protocol No. 11 starting from November.

In 1998, the Turkish government carried out comprehensive activities within the UN organs, including preparations for becoming a member of the Security Council in the period 2001-2002. However, the government could not escape from being on the agenda of the UN Human Rights Commission. Turkey's human rights performance was frequently mentioned in the reports prepared by the special rapporteurs on various issues in 1997 but publicized in 1998. The Special Rapporteur on the independence of judges and lawyers sent an urgent appeal to the government concerning 25 lawyers, who were persecuted for publicly commenting on the human rights practices and on the Kurdish situation, as well as for being equated with the defendants' cause for conducting defenses before the SSCs; and concerning Lawyer Mahmut Şakar, and Judge Kamil Şerif, who wanted to be excused from the case of Metin Göktepe. The Special Rapporteur noted that the Turkish government had responded to the case of Judge Kamil Şerif, but it was not clear what steps the government had taken to protect him from inappropriate and unwarranted interference. The Special

Rapporteur also noted that he had sent a joint communication with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concerning Eşber Yağmurdereli, and that the government had provided the Special Rapporteur with a satisfactory reply. In its annual report for 1998, the Special Rapporteur on extra-judicial, summary or arbitrary executions also gave place an extensive account of Turkey. The report related the violations in the previous years and responses of Turkey on these cases. Besides, the Special Rapporteur reminded the government that no progress had been made with regard to a visit to the country requested in 1992.

In the annual report of the Working Group on Enforced or Involuntary Disappearances, it was stated that the request of visiting Turkey that had been made in 1995 had been accepted in 1997, but the visit did not take in 1997 as it could not be scheduled; and that the former claims of enforced disappearances had been investigated in 1997 and some of the former claims had been brought into the light; and that Turkey was one of the countries to respond the Working Group on the legal regulations about the enforced disappearances. The visit by the Chairman of the Working Group and one of its members took place on 20-26 September 1998. The delegation met the authorities, human rights defenders and relatives of disappeared persons. According to the report of this visit, which dated 28 December 1998, the Working Group concluded that "taking into account the number of outstanding cases of disappeared persons, as well as the decrease of allegations in the past few years, mainly since 1994, enforced disappearances in Turkey should not be evaluated as a massive or systematic practice of governmental agencies."

The UN Human Rights Commission Special Rapporteur on torture and ill-treatment also visited Turkey in 1998. During the visit on 9-19 November, Special Rapporteur Sir Nigel Rodley met the authorities, human rights defenders and persons who themselves or whose relatives were tortured, in Ankara, İstanbul and Diyarbakır. The Special Rapporteur also visited the detention places and prisons, and reported on the visit in 1999.

Another important development in 1998, which is also related to Turkey, was the approval of the Statute of the International Criminal Court in Rome on 17 July. The Statute, which creates a permanent international criminal court for the crimes against humanity, war crimes and genocide, was approved by a vote of 120 against 7, with 21 abstaining. Turkey participated in the preliminary studies of the Statute and the Rome Conference, but she abstained on the grounds that "terrorism was not listed among the crimes under the jurisdiction of the Court, and the prosecutor was not given autonomy under international law".

2. SUSURLUK SCANDAL COUNTER-GUERILLA AFFAIRS

The accident in Susurluk district of Balıkesir on 3 November 1996 and subsequent events revealed the bonds between the "politicians, the police and armed activists," and led to mind-intriguing questions concerning "essential qualifications of the state."² The flow of information on counter-guerilla activities, drug trafficking and gun-running increased in 1997 and 1998. This accident exposed the cooperation and common interests between the extreme right-wing militants who are wanted for political crimes, who have been involved in Mafia type activities and supporting the MHP, and high ranking bureaucrats, police chiefs, officers, special team members, confessor militants and village guards.³ It all became clear that the "Susurluk Gang," as it was popularly called, was organized under the pretext of "guarding the State against communism" during the cold war era and of "struggle against the PKK" since 1980s; that this organization was engaged in illegal acts such as drug trafficking, collecting tributes, money laundering through casinos, kidnapping people for political and economic benefits, conspiracy, murder, etc., by using the state facilities. The consequences of the counter-guerilla organization, which was discussed publicly more intensely following Susurluk scandal, with regard to the right to life in particular, was among the problems which were emphasized by the human rights defenders since 1970s.

2.1 SUSURLUK REPORT AND REACTIONS

Mesut Yılmaz, the Prime Minister in the 55th Government which was on power on 30 June 1997 and which was the coalition of ANAP, DSP, and DTP, commissioned Prime Ministry Inspection Board Chairman Kutlu Savaş for conducting investigations into Susurluk scandal in August 1997. On 12 January, Kutlu Savaş delivered the report, which was prepared by the Board after a five-month investigation, to Mesut Yılmaz (the

² In this accident, Hüseyin Kocadağ, former İstanbul Chief of Police, Abdullah Çatlı, an ultra-nationalist militant who was wanted as a suspect for massacre, and a woman named Gonca Us died in the same car; and Sedat Bucak, a leader of the village guards and DYP Urfa MP, was injured. Five guns, two of which were MP-5 machine guns, were found in the car. One of these guns led to heated discussions. It was understood that 22-caliber Baretta, known as "assassination gun" with a silencer, had been bought during the office of Mehmet Ağar as the General Director for Security (see Turkey Human Right Report 1997).

³ Mehmet Ağar, who was Minister of Interior Affairs when the accident happened, later argued that "Sedat Bucak and Hüseyin Kocadağ had caught Abdullah Çatlı and they were on their way to hand him over to the authorities." Having been criticized by official and non-official authorities for playing a special role in such affairs, Mehmet Ağar resigned from his office. Following his resignation, Mehmet Ağar said: "We deployed 1000 covert operations for the welfare of the people." In his several speeches in which he responded the criticisms, he implied that he might reveal some "official secrets." Tansu Çiller, who was the Deputy Prime Minister at the time, implied that Abdullah Çatlı had "worked for the state." She said: "I don't personally know Abdullah Çatlı. But I investigated. He's not sentenced in Turkey. Those who fire a bullet and those who get hit by a bullet for this nation, for this country, for this state always have our respect; they are honorable."

main text of the report was 120 pages whereas its annexes were 240 pages). Having delivered the report, Savaş answered the questions by journalists. He said that "the Prime Minister had no ample time," therefore he had to shorten the report as much as possible, that he did not think that the Prime Minister would publicize the whole of the report, and that in fact he also considered that it was not necessary to publicize the whole of the report. Upon receiving the report, Prime Minister Yılmaz stated that he would send the copies of the report to the leaders of coalition parties and he would inform the public following the evaluation meeting by the coalition members. Yılmaz also declared that he would not disclose any information on the people who were not directly related in any way to Susurluk scandal, nor he would disclose the information that may be regarded as "official secrets."

Such an attitude by Yılmaz led to protests. NGOs made statements condemning the Prime Minister and insisting on the fact that the whole report should be disclosed without any censure. A survey conducted upon initiatives by CHP İstanbul MP Bülent Tanla revealed that there was a significant popular concern on the developments relating to Susurluk, that 98 percent of the participants were aware of Susurluk Report, and that 89 percent wanted the entire report be disclosed. In the written statement he made on 15 January, ÇHD Chairman Aydın Erdoğan emphasized the fact that the whole of the report should be disclosed: "Non-disclosure of the report implies that officials of the State give assent to those who were involved in illegal activities." Lawyer Erdoğan emphasized the fact that the concept of "official secret" should not be used for disguising crimes in the rule of law and that certain concepts such as "state, nation, homeland, flag, official secrets" should not be employed as means for protecting criminals. Erdoğan stated that it was a positive move to lift the parliamentary immunities of Mehmet Ağar and Sedat Bucak, but the public had been questioning whether İstanbul SSC Prosecutor's Office had conducted the investigation in earnest or not. Erdoğan stressed that the testimony of Mehmet Ağar had been received before the Inspection Board had started to write the report. Erdoğan noted that the goal of the gang was to "seize the political power by making use of the state's facilities," and that Mesut Yılmaz's statement "I have been the Prime Minister twice, now I think I have been deceived" was meaningful and implied that "the gang rendered the government ineffective." Erdoğan, criticizing the fact that the case concerning Susurluk scandal had been opened under Article 313 TPC, said: "The gang was organized in secrecy and committed crimes. The gang canceled out the auditory power by the Parliament. Therefore, the investigation concerning the gang should be conducted under Article 168 TPC and the gang members who were involved in inciting to murder, murder and extorting money should be put on trial under Article 146 TPC."

Several statements delivered by the authorities prior to the partial disclosure of the report gave hints about the official attitude toward Susurluk Scandal in 1998. For instance, in his statement made on 13 January, Minister of Defense İsmet Sezgin said the following: "If the people who are state officials are commissioned with the duties of the state, these people may want to obtain benefits from this. In other words, this scandal was a result of the ambition and conceited officiousness of some people. That is the main thing. (...) If several people from the special team are involved in such affairs, you cannot blame the whole special team unit. It is impossible to charge the whole body with the activities undertaken by some people." And on 15 January, Deputy Prime Minister Bülent Ecevit said: "It seems that some illegal methods were employed within the state during the anti-terrorist struggle. In the report, some military people are mentioned, but the report implies that the army as a whole was not involved in such affairs. I am glad to hear that. If the army had been involved in such affairs, it would have been highly difficult for us to solve the problem. On the other hand, the situation of the Gendarme is a bit complex because its affiliation is to both the army and the Ministry of Interior Affairs. That's an outcome of the report. JITEM seems corrupted."

Mesut Yılmaz, when he was the opposition leader, had blamed former Prime Minister Erbakan for "ignoring his duties" when the latter had failed to order the Prime Ministry Inspection Board to conduct an investigation, and he had referred to the report prepared by the MİT in this period as "scandal," and he always

used the term "investigation" for the report by the Investigation Board before he met with coalition leaders. However, he started referring the report as "examination report" following the summit meeting of the coalition leaders on 19 January. Thus, it was understood that Prime Minister Yılmaz had not given any investigation instruction to the Prime Ministry Inspection Board within the five-month period in which the report was prepared.

"Let's Send Faxes": A Call for the Citizens

Mr. Prime Minister,

I am one of those citizens who have been turning the lights on and off for months in order to express my demand for the prosecution of members of the gangs organized within the state, my sincere support for the people and authorities investigating this issue, and my yearning for a transparent rule of law.

Now, I am waiting passionately for you to disclose the report prepared by Mr. Savaş. However, according to the news appearing in the media, it seems you will not disclose certain parts of the report...

Mr. Prime Minister,

In democratic societies, an action that is regarded legally as a crime cannot be disguised behind the concept of "official secret"! In fact, everything other than those concealed as "official secrets" about Susurluk issue is known to everybody...

Now, the main thing is to find out in detail who established the gangs within the state, who were involved in this dirty organization and how it worked. I now want to know the complete text of this report and everybody who was involved in such affairs whoever they are. In other words, I want to know all of the crimes allegedly committed on behalf of the state and all of the assailants.

Mr. Prime Minister,

It is the basic responsibility of everybody, from an ordinary citizen to the Prime Minister, to ensure the development of a country as a dignified member of the modern world. I undertake my responsibility. And I want you to behave with a similar feeling of responsibility and to inform your citizens immediately.

Radikal, 13 January 1998

The report by the Inspection Board was disclosed on 22 January. Yılmaz reviewed the report in a program on a TV channel, and he refrained from disclosing certain parts of the report that he claimed to be "official secrets." And as for the official secrets, Yılmaz said the following: "Every state conducts some covert operations. Most of these operations are legitimate. Suppose a foreign state supports in its country a terrorist organization that conducts terrorist activities against you and kills your citizens. It either supports the leader of that organization or supports it financially. It conducts acts of sabotage through this organization. In such a case, you react to it through diplomatic ways. If the diplomatic ways prove out to be useless, the only thing you can do is to retaliate in some ways. The state has secret organizations. The concept of covert operations necessarily imply the official secrets." Moreover, Yılmaz alleged that such operations "are conducted today as in the past and will be conducted in the future"; that it is both impossible and "contrary to the conventions" to radically change an institution, that the perpetrators of such affairs did not form one percent of the said institutions, and therefore, these institutions could not be accused of such "individual" errors. Moreover, like Deputy Prime Minister Ecevit, Prime Minister Yılmaz stated that "in connection with Susurluk scandal, he got the most help from the army" and insistently stressed that the Turkish Armed Forces "had never been involved in such affairs."

The Susurluk Report Prepared by Prime Ministry Inspection Board

(...) The subject which should be emphasized here is that: the whole had been divided into pieces and no authority and power could unite these pieces again.

Prime Ministry Inspection Board has carried a study, avoiding to interfere with the judicial field, that aims at uniting these pieces and helping justice.

Anyone who is aware of the working system of the state and the inspection boards will observe that it is impossible to investigate the Susurluk event with all of its aspects (at this stage). (...)

Our study is significant also in some other terms. In almost every inspection and investigation, we basically see that people take pains not to assist the inspection staff while they seem to act clearly and transparently. Working environment, phones and vehicles are provided, but people abstain from giving information.

The subjects of the investigation are naturally hesitant. Those who are not concerned with the subject avoid to "get involved in the subject." This attitude observed in bureaucracy is no doubt natural. It is even more natural in the Susurluk event.

Prime Ministry Inspection Board has never considered this attitude as an obstruction and has not needed a preventive measure. Because one should investigate necessary and unnecessary documents carefully, and make patient and unending negotiations with relevant people in order to neutralize this attitude. Sometimes, a 4-hour negotiation may only produce two pages of notes. A name, a relation, an account number, a phone number, a bank connection or the presence of an official somewhere he was not supposed to be usually pointed out where to look for the necessary information. This being the situation, Public Institutions endeavored to do what they had to with an artificial passion. The investigations and inquiries of the Ministry of Interior Affairs and the General Directorate for Security may be taken in this context.

Another interesting point pertaining to the Susurluk event is that the institutions forgot about their mistakes and carefully accused one another. Military officials, on the other hand, remained in complete reticence and only watched the events. In fact, the Gendarme should have had much to say. Especially, they could have investigated the subjects of Yeşil, confessor militants and how or why Cem Ersever was killed. They could have informed the Prime Minister even if not to publicize these.

Politicians were not unbiased about Susurluk. Whether the subject was a question of the country or the government has become impossible to understand in the political arena. (...)

The phenomenon discussed here is the gangs, which are armed, kill people and involve in drug trafficking. This illegal structure is observed everywhere in the world and can be eliminated in any state especially when a social reaction comes out. However, the problem of gangs in our country gave birth to two developments: first is the process at which Ömer Lütfü Topal organization has become an international "gang" and the second is the gathering of so called white collars' group of educated and respected people that exclude themselves from armed activities and avoid resorting to force. (...)

The second gang formation which is far more important than the first involves the State power and authority itself organized to be used for these purposes.

Banks will be given as example. Prime Ministry Inspection Board has made an investigation in 3 public banks and found out some terrific results. The return of billions of dollars and billions of TL to these banks seems impossible. Long term letters of warranty will definitely turn into cash. The banks have financed certain persons and companies even if their profitability has declined. Leasing and offshore loans are a complete swamp. Constructions are extremely expensive. The group activities of politicians and bureaucrats that have taken place in this context will be mentioned with names in the coming sections.

It should be mentioned that the respected names in question have not carried out activities and transactions opposed to Law on Banks, but acted within the field of responsibility of SSCs. The monetary dimension of the events that involve banks would exceed the total of the events of "Susurluk." It is believed that the Bank events are not the reasons for general corruption but accelerator of them. Because the purpose of corruption is getting money and the power that money will bring. (...)

As explained in introductory section, the Susurluk Event is a whole composed of chains of events. The events were essentially organized in Ankara and gave way to the following incidents: bombing of Özgür Gündem Newspaper in İstanbul, murder of Behçet Cantürk, murder of author Musa Anter in Diyarbakır, Tarık Ümit event in İstanbul, coup attempt in Azerbaijan, murder of Hikmet Babataş in Bodrum, abduction of Mehmet Ali Yaprak in Gaziantep and bank loans that amount to trillions of TL.

MP Hayri Kozakçıoğlu mentioned of an event. He said, "I had let Mahmut Yıldırım with the code name Yeşil out of the region when I was serving as the OHAL (State of Emergency Region) Governor." We mean the same with the event he referred to when we say Susurluk. Kozakçıoğlu points out that Yeşil is not useful but harmful for the activities in the OHAL region. But the said person is not harmful but useful for the Gendarmerie and MİT. He was so useful that Kocaeli Police HQ had appealed to Yeşil to mediate for the submission of gang leader Hadi Özcan.

This person was so useful that he was taken to police station by mistake (or to intimidate MİT) by policemen, questioned there, the police said "come and fetch your man", he was released and received medical treatment at the MİT building for his broken rib bones.

What is the Susurluk event? Events by unknown assailants ceased immediately after November 1996. This is Susurluk.

A senior official said "... came from abroad and became a trouble for us. He must be exterminated but the atmosphere is not appropriate for killing him" in September 1997. What else should we call Susurluk?

The beginning of the Susurluk event is hidden in the following statement of then-Prime Minister Çiller: "We have the list of businessmen providing support to the PKK." Afterwards, executions began. Who decided for the executions? It was inevitable that corruption would begin and nationalistic feelings would be substituted with personal considerations. The Susurluk event is taken in these terms in this report.

Things were more slippery in the eastern and southeastern regions. Confessor militants, village guards and tribe leaders already established a complicated structure. To this was added the difficulty of establishing a scale for discriminating PKK terrorists from normal citizens and it gets easier to understand the difficulty that our police and soldiers face in that region while they were risking their lives for their country. The struggle and PKK attacks in the region that have lasted for years attracted even the reaction of people living in the west. Such being the case, it is possible, or further, essential to understand and tolerate the reaction, anger

and various violent behaviors of people living in the OHAL region and of state forces that struggle against the PKK. However, it is necessary to study in detail the institutions and various events within this usual but complicated structure. So, it will be possible to see how the struggle against the PKK followed the route to Ankara, İstanbul and financial relations. (...)

Yılmaz stated that a new investigation board would be established for investigating the gang relations which he described as "a grave oddity" and stressed that "the investigation may take a long time and that no considerable advance could be obtained at the end." The report disclosed that the Security, MİT and the Gendarme carried out several illegal operations, that people caught were killed instead of being prosecuted, that execution teams were formed within the state and that MİT which used outlawed persons did nothing about gangs. The report also gave the name of Abdullah Çatlı, the suspect of Bahçelievler massacre, a fugitive and an ultra-nationalist militant. The report described his involvement in drug trafficking and money extortion as "an old fashioned habit that harms the state."

The statements of Yılmaz concerning Susurluk did not satisfy the public. For example, the results of a survey revealed that 51 % of Turkish citizens did not believe that the Government would resolve the Susurluk problem. The statements of Saadettin Tantın, former director for the security and then-ANAP mayor, disclosed that the lack of confidence was not limited to public only: "The events began 20 years ago. The gang has been acting since then. It has been working since 12 September. The public was deceived both in the Commission in the Parliament and in the report that Kutlu Savaş prepared."

Mehmet Elkatmış, the Chairman of the Susurluk Investigation Commission in the Parliament, and Commission member Fikri Sağlar considered the report by Prime Ministry Inspection Board as less sophisticated than the Commission report in terms of scope. Prime Minister Yılmaz disclosed the report on a TV program instead of a press conference. Elkatmış described this as a "show" and stated that many events were not mentioned in the report of the Inspection Board. Elkatmış stressed that the majority of political murders by unknown assailants were committed in JİTEM region which was not mentioned in the report. Elkatmış found it strange that some developments which constituted the core of the Susurluk event, such as the death of Eşref Bitlis, the Yüksekova gang, fist at Prime Minister Mesut Yılmaz in Budapest, Tarık Ümit event, counter-guerilla issue and Special War Department were not mentioned in the report. Elkatmış said "Stating that the events began in 1993 and mentioning only 3 or 5 of the bankers points out to orientation behind the report. The report had been drafted with a political ambition. The Prime Minister seeks political benefits. The report can not answer certain questions. It does not list the names of gang leaders that were killed from 1993. Those giving the orders for murders are not mentioned. I do not think anything will be done after this report. The subject will be closed hereafter."

Fikri Sağlar described the 6 months allocated for the investigation of the Inspection Board as "loss of time" and criticized the fact that the report was limited especially to the period between 1993 and 1996. Sağlar stated the main deficiency in the report was that: "the people establishing the philosophy that leads to the gang were not included in the report". He said "The report mentions on those who received the instructions, such as the gunmen and bureaucrats, but does not mention those that give the instructions and plan the events. Only the Çiller Family is mentioned in the report. It is true; they are involved in the affairs. However, hiding some sections of the report leads to other suspicions. Such activities began before 1980. There are periods when underground economy, drugs, black money came into existence, relevant people were protected by politicians and regulations regarding them were made. There is no information about them. If he is in the covert part, then we cannot trust Yılmaz anymore. Those censored periods are related with Yılmaz and ANAP." Sağlar added that the report favored certain people and brought others forward. He said, "It is claimed that the military is not involved in those affairs. Part of JİTEM is involved, and JİTEM is said to have been abolished. Yüksekova gang is prosecuted at Diyarbakır SSC. Most of the people that are

prosecuted there are in infantry class. It is known that not only confessor militants and gunmen but also high-ranking officers were involved in the affairs and that drugs were carried with helicopters. Veli Küçük is an important officer today. These are all included in the report but mentioned in a very simple way, which leads to the idea that some people had been protected, inevitably." Sağlar said that some of the people whose names were mentioned in the report, as the MİT officer Mehmet Eymür or the person whose name is mentioned in the murder of Cem Ersever, were promoted by Prime Minister Yılmaz when the report was being drafted.

On the other hand, former Minister of Interior Affairs Mehmet Ağar said "You have taken over the power after the secessionist terror was eliminated, what else do you want? You begin with an advantage. Why do you complain? Do you ask 'Why did you fight against terror, why did you eliminate secessionists?' Why do you try to attack things that were done instead of those that were not done?" As to their "struggle against secessionist terrorism", Ağar defended himself as follows: "SSCs understand me best. Because they are expert courts and they know what it means to carry out a combat against terrorism. How will you struggle against terrorism? You cannot eliminate it by spraying medicine on it. The state will certainly employ special struggling methods. The same applies in elsewhere in the world."

DYP Urfa MP Sedat Bucak who was injured in the Susurluk accident said the following in his comment on the report: "I see that struggling against terrorism, supporting the state and acting together with the state are regarded as crimes. They tell me 'Go and sit in your house' while robbing the state is free. I will do so from now on. Some people want to me to cooperate with the PKK. They know that I cannot do this. If the state tells me 'Go and sit in your house. Do not meddle with struggle against terrorism', I will do so. I can not resist the state. From then on, I go and enjoy my life. I am so upset, I am so sad. They want to apologize the PKK."

Former Gendarme Commander General Teoman Koman asserted that the report by the Prime Ministry Inspection Board was "quite literal." He said, "It is important to see if there are evidence and documents to support the allegations or not." Koman disclosed that the main accusation against the Gendarme was "ill-treatment against citizens" and that there were court cases on this subject. Koman said "But I do not think they will find any evidence proving out that the Gendarme has established a gang and did things by making use of this gang. I have nothing to take offence at myself and I do not think that there is any evidence proving that the Gendarme was involved in certain illegal affairs as did the special team members." Koman told pertaining to the existence of JİTEM that Cem Ersever who is said to have established JİTEM "did not have an official position", therefore he could not be the founder of anything: "I insist that JİTEM does not exist. He still says 'it exists'. While saying 'it does not exist', I mean that there is no official institution or unit, but it is clear that some people carry out various activities under this name. Such a unit has never been established as an official institution." As to the relations of "Yeşil" with the Gendarme, Koman said: "Those who claimed he was used by the Gendarme should prove it."

Another interesting development that appeared after the Susurluk scandal was that sources of MİT and General Directorate for Security constantly leaked information to the public. In mid-February, the report known as the "3rd MİT Report" appeared in newspapers. The report was prepared after the Susurluk accident, presented to President Süleyman Demirel and then-Prime Minister Necmettin Erbakan with the signature of the MİT Undersecretary Sönmez Köksal on 17 January 1996 and was discussed in the leaders' summit in President's Residence. The document that leaked to the public as the "2nd MİT Report" on 21 September 1996 had been denied by MİT.

The 3rd MİT Report mentioned 59 people included in the MİT archives. The report stated that 17 of these people were alive. The following were disclosed regarding the profiles of the 59 people: "9 of these people are only known with their names, 4 of them are politicians, 4 of them are businessmen, 14 of them are

former nationalist militias who are claimed to have relation with Mafia, 5 of them are members of Turkish Armed Forces, 13 of them are security members, 1 of them is a man of religion, 1 of them is a MİT member, 1 of them is the person that is claimed to be related with MİT, 2 of them are of Iran origin, 8 of them are related with Mafia and drug smugglers, 1 of them is a driver, 1 of them is a PKK confessor, 1 of them is a female of Syrian origin, 2 of them are lawyers of Kurdish origin and 1 of them is a brothel manager."

When three separate "Susurluk Reports" are compared, it became clear that the said three institutions approached events and relations differently. Some of the related events were included in one of the reports in detail while it was not mentioned at all or just slightly mentioned in the other. For example, domestic and foreign relations of Abdullah Çatlı, abduction of Mehmet Ali Yaprak and murder of Tarık Ümit were considered more in detail in the Commission's reports than in two other reports. Similarly, murder of Eşref Bitlis, Uğur Mumcu, Alpaslan Pehlivanlı, Bahtiyar Aydın, Hulusi Sayın and İsmail Selen, attack against Mesut Yılmaz and Hurşit Han and Kartal Demirağ event were mentioned in this report, whereas they were not mentioned in two other reports. Besides, serious accusations were made against certain persons in one of the reports while their names were not mentioned at all in the other reports. For instance, murders by unknown assailants in Sapanca were not included in the Commission Report but Brigadier General Veli Küçük who was mentioned rarely or without any comments in the other reports was frequently mentioned and his relation with Mahmut Yıldırım was emphasized in this report. The public tended to believe that the most comprehensive and unbiased report on the subject was prepared by the Parliament's Commission of Investigation into Susurluk. Although 6 members of the commission out of 9 exposed opposition, the report exceeding 400 pages included more descriptions and more events when compared to the reports by MİT and Savaş

The report prepared by Prime Ministry Inspection Board Deputy Chairman Kutlu Savaş mentioned JİTEM as involved in gang activities. However, JİTEM is among the "state secrets" of Prime Minister Mesut Yılmaz. Yılmaz accepted the existence of JİTEM but argued that "military officials were not involved and they intervened when they learned about it." Yılmaz carefully tried to relieve military officials, the Gendarme's former Commander General Teoman Koman from responsibility.

Deputy Prime Minister Bülent Ecevit said, "JİTEM is mentioned in the report. However, the Gendarme and JİTEM are not equal to the army." This statement shows that Yılmaz's endeavor for protecting military officials was not a personal attempt of his but a duty assigned to the government by the NSC that convened a few days before the report was disclosed to the public.

The Parliament's Commission invited Koman for giving his testimony as to the claims against him, but he did not appear at the Commission and he was constantly promoted in business life after he retired. Koman served as the MİT Undersecretary between 1988-1992, retired at the end of last year and became a board member of Interbank owned by Bursa independent MP and businessman Cavit Çağlar, who is renowned with his intimacy with President Süleyman Demirel and owner of a stained wealth.

The allegations about Koman were kept as "state secret" after his retirement. Apart from him, Brigadier General Veli Küçük, who is said to have been involved in counter-guerilla activities, has also become a star. Being one of the key persons of JİTEM which is regarded as the military branch of counter-guerilla, Küçük was constantly protected. The report by Kutlu Savaş has been completed and now it is being discussed, but no one mentions Küçük.

Küçük has another key office at this moment. At the time when counter-guerilla plans were executed and the practices of the OHAL regime have been extended to cover the Black Sea Region, Küçük was assigned as the Black Sea Gendarme Regional Commander. He is still on duty.

It was revealed that hired gunmen like Abdullah Çatlı were used for assassins and sabotages abroad. Despite these facts, junta leader Kenan Evren who then said "Now it is time to work" is another person that is carefully protected in the report. Fascists had been released from prison in return for "finishing some jobs" under Evren's rule after 12 September 1980.

Another person that is protected in the report is retired Lieutenant Colonel Korkut Eken who was officially declared to lead the operation against hijacked Diyarbakır airplane. He was the trainer of Special Operation Team that became identical with murders and drug trafficking. Dirty relations and gang connections of Korkut Eken were revealed during Susurluk discussions. But nothing has been done about him because he is an officer in special war department and this position provides him a sound protection shield.

Emek, 26 January 1998.

a) Censored Sections and Political Murders

Twelve pages of the report that were censored (68, 69, 70, 71, 75, 77, 78, 79, 80, 99, 103 and 104) were subsequently published in the newspapers. It was understood that Çatlı, his activities and duties abroad, coup attempt against Azerbaijan President Haydar Aliyev, formations in state banks, operations against PKK and journalists killed "by unknown assailants", Hadi Özcan gang and its relation with Brigadier General Veli Küçük were explained in these sections.

The report stated that the decision to kill people that were claimed to be PKK supporters was taken "within the organization" and the following statements were made pertaining to political murders "by unknown assailants":

"When the features of the people killed in the mentioned acts, it becomes clear that the difference between the pro-Kurdish people killed in OHAL region and in other regions is their financial power. We may say that the above-mentioned incidents apply to similar incidents like the murder of Savaş Buldan. This person is renowned with drug trafficking and separatist acts favoring PKK. The same applies to Medet Serhat Yöş, Metin Can and Vedat Aydın. Those that carry out acts against the unity and integrity of the country are subject to punishments. The only conflict between the things that were done and our approach is related with the type and result of practice. Indeed, it was determined that even those that supported all of the events regretted for the murder of Musa Anter. It is said that Musa Anter was not involved in an armed activities but in the philosophy of things, that the effect of his murder surpassed his own influence and that the decision to kill him was wrong. There are other murdered journalists."

The section including the names of murdered journalists was also censored in the report. In this censored section, names of certain journalists and allegations that seemed to justify murders of journalists:

"All of these were killed in murders my unknown assailants (...) The common feature of the murdered persons is that they have a certain [political] identity

Hafız Akdemir: *Yeni Ülke and Özgür Gündem Newspaper. Youth Committee Secretary of Kurdistan National Saviors (KUK) Organization.*

Yahya Orhan: *PKK supporter, reporter of Yeni Ülke, Güneş and Özgür Gündem newspapers.*

Mecit Akgün: *Reporter of 2000'e Doğru, Yeni Ülke; District Secretary of Socialist Party founded in Nusaybin, PKK supporter.*

Burhan Karadeniz: *Yeni Ülke reporter, PKK member and supporter.*

Halit Güngen: *Diyarbakır reporter and office chief of 2000'e Doğru journal, Şırnak Province Board Member of Socialist Party.*

İzzet Kezer: *Sabah newspaper reporter, TKP/B member.*

Cengiz Altun: *Batman Yeni Ülke newspaper reporter, PKK member.*

Çetin Ababay: *Özgür Gündem newspaper reporter, PKK member."*

At pages 103 and 104 of the report, it was stated that "chaos occurred in the struggle with PKK or harsh methods were used during the periods when clashes got severe" and the following were said:

"People in the region that brought mines of the organization to the region, placed them on the roads and killed many security officials were hung at the trees with the mines they brought and similar people were intimidated. In those years, mining activities in the rural areas of Şırnak, Hakkari and Mardin ceased within such a short time as 2 months."

In another censored section of the report, it was stated that Giresun Gendarme Regional Commander Brigadier General Veli Küçük⁴ was the "chief of JİTEM." It was stated in the report that confessor İbrahim Babat who was promised to be sentenced to 7 years in prison but instead sentenced to 17 years made an appeal to İstanbul SSC Chief Prosecutor's Office and Prime Ministry Inspection Board. The testimony of Babat was reported as follows:

"Fundamental changes took place in JİTEM in 1990. General Hikmet Köksal was assigned as Public Order Regional Commander and groups were established. Brigadier General (then Colonel) Veli Küçük was assigned as the chief of JİTEM. Some confessor militants that were caught and released in 1990 were assigned in JİTEM Group Headquarters with military identity. It was planned that all soldier-confessors would be gathered. A duty call was sent to me for the orientation and management of these confessors in JİTEM. I did not accept at first. Afterwards, General Hikmet Köksal mediated and I went to Diyarbakır relying on Köksal though I was worried. (...).

It was disclosed in the report that Kırklareli Intelligence Branch Director and Gendarme Regiment Commander "visited" İbrahim Babat, "asked how he was" and told him "to be careful, not to harm the state and that his case was at Supreme Court stage."

The facts that official attempts and public discussions concerning the Susurluk Scandal did not include secret activities about the Kurdish problem, that the sections especially about the political murders "by unknown assailants" in OHAL region and its neighboring were censored and that these subjects were out of the scope of investigation resulted in the reaction of opposing parties. HADEP Deputy Chairman Osman Özçelik said: "Kurdish problem exists in almost every social crisis in Turkey. Unlike alleged, gangs are special instruments of the state and it is known that they have accelerated their activities after the Kurdish problem came on the agenda especially after 1980... It is clear that '1000 operations' statement of Mehmet Açar, slaughter of more than 160 HEP-DEP and HADEP board members and members, murders of Kurdish businessmen, village raids and provocation are acts considered as 'state secret'."

b) Military Coup Attempt in Azerbaijan

The coup attempt in Azerbaijan on 13-17 March 1995 came on the agenda of Turkey after the report of the Inspection Board was published. In the report of the Inspection Board and in the MİT report prepared

⁴ Veli Küçük was defined as "military branch of Susurluk" by Hanefi Avcı, Security Intelligence Department Chief, and there were allegations about Küçük in the report of the Susurluk Investigation Commission in the Parliament (see Turkey Human Rights Report, 1997).

by MİT former Undersecretary Sönmez Köksal, it was stated that Turkish officials assisted Ebulfeyz Elçibey who attempted a coup. Comments were made in the media that "Susurluk gang was preparing to establish a new gambling and drug trafficking area."

The coup attempt in Azerbaijan was mentioned on previously censored pages 68-71 of the Inspection Board report. The report implied the Çiller government and said, "the MİT and the Security Organization are at the same point in Azerbaijan event. This can be possible only with the pressure, request, instruction or approval of government officials. The money, effort and time spent in this incident should also be considered." The report named the attempt of coup as "a comedy for Turkey" and focused on Azerbaijan Service Foundation about the financing of the coup. According to the report, CIA and KGB followed every stage of the attempt of coup in which MİT and Turkish Security was involved. President Süleyman Demirel was informed of the attempt of coup on 10 March 1995, and he warned Haydar Aliyev.

The attempt of coup was stated under the title "Coup in Azerbaijan" as follows in the report:

"On the other hand, an opportunity occurred to extend to Azerbaijan and the oil resources in this country incited many people and politicians in special despite the disorder in this country.

As it will be seen in the examination of the MİT note titled Coup Attempt in Azerbaijan, the coup arose from the disorder in Azerbaijan. For the coup, the indirect support of Ayvaz Gökdemir⁵ was obtained. Acar Okan and Kamil Yüceoral would contribute from Turkey and the coup would be made with the participation of Azerbaijan former President Ayaz Muttalibov, former Prime Minister Suret Hüseyinov, OMON Units Commander Ruşen Cevadov and Elçibey. It took place due to the neglect, mistake or with the organization of some of the Turkish officials in Azerbaijan, i.e. MİT Baku Representative Ertuğrul Güven, TİKA official Ferman Demirkol and Religious Services Consultant Abdülkadir Sezgin. The MİT was informed of the development on 10 March 1995 and President Süleyman Demirel warned Haydar Aliyev. We asked Mr. Undersecretary to whom Ferman Demirkol was subordinated and he confirmed that said person was a MİT official.

We informed the Prime Minister that Turkish party was also involved in the planned coup. Cevadov and his supporters received assistance from Turkey. Security was involved in the event besides MİT. Members of Special Team trained various groups in certain regions of Azerbaijan. They carried weapons. Ferman Demirkol argued with Russian Ambassador. He left Baku to see Elçibey; discussed with him the officials that would be commissioned in the new government. He would become Deputy President. They determined everything according to themselves, but that they recognized the gravity of the situation as the coup date got closer. They requested President Süleyman Demirel to interfere. They tried to slip off the situation by supposedly warning Aliyev, but Aliyev was aware of everything. Close friends of Cevadov were former KGB members and supporters of Aliyev. The events were planned to develop in favor of Aliyev to his knowledge and with his permission and that everything progressed as a comedy for the MİT and Turkey. When we made this statement, Mr. Sönmez Köksal only objected to the word comedy.

At the same meeting, we had the chance to tell the Prime Minister that Demirkol was in a fix after the events. The Turkish Ambassador did not allow him in the Embassy saying "He would become Deputy President. Who told him to get involved in these events? I do not care what will happen to him". Abdülkadir Sezgin hid him in his house. Aliyev government wanted Demirkol to inquire him, but this was not permitted as a result of the instruction from Ankara. Prime Ministry Undersecretary Ali Naci Tuncer was sent to Baku with a MİT Department Chief (later it became clear that he was MİT Intelligence Department Chief Yalçın Ertan) by plane. These two officials almost implored Aliyev for six hours and

⁵ Then-Minister of State Ayvaz Gökdemir denied the claims. He said, "The Republic of Turkey has not been involved at any stage of untrue claims. Our state has no interest from such an event and nor do I have any interest."

persuaded him into taking Demirkol to Turkey. So called businessman Kenan Gürel was sacrificed in this course and he was convicted. It was became clear that "Turkey attempted a coup in a friendly country. When the MİT suggested Aliyev to favor Cevadov and eliminate his suspicions and, Aliyev reacted strictly. The statement "without informing the headquarters and obtaining its approval" reveals the reason of the reaction. However, the politics in Baku is handled by the Ministry of Foreign Affairs and the MİT. It is evident that the MİT has digressed.

Sending Prime Ministry's Undersecretary to Baku shows that the event was carried out secretly and with the support of the political power.

We especially did not investigate whether the subject was transferred to our President. However, requesting our President to interfere and concealing the events seems worth examining. The subject should be investigated with all its aspects and even without concealing from the public. Azerbaijan already considers the subject with utmost level of clarity."

At pages 10 and 11 of the MİT report prepared by former MİT Undersecretary Sönmez Köksal, the following information pertaining to Azerbaijan coup was given: "A. Gökdemir, then-Minister of State responsible from Turkish Republics, General Director of Security M. Ağar, İbrahim Şahin and Korkut Eken planned the coup to overthrow Aliyev with the approval of T. Çiller. However, the attempt of coup failed after the MİT informed S. Demirel and the President informed Aliyev."

After the sections regarding the attempt of coup appeared in the media, the sections mentioning the names of Turkmenistan President Saparmurad Niyazov Türkmenbaşı and Azerbaijan President Haydar Aliyev led to diplomatic crisis between Turkey and Azerbaijan. Azerbaijan officially requested a statement denoting that this section of the report was "untrue." Thereupon, Prime Minister made a statement on 23 January: "In the broadcast related with the Susurluk Report in Arena Program on Kanal D Channel yesterday (22 January), an information was given concerning the presidents of Azerbaijan and Turkmenistan. This information was based on allegations by a (now dead) person (Ömer Lütfü Topal) who had a gambling house. No investigation pertaining to the accuracy of these allegations was carried out and the claims of the said person were written in the report. Therefore, they do not reflect any opinions by Prime Ministry Inspection Board."

In another written statement he gave on 18 February, Yılmaz disclosed that he gave instructions to reconsider Ömer Lütfü Topal-Azerbaijan relation "upon the sensibility of Azerbaijan President Haydar Aliyev." Yılmaz stated that intelligence agencies reconsidered the connections of Emperyal Company in Azerbaijan, that the relation or cooperation of Topal with President Aliyev's son was only Topal's allegation and that it was determined that there was no source to verify the allegation."

CHP İçel MP Fikri Sağlar stated on 19 February that the report revealed that the coup was not related with the oil route. Sağlar argued that the coup was related with Afghanistan which was the starting point of narcotics, reminded that the name Yüceoral was involved in sending money from discretionary fund to Uzbek General Raşit Dostum who was one of the parties fought in Afghanistan. He said, "The first and most important stop of narcotics coming out of Afghanistan is Azerbaijan. The drugs then come to Turkey and distributed in Europe. So, it should be considered that the gang members that are said to be involved in drug trafficking attempted the coup in order to take control of drug trafficking. It is also interesting that Yüceoral who is said to have sent money to Horzum is involved in coup attempt against Aliyev." Sağlar reminded that Aliyev supported the Turkish thesis about oil pipelines and said, "When we take the subject in these terms, it becomes clear that they wanted to commission Muttalibov who is said to be related with Russian Mafia instead of Elçibey."

Meanwhile, it was understood that important names of the Susurluk Scandal like Korkut Eken, İbrahim Şahin, Abdullah Çatlı and Ayhan Çarkın went to Azerbaijan approximately three months before the coup attempt and trained OMON police units. It was stated that the team went to Azerbaijan on 12 December 1994 and trained a special unit of 60 people. This team was composed of special team members. It was also alleged that they brought large amounts of weapons and munitions in Azerbaijan. It was claimed that the weapons taken to Azerbaijan were some of the "lost" weapons that were bought from Israel via HOSPRO company. Korkut Eken said in his testimony to the inspectors of the Ministry of Interior Affairs that the weapons had been used in an important mission in a country the name of which he could not disclose. It was learnt that then Special Operations Department Chief İbrahim Şahin went to Baku as the special guest of Cevadov some time after this group went to Azerbaijan. It was stated that Şahin was on an official visit upon the invitation letter by Cevadov.

Ruşen Cevadov, commander of OMON units that participated the coup attempt and Deputy Minister of Interior Affairs Affairs, was killed by Aliyev forces on 17 March 1995. It was stated that Cevadov who acted as the leader of the coup attempt led the coup attempt through a satellite phone sent from Turkey.

c) Mahmut Yıldırım (Yeşil)

Mahmut Yıldırım ("Yeşil") also came on the agenda after Susurluk accident. Whether he was alive or his whereabouts could not be found out in 1998 as well. Various claims were mentioned in the report of the Prime Ministry Inspection Board about Mahmut Yıldırım who is said to have ordered many people to be killed or he killed many people himself. However, these claims have never been proved.

No procedure was followed after it was stated in the report of the Prime Ministry Inspection Board that the mobile phone Mahmut Yıldırım used belonged to General Veli Küçük. Susurluk Commission member Bedri İncetahtacı said the following on this issue: "This is a very important step to enlighten the Susurluk event. This information confirms the findings of the reports by the Commission in the Parliament and Kutlu Savaş. It has led us to a new direction. The government and justice should follow this direction. Nevertheless, the people said to be involved should make satisfactory explanations as soon as possible."

However, Gendarmerie General Headquarters made a statement, asserting that a judicial and administrative investigation was performed about Brigadier General Küçük upon the report of Inspection Board but it was understood that he was not guilty. This explanation read as follows: "The information in the Susurluk report was reflected in the media as if it was a judicial decision, therefore the relevant people and institutions are aimed at and declared guilty. This situation has been declared clearly to the public several times. However, the publications aiming at condemning Gendarmerie General Headquarters especially about the subject are considered biased and intentional."

It was learnt in November 1998 that the first arrest warrant in absentia about Mahmut Yıldırım was issued in June 1998 within the scope of Susurluk investigation. The arrest warrant in absentia was hidden from the public, in line with the request of İstanbul SSC Prosecutor's Office that carried out the Susurluk investigation. The second arrest warrant in absentia was issued by Ankara SSC in November because of "the armed assault against HRA Chairman Akın Birdal."

Then-Minister of State Eyüp Aşık stated in January that Mahmut Yıldırım was in Turkey and that would give his testimony soon. In those days, CHP Deputy SG Sinan Yerlikaya claimed that Yıldırım was not dead. He said, "Yeşil will talk but he is waiting for the repentance law that the government is preparing. I have been saying that he is in Turkey for one year and he was waiting for talking. Minister of State Aşık confirmed me."

Sinan Yerlikaya stated in February he was informed that Mahmut Yıldırım was in Ankara and going everywhere he wanted "freely" with the "execution team" that he established in the Southeastern Anatolia.

Confessor militant Yusuf Geyik ("Bozo") was also included in the "execution team." Yeşilkaya said, "We were informed that Yeşil and Bozo was last seen in the club of Elazığ people in Ankara and in Kızılay and Sıhhiye with three people. This execution team makes plans against those who want to bring out the Susurluk gang. Especially Prime Minister Mesut Yılmaz, the General Directory for Security, the MİT and the General Staff will be responsible from any attack within this context."

Prime Minister Mesut Yılmaz gave a reception to the ANAP MPs in his residence and told that "Yeşil was killed." However, soon after this explanation, Minister of State Eyüp Aşık claimed that Mahmut Yıldırım was alive and "under control."

Meanwhile, some newspapers reported in March that Mahmut Yıldırım owned a house in Lara, Antalya. In these reports it was stated that the MİT officials went to Antalya Directorate of Land Registration and made investigations concerning purchase, sale and land registration transactions of the house. It was revealed that Hadi Özcan who was known as the leader of "Kocaeli Gang" visited the house. It was learnt that Özcan came to Lara before 1997, stayed at Yeşil's house and that they went to Emperyal Gambling House together. It was also interesting that the house was close to the MİT former administrator Mehmet Eymür's villa. It was alleged that Eymür spent 1995 and 1996 summers in his villa in Lara and often met with Yıldırım with his family.

On 3 March, the house of Mahmut Yıldırım's family in Etlik District of Ankara was raided and his wife Esma Yıldırım, daughter Nuray and his brother Bahattin Yıldırım were detained. These persons were released after being investigated for some time.

Meanwhile, the newspapers reported that Mahmut Yıldırım was a close friend of NCO Cengiz Ersever who was prosecuted because of the armed assault against Akın Birdal. It was stated that Cengiz Ersever who used the code names "Haydar" and "Fırat" and Mahmut Yıldırım worked for Major Cem Ersever, the founder of the JİTEM who was killed in a murder by unknown assailant.⁶

CHP Deputy SG Sinan Yerlikaya argued that the state officials knew the whereabouts of Yeşil. He said, "Yeşil had been working with Mehmet Eymür for the last two years. However, he was deciphered after the recent developments. The state will either kill Yeşil or secure him by sending him outside the country. The state can not bring Yeşil to justice. Otherwise, all the dirty affairs of the state will come out to the light. Yeşil will be declared a hero just like Çatlı." Yerlikaya described the raids to Yeşil's houses in Ankara and Antalya as a "mere show". He said, "Eyüp Aşık told that they kept Yeşil under control. If so, why can not security officers find Yeşil?"

Afterwards, another house which Mahmut Yıldırım used in 1993 and 1994 was found in Diyarbakır. The house was rented by a confessor PKK militant Mesut Mehmetoğlu who was the suspect murderer of HEP Mardin MP Mehmet Sincar. It was determined that many PKK "confessors" including "General Zinnar" code named Alaattin Kanat used the house as the headquarters. The house was also mentioned in the report of the Inspection Board, which read that it was used by Mahmut Yıldırım as well as PKK confessors Alaattin Kanat, Muhsin Gül and İsmail Yeşilmen for one year. Confessor Mehmet Gül whose statements were

⁶ In a news story published in Hürriyet on 11 March, it was reported that a security officer who had expertise in intelligence said the following: "Yeşil used to phone Cengiz Ersever whom he called 'Fırat'. We would think that this person was Dursun Fırat. But, when we made an investigation later we determined that he was another person. Yeşil would call Cengiz Ersever as "non-commissioned officer Fırat" maybe 15 or 20 times a day and talk to him. They worked together in Southeastern region. They were together later as well." The intelligence officer said the following about the claims that Yıldırım was sick in his house in Ankara when Cem Ersever was killed: "Yeşil had an accident in September 1993 around Amasya. There were two gendarme officers and a civilian with him. The machine gun, lava weapons, bombs and other ammunitions scattered on the road. Yeşil was injured heavily and stayed at the hospital for some time. but Ersever was killed in November. We think that Yeşil and Cengiz Ersever who was known as "Haydar" in the Southeastern region and as NCO "Fırat" in İstanbul were both involved in Cem Ersever event.

mentioned in the report told that a confessor whose name could not be identified was beaten in the this house and there was a black notebook in the house which included information about Yeşil, who introduced himself as Ahmet Demir, and his activities.

While the whereabouts of Mahmut Yıldırım was still uncertain, newspapers reported in March that he was in Ankara and requested racket from certain Kurdish businessmen. However, DSP Aydın MP Sema Pişkinsüt, Chairwoman of the Human Rights Commission in the Parliament, disclosed that an important source had told them that "Mahmut Yıldırım had been killed a short time ago." Pişkinsüt said, "It was impossible for Yeşil to remain alive. We have been recently informed at the Human Rights Commission that Mahmut Yıldırım is not alive anymore. Yet we do not know where his body is. But it is certain that he is dead. Yeşil carried out activities in this region for years. The first authority to determine this person was the Susurluk Commission. At that time, it was determined that he acted in Tunceli with the code name 'Sakallı'. Two MPs in our Commission made investigations in the region then in order to investigate this subject only and determined then that Yeşil was alive and he was in the service of the gendarme as an intelligence officer."

Soon after this statement of Pişkinsüt, it was reported in Özgür Bakış newspaper on 28 March that Mahmut Yıldırım was in Northern Iraq. It was claimed in the news story that Yıldırım was seen in **Cizre and Silopi** districts of Şırnak on 24, 25 and 26 March and then he passed to Northern Iraq through Habur Border Gate with a group of JİTEM and MİT members.⁷

Susurluk Commission in the Parliament Chairman Mehmet Elkatmış argued that the news about the death of Mahmut Yıldırım and his being in Northern Iraq were imaginary. Elkatmış stated in January that Yeşil was previously in Antalya. He said "But no one paid attention. Later, it became evident that he was there. Now I get news that he was not killed. He has been in Europe for two months. I know the country and city where he is. But I can not tell it.

In September, it was claimed that Yıldırım "was killed in Romania by two of his men whom he trusted". It was claimed that Yıldırım who stayed in Romania with a fake passport under the name "Murat Kaya" was killed near Bucharest by two of his men who were told to be PKK confessors. However, this claim could not be proved and it was denied as the others were.⁸

CHP Sivas MP Mahmut Işık also said, "Yeşil is not dead, he is protected outside the country. He will be brought to Turkey soon and prosecuted."

It was claimed in November that Mahmut Yıldırım was seen in Tunceli. According to this claim that was supported by eyewitnesses, Mahmut Yıldırım was seen to leave a hotel in Tunceli with a car with Bingöl license plate.

⁷ It was reported that Yıldırım and those that accompanied him passed the border with a vehicle carrying an Iraqi license plate and they did not went through a passport control. It was claimed that Mahmut Yıldırım had meal with MİT and JİTEM members in Aslanlı facilities in Cizre on 25 March in the morning and was seen with some MHP members that traded diesel oil in Cizre-Silopi in a black car with the license number 73 AC 229 on 2nd street and around Seher restaurant in Silopi center. It was claimed that a relative of Abdullah Çatlı called Vecihi was one of the people that met Yıldırım. It was argued that Mahmut Yıldırım and his companies went to Silopi Police HQ at noon.

⁸ It was reported in Hürriyet on 13 September that "a source close to Yeşil" said the following: "Mahmut Yıldırım and his 3 friends stayed in a hotel in Bucharest. Fire had been opened on some 3 people and one of them had been killed. But one of the persons accompanying Mahmut Yıldırım had lost sight of him and other friends, and he had thought that the ones who had the clash had been Mahmut Yıldırım and his friends. He had got anxious and called a friend in İstanbul and told him about the event. The latter had also informed some other friends. As far as we understand, security officers recorded these calls and dealt with the event. But Romanian police do not have such an information."

Tunceli deputy governor Mustafa Kılıç denied the claims that Yıldırım was in Tunceli. In connection with the claims that Yıldırım had been seen in Nazımiye, Kılıç said that they had carried out an investigation which showed that this claim was "completely unfounded and untrue".

CHP Tunceli MP Veli Yıldırım held a press conference on 9 November and said that certain people had seen Mahmut Yıldırım in Tunceli. Veli Yıldırım went to Tunceli in order to make investigations about Mehmet Kazaca, who went missing on 22 October, and Yeşil. He stated that the information about Yeşil had been given to Tunceli Governor Mehmet Ali Türker one day after he had been seen. According to Yıldırım, many tradesmen and people had reported that they had seen Yeşil. Yıldırım added, "Yeşil can come to Tunceli easily. He knows the region well, this is a small city. He can conceal himself easily. He may stay in the region as a factor of pressure on people."

Another development regarding Mahmut Yıldırım was that his passport and various documents regarding him were sent to Kanal D News Director Tuncay Özkan by "unanimous persons." This event reminded of sending of the ID card of JİTEM founder Ahmet Cem Ersever to *Aydınlık Journal* after he had been killed. Tuncay Özkan submitted these documents to İstanbul SSC Prosecutor's Office on 21 November. Özkan said, "This ID card and documents belong to Yeşil. The passport displays that Mahmut Yıldırım uses the name Metin Atmaca. The passport is original, but we have no information about the other ID cards. The Prosecutor's Office will check whether these ID cards are original or not. The information on the passport shows that he entered the country at Ankara Esenboğa Airport on 28 November. Afterwards, no information was received from him."⁹

In the investigation carried out by Prime Ministry Inspection Board, it was revealed that Mahmut Yıldırım obtained a special green passport with the name "Ahmet Demir." It was understood in the investigation that Mahmut Yıldırım had applied with a "real" document issued by the Ministry of National Education in 1994. It was stated in the passport request form that Yıldırım had served as "Department Chief" in Ministry staff cadre.

On 11 September, a body was found around Bozdağ village of Ödemiş, İzmir. It was claimed that he was Yıldırım. The body was found by the villagers and it was stated that the person was killed 20 or 25 days before it was found, its neck was broken, its face was destroyed in a way that it could not be identified and that it had decayed. Ödemiş Public Prosecutor Sacit Kayasu stated the body "95% was Yeşil" and added that DNA test would be performed for identification. However, no result came out from this incident. The Ministry of Justice suspended Prosecutor Kayasu from duty and opened an investigation about him because of his statements after the body was found.

It was also claimed that the body found in the region among Adapazarı, Hendek and Düzce on 10-11 December belonged to Yeşil. But this claim was not examined.

⁹ General Directorate for Security disclosed upon the request of MİT that two forged passports had been given to Mahmut Yıldırım under the name Metin Atmaca. A report was prepared after investigation about the security officers for "negligence in duty" and it was sent to General Directorate for Security, Department of Foreigners, Borders and Refugees. The report was sent on 29 June and it stated that Mahmut Yıldırım had been given an ordinary passport from Ankara Police HQ with Metin Atmaca ID card on 9 February 1996 and then another with the same ID card on 13 June 1996 on the pretext that he had changed his job. The latter was valid until 8 February 2001. The report stated "It was understood that the officers who issued these passports to Mahmut Yıldırım with the forged ID card Metin Atmaca and in the event that this person got out of the country with the same ID card, have not displayed intentional neglect or misuse on their duty and that they have acted to assist MİT. Therefore, there is no need for investigation about them." The report disclosed that such requests from MİT could always take place: "If such a request happens to come from MİT, the request should be in written form and the names and signature circulars of the relevant people assigned for such requests should be notified to the security beforehand."

Meanwhile, the relatives of Mahmut Yıldırım in Solhan district of Bingöl asserted that Mahmut Yıldırım was not dead. They told that Yeşil was in town a short time ago. "We do not believe that he is dead. Because he was here a short time ago. He was here on the date when the body was found."

2. 2

MEASURES TAKEN BY THE GOVERNMENT

Instead of describing the problem as a consistency of events which has been shaped in 1970s and which involved establishing relationship between many public organs and authorities with illegal people on the basis of a certain policy of governance, the government officials tended to take the Susurluk incident as a case, which appeared for the first time in 1993 and basically arose from the uncertainty of power, lack of coordination and conflicts between MİT and the General Directorate for Security, and in which "some public officials had exceeded the limits of their power and some public officials had involved in illegal affairs", pointing out to the importance of the struggle against the Mafia. Since the situation was taken in these terms,

the measures by the government regarding the Susurluk Scandal were limited to restricted and fruitless "investigations and inquiries", relieving certain high level Security and the MİT officials or changing the duty place of them and preparing inefficient draft laws aiming at struggling with Mafia type organizations. NGOs and various jurists stressed that special courts equipped with comprehensive powers should be established to enlighten the Susurluk Event, the cases should be unified and addressed in these courts. They also pointed out to the need that the MPs should be stripped of their parliamentary immunities, provided that they are given a protection only for their political activities. Then Deputy Prime Minister Bülent Ecevit told that he was "absolutely disappointed" and "horrified to see what was going on within the state". He stated that "it was difficult to resolve with the actual practices" these dark affairs which are understood to have many dimensions. Ecevit disclosed that the coalition partners had agreed on unifying the cases in a single court to resolve the events as a whole. No initiatives were taken until the end of 1998 on the pretext that establishing a special court might violate the "right to fair trial."

On 24 January, Prime Minister Mesut Yılmaz ordered for "an investigation" about 9 of the 27 subjects which the Inspection Board Report recommended to be investigated. These 9 subjects were reportedly as follows: "The relations of the state official with casino owners and narcotics smugglers and the political and financial aspect of these relations; whether there existed any illegality in the Ministry of Tourism while issuing licenses for casinos; transfer of the resources of certain public banks to special benefit groups and whether certain political circles asserted pressure to this end; money laundering activities among the banks; investigation about the state officials that were involved in the planning of the coup attempt in Azerbaijan; and investigation about the people within the Security and the MİT that acted independently especially in the incidents related to Susurluk; the administrators neglected the affairs of these people." Prime Minister Yılmaz did not include the "murders by unknown assailants" and drug trafficking among the subjects worth investigation.

On 2 August Minister of Interior Affairs Murat Başesgioğlu stated that they initiated 34 investigations and inquiries pertaining to the Susurluk Scandal, 31 of them were completed, 2 of the continuing 3 were related with lost weapons and that prosecution of public officials about whom investigation was initiated about the Susurluk Scandal continued.

"The Draft Law on Struggling With Organized Crime" which was prepared by the Ministry of Justice and did aim at including Mafia within the scope of illegal organizations was sent to the Ministry of Interior Affairs for comments in late January. The Sub-Commission of Justice completed its studies concerning the draft law that was approved by the Board of Ministers in March. The Sub-Commission redefined the definition of "crime organization" which was obscure in the draft. A crime organization was defined as follows in the draft:

"To establish an organization in order to seize the management and take control of any institution, establishment or enterprise through pressure, violence, threat, frightening, intimidation, daunting or coercion by explicit or implicit cooperation among its members to provide benefit to oneself or others, affecting the regarding elections and voting events, to become efficient on or take control of media about bids, privilege and license transactions in public services, to create cartels and trusts in economic activities, to lead to scarcity or increase of price of substances and goods and in order to carry out activities about lending - borrowing relations and immovable property between real and legal people.

(...) The organization called Gladio that was revealed in Italy and that was known to exist in all NATO countries under different names organized in Turkey first in Warfare Study Board and then in Special War Department and Special Forces Headquarters. The most significant "civilian" initiative organized by this establishment in 1960s was the Associations for Struggling with Communism. Afterwards, this association constituted the core of the nationalist movement which pioneered the organization of commando camps. People that would be involved in many murders, provocation and massacres after end of 1960s were trained in these camps. After 1964, intelligence agencies used ultra-nationalist youths in provocative events (Bloody Sunday, 1 May 1977, 16 March 1978, Kahramanmaraş, Çorum, etc) and practiced the strategies of preventing the processing of ordinary democratic regime in Turkey. They laid the grounds of 12 September. Bülent Ecevit expressed the claim "There exists counter-guerilla" while serving as the Prime Minister for the second time, and then Chief of General Staff Kenan Evren responded "the necessary regulations were made", thus he indirectly accepted the existence of such an organization. On the other hand, Süleyman Demirel considered this commando group as nationalist citizens of the country and treated their existence tenderly. "These nationalist citizens of the country", said Prime Minister Demirel, "You can not make say that rightists commit crimes" including Ülkü Ocakları (ultra-nationalist youth organizations) Second Chairman Abdullah Çatlı for instance. Abdullah Çatlı was the person who was considered to be personally responsible from the murder of 7 TİP members and Bahçelievler and of Bedrettin Cömert, prosecuted in criminal courts, about whom there was an arrest warrant in absentia and who was "wanted" from that time to his death in the Susurluk accident. A person was used as an instrument for the state to digress from the routine for some time - almost 20 years! To this name may be added those of the most significant people of the state-nationalist-Mafia triangle such as Mehmet Ali Ağca, Haluk Kırcı, İbrahim Çiftçi, Tugay Maraşlı, Yahya Efe, Oral Çelik, Mehmet Şener, Alaattin Çakıcı, Tevfik Ağansoy, Ali Yasak, Abuzer Uğurlu and Bekir Çelenk. Most of the ultra-nationalist activists who were prosecuted after 12 September in martial law courts for crimes such as "massacre, manslaughter and extortion" were involved political murders in 1990s, checks-bonds collection and involved in mafia, drug trafficking and Susurluk gang. The organizations that were established around them had the chance to find legal justifications for their illegal activities while they tried to carry out new duties assigned by the state. They had old friends at certain levels of state in 1980s, among security forces in particular and in ANAP and DYP. With their support and protection, they were involved in check and bond collection, gambling houses, land speculation, money laundry and drug trafficking, money extortion and manslaughter by making use of the opportunities provided by the state. They shared the money laundered by Ömer Lütfü Topal through his gambling houses and coveted this market. The statements of former OHAL Governor Ünal Erkan about MHP and ultra-nationalists reveal the consistency of the approach of "extra-routine state" towards the ultra-nationalists: "I know how much they love the people of this country. Let us

set aside considerations such as they have carried out that activity or this activity. The nationalist movement has contributed significantly to the integrity of Turkey, continuity and protection of the regime. In my opinion, nationalists have been a factor of equilibrium in the country." As a natural consequence of this evaluation, they have carried out activities for encouraging nationalist staff cadres in the Special Team as a factor of equilibrium in the "region of operations." In early 1990s, it was decided among the highest levels of state that the PKK which gained strength after Southeastern and Newroz event would be struggled through illegal ways. This plan which was called as the "Castle Plan" was prepared by Gendarme General Commander Eşref Bitlis and approved by the NSC. The DYP-SHP coalition government was in power, Özal was President and Demirel was Prime Minister. But the plan was put in implementation after two years when Tansu Çiller was the Prime Minister. As Hasan Kundakçı who served as Southeastern Public Order Army Corps Commander between 1993 and 1995 expresses, "the special unit which was said to be established secretly was established to the information of the authorities and all the officials participated its establishment ceremony (...). In the 1993 strategy developed, the General Staff, Gendarme and Ministry of Interior Affairs decided to make studies for sending new weapons to Southeastern region." The Supreme Planning Board provided funds and the social democratic ministers of the coalition approved the use of these funds. The plan aimed at the murder of businessman that provided logistic support to the PKK and elimination of all people and organizations that provided or were suspected to provide logistic support to the PKK. The immunities of DEP MPs were lifted, they were arrested in the Parliament and imprisoned. Then-Prime Minister Tansu Çiller said in a statement in İstanbul that the terrorists at the mountains and the finance sources that supported them would be treated in the same way. She said, "We know the businessmen that support PKK." After this statement, various suspicious murders were committed in Turkey. At the same time, a new organization that called itself Hezbollah began committing serial murders in the Southeastern region. When suspicions that these activities arose from counter-guerilla basis, Mehmet Açar said, "What I do abide by NSC decisions". He meant that he did not decide by himself to digress from the routine. PKK confessors were used gunmen, money collectors and couriers by state officials that were members of the gang. Many people that were supposed to be in prison were commissioned outside for check and bond collection, kidnapping and murder.

The members of the establishment which was called JİTEM, officially rejected but whose name was mentioned in official documents used the official title and weapons of the state and began making activities in the region in this period in order to "eliminate terrorism" and obtain personal benefits. At that time, the names of Cem Ersever, Mustafa Deniz and "Yeşil" code named Mahmut Yıldırım began to be mentioned with people like Alaattin Kanat and Osman Gürbüz who were arrested as Hezbollah gunmen. The Turkish Hezbollah came into existence within the scope of the struggle with the PKK. The person who did not permit the Parliament's Commission to ask questions to Brigadier General Veli Küçük whose name was involved in JİTEM and drug trafficking was the Chief of General Staff. One MP-5 machine gun, 1 Kaleshnikov machine gun and more than 500 bullets were found in a work place of Osman Gürbüz, who is also the partner of retired Brigadier General Habil Küçük. Hezbollah's second leader Edip Gümüş argued that some "Hezbollah members" that gathered around Cem Ersever in early 1990s pretended organization names such as TİT (Turkish Revenge Brigade) etc. to claim the responsibility of their activities.

İbrahim Babat mentions in his written confession he sent to Kutlu Savaş about two periods as the one when Hezbollah was under control and the other when it was out of control: "The murders in the period when "Hezbollah was under control" aimed at DEP board members at provincial or district level, in Batman in particular. The number of the HEP, DEP and HADEP provincial and district board members that were killed in Batman was 11. The majority of these were killed in 1993 and 1994. This number does not include the people such as Vedat Aydın, DEP Mardin MP Mehmet Sincar, Özgür Gündem reporter Hafız Akdemir and 2000'e Doğru Reporter Halit Güngen, who were killed in a serious of murders and the exact number of

whom are yet unknown. Those who were taken from their houses by people wearing military or police uniforms went missing or found dead after a while. Mehmet Ađar describes this radical elimination operation targeting leftist Kurds who were suspected to assist PKK as "the state's eliminating the threats against its security through illegality." We should underline threat against the state's security, we will come back to this again. After it was "out of control", Hezbollah worked as a killing machine against rival Islamic organizations and those that either left their organization or those that they defalcated money. When we look at the list of those that were killed, the possibility appears that Hezbollah was not out of control completely in this second period. It seems that the killing machine which was previously operated to eliminate Kurdish businessmen that provided logistic support to the PKK was afterwards directed at businessmen that provided logistic support to various Islamic organizations. The MİT which circulated some alleged accusations of Şemdin Sakık although these accusations did not exist in his testimony, employed this strategy once again for threatening "dissent" journalists. The operation of "eliminating the ideological supports of domestic enemies" which was conducted by Çevik Bir was accompanied by misinformation. The method of pacifying target persons and masses and eliminating their relations by deliberate misinformation and practicing policies over the state of delirium in the society was applied successfully.

This period, which was described roughly above (practices such as burning down the villages, burning down the forests, systematic torture etc. were not included in this outline, for example), was shaped by different aspects of the policy of "employing terror against terrorism". What is to be called a "routine" in such a policy, how is the "routine" is digressed? If routine means the destruction of Şırnak under bombardment by military units, we do not want to imagine what could people do when they digress from the "routine." What Demirel calls as "routine" is an official and concealed illegal extermination operation, which is called "state terrorism" in other dictionaries.

(...) Mehmet Ađar, a most perfect representative of these figures, describes "deep state" as "the state having operational power." Ađar, the leader of the police group within the deep state, sets no legal limits for operational power. Therefore, nothing is important but enemies to be eliminated. Ađar feels quite comfortable knowing that all these will not be reacted significantly by the public as he "manly" defends the state of being out of the routine constantly. He says, "There lies an imperial tradition in the sub-conscience of the Turkish people. Citizens of a country which has the history of an empire want their state to be powerful". He feels free to ask "Would it cause any trouble if JİTEM exists?" As many actors of the state terrorism, Ađar also knows that these acts will not be associated with negative affairs by the Turkish public. Therefore, he declines any humility and says "this nation is grand if it has voted for me." Ađar argues that "he represents the sub-conscience of the Turkish nation" but he in fact represents the conscience of deep Turkey that will legitimize the totalitarian police state. We know about this conscience, which has been suppressed in sub-conscious under the circumstances of modern times, but which found the means of expressing itself the most effectively in Sivas, Kahramanmaraş and Çorum.

Ahmet İnsel, Birikim, March 2000, Vol. 131.

It was envisioned in the draft that organization founders would be sentenced to imprisonment of hard labor for 3 to 6 years and members of organizations would be sentenced to imprisonment of hard labor for 2 to 4 years. It was stated in the draft that the penalty would be increased by one-third or half of the penalty in case weapons were involved in the organization and that the penalty would be increased by the same rate in case the offender of crime is an officer or involved in public service. It was disclosed in the draft that the weapon would be considered "armed" in case there are weapons or explosive substances prepared for use by the organization even if the organization does not commit any armed actions. The draft presupposed the prosecution to be carried out in the SSC and it was stated that it was possible to watch "people that are

suspected to commit these crimes or that will assist them" and their activities in their work places or public places secretly with technical devices, follow them and obtain voice and image records and with the decision of the court. In addition, it was presupposed that "secret officials" would be used and that these secret officials could carry out any legal procedures within the organization except committing crimes.

It was presupposed in the draft that all incomes that are identified to be acquired as a result of such organized crimes would be seized and that protection of identities of witnesses would be secured. According to the draft law, the decisions about the relevant procedures and preliminary investigations could be kept secret and 2 - 3 years of imprisonment was envisioned about those that violate secrecy and those that do not remove the data that should be done so. Moreover, it was recommended that the provisions of the "Law on Prosecution of Civil Servants" would not be applied to other public officials that were involved in gang crimes and that no investigation should be carried about those that leave the organizations before committing crimes and those that retreat after providing information about the structure and acts of organizations.

In addition, it was declared in late January that preparations were made by the Prime Ministry about the "Draft Law on the Freedom of Information" which was claimed to aim at "establishing a state structure that could be supervised." It was stated that there were problems at the preparation stage about the definition and scope of the "state secret" term, therefore that it was decided that this term would be considered in a separate regulation and that it was only mentioned in this draft, which gave a general criteria about the information and documents that would be considered as state secret. Accordingly, "subjects of national defense and foreign policy and information and documents that could harm safety and national security in case they are revealed" were involved within the scope of state secret. Penal Law Professor Çetin Özek commented on the "state secret" term. He said that states could have secrets but that these should be limited to "military secrets and espionage." Çetin Özek stressed that it was unacceptable if a political government kept something secret, that this right is limited and subject to supreme supervision and judicial supervision in many countries and the authority to determine whether any subject is secret belongs to courts. He added, "But if the scope of state secret is kept broad, then the discrimination between permissible and impermissible information will have been made. Such a discrimination should not exist in a transparent and democratic system."

Furthermore, it was learnt in January that the Ministry of Justice made studies to extend the scope of the draft Repentance Law to include gang members. None of these drafts were adopted in 1998.

Another draft law for legalizing JİTEM was submitted to the Parliament. The draft law presupposed appending two articles Law on Gendarme Organization, Duties and Authorities No.2803 gives the gendarme the authority to "carry out intelligence activities nationwide and establish necessary organizations for this purpose" in order to carry out its duty. It is envisioned in the draft law that "the gendarme would be able to collect information on subjects within the framework of its duties and forward information authorized institutions or units that require information." The draft law further presupposed that "the units that will be established within central, regional and provincial units in order to strengthen local security forces authorized in judicial investigation activities would be commissioned within the scope of judicial investigation." The draft law envisioned that commissioning, powers and authorities of these units and principles pertaining to coordination would be determined by a regulation passed by the Ministry of Interior Affairs . It was stated in the justification of the draft law that the information to be collected would be used against the PKK considering that "the duty area was wide and this region was important for struggling with terrorism."

Another development regarding the Susurluk Event was that the Constitutional and Judicial Joint Commission decided in early March that the parliamentary immunity of Mehmet Ağar would be lifted again.

The summary of this decision was prepared after inspectors of the Ministry of Interior Affairs filed an official complaint with Şişli Public Prosecutor's Office about Ağar with the claimed that Ağar "protected narcotics smuggler Yaşar Öz when he was General Director of Security." Ağar described the decision as "double standard" and argued "I will be given one more chance to talk at the General Assembly of the Parliament. This time, I will talk differently and I will put all the mistakes on the table one by one. They want to suppress those that ascend the stairs of the state."

2.3

REACTIONS BY THE CITIZENS

Before the public discussions on Susurluk Scandal ended, nearly in mid May, the 9th Chamber of Supreme Court concluded on 17 November 1996 the trial brought against Yıldız Temürtürkan, the HRA Ankara Branch Chairwoman. The grounds of the trial were her expressions such as "Mafia-state", "murderer state", "state which makes criminals governors and which protect the rich" she uttered in a press statement. Such expressions were considered to mean "obvious insult and humiliation of the republic."

Ankara Criminal Court No.2 sentenced Temürtürkan to 10 months' imprisonment under Article 159/1 TPC on grounds that "she defined the republic as a Mafia organization which is the focus of illegal acts under the pretext of an improvement in human rights." The court later suspended the penalty. The 9th Chamber of Supreme Court overturned the local court's decision by votes of 3 members against 2. The justifications of the decision read as follows: "When we examine the press statement in question as a whole, it is necessary to overturn the decision, since imprisonment sentence in lieu of acquittal without taking into consideration that the main theme of press statement was some governors' and officials' participating in illegal activities, that it had severe criticism characteristics but it did not bear a special intention to insult and humiliate the republic. Therefore the elements of a crime are inconsistent."

ÖDP Chairman Ufuk Aras, HRA Chairman Akın Birdal, TMMOB Chairman and HRFT President Yavuz Önen and a former DEP MP Ahmet Türk, who were put on trial at Ankara Penal Court of First Instance No.5 on grounds that they organized a march and made a press statement on 13 April 1997 in order to have Susurluk incident illuminated, were acquitted at the hearing on 12 February. The prosecutor demanded that the defendants should be sentenced between 1 year 6 months and 3 years in prison. In November, NGOs and some political parties and citizens held rallies in order to protest that the Susurluk scandal it could not be solved despite it was two years after the incident.

HRA İstanbul Branch, in a press statement outside the branch building on 3 November in the evening, protested that the perpetrators were not punished after the Susurluk accident. Branch Chairwoman Eren Keskin said in his statement titled "Susurluk, a face of corruption" that some people tried to conceal the relations that revealed after the accident. She noted "It is necessary to find out the relations of the gangs within the state, to determine organizational connections, to find out from whom the necessary funds are obtained and to put the true perpetrators behind the so-called gunmen on trial and to punish them." EMEP İstanbul Branch filed an official complaint with İstanbul Court House. They demanded an investigation to be launched against the members of the illegal gang known by the public as Susurluk gang as well as their being put on trial and due punishment. EMEP İstanbul Branch Chairman Memet Kılınçaslan

said, "It is understood that the secret organization was responsible for many murders by unknown assailants and other crimes."

In İstanbul, DİSK members had a demonstration with torches outside their headquarters on 3 November in the evening. DİSK members shouted slogans demanding that the gangs should be put on trial. DİSK Chairman Rıdvan Budak said it was necessary to struggle with the gangs in order to democratize the country.

On 3 November in the evening, more than 150 people assembled at İstanbul Okmeydanı and marched with placards which read "Laborers will call gang-state to account."

KESK, DİSK, TEB, TMMOB, TÜRMOB, TTB, ÇHD, ÇGD, PSAKD, *Halkevleri*, ÖDP, HADEP, BP, and DBP board members had a silent march from Beyazıt to Sultanahmet Court House in İstanbul. Then, subsequent to the speech of KESK Chairman Siyami Erdem, an official complaint was filed against the gangs. Moreover, CHP members protested the gangs by a press statement in İstanbul.

Over 2000 people held a rally at Abdi İpekçi Park in Ankara in protest to the gangs. The crowd marched with placards which read, "Gangs-privatization, Mafia, illegal funds, racism, war, drugs, corruption, poverty, thousand operations, reaction, losses", "Enough is enough. Together for democracy against the gangs."

İzmir Democracy Platform also made a press statement and protested the gangs. Many trade unions, associations and political parties took part in the demonstration. The crowd consisting of 1500 people marched to the Metropolitan Municipality Building. KESK Spokesman Alim Murathan said in his statement that Turkey has been a country of gangs, confessor militants, narcotics traffickers, gun-runners, illegal fund owners, and fund holders. Murathan noted that despite it has been two years after Susurluk, some people still tried to make people forget the event in lieu of revealing the gangs, and having the responsible persons went unpunished. He said, "We want the state to be cleared from the gangs, the responsible persons to find out the relations of the gangs, and to have people who cooperated with the gangs no matter which position they hold to be brought to account for, and have all privatization applications canceled."

The "Susurluk Meeting" planned to be held at Şişli Abide-i Hürriyet Square with participation of EMEP, HADEP, DBP and SİP İstanbul Branches on 8 November was banned under the Provincial Administration Law. The parties which organized the meeting protested the ban. The press statement made by the Meeting Organization Committee read as follows: "We consider such attitude as an assault to our democratic rights. The struggle of our people and our parties for freedom and democracy is enough strong to overcome such prohibitory and assailant attitudes."

The police intervened in a group of demonstrators who gathered in order to protest Susurluk on 3 November in the evening at Nurtepe in İstanbul. In the demonstration which EMEP, HADEP, *Halkevleri* members and citizens took part, the police detained 10 people by beating them.

In order to prevent a demonstration organized by *Halkevi* at Oruç Reis quarter, the police surrounded the *Halkevi*, and prevented the demonstrators from getting out. Also in Sarıyer, after a protest demonstration against the gangs, 30 *Halkevi* members were detained. After the demonstration accomplished at Bahçelievler, 25 persons were detained by the police at Soğanlı.

On 5 November at the handing over ceremony of the former board members of İstanbul Bar Association, Chairman Yücel Sayman made a statement on behalf of İstanbul Bar Association Board, and put an emphasis on the fact that in spite of all information and documents in hand the state had started no serious investigation and judicial process after the Susurluk accident. Yücel Sayman said, "The Bar board members will be the people to display the determination which legislative, executive and judicial forces could not, until

today when we enter the third year after Susurluk." Sayman noted that the future process would be one in which the "Susurluk Gang" would be put on trial by the jurists, intellectuals and citizens faithful to democracy. He also indicated that no reality would reveal in a trial such as the one which the judge reminded the witness who was a high ranking executive of the intelligence service of the state that he was free not to answer questions which he considers as confidential in terms of benefits of the state. He stressed that the judge did not use his powers to resolutely collect evidence. Sayman indicated that after the accident, it came out that the crime organizations had become more influential in economic area and that they gained "credit." Sayman also said that failing to start a serious investigation and the legal proceedings had demonstrated the circumstances that shaped the judiciary.

Sayman remarked that all judges and public prosecutors should be trade union members. He said that the people who took part in similar incidents in Italy were put on trial thanks to the determined action by the trade union. Sayman commented that the "holy state" understanding in Turkey should be left behind and democratic principles should be established. He said, "Otherwise, the amendments will also turn to be elements of pressure." Sayman expressed that in no way the "The Draft Law on Struggling With Organized Crime" was a solution by itself, and in case this draft law was legalized without having other democratic arrangements made, that it would protect the crime organizations which were in connection with the state. Sayman said, "Indeed, the draft law brings arrangements which abolish freedoms and which eliminate the right to a fair trial."

İstanbul Bar Association suggested the following for the solution of Susurluk problem:

- *Terms such as "Secret of the State" and "Commercial secret" should be provided a true lawful basis as to which crime organizations and members of such organizations are protected any longer.*
- *The Law on Prosecution of Civil Servants which blocks the means to prosecute public officials claimed to have committed crime or participated in crimes on trial should be annulled.*
- *Independence of the judiciary should be materialized by amending the Constitution and adopting the necessary regulations.*
- *In all ways should the judges and public prosecutors be given personnel guarantees, particularly they should be allowed to establish their own trade union.*
- *The investigations and researches carried out at public institutes and enterprises should be pursued by officers having necessary and effective powers, and the officers who are told to have participated in illegal activities should be removed from their offices which would prevent the judicial organs to obtain the evidences on a particular issue."*

2.4

TRIALS AND INVESTIGATIONS

The information in connection with Susurluk scandal and counter-guerilla groups was only partially of judicial concern. These trials had no significant consequences. The "information war" in connection with the Susurluk Scandal was also of judicial concern.

a) Trials Brought Against Hanefi Avci

Hanefi Avci, the Former Deputy Chief of the General Directorate for Security Intelligence Service, drew public attention by his statements on newspapers and TVs many times in 1998 as well. His statements on various issues such as murders by unknown assailants and drug trafficking subjected him to many trials. Some people blamed Hanefi Avci for "casting aspersions upon the MİT" after the Susurluk Scandal.

MİT Anti-Terror Department Former Chief Mehmet Eymür brought a trial against Hanefi Avcı demanding a 500 million TL compensation because his testimony which involved claims that "Eymür had illegal relations." In order to prove his claims, Hanefi Avcı revealed some documents. Avcı stated in his petition filed with Ankara Court of First Instance No.5 that Eymür had over 100 phone calls with Mahmut Yıldırım and said, "I am ready to submit those to him. What I told about Eymür is 100 percent correct and based on findings that I am quite sure. I believe if my statements are dwelled upon so many things people can learn. Hanefi Avcı also submitted to the court the Turkish Telecom documents which prove that Mahmut Yıldırım called phone numbers of the MİT. Eymür, in response to these statements said the years and places in which Avcı was in charge were also the years and places where murders by unknown assailants were frequently seen. He added that Avcı took confessor militants out of prison and made use of them with regard to operations either within Turkey or abroad.

Thereupon the MİT filed an official complaint with Ankara SSC Prosecutor's Office on grounds that he "disclosed the secret information and documents." The MİT also filed a complaint with Ministry of Interior Affairs on the same grounds. Upon this application, Avcı was suspended from his office as the Deputy Chief of Command Control Department and an administrative investigation was started against him. Besides, he was detained on 20 February because of the arrest warrant in absentia issued by Ankara SSC within the scope of the investigation. He was arrested on 21 February. Ankara SSC Prosecutor's Office brought a trial against him under Article 132 TPC. He was released on 2 March pending trial, upon the objection by the lawyers. The trial of Hanefi Avcı began on 15 March. Avcı said in his defense during the hearing that he submitted all the information he had received due to his position to the Susurluk Commission in the Parliament. He reminded that Mehmet Eymür subsequently brought a trial against himself demanding compensation. He indicated that he clarified the phone numbers in order to prove his claims. Avcı noted that they arrested the confessor militants Alaattin Kanat and his friends and they carried out an investigation upon their claims that they had connections with Mahmut Yıldırım. He added that these connections were revealed later on.

Avcı denoted that İzmit Metropolitan Municipality Mayor Sefa Sirmen's nephew was kidnapped by Hadi Özcan in İzmit and that they wanted him to help them about that event. Hanefi Avcı depicted that he had discovered the whereabouts of Hadi Özcan, however Özcan had escaped and caught in Rize and that the person in question had connections with Yeşil. He added that when in the security director's office, he heard Yeşil, using the name "Ahmet Demir," had called. He said that he had recognized Yeşil from his voice and Yeşil had said the following in the call: "Hadi Özcan is not under my command and for this reason I cannot do anything about this. If they ordered me to do so, I would kill Hadi Özcan." Avcı added, "All these mean that Yeşil has relations with Eymür. It is also determined that conversations through Mahmut Yıldırım's mobile and home phones with the phones in question took place." Avcı told that the MİT member Müfit Samen was one of the participants in kidnapping of Mehmet Ali Yaprak who is still in prison and that during the interrogation the conversations were tape-recorded. He reported that the MİT also said, "this is our member." Avcı stated that MİT member Yavuz Ataç helped Tevfik Ağansoy go abroad. He said, "Until July 1997 when I left the Security, the police could not wiretap mobile phones." He stated they recorded important phone calls, and Eymür's phone calls were also recorded at the General Directorate for Security. He said that the MİT, on the other hand, had recorded his phone calls.

Hanefi Avcı said that the purpose of people who launched investigations and brought trials against him was to silence him. He reminded that, the letter sent by the MİT to the Prime Ministry was on pages 33-34 of the report issued by Prime Ministry Inspection Board and that the report also listed crimes committed by Yeşil. Avcı asked "Why is that they help that man go abroad instead of arresting despite so many crimes he has committed? The reason behind the claims against me is that I am the person who speaks these up.

Avcı reminded that in 1995 when he was detained incidentally in Ankara, Mahmut Yıldırım carried numbers of Mehmet Eymür's mobile, home and office phones. "Some say that a Security group should investigate events in depth. On TV, I declared that I could do it and lead this group. At once followed seven proceedings, none of which was legal. There are civilians who assist such illegal acts. You can do nothing about these people. They hide behind their immunity and the crimes remain concealed." Avcı was acquitted in the hearing on 15 July.

Hanefi Avcı also led polemics when he made the following statements in January on the TV program 32. Gün broadcast on Show TV: "Yeşil is still alive. I heard 8 or 9 months ago that he was in Europe. The state authorities can get him only whenever want to. However, the authorities avoid that intentionally. This is because he can reveal important issues on his being arrested. This does not suitable for state interests for the time being... For illumination of Susurluk, merely the government's decisions are not adequate. Military forces should also involve. They are the only ones who can illuminate and control the proceedings." The Chief Office of the General Staff sent a communication to the Ministry of Interior Affairs on 4 February and demanded a legal proceeding to be launched against Avcı on grounds that he slandered the Security Forces, the MİT and the TSK. The communication read, "It is not possible to understand how he is still a public servant" and alleged, "he openly involved in politics."

Another trial was brought against Hanefi Avcı by Bakırköy Public Prosecutor's Office during the period he was remanded to prison. The trial which was brought upon the official complaint lodged by the Chief Office of the General Staff, Avcı was accused of "insulting the army" in the interview published by Radikal newspaper on 13 July 1997 titled "Avcı: Mafia in the Parliament." Avcı's remarks, which constituted a base for the accusations, were as follows: "The military forces had to make a statement in connection with the Western Work Group (BÇG) activities. I do not think the General Staff knew the event. Anyway, even if they informed the General Staff, I think that the given information could only be on routine aspects of the subject. An important part of the military forces is disturbed by the event. There is no position where BÇG ranks in the hierarchy. A situation where the seniors are not aware of the subordinates." The trial resulted in acquittal in the hearing on 18 June.

c) The Main Trial regarding Susurluk Event

The trial brought by İstanbul SSC Prosecutor's Office against İbrahim Şahin, former Deputy Chief of the Special Operations Department, special team members Ayhan Çarkın, Ayhan Akça, Oğuz Yorulmaz, Ziya Bandırmalıoğlu, Enver Ulu, Mustafa Altunok, Ercan Ersoy, narcotics trafficker Yaşar Öz, Ali Fevzi Bir who was the partner of Ömer Lütfü Topal, Abdülğani Kızılkaya who was the chauffeur of Bucak and former MİT officer Korkut Eken went on in 1998 as well. This trial and the trials brought against DYP Elazığ MP Mehmet Ağar and Urfa MP Sedat Edip Bucak immunities of whom were abolished in late 1997 and Sami Hoştan (an arrest warrant in absentia had been issued against him and he was released in the first hearing) were unified during the year. However, despite many allegations came during the hearings, no important development took place with regard to illumination of what Susurluk Scandal in fact was. After Ali Fevzi Bir's release who was one of the defendants arrested later, none of the defendants prosecuted on remand.

Some information in connection with activities of "Susurluk gang" also came to light during the trial. To give an example, a tape cassette which had been recorded before the MİT informer Tarık Ümit had gone missing in 1995, and attached to the case file as an evidence, accused Korkut Eken. It was reported that in the tape narcotics trafficker Yaşar Öz had said to Ümit, "Korkut Eken will kill you."

On 31 December 1997, the Constitutional Court made a decision on the appeal by Ađar and Bucak demanding the annulment of the decision of lifting their immunities. The appeal by Bucak was rejected unanimously, whereas that of Ađar with the majority of the votes. Three court members noted an opposition commentary in the decision for Mehmet Ađar. They pointed out that the accusations were in relation with Ađar's terms of duty in the Ministry of Interior Affairs and the General Directorate for Security. Judges Güven Dinçer, Hařim Kılıç and Lutfi Tuncel stated that the accusations which were related Ađar's office as a minister and security general director could not be subjected to the regulations of lifting parliamentary immunities, but investigated under the Constitution and the regulations which the ministers are subjected to; i.e. the investigation should not be carried out by the SSC prosecutor but should be initiated as a parliamentary inquiry. In the trial brought against Ađar, İstanbul SSC issued a decision of non-jurisdiction on the same justifications.

The SSC Prosecutor's Office after the Susurluk Accident had indicted that Ađar had committed crimes of "forming a group in order to commit crimes", "concealing criminal people" and "abusing his duty." The roll of inquiries depicted that Bucak should be put on trial for crimes of "forming a group in order to commit crimes", "concealing criminal people" and "possession of unlicensed guns."

Subsequent to the decision of the Constitutional Court, Ađar and Bucak were invited to İstanbul SSC to testify as "defendants" in early January. In his testimony to the SSC prosecutor, Ađar explained why he was the witness in Haluk Kırcı's (a MHP activist convicted for slaughtering) wedding when he was Erzurum Governor: "I went to the wedding upon MHP Branch Chairman's request. They visited and thanked me as a whole family. While I was in Erzurum, we saw each other when we came across." In response to the allegations that Kırcı was released from İstanbul Department of Public Order upon his instructions Ađar said, "At that time I was in the USA." Ađar said he knew Yařar Öz as Tarık Ümit had introduced to him and he had assisted them in capturing 5 or 6 tons of acid anhydrite in 6 months. He added: "My examinations revealed that his only criminal records were preparing forged documents and human trafficking. He said he needed a passport and he was an expert in preparing such papers. He was helped to get a passport. One of the passports was annihilated because the police caught him, and he handed the other one over to us in early 1995. Within this period he informed us about some persons and phones he knew in connection with PKK activities abroad. Afterwards, he returned the passport and withdrew being afraid that that group would discover his true identity."

Ađar said he had learnt later on that Öz had been engaged in narcotics business. He said they determined that Öz used the passports and the possibilities provided for him in narcotics business. Ađar explained his signatures as the Security General Director in gun carrying licenses issued for Mehmet Özbay and the one captured at Öz's house as follows: "I did not give these papers to them. The documents are prepared by holders."

He told the 3 billion TL which had been deposited on his account with Ziraat Bank Ankara Hořdere Branch was the money transferred from the discretionary fund to the General Directorate for Security. He said "Such method is used in order to ensure that the state receives interest for the period the money is kept with the bank. The money is used in compliance with its purposes. The rest of the money was handled to the next security general director. The records pertaining thereto are kept at the Intelligence Department."

İstanbul SSC Prosecutor's Office brought a trial against Mehmet Ađar and Sedat Bucak on 10 February. The indictment stated that the persons in the car at the time of the accident were getting prepared for an illegal activity with attack and assassination weapons. It read, "Due to the facts that Hüseyin Kocadađ and Sedat Bucak were in the same car and that they knew each other, that the aforementioned persons each

carried their own licensed guns and bullets with them along with weapons and bullets that are used for assassination purposes and also many counterfeit documents, it is understood they were getting prepared to commit an illegal armed activity."

The prosecutor demanded 7 to 15 years' imprisonment for Ağar on the accusations of "forming a group in order to commit crime, "not informing competent authorities about where the criminal people were" and "abusing his duty"; and 11 to 20 years' imprisonment for Bucak on the accusations of "forming a group in order to commit crime, "not informing competent authorities about where the criminal people were" and holding arms of criminal nature."

The indictment stated that Ağar had said in his testimony that "Yaşar Öz was commissioned by himself in order to carry out some activities including intelligence abroad and he was submitted a special passport for the same reason." The indictment also stressed Öz did not talk since his duties were "secrets of the state." The indictment also emphasized on the similarity between the gun licenses found at Yaşar Öz's house and the one Çatlı carried on. The investigation put forth that the signatures on the documents were Mehmet Ağar's. The indictment suggested Ağar abused his duty by providing green passport and arms carrying licenses as well as privileges which in no way they had the right to have and enabling them to carry any amount and type of arms they wish and to go abroad and return easily.

Mehmet Ağar and Sedat Bucak appeared before the court for the first time on 4 May. At the hearing the court decided to unify the trials against Sami Hoştan and Sedat Bucak with the main Susurluk trial in which 12 defendants were prosecuted. A decision of non-jurisdiction was issued in connection with the accusations brought against Ağar, since "the crimes were committed during his offices as the Security General Director and Minister of Interior Affairs."

Sami Hoştan was cross-examined for the first time in the hearing on 4 May. He told that he had been introduced to Abdullah Çatlı in 1992 at his lawyer Önder Aktosun's office. Hoştan told despite Çatlı had a gun, he had passed without having been searched a roadblock by showing a card to the police officers. He noted, "I had known him as Abdullah since then. That night when he gave his card to me to put it into the glove compartment, I saw the name Mehmet Özbay on it. It read 'expert'. I did not ask what it was."

Sedat Bucak testified later.¹⁰ He said he knew Abdullah Çatlı as Mehmet Özbay, and Mehmet Ağar introduced him to İbrahim Şahin. He stated that he knew Korkut Eken and Mehmet Eymür because they were

¹⁰ Sedat Bucak's relative and Chief of Kejan Tribe Ahmet Kiran was invited by İstanbul SSC Public Prosecution Office to testify on 22 January. He said that he heard 170 billion TL was sent to Siverek from discretionary fund, but the money had been shared by Sedat Bucak, Mehmet Ağar and Özer Çiller in 1994. Kiran added, "I carried out an investigation to receive some of this money. Many people from even Bucak Tribe admitted they received money all of which was sent to Bucak family, and 60 billion of it had been given to Özer Çiller, 50 billion to Sedat Bucak and 50 billion to Mehmet Ağar. We investigated the incident, however could not come to a conclusion. We later heard that the money had been given for one year and then it was ceased..." Kiran also claimed that Haluk Kırcı carried a driving license issued in the name of Hasan Çakır. Kiran said, "It was Hasan Çakır who told the issue to me. He is a son of an oppressed family. If he makes a statement he may endanger his life. Therefore, I do not think he will testify. I know that Siverek District Governor had also involved in this issue." Kiran noted that he had seen Abdullah Çatlı driving around in Siverek on a car pertaining to Bucak family and had taken part in operations along with village guards from Bucak Tribe: "However, I did not know this person was Abdullah Çatlı. Only recently had I found out that he was Çatlı. Çatlı was also under protection of Bucak Tribe." Kiran testified in connection with Mahmut Yıldırım as follows: "Mahmut Yıldırım aka Yeşil is matriculated at Siverek Registration Office with his Ahmet Demir identity. As a result of my investigation, I found out that he is using this name. Director of the Registration Office Cezayir Polat who carried out this kind of illegal proceedings was killed in a suspicious traffic accident on the road from Siverek to Diyarbakır in 1994. He had been accompanied by two persons from Bucak Tribe, but they survived the accident without any injury. Therefore, this accident is suspicious."

friends of his father. He said he saw Yaşar Öz for the first time in the court hall. Sedat Bucak said he was introduced to Sami Hoştan in a group and he did not know Haluk Kırcı. Sami Hoştan was released after the hearing.

The SSC Prosecutor's Office objected to the court board's decision of non-jurisdiction for Ağar. Upon this, the case file was referred to the Supreme Court. The written notification issued by the Supreme Court Prosecutor's Office in June stated "that the decision on non-jurisdiction should be annulled, however, the Supreme Administrative Court should make a decision for the prosecution of Ağar." The written notification stipulated that the investigation should be carried out at boards consisted under provisions of Article 10 of the Law on Prosecution of Civil Servants. It also suggested that an investigation committee from the Ministry of Interior Affairs should prepare a file and refer it to the Supreme Administrative Court Department No.2 for its decision on prosecution or non-prosecution.

In July, the 8th Chamber of Supreme Court unanimously overturned the decision of İstanbul SSC, which had commented that Ağar should be put on trial with the Supreme Administrative Court due to crimes in connection with his term of office as a minister. The 8th Chamber decided that the trial of Mehmet Ağar should be ceased and that the investigation be pursued under Law on Prosecution of Civil Servants. Upon this decision, a parliamentary investigation was brought for Mehmet Ağar for "abusing his duty in his office term as the Minister of Interior Affairs" as a result of the voting held on 10 November at the Parliament. The decision was accepted by 196 to 147 votes. Ağar defended himself as follows: "The allegations in the motion of investigation can not be considered serious. It is claimed that I had released the defendants who were the suspects of the murder of Topal. Thanks God, Kemal Yazıcıoğlu was acquitted in this trial. CHP MPs have been misinformed in connection with the Baretta gun found with Eken. I was not in charge of the warehouse. I performed my duty in compliance with the policies by high ranking state officials."

In the hearing held on 17 November at İstanbul SSC, the petition of MIT Anti-Terror Department former Chief Mehmet Eymür was read out. Eymür had formerly asserted that Mehmet Ağar had used Yaşar Öz for transportation of narcotics amounting to 80 kilos for capturing the leader of the DHKP-C leader Dursun Karataş. In his petition, Eymür said that the amount of drugs had been much more than 80 kilos. In the hearing held on 7 December, Öz blamed Eymür for being a liar. The 1-page explanation sent by the General Directorate for Security alleged the claims had no evidential base and there were no documents in the archive of the General Directorate for Security to verify Eymür's claims.

Meanwhile, the Susurluk report prepared by the Prime Ministry Inspection Board could only be conveyed to the SSC approximately 1 year after it was publicized.

c) The Trial in connection with the "Lost Guns"

The investigations started upon disclosure of the fact that the Baretta-type gun found at Sedat Bucak's car in Susurluk accident belonged to special operations teams of the police revealed that some guns taken to Turkey were "lost." When it came out that a number of guns purchased from Israel by HOSPRO Company in England and then "donated" to the General Directorate for Security, investigations were started. It was then discovered that the guns which came to customs warehouses entered Turkey without even being recorded properly; the serial numbers as well as quantities of the guns were not recorded; and they were used in "secret operations held abroad." It was asserted that these guns might have been used during the coup attempt in Azerbaijan.

The report of the Prime Ministry Inspection Board set forth that the entry of the weapons and technical equipment donated by HOSPRO Company was accomplished in 26 different dates between 1993 and 1994. Close relations between the owner of HOSPRO Company Ertaç Tinar and DYP MP Mehmet Ađar was found out. At the delivery of guns imported by Ertaç Tinar, no detailed control and count was carried out at the customs upon the request of the General Directorate for Security. Only the packages of the guns in which they were transported were registered before having these imported to Turkey. The Inspection Board determined as a consequence of the examination it pursued on Security and Customs records that the materials denoted to the General Directorate for Security in customs entries were given a "verification number" and that HOSPRO's materials constituted an exception to this rule. The initial entry of the materials in question, which weighed 7.908 kilograms consisting of 203 pieces, was from Gebze Port Customs, and the final entry of the materials, which weighed 98 kilograms as a single piece, was from Esenbođa Airport Customs on 28 December 1993. Besides, it was stated the final entry date for the entry of the guns coincided with the date of the camp held in Antalya for the preparations of the assassin attempt against PKK leader Abdullah Öcalan; and that these guns might have been used in this operation.

Meanwhile, it was claimed that the Inspection Board had determined that Batman Governor's Office had purchased guns from HOSPRO Company in 1994, but they did not include this information in the report. It was stated that the Board had received information from the Ministry of Interior Affairs, General Directorate for Security and OHAL Governor's Office; and it had been determined that the money required for the guns had been covered from the discretionary fund and they had been brought via airline from Romania to Batman.

After it was determined that the Baretta gun found in Bucak's car should be among the materials donated in 1993-1994 by HOSPRO Company, an investigation was launched into the records of the General Directorate for Security Supply and Maintenance Department. The special report issued by the Inspection Board in February stated that 22-mm caliber 10 Baretta guns as well as 9-mm caliber 20 Uzi mini machine guns and one AL-50 rocket launcher could not have been found. The report read as follows: "The investigation was carried out taking the end users and transport list as a base. It could not be revealed out yet whether or not these guns had been transferred or how they were lost, if they were lost at all. Despite these materials were reported as existing during the inspection by the Counting and Inspection Commission on 23 June 1994; yet they had been listed among the counted guns and therefore in the list of available guns."

Korkut Eken, who served as assistant to MİT Anti-Terror Department Chief Mehmet Eymür and as the advisor of then-Security General Director Mehmet Ađar, accepted in his testimony received by inspectors of the Ministry of Interior Affairs regarding the lost guns that "he received the arms which were recorded at General Directorate for Security Special Operations Department as a part of an operation conducted abroad for national security purposes." When inspectors wanted to learn to which country the guns had been sent, Eken answered "These are secrets of state. I cannot say anything."

Ađar, in his letter to the Ministry of Interior Affairs, said that "a secret and important operation was conducted by the MİT since the General Directorate for Security was not authorized for carrying out operations in international arena, and for this reason the guns were given to Eken on a verbal order." Ađar added that most of the guns had been received back by issuing documents.

Meanwhile, the Provincial Administration Board decided on prosecution of then-General Directorate for Security Supply and Maintenance Department Chief Necmettin Ercan, Security Directors Musa Teber, Tekin Hatipođlu, Chief Superintendent Nazmi Kara and police officer Ömer Aydođan in connection with disappearance of the guns imported from Israel without registering them. The Supreme Administrative Court

examined the decision upon the appeal made by the police officers, and reached the same decision with the Provincial Administrative Board. The trial which brought against the defendants with Ankara Penal Court of First Instance No.6 on the accusations of "negligence in duty" started on 26 February. The defendants said that they did not know what the 32 packages imported from Israel by HOSPRO Company contained. They said the packages were directly taken to the facilities of Special Operations Department in Gölbaşı. Defendant Nazmi Kara stated despite the list sent by HOSPRO depicted the materials as "mechanical equipment", the packages included materials such as "aluminum bullets, wooden truncheon and generator."

The case file was referred to Ankara Criminal Court No.6 when Ankara Penal Court of First Instance No.6 issued a decision of non-jurisdiction. The Criminal Court also reached a decision of non-jurisdiction. So, the file was transferred to the Supreme Court for clarifying the authorized court. The Supreme Court decided in July that the Court of First Instance was the judicial authority regarding the trial. In the hearing on 25 December, defendant Musa Teber stated that there was supply and maintenance department and warehouse entry records in connection with the guns in question. Teber said, "Even if someone brought the guns, then-Security General Director Mehmet Ağar must have given them to persons such as Korkut Eken for certain reasons. These guns are totally out of record. Officers like us are unfairly treated and put on trial. I reject the accusations. Even if someone brought the guns, we are not responsible for this event." He added the serial group of the gun found in Necmettin Ercan Bucak's car matched with one of the guns sent by HOSPRO Company, but he did not know if the gun in question was one of these guns or not. As to lawyer Sema Özgül, who intervened in the case on behalf of the Treasury Undersecretariat, she said that one of the lost guns was found in Sedat Bucak's car in the accident in Susurluk. She suggested, therefore, the case file in connection with the issue should be brought to the court and Sedat Bucak should be heard as a witness.

Meanwhile, the investigations conducted on the lost guns by inspectors of the Ministry of Interior Affairs against Special Operations Department former Deputy Chief İbrahim Şahin and former Operations Branch Deputy Chief Şemsettin Canpolat came to a conclusion in June. The inspectors held Şahin and Canpolat responsible for missing guns and requested their prosecution on charges of "negligence in duty." The investigation file was directly transferred to the Supreme Administrative Court due to the positions of the suspects, but the Supreme Administrative Court Department No.2 returned the file because of incomplete investigation, commenting that the responsibility did not fall on just two persons, and filed an official complaint with the Ministry of Interior Affairs requesting an investigation against Mehmet Ağar and Korkut Eken for their responsibilities in the disappearance of the guns.

Upon this, the Ministry of Interior Affairs sent the roll of inquiries issued in connection with Mehmet Ağar, Korkut Eken, İbrahim Şahin and Şemsettin Canpolat to the Supreme Administrative Court. The Supreme Administrative Court Department No.2 decided that Eken, Şahin and Canpolat should be put on trial along with Ağar, and sent the file back to the Ministry for the necessary proceedings as the time-lapse was 20 April 1999. The Ministry of Interior Affairs transferred the file to the Parliament for a decision on lifting the parliamentary immunity of Ağar.

d) Trials in connection with Yüksekova

The "Yüksekova gang" which was revealed after narcotics were found in a car in 1996 in Yüksekova district of Hakkari provided many important clues regarding crimes such as drug trafficking, "murders by unknown assailants", kidnaps and ransom collecting in which the government officers involved. Yüksekova trials showed "illegal activities" taking place in the OHAL region. However, most of the defendants were acquitted since high ranking military officials were protected. The testimonies by the

defendants did not cause a more comprehensive investigation to be launched. The testimonies remained on the papers. Four separate trials were brought in connection with Yüksekova gang, for which the SSC prosecutor conducting the investigation had said "Susurluk is not as important this event as what this person talks about... These things may even change the Southeastern policy of Turkey" after receiving the testimony of confessor militant Kahraman Bilgiç. The gang members were put on trial at Diyarbakır SSC No.1 on charges of kidnapping Necip Baskın; at Diyarbakır SSC No.4 on charges of "forming a gang, drug trafficking and gun-running and carrying out a missile attack on a hotel." A trial was held with Hakkari Criminal Court for killing certain people by torturing them. The military officers in the gang were put on trial at Van Military Court in connection with military crimes.

The event which drew public attention on "Yüksekova gang" was the abduction of Necip Baskın by "people wearing clothes like PKK militants" for ransom from his family" in September in 1996. Ten people had raided Faris Baskın's house, abducted his son Necip Baskın (22), Deputy Director of Yüksekova Milk Factory, and demanded a ransom from Faris Baskın amounting to 200,000 DM. Baskın informed the District Governor Aydın Tetikoğlu of the event. As a result, the two village guards who came to receive the money were arrested. The village guards confessed their crimes. As a consequence, 4 village guards as well as Hakkari Special Operations Department Team Chief Selim Serdar and 3 police officers were arrested. A confessor PKK militant Kahraman Bilgiç was also detained. It was revealed that Bilgiç was the gunman in the killing of Abdullah Canan. The statement given by Kahraman Bilgiç in detention revealed they had organized the airplane accident in which General Eşref Bitlis was killed¹¹ and they had killed Brigadier General Bahtiyar Aydın in Lice, Diyarbakır on 23 October 1993 with a Kanas-type assassination gun.

While the trial at Diyarbakır SSC for abduction of Necip Baskın was continuing in 1997, it was put forth that confessor militant Kahraman Bilgiç had been threatened to change his statements. According to the news published in the weekly journal *artıHaber*, Bilgiç had conversations with two persons one of whom was a military officer and who came to the Midyat Gendarmerie Battalion Headquarters in February in 1997. Kahraman Bilgiç said "They proposed to give me money, but I did not accept. Thereupon, they sent a captain to Midyat Prison I was kept. The captain wanted me to sign a petition saying 'all statements I have made before are incorrect'. I said what I said at the Court House was correct. I refused to sign such a petition. So he got angry and started to threaten me. He said they had the address of my uncle in Midyat. He threatened me 'We will kill both your uncle and his family if you do not sign this petition'. I did not want my uncle to suffer. I signed the petition thinking that I would tell the truth when I appear before the court." The news story gave the name of the person who threatened Bilgiç was "Captain Cengiz" whose surname could not be revealed.

On 19 April, Minister of Interior Affairs Murat Başesgioğlu replied the parliamentary query of CHP İstanbul MP Ercan Karakaş on the threats against Bilgiç. Minister Başesgioğlu discerned that it was

¹¹ Gendarmerie General Commander Eşref Bitlis, Pilot Major Yaşar Erian, Pilot Captain Tuğrul Sezginler, NCO Emin Öner and Colonel Fahir Işık had been killed in a plane crash on 17 February 1993. The relatives of Captain Sezginler brought an action against the manufacturer firm at Ankara Court of First Instance No.13, demanding a compensation of 4 billion TL. The expertise reports prepared for this trial did not ignore the possibility of a "sabotage." The expertise report prepared by the Middle East Technical University (METU) Aviation Engineering Department listed the reason of "getting icy" the first among the most possible reasons of the accident. The report dated 10 March 1998 listed the possibility of sabotage as number 5. The report noted that no 'manufacturing error' or 'maintenance error' was detected in the airplane. The report corrected the translation of the report in English which suggested 'someone destroyed' some parts of the airplane into 'they were destroyed' on grounds that the translation was incorrect. The report alleged no intentional destruction was in question. The first report issued by İstanbul Technical University (İTÜ) instructors, however, had the opposite opinion with regard to getting icy. İTÜ report read, "There is no adequate and satisfactory evidence showing that getting icy as a result of engine failure had caused the crash." The İTÜ report also involved the opinion, "No evidence is found showing that engine failure or crash resulted from pilot or maintenance errors or faults. Therefore, decedent of the defendant Pilot Tuğrul Sezginler and chief pilot Yaşar Erian can not be deemed faulty." The action for compensation was dismissed in July on grounds that "the reason of the crash was not related to any manufacturing error."

understood that the executives of the prison accepted the bribe given by two police officers and three village guards and allowed such a visit. Başesgioğlu said, "It is found out that a trial was brought against the Prison Director and Prison Gendarme Squadron Commander for having accepted a bribe from two police officers and three village guards with Midyat Criminal Court because there are expressions in Kahraman Bilgiç's statement that two persons one of whom was wearing a uniform had visited him."¹²

The Trial on Abduction of Necip Baskın

The trial heard by Diyarbakır SSC brought against confessor militant Kahraman Bilgiç, special team members superintendent Fatih Özcan, Yusuf Azmi Aydın, Abdülkadir Bayram, and village guards Abdülkerim Özcük, Osman Özpazar, Necmettin Hazeyi, Mehmet Emin Ergen and Osman Ergen due to abduction of Necip Baskın concluded on 17 September.

The SSC sentenced Kahraman Bilgiç to 12 years 6 months in prison, and Fatih Özhan, Yusuf Azmi Aydın, Abdülkadir Bayram, Abdülkerim Özcük, Osman Özpazar, Necmettin Hazeyi, Mehmet Emin Ergen and Osman Ergen to 17 years 7 months imprisonment on the grounds of "abduction" (TPC 499/1). Intervening lawyer Yaşar Altürk appealed against the decision. His petition read, "The defendants made use of means of power pertaining to their office. The gang formed by the defendants had purposes, and their intention was not limited to just one single purpose. The defendants committed crimes against constitutional order, and they should be put on trial under Article 146 TPC," which stipulates capital punishment.

The Supreme Court upheld Kahraman Bilgiç's sentence on 15 September 1999. However it overturned the sentences given to the remaining defendants. The second trial came to an end on 29 December 1999. As a result, Yusuf Azmi Aydın, Abdülkadir Bayram, Abdülkerim Özcük, Osman Özpazar, Necmettin Hazeyi, Mehmet Emin Ergen, Osman Ergen were acquitted. However, Fatih Özhan was sentenced to 16 years 8 months in prison.

The "Gang" Trial

The main trial brought against the Yüksekova gang still continues at Diyarbakır SSC No.4. The prosecutor demands that Kahraman Bilgiç, Hakkari Mountain Commando Brigade former Commander Hamdi Poyraz, Yüksekova Gendarme Battalion former Commander Mehmet Emin Yurdakul, Captain Nihat Yiğiter, First Lieutenant Bülent Yetüd, NCO Ali Kurtoğlu, Yüksekova Mayor Ali İhsan Zeydan, municipality officer Oğuz Baygüneş, special team member superintendent Enver Çırak, Kaşuran tribe's chief and village guard leader İsmet Ölmez, village guards Kemal Ölmez and Hasan Öztunç, and Meat and Fish Institution Director Mustafa Koca be punished for "forming a gang in order to commit crimes" (TPC 313), "looting and extortion" (TPC 495/1) "drug trafficking (TPC 403/5, 6, 7) and gun-running via military helicopters and vehicles" (6136, Article 12) and "launching a missile attack on a hotel in Yüksekova" (TPC 264/6-8; TPC 251).

All the defendants were remanded to prison in the beginning of the trial, but Hamdi Poyraz was released on 27 March 1997, later Enver Çırak, İsmet Ölmez, Kemal Ölmez and Hasan Öztunç were released on 7 May 1997, and Mehmet Emin Yurdakul, Ali İhsan Zeydan,¹³ Mustafa Koca and Oğuz Baygüneş were released on 23 October 1997. The only defendant under arrest is Kahraman Bilgiç.

¹² A trial was brought against Midyat Prison Director Muhittin Özdemir, Kadir Karakoç (Prison Commander), Ahmet Kuru (Director of Warders) and Kahraman Bilgiç in June on accusation of "abuse of duty" (TPC 209 and 219). The defendants were sentenced to 9 years in prison in the trial heard at Midyat Criminal Court. The Supreme Court overturned the decision on 25 November on grounds that "the elements of a crime were inconsistent."

¹³ Ali İhsan Zeydan was kept in prison in connection with some other trials against him. Mehmet Emin Yurdakul, however, was released from Army Corps Military Prison No.7 despite another decision of arrest. Six days after his release, Hakkari Criminal Court also decided on Yurdakul's release.

In connection with the accusation of "missile attack on Esen Hotel because its owner Abdurrahman Düşünmez did not give the tribute amounting to 10,000 DM to the members of the gang", one of the defendants, special team member Enver Çırak said in his testimony to the SSC prosecutor that on 25 August 1995, the PKK had attacked to the PTT building, electric transformer center and governmental buildings; and after the attack Yüksekova Mountain Commando Battalion Commander Mehmet Emin Yurdakul had called him and told that "he had determined someone who assisted the organization and hid its militants, and this person should have been punished as a retaliate." Çırak said that "he refused the proposal because it was illegal." Çırak added that after this short conversation, other defendants of the Yüksekova trial Captain Nihat Yiğiter, First Lieutenant Bülent Yetüd and Kahraman Bilgiç had come in his room and that they had discussed about the attack all together.

Çırak asserted that Colonel Yurdakul insisted on a missile attack during the discussion, but he had opposed such an attack since "an armed clash might have arisen between the police officers in the district and the soldiers." Çırak added that Yurdakul had told him that Çırak could have perceived the police officers laying an ambush and they would not enter into a clash." He claimed he had to accept the attack in order to prevent a clash between the police and soldiers.

Çırak depicted that he had left Kahraman Bilgiç and Bülent Yetüd to some place near the Esen Hotel with one of the cars of the Police HQ; that he had gone toward the district center in the same car and that he had gone to the hotel and picked up Bilgiç and Yetüd after having heard the explosion after a short time. He said that he had taken Bilgiç and Yetüd to the Battalion Headquarters. Çırak told that he had seen no guns with Kahraman Bilgiç and First Lieutenant Bülent Yetüd, and he had not seen the open who had opened the fire. Çırak's testimony also included allegations that he did not know Abdurrahman Düşünmez, and that he had no information about the scenario that the attack had been organized because Düşünmez did not pay tribute.

Meanwhile, when Diyarbakır SSC Prosecutor demanded to see Bilgiç's testimony taken by gendarme intelligence officers at the first stage of the investigation, it was claimed that no such testimony had been taken. This incident occurred when the General Directorate for Security sent the testimony in question to the Susurluk Commission in the Parliament.

In the hearing held on 5 May, intervening lawyer Yaşar Altürk put forth that the village guards who were gang members supplied guns to then-Regional Commander of Public Order Hasan Kundakçı. Lawyer Altürk reminded statements of village guards İsmet and Kemal Ölmez, who had said that "upon the request of Hakkari Mountain Commando Brigade Former Commander Hamdi Poyraz they had gone with their own car to Çiğli (Çukurca) Border Squadron Commander First Lieutenant Kemal, who had given them a Kanas and a Biksi gun, and then they had taken the guns to Poyraz." Lawyer Altürk stated that Hamdi Poyraz, in his testimony taken at the SSC Prosecutor's Office on 23 March 1997, had stated that "in 1995 he gave one Kanas and one Biksi gun to Hasan Kundakçı upon orders of Brigade Commander Osman Pamukoğlu." Poyraz had said, "When Pamukoğlu requested the guns I called Kemal and İsmet Ölmez. They brought the guns the next day. The following day I sent the guns to Diyarbakır Public Order HQ by a helicopter. I do not know where Kemal and İsmet Ölmez took the guns. As far as I know, Public Order Regional Commander Hasan Kundakçı had wanted the guns and they had given them to him." Altürk requested from the court board to apply to the Chief Office of the General Staff for the whereabouts of these guns. He also filed an official complaint against Pamukoğlu and Kundakçı on the grounds that they had engaged in gun-running. Nevertheless, no legal proceeding was initiated against Kundakçı and Pamukoğlu.

In the hearing, Esendere Mayor Tahir Akarsu was also heard as a witness. Akarsu stated Kemal and İsmet Ölmez received money from him. He said, "I used to receive threat calls. They told me that they would kill me. So, I gave this money as a precaution."

In the hearing held on 2 July, Kahraman Bilgiç confirmed that generals Hasan Kundakçı and Osman Pamukoğlu had taken guns from the gang. In the hearing, testimonies of Captain Nail Tekiner and Mayor Hami Çakır received by other courts upon the demand of the court were also read. Çakır disclosed İsmet and Kemal Ölmez and Kahraman Bilgiç demanded ransom from Fahrettin Aslan using the PKK's name. He said that they had taken the testimony of Bilgiç about this issue and then remanded him to prison.

In the hearing on 5 November, Ethem Özdemir was heard as a witness. He said that he did not know the defendants. Kahraman Bilgiç asserted that Özdemir had testified in that manner because he was afraid. He said, "He does not tell the truth. He has met all the defendants. He was tortured for 10 days at Yüksekova battalion a week before the missile attack on the hotel. After that Major Mehmet Emin Yurdakul said to him 'Do what we want, so we let you out. Otherwise we will kill you' and then released him." Ethem Özdemir accepted that he had been tortured in detention, and said, "Such events are usual in Yüksekova." Özdemir said he did not know who had been tortured him.

In the hearing held on 24 December, confessor militant Kahraman Bilgiç rejected his testimony taken at the military prosecutor's office. Bilgiç noted that the military prosecutor, in order to falsify the report issued by the CHP, had inserted remarks to his testimony that he had in no way uttered.

The trial opened at Hakkari Criminal Court against Mehmet Emin Yurdakul, Kahraman Bilgiç and Nihat Yiğiter for "killing more than one person under torture" on the grounds that they killed Abdullah Canan (21 February 1996), Mutad Özeken, Münir Sarıtaş and Abdülkerim Sarıtaş¹⁴ continued in 1998 as well.

Military Crimes

Hamdi Poyraz and Mehmet Emin Yurdakul were put on trial at Van Military Penal Court on the grounds that "each of them received 5,000 DM from contractors who attended to the military transactions and 3 percent commission over the transaction sum; that they issued forged documents for the sheep brought from abroad; that they had ordered the missile attack on the Esen Hotel; that they did not institute a legal proceeding in connection with the 13-kg heroin and 4 guns captured on 13 September 1995; that they gave one of the guns to Ali İhsan Zeydan; that they seized the money they found on a murdered person; that they detained some people in return for 5 billion TL in order to have people vote to the DYP; that they provided a gun carrying license to Ali İhsan Zeydan although he did not have such a right; that they speculated leather, clothes, mechanical parts captured during operations."

f) Other Trials in connection with Susurluk

Besides the "gang" trial heard by İstanbul SSC, a number of trials were launched at various courts. However, the defendants were released subsequently in the course of prosecution for the documents

¹⁴ A soldier named E. G., who was the courier of Major Emin Yurdakul between 1995 and 1996, testified before İstanbul SSC in April 1997. He said that many officers were involved in counter-guerilla activities. E. G. said that Şemsettin Yurtseven, who had been detained on 27 October 1995, had been burned after having been killed, and Abdullah Canan had been killed by Special Operations Department Chief, and that the drugs were carried on trucks of Meat and Fish Institution. The testimony also contained expressions denoting that Emin Yurdakul, Bülent Yetüd, Nihat Yiğitler and Kahraman Bilgiç had killed a shepherd and many corpses including 2 youths had been buried at hand grenade practice area of Yüksekova Battalion HQ. It was revealed that Münir Sarıtaş (15) was one of the youths who had been buried at Battalion HQ.

requested by the court boards were not sent sometimes because these were considered to be "secrets of the state" and sometimes without any reason. Also some of the trials resulted in acquittal.

The first judicial investigation was launched by Chief Public Prosecutor of Susurluk where the accident took place. Hasan Gökçe, the driver of the truck that hit the Mercedes, was put on trial at Susurluk Penal Court of First Instance on charges of "incautious behavior leading to death." Gökçe served in prison for one year. The court resolved on 26 May 1997. Gökçe was sentenced to 3 years of imprisonment, and bailed out with 6,420,000 TL. He was also charged 100,000,000 TL to be submitted to Hüseyin Kocadağ's wife as compensation.

Another trial opened at İstanbul SSC against four defendants including courier Dilek Örnek, who was arrested carrying currency amounting to 25 billion TL and special team member Ayhan Akça, is under way. Dilek Örnek, her relative Ercan Doğan, partner of Azer Exchange Office Youssef Gharachehdaghi and Akça are accused of "forming a gang in order to send heroin abroad." Örnek, Doğan and Gharachehdaghi were also put on trial at Bakırköy Penal Court of First Instance No.4 on charges of "laundering illegal funds." This trial is also under way.

The trial against special team members Ayhan Çarkın, Oğuz Yorulmaz, Ercan Ersoy, Mustafa Altunok, Topal's partners Ali Fevzi Bir and Sami Hoştan and insurer Serdar Özbağ which was opened in connection with the murder of Ömer Lütfü Topal, known to public as the "tycoon of casinos," did not come to an end in 1988 as well. Haluk Kırıcı who was arrested in absentia in this trial at Beyoğlu Criminal Court No.1 was arrested in January 1999.

A trial was brought with İstanbul SSC against 3 of the defendants of the gang trial, Yaşar Öz, Metin Dokur and Ahmet Terzi on the grounds that they "formed a gang in order to send heroin abroad." Another trial in which Öz was prosecuted resolved on 24 January. Öz who was prosecuted at Bakırköy Penal Court of First Instance No.3 in connection with 3 guns, bullets, one gun carrying license issued for Eşref Çuhadar, two special green passports issued for Tarık Ümit, 17 Turkish and 8 English passports and documents used to prepare forged passport found in his house in Ataköy, was acquitted on the grounds of "insufficient evidence."

Then-Department of Financial Affairs Deputy Director Osman Yıldırım Özkara and superintendent Nahit Yürüten in charge at the same department were both sentenced to 3 months in prison and fined 200,000 TL at Şişli Penal Court of First Instance No.1 on charges of releasing Yaşar Öz without referring him to the prosecutor after the raid against his house in Ataköy in 1994. The sentences were commuted to a fine and reprieved. In the trial that ended on 26 January, another defendant, deputy superintendent Levent Sevinç was acquitted on the grounds of "insufficient evidence" to prove the accusation that he had taken the guns to Ankara.

Beyoğlu Criminal Court No.1 decided to acquitted special team member Ziya Bandırmalıoğlu on the grounds of "insufficient evidence" to prove the accusations that "he had given gun and walkie-talkie to the confessor militant Osman Gürbüz," who was arrested with many guns and forged police officer identities during an operation in Beyoğlu.

In December, İstanbul Penal Court of First Instance No.12 reached a decision on the trial in connection with Bandırmalıoğlu's escaping from İstanbul SSC in 1997. The court decided to acquit superintendent Yusuf Türkel who was blamed for "assisting escape," and sentenced Bandırmalıoğlu to 2 month 10 day in prison. The sentence was commuted to a fine and reprieved.

The trial opened at İstanbul Criminal Court No.6 against then-Public Order Branch Director Sedat Demir on the accusations of aiding Haluk Kırcı, a defendant of Bahçelievler massacre, in his escape from İstanbul Police HQ, ended in Demir's acquittal for "insufficient evidence."

Then-İstanbul Security Director Kemal Yazıcıoğlu, Deputy Security Director Bilgi Ünal, Public Order Branch Director Fatih Özkan, Deputy Director Ahmet Duran Alp, Murder Desk Chief Refik Baştürk, superintendent Şentürk Demiral and police officer Ziyaettin Ferman were put on trial at İstanbul Criminal Court on the accusations of "negligence in duty." The defendants were accused of transferring suspects of Ömer Lütfü Topal murder, special team members Ayhan Çarkın, Ercan Ersoy and Oğuz Yorulmaz, Topal's partner Ali Fevzi Bir and Sami Hoştan to Ankara upon the instruction by then-Security General Director Mehmet Ağar and without informing the prosecutor about the apprehension of the suspects.

In the final hearing on 4 December, Yazıcıoğlu (Ordu Governor on the date of the trial), Ünal, Baştürk, Demiral and Ferman were acquitted on grounds that "legal elements of the crime were inconsistent." Fatih Özkan and Duran Alp were both sentenced to 3 months in prison and fined 420,000 TL, but these sentences were commuted to 1 month 15 days in prison and a fine of 350,000 TL because of the "good conduct of the defendants." The sentences were also commuted to a fine of 350,000 TL, and a total fine of 700,000 given to each of the convicts was then reprieved.

Intervening lawyer Yaşar Altürk put forth the following comments regarding the trials in connection with "Yüksekova gang" (an article published in the Journal of Contemporary Law):

- It is so interesting that Hakkari Criminal Court transferred the case file to Hakkari Provincial Administration Board, ignoring the Constitutional Court's justification of the decision of annulling Article 15/3 of Anti-Terror Law numbered 3713, which stipulated that the Provincial Administrative Courts should give decisions of prosecution for the crimes committed on duty by the personnel involved in anti-terror struggle except for the crimes of murder and attempt to murder. The intervening lawyers raised an objection with Van Criminal Court against the court's decision of non-jurisdiction, but Hakkari Provincial Administration Board, without waiting for the communication on the result of this appeal and even violating the provisions of the Law on Prosecution of Civil Servants, sent the case file to Yüksekova District Administrative Board, which decided on non-prosecution of the defendants. The decision on the appeal has not been communicated to the intervening lawyers, although months have passed by.

- In Midyat Prison, hired gunmen attempted to kill Kahraman Bilgiç, who contributed to the revelation of "Yüksekova gang" with his testimonies. Certain officials, who are in corporation with the gang were also involved in this murder plan. However, the prison authorities learnt about the plan, and they were able to prevent the murder without making anybody notice.

According to the plan, Kahraman Bilgiç would be transferred from Midyat Prison to Mardin Prison with forged documents as Diyarbakır SSC Prosecutor's Office issued no such order, and he would be killed during this transfer. The competent authorities did not confirm the transfer notification. Therefore, Midyat Prison Director and Prison Commander did not put the transfer in practice. As a result, the Prison Director was appointed to some other prison just like an exile, and the Prison Commander was suspended from duty. This outcome has strengthened and encouraged the gangs.

- There are certain authorities who seem to be especially given the commission to release and in the future acquit the members of gangs. Such authorities still remain on duty. They still abuse their powers. I am also afraid to mention about this issue.

Superintendent Doğan Şimşek, police officer Dinçer Sarıboğa and Mecidiyeköy Quarter Headman Burhan Kocapehlivan were put on trial at İstanbul Fatih Penal Court of First Instance No.1 for "aiding Abdullah Çatlı for receiving a gun license with the forged ID in the name of Mehmet Özbay." Later the case file was transferred to İstanbul Criminal Court No.3, which sentenced the defendants to 1 year 8 months' imprisonment each for "forgery."

General Directorate for Security Passport Branch Director Nurten Demir, a Branch Director Halil Güven, security chief Ömer Karahmetoğlu and police officers Meltem Uçar and Avni Coşkun were prosecuted at Ankara Penal Court of First Instance No.17 on the accusations of "negligence in and abuse of duty" for providing two fake special (green) passports for MİT informer Tarık Ümit, who had gone missing in March 1995, and for narcotics trafficker Yaşar Öz.

In the trial that resolved on 8 October, the defendants were acquitted because "most of the passport requests were supervised by high ranking officers, the officers in the passport branch were kept under pressure, and they issued the passports as they were misled by their superiors." The verdict emphasized that the passports were issued upon the request of Mehmet Ağar.

2.5

MAFIA, POLITICS AND BUSINESS WORLD

The information disclosed after the Susurluk accident provided important clues regarding the illegal activities either the state or some of the state officers were involved in. 1998 witnessed many developments in connection with this "Mafia" issue. For example, many important names of the underworld such as Alaattin Çakıcı were arrested either in Turkey or abroad.¹⁵ Trials were brought against these people. Tape-cassettes in connection with relations of mafia to business and politics world were either published or broadcast by the media. However, both the media and the government authorities tried to evaluate the situation in terms of questions such as "who talked to whom?", "who had whom shot?", "who was awarded which transaction." The public statements by the state authorities and government officials permanently ignored the "Mafia and State cooperation;" and they usually made assessments uttering that "some of the officers may be hired for money by the mafia, everything will be all right after the bad elements are removed." People did not discuss the political and economic aspects of the mafia, and usually ignored the role of illegal funds in Turkish economy and most important of all, reasons of the survival of Mafia in Turkey's administrative structure. According to the reports issued by international institutions, the total income in the Turkish economy obtained by means of drug trafficking and illegal funds are estimated about 75 billion US\$. The International Transparency Institutions data on 1997 suggested that Turkey ranks number 15 among 52 countries on the list that displays countries corruption is most widespread. The research of International Administration Development Center puts forth that Turkey ranks number 3 among the countries where "secrecy and hush-hush are widespread" in terms of public administration.

¹⁵ A well-known mafia boss Sedat Şahin was arrested in Germany on 22 September. Sedat Peker came to Turkey from Bulgaria on 19 August and surrendered. A well-known smuggler of the period before 12 September, Yaşar Avcı Musullu was arrested in Altınoluk District of Balıkesir in November where he lived with a forged ID for about 10 years. Kürşat Yılmaz, who escaped from Burdur Prison in February, was arrested on 24 July in Bulgaria. According to the report by General Directorate for Security Smuggling and Organized Crimes Department, 169 organized crime activities were discovered between 15 January and 18 December 1998; 1087 people were captured for involving in these activities; 347 of these people were remanded to prison.

In 1998, regulations were brought to facilitate legalization of illegal funds. The law prepared by the government within the amendments to the Law on Taxes numbered 4369 and promulgated in the Official Gazette on 29 July 1998 stipulated that by what means people had earned their money would not be asked to those who submit a declaration on their property even if earned by illegal means until 30 September. An instructor in İstanbul University Prof. Esfender Korkmaz stressed the law that aimed at preventing money laundry actually implied that the state allowed laundering of illegal funds implicitly.

In November ANAP Deputy Chairman Yaşar Okuyan said, "In Turkey the illegal funds in circulation obtained from drugs amounts to 500 trillion, by the gambling mafia amounts to 200 trillion, and the money obtained from collecting checks and deeds amounts to 300 trillion. If we sum up only these three we see the hegemony of a black money that amounts 1 quadrillion TL (approximately 3,5 billion dollars) per year."

The 1997-1998 report issued by Geopolitical Narcotics Monitoring House in Paris was publicized in Brussels on 15 October.¹⁶ The report stated that in Turkey, state officials, army members and intelligence organizations cooperated with and protected ultra-nationalist organizations and narcotics gangs. In the section on Europe, the report set forth that many political figures such as Tansu Çiller and that some of the ministers of Yılmaz government and intelligence organs of the state and the army had close ties with the mafia and ultra-nationalist organizations.

The report emphasized that Northern Cyprus, which is protected by Turkey, was also an important center with regard to heroin trafficking. The report put forth that beforehand Turkey had only been the main center in heroin transportation to Europe, but recently use of drugs was also widespread. The report said, "In addition to Turkey, the narcotics are sent to Europe, especially to the German-speaking countries from Albania, Macedonia and Kosova of Serbia."

The Monitoring House Director replied the question of the journalists that despite mafia bosses such as Abdullah Çatlı and Alaattin Çakıcı were searched by red bulletin how they could travel so easily in Europe. He said many European countries ignored heroin circulation because of their economic and geopolitical interests. He added that the security services in Europe might have allowed Turkish mafia bosses untouched up to the date if the Turkish intelligence service had protected them saying, "These people are working for us; so do not intervene."

a) Alaattin Çakıcı

One of the significant figures of the underworld Alaattin Çakıcı was arrested on 17 August in Nice, France together with his guard Muradi Güler and Aslı Ural. At the time he was captured, he was wanted in connection with 8 trials in İstanbul and 1 trial in Bursa. In these 9 trials, the prosecutors demanded 5 separate death sentences as well as sentences between 25 and 64 years in prison for Çakıcı. The capture of Çakıcı initially gave hope to people that important steps might be taken in relation with "illegal funds, narcotics, mafia and politics." However, he was no extradited to Turkey within 1998. His apprehension arose new problems particularly with regard to politics, bureaucracy, and business world.

¹⁶ The report issued by the General Directorate for Security Smuggling and Organized Crimes Department put forth that 2,928 operations were conducted against drugs dealers between 1 January and 16 December 1998. In these operations, 5,348 kilos of hashish, 3,766 kilos of heroin, 604 kilos of cocaine, 694 kilos of base morphine, 123 kilos of opium, and 7,961 kilos of acid anhydrite were captured. 733,000 synthetic drugs such as Captagon and Extacy were also captured. During the operations, 5,172 people of Turkish nationality (4,904 men and 268 women) as well as 293 foreigners (46 women) were arrested. Fifteen drug dealers were reportedly killed in armed clashes with the security forces.

The most important ones among these problems were the red (diplomatic) passport found with Çakıcı issued for Nedim Caner, which was an evidence of the MİT-Çakıcı connection that was depicted beforehand, and the tape-cassettes of conversations between Çakıcı and some ministers broadcast on TV and published on the newspapers.

After Çakıcı and Muradi Güler was arrested on 19 August, Turkey started the procedures of extradition of Çakıcı.¹⁷ The extradition file issued by the International Law and Foreign Affairs General Directorate of the Ministry of Foreign Affairs was sent to Paris Embassy of Turkey on 2 September. The 450-page extradition file contained documents showing that no death sentence was executed in Turkey since 1984. The extradition file informed that 35 different investigations were launched against Çakıcı since 1981 until 1998. The first arrest warrant was issued by the Ministry of Interior Affairs in 1985. Şişli Public Prosecutor's Office took the second arrest decision in 1988. It was revealed that Çakıcı was being wanted by Şişli Penal Court of Peace when he conveyed with some ministers at Ankara Hotel in 1992.

In France, Alaattin Çakıcı was sentenced to 6 months in prison for illegal entrance to the country. Muradi Güler was also sentenced to 6 months in prison on grounds of "possession of guns and bullets and two seals which are used in preparing forged documents."

The formal request of extradition by Turkey was accepted by the French authorities provided that "Turkish government guarantees that death sentence will not be exercised."¹⁸ The court decision stressed that in Turkey people were exposed to torture in police and gendarme stations and extra-judicial executions were carried out, but they would not cast a problem in the case of Çakıcı. Çakıcı appealed against this decision, but the supreme court upheld the decision of extradition.

Red (Diplomatic) Passport

Turkish authorities claimed that the red passport found with Çakıcı when he was arrested was a forged one. However, after a short time it was revealed that the passport was not a forged one. On 20 August, Security General Director Necati Bilican disclosed that the passport issued with the serial number 1896-97 for the name 'Nedim N. Acar' had been printed at Official Stamp Printing House. After that it was found out that the passport had been provided by the MİT Department of Foreign Operations former Chairman Yavuz Ataç (in charge at Beijing Embassy when Çakıcı was apprehended).

Meanwhile, the media gave place to the statements of Hanefi Avcı at the Susurluk Commission in the Parliament. He told at the Commission that Çakıcı had been protected by the MİT. Avcı's statements as written in the minutes of the Commission are as follows:

¹⁷ Muradi Güler had been arrested by İstanbul Criminal Court No.11 in August 1978 on charges of full attempt to murder. He had escaped from prison on 2 November 1978 along with 12 other ultra-nationalist militants including Veli Can Oduncu and Ferhat Tüysüz, and then his name had been mentioned for the murder CHP İstanbul MP Abdurrahman Köksaloğlu. Interpol had searched Güler with a red bulletin. However, he had been excluded from red bulletin with the decision of İstanbul Criminal Court in 1983, yet there had been no evidence showing that Muradi Güler had been remanded to prison. It had come out that he could not have been prosecuted for this crime because of the time-lapse. It was later revealed that İstanbul Penal Court of First Instance No.4 had sentenced him to 6 months in prison and fined TL 155,000 in 1988 for a traffic crime, and this sentence had been commuted to fine. For this reason, Güler's extradition could not be requested.

¹⁸ The first red bulletin for Çakıcı was issued after the injury of Hıncal Uluç in November 1994. The bulletin contained three different photographs of Çakıcı as well as his fingerprints. It also maintained that he could use three different passports issued for Atilla Yılmaz, Atilla Vural and Nuri Ayyıldız, and three different passports. According to the extradition file, Çakıcı was wanted in connection with many crimes such as soliciting to kill and injury and threatening. Turkey also informed the French authorities that there were 13 different arrest warrants issued for Çakıcı.

"Avcı: In fact all procedures conducted by Çakıcı and his men have been organized by the MİT for a long time. They are assisted at the highest level; they are assisted in their travel to abroad. If Çakıcı threatens certain people, it seems that the people there intervene in and assist him. Even there is an event, in connection with businessman Erol Evcil from Bursa. He had hired Alaattin for a few times in the past, and used him for some activities. At last, he wanted to establish a bank. There are people in governing positions who prevent him from doing so. This person (Evcil) promises to give Çakıcı 2 million dollars.

"Chairman: There are things we have in connection with Evcil. Who are those governing figures in the state administration?"

"Avcı: I remember someone called Adil Öngen. This man is a banker, a person close to the Çiller family in the bureaucracy. Çakıcı threatened him as he had the authority to give permission for establishing banks. Evcil was going to pay 2 million dollars to Çakıcı. Çakıcı threatened these people; he said if you do not allow this man to establish a bank I will kill you, hang you, and slice you. He told the same events to Yavuz within the MİT. Yavuz interfered into the event and met with Erol Evcil, Adil Öngen and some other people and discussed the possibilities how they could establish a bank. In other words, the mafia threatens the people on the one hand and provides them with opportunities on the other... The MİT is the organizer of the meeting when it is necessary. I do not think they will deny this if you ask them. It is very obvious that they have close relations..."

"Fikri Sağlar: For whom does Çakıcı work?"

"Avcı: He works for the MİT, but he sees both parties. For the time being everybody play both ends against the middle, but his closest and most loyal man is Yavuz Ataç. (I know him as the Deputy Chief in the MİT Department).

On grounds that they took part in issuing a red passport for Alaattin Çakıcı, former MİT officers Mehmet Eymür was called back to Ankara from the USA and Yavuz Ataç from China. Yavuz Ataç came back to Ankara on 30 August. He reportedly admitted that the MİT issued the first passport to Çakıcı "for his struggle against Armenian terrorism."

The Tape of Eyüp Aşık-Çakıcı Conversation

Another development as important as the red passport problem came out when it was revealed that Alaattin Çakıcı saw many ministers from parties which came to power in recent years and that Çakıcı was protected by some ministers. In this period, certain tape recordings were discovered and covered by the media. These tapes provided that Minister of Interior Affairs Meral Akşener¹⁹ of the RP-DYP Coalition government had warned Alaattin Çakıcı in order to secure his escape and that Alaattin Çakıcı had conversations with the Minister of State Eyüp Aşık. It was revealed that all conversations were tape-recorded by Çakıcı and that he disclosed them after he was arrested.

As a consequence, Eyüp Aşık resigned from his duties both as a MP and a minister of state. Aşık answered the allegations in the press conference he held the same day, and said that he had conversations with Alaattin Çakıcı but he did not warn him that he should run away.

The Parliament approved Eyüp Aşık's resignation on 27 October. He testified at İstanbul SSC Prosecutor's Office on 4 November. Aşık was interrogated for "not informing security forces although he knew the whereabouts of a wanted person." He accepted some parts of the phone calls published in the

¹⁹ In the cassette Çakıcı spoke as follows: "Mehmet Eymür and a woman gather in a room 40 days ago. They say 'Alaattin is a problem.' Eymür says, 'I am about to find his whereabouts. We can take him any time...!' That's it, Eymür bears hatred against me. In relation with Adil (broker Adil Güngör). The reason is I oppress Adil for months, for 8 months." He also claimed that Akşener sent information to him immediately after she got out of the meeting room. He spoke as follows: "Meral went out, called my relative and asked, 'Would you come to me?' My relative went to Ankara. There she said 'Tell Alaattin to change his location'." Meral Akşener made a written statement and rejected these claims.

newspapers. Aşık also accepted that he had met Çakıcı 3 or 4 times when ANAP was in opposition, and he had informed ANAP leader Mesut Yılmaz about these meetings. Aşık noted that Çakıcı "provided information on corruption" for them. He said after he became a minister the phone calls decreased, that Çakıcı called him in order to get a gun license but that he did not help him with regard to the issue. Eyüp Aşık alleged that he did not warn Çakıcı in order to make him run away and that part of the cassette was tampered with as a montage. However, İstanbul University Forensic Institute examined the tape and reported that the tape was original and it was not tampered with.

In December, İstanbul SSC Prosecutor's Office brought a trial against Eyüp Aşık for "providing assistance to members of a gang." The trial began in 1999, and later it was unified with the trial opened against some men of Alaattin Çakıcı.

Another discovery was that in 1992 Çakıcı had a meal with DYP member ministers Mehmet Ali Yılmaz, Ömer Barutçu, Mehmet Batalı, Yıldırım Aktuna and some MPs at Grand Ankara Hotel. Mehmet Ali Yılmaz replied questions of the journalists as follows: "Alaattin is my intimate friend. There is nothing unusual in my talking to as well as eating out with him. Moreover, he is my fellow countryman since he is from Trabzon. Is it forbidden to talk to Alaattin? If he has done something illegal and unfair, please go ask this to the MİT." Mehmet Ali Yılmaz also talked about Sedat Peker, another mafia boss. He said "He is also our nephew. I call him my nephew as he is younger than me. He is also from Black Sea region, he is a good fellow. We also had time with him. We had meals with him. Isn't it usual for someone to be together with the people he likes? Is it forbidden to speak?"

Alaattin Çakıcı's relations also caused problems at the İş Bank. The bank's General Director Ünal Korukçu had to resign when it came out that he had awarded businessman Erol Evcil a loan amounting to 150 million US\$.

In this period, it was also claimed that Prime Minister Mesut Yılmaz had met with Alaattin Çakıcı. However no evidence on this issue was disclosed to the public. ANAP Bursa Branch Chairman Mehmet Gedik confirmed that he had organized a meeting between Mesut Yılmaz and MİT officer Yavuz Ataç with Erol Evcil, who had close ties with Çakıcı, during the period they were in opposition. He said, "Our purpose was to learn about certain developments taking place within the MİT. And Yavuz Ataç was eager to assist." Gedik made the following statement:

"Erol Evcil came to me one day. He said he knew someone who was second in MİT, and this person wanted to inform Mesut Yılmaz with regard to some developments taking place within the organization. So I talked to Mr. Mesut. I told him that this person wanted to give information particularly in connection with Mehmet Eymür and his team who was claimed to have close ties with Özer Çiller. Therefore Mr. Mesut agreed to talk. Erol Evcil took this person who I found out later to be Yavuz Ataç. They talked in private. I had no talk except for a hello. Evcil was already out during the conversation. Our purpose was to reveal the relations between Mehmet Eymür and Özer Çiller just as what Ataç had told us in the beginning."

As another development, ANAP former MP Mehmet Kocabaş and MHP adherent Ali Yasak (Drej Ali), a prominent name in the underworld, were detained on 19 November upon the request of İstanbul SSC on the grounds that "he acted as a courier in money collection business of Alaattin Çakıcı." İstanbul Police HQ's Smuggling and Organized Crimes Department raided Ali Yasak's office in Mecidiyeköy, and also detained six men working for Yasak. Kocabaş was subsequently arrested by İstanbul SSC, whereas Ali Yasak was released.

b) Türkbank Transaction

One of the most controversial "business" of Alaattin Çakıcı came out in connection with Korkmaz Yiğit, who is known to have close relations with him and who purchased some banks and many press

institutions. Korkmaz Yiğit, who was formerly in construction business, had become the biggest share holder of the newspaper Milliyet, Doğan Media Holding and Doğan Company Group Holding in return for 211.807.996 dollars in October. Yiğit also purchased many banks and other media groups in a short period of time. Yiğit, whose bid was the highest of all in the transaction for privatization of Türk Ticaret Bankası (Turkish Commerce Bank), purchased this bank in return for 600 million dollars with the support by Çakıcı. He also purchased Bank Ekspres for 85 million dollars and historical Naval Transportation Building for 17 million dollars. After all these, Yiğit bought Kanal E from Besim Tibük for 29 million dollars, Genç TV from Raks Group for 41 million dollars, Tele 4 from Karacan Group for 8 million dollars, Kanal 6 from Mehmet Kurt for 120 million dollars, Yeni Yüzyıl and Ateş newspapers from Dinç Bilgin group for 70 million dollars. Yiğit later sold Genç TV to Kamuran Çörtük, the owner of Bayındır Holding who is known to be close to then-President Süleyman Demirel.

CHP MPs held a press conference on 13 October and publicized a tape recording that contained three different phone calls between Korkmaz Yiğit and Çakıcı. Fikri Sağlar said he received the cassette "via mail," and after examining the tapes at the CHP group they submitted a Parliamentary inquiry motion demanding an investigation in connection with the beginning and conclusion stages of all of the privatization transactions and companies who were awarded the transactions. Sağlar denoted that the state authorities should also have a copy of the cassette and the government should be aware of the issue. Sağlar added that he dispatched a copy of the cassette to Prime Minister Mesut Yılmaz, to Deputy Prime Minister Bülent Ecevit and to Parliament's Chair Hikmet Çetin.

The cassette contained three different phone calls between Korkmaz Yiğit and Çakıcı in connection with the sale of Türkbank. Korkmaz Yiğit gave Çakıcı the names of the people who applied in order to participate in the bid and Çakıcı replied "If these businessmen want to live, they'd better not participate in the bid."

After the disclosure of Korkmaz Yiğit-Çakıcı conversations, Aydın Doğan, the ex-owner of the newspaper Milliyet cancelled the "preliminary sale agreement" and took the newspaper back. After that Yiğit also turned the other newspapers and televisions he purchased over.

The complicated nature of relations came out when the public was gradually informed about who spoke to whom, what they did talk and who were negotiators prior to the Türkbank transaction. It was revealed that Prime Minister Mesut Yılmaz (accompanied by businessman Kamuran Çörtük) had a phone call with Korkmaz Yiğit. On 22 December, one of the coalition partners, DTP leader Hüsametdin Cindoruk stated that he had arranged the meeting of Alaattin Çakıcı and Korkmaz Yiğit with Prime Minister Mesut Yılmaz. Cindoruk explained his relation with Korkmaz Yiğit: "He is not my friend. He is said to be a friend of a MP friend of mine. Yiğit came and said that Türkbank transaction was about to be awarded to a certain person and he wanted to convey this to the Prime Minister. So I arranged an appointment for him." The MP friend of Cindoruk was revealed to be businessman Josef Kamhi. Korkmaz Yiğit had explained in his cassette broadcast in TV channels he owned that Kamuran Çörtük had sent a message to him via Josef Kamhi. The message stated, "The President, Prime Minister and Çakıcı are with me. Tell Korkmaz Yiğit that I will not let him be awarded the contract." In addition, Güneş Taner, the Minister of State in charge of Economy had also met with Yiğit. Minister Taner confirmed the meeting and said the meeting was in relation with "the transactions in relation with transfer of Yiğit's Bank Ekspres to Treasury because of financial bottleneck." When a journalist asked "Was is necessary for a minister to be present at that meeting?" Güneş Taner replied, "The authority that the Treasury would ask for confirmation was me. Therefore we fastened the business."

Korkmaz Yiğit was detained on 9 November within the scope of the investigation opened by İstanbul SSC Prosecutor's Office. On 11 November, brother of Korkmaz Yiğit, Yılmaz Yiğit and executive board member of the Bank Ekspres Altan Ayanoğlu were arrested on the grounds that along with Korkmaz

Yiğit and 5 executive board members, they awarded some of their customers loans amounting to 150 million dollars from Bank Ekspres in illegal manners. Yılmaz Yiğit and Altan Ayanoglu were released upon objection of their lawyers on 13 November. Korkmaz Yiğit was arrested by İstanbul SSC for "forming a gang in order to commit crimes" and "corrupting the transactions" under Articles 313 and 36 TPC.

In December, İstanbul SSC Prosecutor's Office brought a trial against Korkmaz Yiğit on accusations of "forgery in documents" and "qualified swindling." In the trial at Beyoğlu Criminal Court No.2, the prosecutor demanded 1 year to 6 years imprisonment for Yiğit as well as his brother Yılmaz Yiğit, arrested executive members of the Bank Ekspres, Director Savaş Özcan, Altan Ayanoglu, Cafer Sait Okray, Deputy Directors Metin Kemal Özal and Kenan Kamil Kenanoğlu on the grounds that they had given 350 million dollars in illegally.

In the course of the investigation, the relations of many people, including well-known businessmen such as Hayyam Garipoğlu and Kamuran Çörtük and bureaucrats such as Central Bank President Gazi Erçel.

c) Nesim Malki and Yener Kaya Murders

The developments in 1997 and 1998 regarding the murder of one of the richest persons of Turkey, usurer Nesim Malki on 28 November 1995 in Bursa and broker Yener Kaya on 1 December 1995 in İstanbul showed how powerful the mafia is. Among the people who were either involved or claimed to have involved in the murders, were owners of the biggest companies in Turkey and directors of certain banks (for example, Etibank General Director Şükrü Karahasanoğlu, businessman Hayyam Garipoğlu, businessman Emin Cankurtaran, Erol Evcil, former Bursa Police HQ Political Affairs Department Director Bayram Bozdemir, former Deputy Director Yusuf İlhan, former Murder Desk Chief Sebahattin Şeker). Such connections revealed that the mafia was an "organization" which integrated into political, bureaucratic and business circles in Turkey.

Nesim Malki was known to be a usurer in the business environments. He used to purchase most of the thread manufactured in Bursa with cash, and earn a lot by selling the thread to the market against payment by intervals. After Erol Evcil entered the same market, the businessmen decided to work in agreement instead of competition and could get 80 percent of the market. When Erol Evcil underwent financial difficulties, he borrowed a great amount of money from Nesim Malki. According to the allegations, Erol Evcil could not pay his dept amounting to 2 trillion TL in due time, and so wanted to kill Nesim Malki, who was killed in Bursa in an armed attack in his car on 28 November 1995. After the murder Erol Evcil had rejected the claims that he had seized Nesim Malki's money, he had not redeem his debt and that they were partners. However, later on it was revealed that Erol Evcil had established a company with Nesim Malki and Erol Erkohen.

Then-Bursa Governor Orhan Taşanlar and Security Director Ahmet Demir were also claimed to have prevented the investigation. Ahmet Demir was suspended from his office as İzmir Security Director in late November. At the same time, it was revealed that two chief inspectors of the police were sent to Bursa approximately one year after Nesim Malki murder in order to conduct a special investigation upon an order of then-Security General Director Alaattin Yüksel. The report by the inspectors emphasized that businessman Erol Evcil was in close relations with security stuff in Bursa, and that some retired officers had been employed in his companies with high salaries. It also noted that Bursa Police HQ units knew a lot about the murder, but they did not investigate the event properly.

Meanwhile, Şükrü Elverdi who was wanted for involving in Malki murder surrendered in December. In his testimony he stated that Mehmet Ağar had warned them via Erol Evcil after the incident and suggested them to "go abroad." Elverdi also denoted that the guns had been brought from Israel in Evcil's private jet and within the information of Ağar.

Meanwhile, it came out that in October that an unanimous letter of information had been sent to the Susurluk Commission in the Parliament on 14 December 1996, and gave place to all details with regard to the murder. According to the newspapers, the 7-page letter, which began with "on behalf of Turkish Police," pointed out that Erol Evcil as the key person in the murder.

The letter also mentioned of the name of Yusuf İlhan, former Deputy Director of Bursa Police HQ. He was detained during the investigation and then released. The letter stressed that Nesim Malki had come to Bursa without any guards accompanying him, and gave the details:

"Two people followed Malki after he got off the plane. With some other 4 people, the number rose to 6. Malki was followed by 2 cars. There were plainclothes police officers in one of the cars. If the gunmen were arrested, they would be rescued by those plainclothes police officers. However, this did not happen, and they escaped in another car. Later one of the police went to the spot and collected information."

d) TEM Massacre

In 1998, the killings of Ömer Balaban, Ayhan Fındık, Murat Balaban, Halil Altınoy, Bedri Kara and Nedim Sevinç in a bus pertaining to Avar Tourism Company on İstanbul TEM on 21 December 1997 was not thoroughly illuminated either. 2.5 million dollars and 500 thousand DM were lost in the event. An authority made a statement to the journalists, and stated that the event was presented as a clash within the mafia, and this prevented revelation of the people who gave the money to the victims for the transfer.

Within the scope of investigation started by Edirne Public Prosecutor's Office, Ali Tekin Tamgeç, Mustafa Andırmak (retired police officer), Cemil Andırmak (special team member, Mehmet Ağar's driver during his office as İstanbul Security Director), Recep Ramadan Retyepi, owner of Batılı bus company Gafur Çalışkan and Mahmut Önder Topbaş (special team member) were detained on 11 January in connection with the slaughter. Mahmut Önder Topbaş, Cemil Andırmak and Gafur Çalışkan were arrested, whereas the others were released. An arrest warrant in absentia was issued against Selahattin Büyüköztekin and Nurullah Körken and Cavit Demircan on the claims of possession of the narcotics on the bus.

A trial was brought at Edirne Criminal Court No.1 against these people in February. The prosecutor demanded death sentence six times each for Mahmut Önder Topbaş, Cemil Andırmak, Gafur Çalışkan, Selahattin Büyüköztekin, Nurullah Körken and Cavit Demircan on accusations of "premeditated murder of more than one person, soliciting the premeditated murder of more than one person, and possession of guns without license."

The defendants disclosed in the first hearing held on 9 March that they had been tortured in detention. One of the defendants, police officer Mahmut Önder Topbaş said that his testimony was taken under torture. He said, "I am a police officer and police officers always torture any police officer accused of anything. They said they would rape my wife. I did not believe them. But when I learnt that she was taken to the department, I signed the given testimony." Cemil Andırmak also said that he had accepted the accusations under torture, and he accused a police officer working in İstanbul Public Order Branch Murder Desk named Bahadır Öztürk. Andırmak said, "Gafur Çalışkan's father İbrahim Çalışkan had been killed by the Baybaşın family and Kadir Uzunparmak in 1994. Bahadır Öztürk is the gunmen of them. Later on, these people began to threaten Gafur Çalışkan in order to seize his property. After I started to run the restaurant of Gafur Çalışkan's hotel and to protect Gafur, they could not achieve their goals. When this incident took place, they blamed us for it intentionally." Gafur Çalışkan also confirmed this statement. He rejected the accusations stating that he was not the owner of the bus. The court board decided to send the photographs of the defendants to Poland for the identification of the woman named Renata Wesolovska who survived the slaughter in the bus.

Defendant Cavit Demircan against whom an arrest warrant in absentia was issued, was captured in Silivri in December. Demircan said that they had stopped the bus of Avar Tourism which entered Turkey from Kapıkule with their police identities on the road. He testified as follows: "Former police officers Cemil Andırmak and Mahmut Önder Topbaş gathered the people in the bus at the back, and I drove the bus. After that, the murders took place and the money on the bus was taken." Cavit Demircan said the money was with Selahattin Büyüköztekin and Nurullah Körken. Demircan said that he had been tortured at İstanbul Police HQ. Demircan disclosed he was not exposed to torture in Edirne Provincial Gendarme Regiment HQ, but he did not accept his testimony taken by the gendarme.

After the slaughter, it was claimed that the reason of the event was "the share of the income coming from the narcotics distributed in European countries." Besides, newspapers gave place to the claims that the order for the slaughter of 6 people had been given by ultra-nationalist activist Ahmet Ercüment Gedikli,²⁰ who was an old friend of Abdullah Çatlı.

For a bank...

If you are engaged in this money laundering business, that means you need a bank. For example, Ömer Lütfü Topal, who was the murdered "tycoon of casinos," used to deal with enormous amounts of black money everyday, however he did not own a bank. So he tried to run his company accounts under hundreds of different names in many banks. So he never knew the amount of his money. He suffered poverty despite he was rich. If only he had a bank none of these he would have incurred.

In Turkey many people, whom nobody considers important previously, raise up to the government level when they own a bank. That's because our political parties are leading black money dealers. Only God knows how much the political parties and individual candidates spend because the expenses in election period as there is no transparency for these expenditures. The political parties try to conceal the source of the moneys from even God. If the banks do not cooperate with you in utilization of all the money which rise to enormous amounts in total in election period that means you are in trouble. Hence, when you have a bank, immediately you establish close relations with the political party in power as well as the potential governments.

In Turkey, it is a recent practice to implement the notorious Article 64 of the Law on Banks in favor of the bank owners suffering economic bottlenecks.

I am talking about a system that is so complex inside. Çakıcı has only a sensational role in this scene indeed. It is well-known today that the groups for which Emlakbank transferred money since early 1980's now possess at least one bank each. In Turkey, you can see a bank either before or behind all the dark and gang-like relations...

²⁰ It is known that during the period Muhsin Yazıcıoğlu (now the Chairman of Great Unity Party) was the Chairman of *Ülkü Ocakları* Association and Abdullah Çatlı was the Deputy Chairman, Gedikli was responsible for Bahçelievler Quarter in Ankara. Gedikli was put on trial and convicted along with Çatlı, Kürşat Poyraz, Mahmut Korkmaz, Haluk Kırıcı and Ünal Osmanoğlu for killing TIP-member 7 students on 9 October 1978. In 1991, Ahmet Ercüment Gedikli established Promesse Medical Substances and Textile Industrial Company together with Haluk Kırıcı, Çatlı's brother Zeki Çatlı and Ali Rıza Önen as well as Uğur Akbaş. The company was famous for taking part in transactions of the state hospitals. Health Ministry Inspection Committee Deputy Chairman Namık Erdoğan found out a corruption in a transaction awarded to Promesse Company, and subsequently he was kidnapped and killed on 9 May 1994. This incident raised doubts about Gedikli and Kırıcı, but no investigation was started against Kırıcı and Gedikli in relation with this murder.

It was Özal and Çiller families yesterday, and today some of the ministers of the government continue to have these relations with the banks. Private jets and yachts are not allocated for the beauty of our ministers.

The bank, which the Treasury took over to a great extent in line with Article 64, was then turned into a play field by the political power that could control the Treasury then.

In that period, a runaway businessman called Erol Evcil, whom nobody had known before, could borrow a gratis amount of credit from this bank that could make the bank go bankrupt.

No bank which aims at profit making in line with the principles of economic efficiency would loan so much money to Erol Evcil, but the political authority (and Alaattin Çakıcı) had this loan borrowed...

İsmet Berkan, Radikal, 10 October 1998

Selahattin Büyüköztekin was a defendant arrested in absentia in the trial. He had been prosecuted in MHP trial in Adana before 12 September 1980. He had been convicted on charges of participating in the murder of CHP Kayseri Branch Chairman lawyer Mustafa Kulkuloğlu. After serving 15 years in prison, he was released in 1991 in line with the amendment to the Anti-Terror Law

Another defendant of the trial, Mahmut Önder Topbaş was among the police officers who took part in the house raid in which Güner Şar, Hüseyin Arslan and Özlem Kılıç were killed in İstanbul Bağcılar on 4 August 1994.

It was revealed that one of the people who was killed during the event, Ayhan Çındık had worked at Sultan Textile Company, one of the owners of which is Abdullah Çatlı's wife Meral Çatlı, and that he had brought money from abroad during the period he had worked for Sultan Textile and declared at the customs gate that the money had belonged to Sultan Textile.

3.

THE KURDISH PROBLEM AND THE STATE OF EMERGENCY

Turkey's human rights problems were mainly connected to the Kurdish question, in 1998 as well as in the years before. Especially the atmosphere of violence surrounding the Kurdish problem was the source for human rights violations. The National Security Council (NSC) policies on the Kurdish problem and widespread militarist propaganda supporting this policy remained to be the primary obstacle for the development of human rights in Turkey. Since the beginning of the 1990s, the "state policy" on the Kurdish problem was shaped around the NSC perspectives and the "national security concept". The expenditures for armed solutions continued to destroy the socio-economic structure of Turkey.²¹

According to the information compiled by the HRFT, at least **1,091** people died in armed clashes based on the conflict stemming from the Kurdish problem in 1998. At least 17 civilians, at least 448 security officers and at least 626 militants from PKK and other organizations were killed in these clashes. Official statements claimed that 30,441 people were killed since the attacks on Eruh and Şemdinli (1984), the beginning of the PKK's military activities, until the end of 1998.²²

Staff Colonel Bülent Dağsalı participated in a TV program on TGRT Channel on 7 May in the name of the General Staff, in order to explain the "success" of the Turkish Armed Forces (TSK) on the Kurdish problem. He stated that 40,107 PKK militants; 243 officers; 221 lieutenants; 3,526 specialist sergeants and enlisted men; 157 police officers and 1,115 village guards (45,369 people in total) lost their lives since 1984. According to this statement, 5,453 people, claimed to be PKK militants, were killed in 1996 and 8,366 people in 1997. The number of PKK militants killed in 1998 was given as 5,350.

The social polarization based on the Kurdish problem by propaganda related to people who lost their lives during the clashes was maintained in 1998. Militarist propaganda and polarization concerning the

²¹ "Security" expenditures in Turkey are allocated from many known and unknown sources and a substantial amount of donations is collected. For example, 526 million dollars were collected for the Defense Industry Support Fund from the revenues of the National Lottery Administration in 10 years and this amount constitutes 6 percent of the total income of the fund.

²² Due to the difficulty in collecting reliable information from the State of Emergency Region, the number of soldiers, officers, police officers, confessor militants, peshmergas, PKK militants and civilians who were killed are given only according to incidents confirmed by the HRFT. In official statements concerning the clashes the number of security officers who died obviously is low while the number of PKK militants is high. In addition, the PKK and other organizations do not disclose their casualties accurately. Therefore, the real death toll is much higher than the figures presented here. It should also be kept in mind, that there were cases of civilians who lost their lives in cross fire were declared PKK militants in the official statements.

Kurdish problem reached its peak during the time when Abdullah Öcalan left Syria for Europe (See the section on "Kurdish Problem and the PKK").

Official efforts on care and rehabilitation of TSK members and enlisted men who were disabled and/or suffered severe psychosomatic syndromes as a result of the armed clashes remained restricted. An official foundation was established to this end and Çevik Bir, 2nd Chief of the General Staff, became the chairman of the foundation at its congress in March. Bir, in his speech at the Foundation's congress, stated that TL 5.4 trillion were collected during the donation campaigns. Bir declared that the TSK Rehabilitation and Care Center would be opened at the end of 1999. However, it was not clear, to what extent the people who served in the military as enlisted men and who were commissioned in the conflict regions could benefit from the care and rehabilitation services. On the other hand, care and rehabilitation of people who were forcibly displaced during "special security operations" in the conflict regions; people who were disabled in mine explosion or explosions of "unclaimed" bombs or bombs that fell on residential areas; and, amongst others, juvenile PKK militants who were captured, with or without injuries, were not seen as problems for which governmental institutions own responsibility.

On the other hand, the armed conflict provided a suitable background for widespread practices of "extra-judicial executions", "disappearances" and "torture." It was almost impossible to act against violations of the right to life or to investigate these violations in the conflict areas during 1998. Especially extra-judicial executions, cases of "disappearances" and torture directed at PKK militants could not be investigated or reported. The security forces tried to clear themselves of all responsibilities for violations of the right to life, by claiming that the people they killed were either PKK militants or "supposed to be terrorists." Authorities abstained from any administrative or judicial interference even in obvious cases of breach of law. The big press-broadcasting companies did not deal with this kind of human rights violations. They supported the NSC policies without any questioning and, thus, continued to broadcast statements of the Governor of the State of Emergency Region uncommented. When human rights defenders' reported on violations related to the Kurdish problem the mainstream media reacted in a hostile manner.

The habit of dismembering corpses of PKK militants or people alleged to be militants and displaying them in residential areas was observed.

The state of conflict also provided a suitable ground for criminal organizations. The lack of inspection on the authority of soldiers who were sent to the conflict regions to hold and use arms and lack of training increased the number of deaths and injuries.

In November, the Ministry of Foreign Affairs stated that the government's expenditures for combat with the PKK had reached \$ 96 billion in 14 years. This amount came close to the total of foreign debts. According to statements of military officials, the TSK spent \$ 1,250,000 per day for "special security operations" (excluding expenditures for the gendarme, police, village guards, counter-guerrillas and prisons). On the other hand, the Minister of State, Salih Yıldırım, said that \$ 100 billion were spent for combating the PKK, excluding the loss caused by the cessation of agricultural production. In addition, Yıldırım stated that financial resources of \$ 1.8 billion were needed for realizing the Southeast Anatolia Project and that this money was still missing.

The State of Emergency was introduced in Southeast Anatolia, when martial law was lifted in 1987, after having been in force since 1979, entered its 11th year in 1998.

In March Diyarbakır Bar Association submitted a "Regional Report" to the political authorities. The report prepared by Lawyer M. Emin Aktar stated that the situation had not changed despite all the specific arrangements developed for the region with regards to the Kurdish problem. On the contrary, the problems had deepened and become even more complex. The report stated: "The Kurds neither have the right to defend

and develop their identities nor to organize or carry out activities to maintain these rights." The report of Diyarbakır Bar Association stated that since 1990 many villages were burnt down, the practice of assigning village guards had become widespread, villages whose residents did not accept to become village guards were forcibly evacuated and the return was made impossible. According to Diyarbakır Bar, 1,800 villages were forcibly evacuated in the State of Emergency Region in 1994 whereas this number was 195 in 1995, 175 in 1996 and 118 in 1997. Regarding forced displacement, an important means among "special security operations", the report stated the following: "The residents of the evacuated villages have not been accommodated in a specific place, and in most cases they have not been allowed to take all their belongings from their houses and have been left with their destiny... The State forces were not content with burning and evacuating villages and dehumanizing the region, they also burnt thousands of acres of forestry. The environmental, cultural and historical values are being irreversibly damaged and exterminated by this practice." The report stated that besides forced evacuation, bans on using pastures and food embargoes caused enforced migration. Families who migrated to big cities also tried to seek asylum in foreign countries because of arbitrary detentions, torture and political murders by "unknown assailants" in the cities of Western and Southern Turkey.

Table 1. The Kurdish Problem and the Right to Life:

Official Figures, 1984-1998.

Years	Civilian		Soldier		Police		Village Guard		PKK	
	Dead	Injured	Dead	Injured	Dead	Injured	Dead	Injured	Dead	Injured
1984	44	213	24	10	1	5	-	-	33	3
1985	97	59	65	40	6	19	-	-	108	3
1986	87	46	43	45	4	4	7	1	61	5
1987	245	127	55	70	5	16	15	14	106	4
1988	130	101	42	78	6	16	8	5	134	8
1989	212	261	125	199	9	41	38	12	191	23
1990	255	300	113	263	17	83	65	67	417	38
1991	262	580	228	491	56	182	46	60	427	74
1992	912	1.155	501	962	93	265	135	176	1.344	131
1993	1.549	1.834	564	1.111	51	226	183	287	1.949	144
1994	1.086	1.857	793	2.034	42	228	263	348	4.111	153
1995	450	850	533	1.200	40	168	135	227	3.007	115
1996	208	481	455	1.092	37	301	132	215	3.063	152
1997	183	440	269	604	16	124	158	232	2.330	47
1998	132	530	243	532	10	188	114	137	1.583	78
Total	5.832	8.834	4.053	8.731	393	1.866	1.299	1.781	18.864	978

The Regional Report criticized the system of village guards saying that it had become a serious threat to the right to life: "Even though it is stated in the Village Law that the village guards are to be chosen among people who were not previously convicted and show a good character, anyone applying is recruited as a village guard and a seriously menacing armed force is formed in the region. Well beyond their legal competence village guards are widely involved in crimes such as abducting girls and women, rape, murder, seizing by force, drug trafficking and gun-running. The number of temporary village guards exceeds 60.000, the system is seen as a source of income and all these dirty tricks are hidden behind the duty of village guards. This has created a class of combat profiteers in the region, which has become a serious treat for peace as it favors the continuation of war rather than bringing it to an end."

In the report, political murders by "unknown assailants" were termed political murders by "hidden assailants." Political murders by hidden assailants were resulting from "the acceleration of war and war crimes, the lack of means for a solution and the failure to stop the progress of the PKK's armed forces." Diyarbakır Bar stated that it accepted both the political murders by hidden assailants and cases of "disappearance" in detention as extra-judicial executions.

The Regional Report put torture in detention in the first place among the most widespread human rights violations in the region. The number of detentions increased in line with the number of clashes, in many cases all members of a family or even a whole village people were detained. A different system of jurisdiction continued to be implemented in the region. "The detainees are not being treated as suspects but as enemies. The judicial organs remain indifferent to torture. By extending the detention periods traces of torture are hidden. The fact that only few perpetrators are brought to justice is evidence for torture as a general policy."

The report pointed at the impossibility to conduct peaceful meeting and demonstrations in the region and the fact that none of the associations, trade unions and political parties could function. Detailed findings were as follows:

"There are serious legal and practical obstacles to the freedom of organization. Political parties, which are indispensable organs of democracy, are closed, MPs are impeded and whoever voices his/her opinion about the region in the Parliament is forced to leave. The public reacted when the deputies were dragged out of the Parliament to be detained after their immunity had been lifted. These deputies elected as members of parliament from the region were sentenced for "membership of an illegal organization" by a special court. In the region these sentences hurt the people's faith in parliament." It was additionally mentioned that the will of the people in the region was not reflected in parliament because of the national and regional thresholds in the election system.

The report also described the SSCs as follows: "It is clear that trials in SSCs are unjust. A considerable increase was observed in the number of trials that concluded in conviction since 1992. Cases at SSCs have almost entirely been based on declarations by confessors."

Proposals for the solution of the Kurdish problem and regarding the state of emergency were listed as follows: "The denial of the Kurdish identity has to be abolished from all legislation including the constitution. The Kurdish identity has to be equipped with constitutional and legal guarantees. The state of emergency legislation should immediately be abolished and all legal measures based on the State of Emergency Law should be annulled. The temporary village guard system and the Repentance Law should be abolished immediately. Internally displaced people should be given the opportunity to return to their homelands and residences in safety and they their losses should be compensated by the government. Extra-judicial executions and murders by unknown assailants must stop and the assailants should be determined

and prosecuted. Obstacles to freedom of organization and expression should be lifted. Related articles in the constitution should be amended and a non-discriminatory general amnesty should be announced."

The Democracy Party's deputies, who were sentenced for "membership of an illegal organization" on 8 December 1994, at the end of an unfair trial after their immunity had been lifted on 2 and 3 March 1994, spent 1998 in prison. Former MP Leyla Zana found an opportunity to express her opinion in an interview with the Human Rights Delegation of the US Congress. The delegation headed by congress member John Porter talked to MPs Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak in Ankara Central Closed Prison after they had met the Chairman of Parliament, Hikmet Çetin, the Minister of Foreign Affairs, İsmail Cem, the Minister of State responsible for human rights, Hikmet Sami Türk, on 26 January. In the interview, Leyla Zana who spoke in the name of the DEP deputies, reported that the government made attempts for her release due to pressures from the USA, and added, "I could not accept individual freedom, because the freedom of the Kurdish people is more important than that of mine." Speaking about the Kurdish question Zana repeated that she was "in favor of a solution within the geographical borders of Turkey."

3.1

THE KURDISH PROBLEM

Not only human rights defenders advocating a peaceful, human rights based solution to the Kurdish problem and criticize the official line, but also intellectuals, democratic institutions and political parties were punished by means of various legal and administrative provisions for expressing their opinions; activities of organizations that share such criticisms were hindered and their members and executives were arrested and tortured (see chapters on "Freedom of Organization" and "Human Rights Defenders"). Despite these restrictive efforts, many institutions and individuals continued to discuss the Kurdish problem and to criticize the official policies on the issue. However, the violent atmosphere around the Kurdish problem, the death of many people in the clashes, the atmosphere of hatred developed by the government and the media prevented a broader and open discussion. The Kurdish problem was understood to be nothing else but a sum of single violations of human rights and armed clashes. As a result of the propaganda ("psychological war") as part of "special security operations (the 1993 concept)" developed by the NSC, growing sections of the public started to ignore human rights violations or perceived them as justified; thus, the denial of the Kurdish problem spread among the public. Although the existence of Kurds was accepted, the use of the word "Kurd" alone caused reactions.

A group of Kurdish intellectuals including former DEP deputies Sırrı Sakık, Ahmet Türk and Sedat Yurtdaş founded the "Initiative for a Democratic Reconciliation and Solution to the Kurdish Problem" (DEMOS) in January. In the first meeting of the initiative on 20 January, DEMOS spokesperson lawyer Güven Özata stated that violent means obviously fell short of providing a solution to the Kurdish problem and that the only way to a solution depended on finding a "peaceful and democratic compromise." Özata said that democratization was not only the need and request of the Kurds, but of everyone living in Turkey and added, "The most important obstacle to overcome the problems is the existing distrust and lack of a dialogue."

The view that the Kurdish problem is a political one and the solution must be political or based on respect for human rights did not find much supporters in 1998. Organizations favoring a political solution were suppressed. New cases were launched against HADEP executives in addition to existing ones; HADEP

officials were frequently detained and some were arrested. The police raided HADEP offices many times and most of the time activities of the party were banned. (See chapter on "Freedom of Organization".) In 1998 HADEP officials either had to deal with oppressions against their party or spent their time in detention or under arrest. Especially during the "Öcalan crisis" between the Turkish and Italian governments in November and December, attacks of the security forces and attacks by civilian groups against HADEP reached their peak. In November and December, at least 270 HADEP officials and at least 3,125 HADEP supporters were detained; most of the detainees were reportedly tortured.

Meetings and activities of HADEP concerning the Kurdish problem and human rights were systematically hindered and the participants were subjected to harassment. For example, the "Peace and Fraternity" activities that HADEP wanted to organize in October were prohibited in all provinces.

On a restricted level the Kurdish question was discussed outside Kurdish political groups. For instance, the Social Democratic Conference prepared a report entitled the "Kurdish question" proposing to organize a Kurdish Congress in which all elements that might contribute to the solution of the Kurdish question should participate and suggested that İsmail Beşikçi should be asked to found a Kurdish Institute. The report dealt with the Kurdish question as part of institutional reforms and argued that "it is the necessity of democracy and the modern era that the human beings develop their ethnic and cultural characteristics within the unity of the land and society". Suggesting that Kurdish names should be permitted the following views were expressed in the report:

"There will be respect for the freedom of people who see themselves within the Kurdish identity to express their culture. The official language of the State will be Turkish, official communication will be in Turkish, the State will develop education in the Turkish language, (but) Kurdish should have been freely used in the media. It is possible to provide the means to teach the mother tongue in private institutions, because the development of the Kurdish culture and the transfer to future generations is only possible by means of education. Everyone will be furnished with the right to learn, develop and publish his/her mother tongue at or outside schools. It will not be overlooked that other communities than the Kurds are living in the southeast Anatolia region and all ethnic groups will be given the opportunity to protect and develop their existence and culture. The young generation will be told that their own culture is part of the cultural mosaic of Anatolia."

Since the beginning of 1996 the TSK has put its general policies on the Kurdish problem more actively into practice. The TSK, which is the most organized party to the Kurdish problem, and the NSC remained to be the determining party for arguments on the problem in 1998

The government's policies continued to follow the NSC's approaches in 1998. The political authorities alleged that there wasn't any Kurdish problem and they identified the existing problems under two titles: "a terror problem" related to the PKK and the "southeastern problem" which is essentially a socio-economic problem.

In 1998, the government took measures according to the policies of the NSC. Although they had objected to it while in opposition, the parties in government routinely extended the state of emergency rule. During discussions in parliament, the state of emergency rule was routinely defended by the parties in power and criticized by the parties in opposition in terms of human rights. In 1998, the government showed diplomatic efforts to convince European governments and neighboring states of their fundamental policy on the Kurdish problem aiming at a cooperation against the PKK. Especially the TSK's modernization project of 150 billion dollars provided an important item in these activities.

After the monthly NSC meeting on 27 March, the following was declared: "We are glad to conclude that our struggle which respects human rights and legal principles was successful in combating separatist terrorism due to the extraordinary efforts of our security forces and common sense and patriotism of our

nation. Eventually, the activities of the secessionist terrorist organization which was created artificially by the support and incitement of some countries that perceive the strong existence of the Turkish Republic as a threat to them, have been brought to a submissive level in and outside of the country."

Kurds are speaking but who listens?

Demands and preferences of a social group can only be understood by means of dialogue and when there are no overt or hidden sanctions against their freedom of speech. If any effort to establish communication with these groups is met with ideological oppression, if there are no systematic means to address them, and if serious sanctions exist against freely expressing their opinions, it means that the society is overwhelmed by totalitarianism...

It is a matter of courage for the victims to speak out under such conditions. Not only because of possible threats from the state, but also because of possible pressure from their own circles. The Kurds, who are neither supporters of the PKK nor serving the government, need support and encouragement today, just for this reason. On the other hand, it is necessary that people who do not recognize themselves as Kurds to express their desire to share a common and equal life with the Kurds. Because if the common will for social unity is not expressed, this problem will be squeezed between two totalitarian perspectives and it can turn into gangrene. And, as everyone knows, problems that turned into gangrene can only be 'solved' by being cut and thrown out.

Unfortunately, this unifying will seems to be very weak among non-Kurdish groups today. Leaving politicians and bureaucrats aside; many of the so-called independent columnists in the newspapers present their ideological refutations as being political analysis. Under these circumstances 75 people among the Kurds showed the courage to be different and addressed a declaration to the whole press and nation. They voiced out their concerns, but what happened? Only Cengiz Çandar dealt with the issue; this distinct initiative was not even mentioned as news. The Kurds speak but almost no one wants to listen to them. Is there a better 'Kurdish Problem' than this? The society moved into the shell of the state, become passive and insensitive, and the government on the other hand has shut its ears to such developments.

Şerafettin Elçi and Abdülmelik Fırat are among the signatories of the declaration, which can be summarized in three articles:

- 1) The mentality dominating within the state is based on a denial policy and violence towards the problems and has led the nation to chaos.
- 2) The Kurdish problem is a political problem and is directly linked to the democratization of the country.
- 3) Although it is very clear that it is impossible to get rid of this problem through violent means, the state and the media still provoke the Turkish-Kurdish enmity.

The solution has been set on two moral bases in the declaration:

The historical relations of fraternity between these two social groups and the creation of a democratic and peaceful system based on equality and the rule of law.

These people and probably millions of others who do not have the courage to speak out are trying to reach us. These people do not search for a solution outside their country and outside the society to share this country with, but they are not satisfied with the attitude of the state. Do they have to be satisfied? If they are citizens, then this means that they do not have to be satisfied. Well, are these people citizens?

Etyen Mahçupyan, Radikal, 6 December 1998

While the discussions on the Kurdish problem in Turkey focussed on the principles of the NSC, independent studies were conducted in European countries. For example, a German MP, Amke Dietert-Scheuer, and two scientists prepared a comprehensive report to be presented to the PKK, Turkey and Germany. Johannes Vandenrath from the German Goethe Institute and Jochen Hippler from the Amsterdam Transnational Institute assisted Amke Dietert-Scheuer, human rights spokesperson of the Greens group in German parliament. In her statement Mrs. Dietert-Scheuer said, "We want to contribute to the discussions in Turkey. We aim at preparing a ground for discussion through a series of panels. People from conservative parties in Turkey should also participate, since we cannot expect everyone to agree to our ideas. With the participation of representatives from Kurdish parties and movements, it would be possible to see how the Kurds view the situation and what kind of conclusion might be reached."

Delegations coming to Turkey for observations on the Kurdish problem and related human rights problems were subjected to oppression. Italian journalist Damiano Giovanni Frisullo, who had been detained during the Newroz demonstration in Diyarbakır on 21 March, was arrested and taken to Diyarbakır E Type Prison. On 28 April, Frisullo was released at the first hearing that took place at Diyarbakır SSC No.3. Frisullo said that he "was victimized in Diyarbakır where he had come to start a peace process". Frisullo told that international observers paid occasional visits to every country where there were grave human rights violations, and that he previously had gone to Palestine and Bosnia for this purpose. Frisullo also said that he had participated in the protest against the violence committed by the security forces during the Newroz celebrations. Thereupon, prosecutor İbrahim Yaman asked him, "Nevruz is our national holiday, did you know that? Why not any other places but Diyarbakır? Why do the European countries not take a stand against terrorism?" Following his release, Frisullo was detained again by the police at the prison gate, and then taken to Diyarbakır Police HQ, department of foreigners. Then he was deported.

The Kurdish problem was determinant in the relations between Turkey and the European Union in 1998. On 3 December, the European Parliament, in its resolution on the basis of the Swoboda report called on the Turkish government "to end the cruelty, arrests and torture that the Kurds are mostly exposed to." It was stated that the European Parliament "believed that a solution of the Kurdish problem in Turkey would result in considerable progress in respect of democracy, human rights and minority rights in this country and would enable Turkey to apply the Copenhagen criteria." Therefore, "... the cease-fire announced by certain Kurdish organizations are no doubt a step forward in terms of ending terrorist activities." The EP also requested Leyla Zana, other political prisoners and convicts be released. Other demands were "contribution to a solution which respects the territorial integrity of Turkey and which would be achieved by a dialogue among all related parties including the representatives of the Kurdish population as well"; "freedom of expression, the right to broadcast in the Kurdish language and the right to education in one's mother tongue in every part of Turkey should be guaranteed; the Law on Political Parties and the Election Law should be revised and especially the 10% election-threshold should be lowered so that the Kurds could participate and justly represented in parliament; and other democratic reforms should be realized, including the abolition of Article 8 of the Anti-Terror Law, which allows for imprisonment of intellectuals, writers and people with a political background."

The NSC and other authorities strongly opposed to the EP resolution as it contained some proposals on the Kurdish problem and especially a call for an international conference. Concerning this proposal President Süleyman Demirel said, "Turkey cannot accept any intervention to its sovereignty, its indivisible integrity and any decision on its domestic affairs. If they say 'Question Turkey, discuss the integrity of Turkey and we will take you into the European Union,' let the EU be theirs. This is a direct interference in domestic affairs of Turkey."

The Ministry of Foreign Affairs, on the other hand, implied that the relations could be completely frozen in case the governments of the EU member states and the EP's executive organs shared that the EP's

approach. The Ministry of Foreign Affairs said, "Except for the general criteria, Turkey will not take steps that damage its national savings and interests in return for a full membership" and condemned the EP's attitude "on behalf of the Turkish nation and the victims of terror." The EU member states were invited "not to share this irresponsible attitude for the well being of the Turkey-EU relations".

German Greens Party MP Cem Özdemir stated that Germany did not want to organize an international Kurdish conference. Özdemir said that he believed that "the Kurdish problem should be solved through democratic means within the national integrity of Turkey and not on international platforms." Özdemir said that the EU did not have any intention of enforcing "provisions of the Sevres treaty" to Turkey, and added, "Some groups in Turkey are intentionally provoking aiming at alienating Turkey from Europe." Özdemir maintained that the EP's resolution "is the product of efforts of some marginal sects", and said, "The decision has nothing to do with EU governments." The proposal for an international conference officially was not put on the agenda of the EU.

PKK leader Abdullah Öcalan's arrival in Italy on 12 November produced a crisis in the Turkey-EU relations. The government asked for the return of Öcalan to Turkey who was seeking asylum in Italy. The General Staff stated in an "Information Note" that it is a "legal, political and moral responsibility" of Italian government to send Abdullah Öcalan back to Turkey. The "note" claimed that the PKK violated all provisions of the Universal Declaration of Human Rights, and concluded: "Our citizens of Kurdish origin can be promoted up to the post of Presidency in Turkey; our citizens, living in East and Southeastern Anatolia, maintain their lives in an atmosphere of terror and discontent created by the PKK rebels in the region; our patriotic people, the village guards, combat terrorism together with the security forces and give considerable harms to it by standing aside the state; they do not encounter any limitations on cultural issues such as talking their mother tongue and naming their children in their language; education and TV broadcasting in the Kurdish language is not practicable; granting privileges to citizens of Kurdish origin in Turkey in face of people of many different origins who have been unified under the Turkish identity is not only a breach of the principle of equality in the constitution, but also of the Law on Educational Unity. The international society, especially Italy, is obliged in its legal, political and moral responsibility not to support and tolerate terrorism at a time when Turkey has made progress in its struggle, with the capture of Öcalan, the leader of the terrorist organization PKK, on 12 November 1998, in Italy. Turkey has been targeted by a network of indirect attacks, and thus, Turkey has the right to take all kinds of precautions to defend its territorial integrity, national unity and political independence."

Similar arguments were expressed in a letter that President Süleyman Demirel reportedly wrote to the Australian President in November: *"The claims on human rights violations in Turkey are closely related to the struggle against terrorism. The issue of human rights cannot be reduced to the rights of suspects of terrorism. Turkey is a democratic country. Our citizens fully benefit from their democratic rights and liberties. Turkey has a constitutional experience for more than a century. Our press is free and in fact, the task of criticizing is used aggressively by hundreds of national and local TV and radio channels. The cultural rights have also been recognized in Turkey. The Kurdish periodicals and books are freely published. As far as the Kurdish language is concerned, it is necessary to refer to 8 main Kurdish dialects that cannot communicate with one another. There are 55 of similar languages in Turkey, including their dialects. It is impossible to talk about the revolt of a nation that is under oppression in Turkey. But there is a terrorist movement. The PKK has murdered more than 5 thousand women, children and elderly people until today. The most serious human rights violation is the killing of innocent civilians. This is a crime committed against humanity. The PKK murders the Kurds without any hesitation if they do not support them. So, how is it possible for us to accept that the PKK represents the Kurds or fights for their rights? How can we say that the PKK will stop terrorism if the Kurds are given additional rights? No matter whether it carries a terrorist content or not, in democracies violence cannot be defended as a valid and legitimate means for defending*

human rights. Democracy does not automatically guarantee ethnic rights and others. This regime has a judicial basis guaranteeing civil and political rights. The right to self-determination that intends to destroy the territorial integrity and political unity does not exist in democracies. Freedom of expression is not infinite in European judicial systems. This freedom can be restricted for reasons of national security or territorial integrity. Some journalists are allegedly imprisoned in Turkey. Firstly, these people were not sentenced for performing their profession. Secondly, these people are not really journalists but members of a group called the 'militia' which assists terrorist activities of the PKK. The European democratic forces should combine their forces to eliminate the threat... Honoring violence and terror cannot be accepted as a democratic right. We agree with you on reducing and if possible removing human rights violations in the struggle against terrorism. We do our bests to this end. For this purpose, we have recognized the right to individual appeal to the European Commission of Human Rights or the council in case of any complaints regarding justice system or the security forces. We hope that none of the civilized countries would regard terrorism as excusable and without making any discrimination all would condemn any country that supports terrorism. Today, we face a challenge. Italy will decide on Turkey's demand for the return of Abdullah Öcalan, the leader of the terrorist PKK organization, who is already arrested in this country. The terrorist in question is responsible for killing thousands of innocent civilians and he is an ordinary criminal. We will not accept any development other than the return of this murderer to Turkey. If Italy does not fulfill its international commitments and obligations, this behavior would mean nothing else than a definite incitement of terrorism."

In 1998, the PKK declared cease-fire for the third time following its most extensive announcements in 1993 and 1995.²³ On 28 August, the PKK declared that "as a result of discussions with a mediator claimed to be sent by the government," a cease-fire is announced to be valid from 1 September World Peace Day onwards. Abdullah Öcalan organized a press conference and stated the following: "For the 75th anniversary of the Republic, we are ready to do whatever is asked from us to save the public from the severe costs of the war, from violations and from being toys in the hands of mafia-type organizations. I believe that no other nation or organization yearns more for a peaceful method than we do, provided that the vast violence against us is stopped or just diminished, if human rights are taken as a basis in the relationship between the state and the individual, if dialogue is evaluated for the development of democracy and the solution of political problems." Öcalan mentioned that the duration of the cease-fire would depend on the response given to it and added, "We should be given a guaranteed political chance. If we get this chance within a democratic environment, we are ready to end the armed struggle."

Demonstrations held in support of the cease-fire were violently oppressed. In October, activities planned in several cities by the Women's Commission of HADEP HQ. with the aim of responding to the cease-fire were banned. On 18 October hundreds of women who wanted to go to Taksim Square (İstanbul) to participate in the demonstration were detained. Twenty buses coming from various district organizations of HADEP were stopped by the police who erected barricades on the streets leading to Taksim, and people in the buses were detained. Mahmut Şakar, chairman of HADEP İstanbul Provincial Organization stated that "those attacks made under the martial law will not stop us maintaining our demands, and we respond to them by demanding more peace and more freedom." Şakar declared that the bus coming from the Zeytinburnu district had been attacked, 5 members of the party had been injured and taken to Taksim First Aid Hospital. Şakar, stated that over 1000 people had been detained according to information received so far. Mahmut Şakar emphasized the recent increase in attacks towards HADEP, and continued, "In the 75th year of the Republic, the gangs will not be able to obstruct the demands of the Kurdish and Turkish people for peace and

²³ The PKK announced the first cease-fire between 20 March and 15 April 1993. The cease-fire ended in May. The second cease-fire was announced on 15 December 1995 and continued until 16 August 1996.

freedom. We condemn the fascist attacks towards these peaceful and democratic activities and we call on all revolutionary, democratic and patriotic groups for a joint struggle."

On the same day some women supporting HADEP gathered in Mersin in order to make a press statement. They said, "We, the women who love this country and people, are here to scream our longing for freedom and democracy." The police dispersed the women while punching and kicking them.

The Women's Wing of HADEP İzmir Provincial Organization read out a press statement outside the HADEP office in Konak. The press statement read that despite the cease-fire declared by the PKK on 1 September 1998, "politicians and officials in Turkey insist on war". The women from HADEP referred to the gangs "as the primary agent for the decay in the regime"; they pointed out that "the response to be given to the cease-fire would contribute to peace and a solution on this land," and continued, "We, the women, pay the greatest costs in wars. They may take away all the values we have created so far, but they can never remove our hope."

The NSC reacted to the "unilateral cease-fire" declared by the PKK. Colonel Hüsni Dağ, chairman of the PR department of the General Staff, gave information concerning the fight against the PKK in 1997. He said, "operations were increased by 33 percent and air operations were doubled in extent." In December, the security forces prepared an "intelligence report": "During the first 11 months of 1998 the terrorist activities decreased by 70% compared to 1994, 55% compared to 1995, 45% compared to 1996 and 38% compared to 1997. When the first 11 months of 1998 are compared to 1997, there has been a decrease of 33% in the number of incidents, 39% in the casualties of security forces and 44% in the number of killed citizens. The number of terrorists captured dead or alive from 1984 until the end of November 1998 is about 43.000. People from Syria, Iraq, Iran, Greece and Germany constituted a considerable number of these terrorists, proving out the fact that the PKK is an organization established by some states against Turkey. The current number of terrorists is around the level in 1991. According to the findings of a research conducted on PKK terrorists, more than 90 percent of its members are primary school graduates, some of them never attended school and only 3 percent of the militants graduated from high schools and universities."

Prof. Mahir Kaynak, former head of a department of the National Intelligence Organization (MİT), said "the Turkish government, as always, will not respond to this call for peace by the Chairman of the PKK, Abdullah Öcalan." Kaynak emphasized that the lack of a solution was an effect of Turkish domestic policies. Kaynak said, "The Çiller front is waiting in ambush. If somebody takes a step for solution, they will make the greatest fuss saying 'Turkey is being sold to Apo.' ANAP cannot dare to take such a step. There is an opposition within the army. The problem cannot be solved due to the approach of the Turkish side. From now on, the PKK shall guide Turkey as a political organization." Kaynak, also referred to official statements such as: "We have finished the PKK, PKK is dissipating." He commented as follows: "The TSK has still got a serious existence in the region. If you keep 300 thousand people there, you cannot say 'We have completed this job'. Unless the armed forces are discharged it will not end." Kaynak said that the Kurds did not have a demand for establishing a federation or a separate state.

The "Socio-economic" Solution

The perspective of solving the "Southeast problem" by "socio-economic measures" combined with "militaristic measures" was frequently brought on the agenda after Bülent Ecevit joined the government. He has for a long time perceived the Kurdish problem as a matter of "regional underdevelopment and the continuation of feudalism." However, the statements made on the issue did not affect people living in the region, especially those who were forcibly displaced. The parliament failed take a stand on human rights issues concerning the Kurdish problem, but passed a new law that "brings tax exemption to investments made in the State of Emergency Region and anticipates providing cost-free exchequer estates to these investments."

In 1998, no concrete steps were taken for the solution of social problems that arise from the Kurdish problem. Under-production and famine continued in the state of emergency region due to forced displacement and other practices. Pressures on health personnel and the affects of the violent atmosphere on health services could not be removed. Neither was anything done against increasing poverty. Epidemic diseases such as typhoid, fever, dysentery, rubella, tuberculosis and hepatitis continued to threaten public life. According to the findings of a research conducted by the Ministry of Health, the number of typhoid cases in the region reached 78,990 in 1997 while it was only 6,142 in 1991. The number of dysentery cases increased from 4,046 to 7,312, tuberculosis cases from 2,034 to 9,244, hepatitis cases from 2,000 to 7,742.

Dr. Necdet İpekyüz, board member of Diyarbakır Medical Association, said that the problems in the health sector were not limited to the problems of hospitals, personnel and public health offices. He said that problems in many sectors from village services to public works, from education to economy and unemployment all affected the health sector. İpekyüz said, "The issue of health has sine qua non principles. These are peace, social justice, adequate nutrition, clean and adequate water, adequate accommodation, qualitative education and social integration. Unless you supply these, most of the problems in the health sector will remain unsolved, even if you sent doctors and nurses." İpekyüz said that most of the diseases in the region were "preventable diseases", but the patients could not receive medical treatment and be cured due to low life standards, malnutrition, lack of access to adequate and healthy accommodation. İpekyüz said, "These people do not have access to medical treatment. None of them has any kind of social insurance; they cannot afford medical treatment even if there are sufficient number of doctors or there exists a hospital." İpekyüz reported that there were only 13 public health offices in Diyarbakır whereas the population exceeded 800 thousand with the latest migration wave: "Build a public health offices and appoint a midwife, nurse and a doctor. Equip it with the necessary apparatus. But, the problem will remain unsolved. A nice public health offices has been built in one of the districts of Diyarbakır. The building is impressive, probably more impressive than the one in İstanbul. However, around the office there are houses of internally displaced people. These slums do not have proper toilets, water or electricity. The site lacks any road or infrastructure. These conditions totally upset health. Even when you establish a perfect organization, under these conditions, you have to start from the very beginning," said İpekyüz.

The Turkish Medical Association said, "Mainly women and children suffer from the lack of basic health services. Preventive medicine services (vaccinations, baby and pregnancy check-ups) in the districts cannot be carried to the villages. Maternal health is completely neglected. The percentage of giving birth without the presence of a health personnel is 15% percent countrywide, whereas it reached 70% in the region." The report emphasized the fact that many health institutions in the region had been closed, those which were open had great deficiencies in personnel and technical equipment and the rate of fetal death and death after birth had gradually increased. The report stated that 72 out of 387 public health offices were closed, 54 for security reasons and 18 for reasons related to the lack of personnel, and that only 88 out of 831 health centers were open. The reason for the death of newborns was given as the existing contagious diseases and unhealthy living conditions. The report also mentioned the necessity for an immediate and serious health reform.

Internally displaced villagers, who have become poorer, sought jobs in different regions, but especially by collective departure to agricultural regions at the Black Sea, Mediterranean and Aegean regions to work as seasonal workers during harvest. They were seen as a "security" problem by the authorities. The Ministry of Interior, in its periodical circular in 1997, described peddlers in the large cities as a "potentially dangerous group." In 1998, Ordu Governor Kemal Yazıcıoğlu prohibited the entrance of seasonal workers to Ordu, when they went there from the State of Emergency Region to collect hazelnuts. (See chapter on "Enforced Migration").

The propaganda made by the authorities and the media served as means of occasional enmity against Kurds in western regions of Turkey. For example, in August, Kurdish agricultural workers who went to Aşağı Çobanisa village of Manisa in order to work there were attacked by villagers with stones, sticks and knives. In the attack some of the workers were injured and 8 of them were detained. Among the detainees, one was reportedly arrested on accusation of having insulted the chief of the Gendarme Station. HADEP Deputy SG, M. Zeynettin Unay stated that similar attacks took place in Sazova village of Akhisar, Muradiye village of Manisa and Kemiklidere village of Saruhanlı. Unay maintained that the Kurdish-Turkish enmity was incited in the region. He told that they wanted to talk to the governor about the conditions of the Kurdish workers after the attack in Manisa, but their request for an appointment was rejected.

The village guard system and repentance policies as part of the policies in the State of Emergency region, "special security operations" and the "psychological war" affected the social structure in the region. For example, security officials tried to prevent blood feuds between tribes or families in the region. In a meeting which was organized by Urfa Governor's Office under the title "End blood feud, no sale of brides" on 29 March, Salih Güloğlu, commander of the 20th Armored Brigade said, "If there is anyone who wants to fight, who needs to kill and who wants to learn how to kill a man, he has to come and join the Armed Forces."

b) Cultural Policies

One of the methods used by the NSC and government to solve the Kurdish problem was to impose official symbols and the Turkish language on public life. The authorities, on the one hand, stated that being Turkish was the common identity of all citizens of the Turkish Republic, on the other hand they maintained their views on the ethnic Turkish identity. The "socio-economic" and "cultural" policies towards the Kurds aimed at the assimilation to Turkish identity by introducing official symbols of being Turkish and the Turkish language into public life; whereas the demands for education in the Kurdish language and the use of Kurdish in written and visual media encountered great opposition. People who voiced those demands were subjected to the harsh reactions of the authorities and were occasionally indicted with the accusations of "inciting hatred and enmity among the people based on race."

In 1998, the governmental policy on the Kurdish problem was to realize a "cultural program" as a means of "psychological warfare". The celebration of the 'Nevruz Feast' of Turks' was put at the center of this policy. In 1998, the Ministry for Culture sent a circular to all governors and wanted them to celebrate 'Nevruz' on 21 March. Prime Minister Mesut Yılmaz attended the 'Nevruz' celebrations in Kurtalan district of Siirt. Siirt Governor ordered the district governors to take the students to the celebrations. Generally "prohibited colors" (allegedly symbolizing the Kurdish flag) were used in the invitation cards prepared by the Diyarbakır Governor's Office for Nevruz. The cards read that Nevruz was the name for the day when all Turks in the World celebrated new year.

The General Directorate of Security prepared a "publication guide" for the "Nevruz Feast." Its purpose was "to inform the public about the real content of Nevruz and enable the people to interpret it." The text which explained the way "Nevruz celebrations were conducted throughout the Turkish world" was published in newspapers and journals and announced on radio and TV. The following was stated in the guide: "Feasts are the days when national and religious feelings and beliefs are displayed, tradition and customs are practiced, and the consciousness of nationhood within a society is shaped and strengthened."

Newroz celebrations of HADEP and other organizations were banned in many places. For example, HADEP Urfa Provincial Organization applied to Urfa Police HQ for a permission to celebrate Newroz. Appeals of HADEP district organizations in Urfa province for celebrations in Suruç, Halfeti, Ceylanpınar and Viranşehir were rejected with a note: "Nevruz is the official feast of the state. If you celebrate it with us, let's celebrate it together."

Veysel Turhan, chairman of HADEP Siirt Provincial Organization stated that hundreds of people were detained for participating in unauthorized Newroz celebrations. He said, "the government tries to take this feast away from the people. On the one hand there are official celebrations, and on the other hand celebrations held by the people are banned. This attitude denies the existence of a nation and all kinds of its values."

On 21 March, the police attacked students who were celebrating Newroz in the backyard of Orhan Veli Primary School in İstanbul Ümraniye. Some students were injured. Many students who participated in the Newroz celebrations in İstanbul Technical University and Marmara University Göztepe campus were detained.

In Bingöl, HADEP's appeal to celebrate Newroz was rejected. In the letter sent by the Governor, the reason was stated as follows: "Nevruz festival doesn't belong to an individual, an institution, an association or to any party". Only celebrations inside houses, offices and party buildings were authorized.

"Turkey has to recognize the Kurdish reality"

Now, we have citizens who speak Kurdish in this region. There are people who speak Kurdish in Iraq. We have not paid any attention to Kurdish-speaking population of Iraq. We became witnesses of what happened in Halepçe. We did not pay attention. However, when the Turkish problem aroused in Bulgaria, we said; 'We shall share with them the last bite of bread we have.' Our people in the Southeast are our brothers, just like the Turks in Bulgaria are. And their brothers in Northern Iraq should be our brothers as well. We talk of the Kurdish identity. It is no longer possible to neglect this. Turkey has to recognize the Kurdish reality. We can no longer say 'You are not Kurdish but Turkish. We set out from Central Asia together and the languages we use changed on the way.' We founded this state together. Two big communities remained after the fall of the Ottoman Empire: Turks and Kurds. This is a unitary state in which there are no minorities. All of us are the owners of this country. A citizen who speaks Kurdish in Turkey is also the owner of everything. We have to approach the issue like this...

President Süleyman Demirel, 8 December 1991

Thee police attacked the supporters of HADEP who were celebrating Newroz in Diyarbakır. Diyarbakır Democracy Platform, HADEP, international observers and HRA Chairman Akın Birdal participated in the celebrations during which Batikent square was put under the blockage of police and soldiers. While the people were trying to pass the barricades the police and soldiers attacked them with truncheons and planks. Many of the demonstrators and Özgür Cebe, a journalist with the daily Emek, were injured. Moreover, the injured people were detained and they were not taken to the State Hospital until the evening. They were again taken back to the Police HQ following the first aid at the hospital.

A woman named Mizgin Şen had a brain trauma due to blows to her head and she was hospitalized in the intensive care unit. Osman Baydemir, deputy chairman of the HRA, stated that the number of people detained during and after the attack in Diyarbakır exceeded 200, including Marcello Musto, Giulia Chiarini and Frisullo, who had come to the city as observers with an international delegation. Besides Batikent square, celebrations were reported from Seyrantepe, 5 Nisan, Hançepek, Alipaşa, Alipar, Koşuyolu, Benüsen, Mardinkapı, Kantar, and İskanevleri districts and Kayapınar quarter in Diyarbakır. The police interfered during celebrations in 5 Nisan district. The police attacked them with truncheons and consequently many people including children were injured.

In Diyarbakır, the official celebrations began with a ceremony of planting trees in Yeniköy district. Together with the Minister of Culture, Diyarbakır Governor, Diyarbakır Metropolitan Mayor, Provincial Security Director a total of 150 people, most of them students from Atatürk High School, reportedly participated in the ceremony. During the celebration outside the Governor's Office, Governor Niyazi Kayalı complained, "Although we distributed two thousand brochures, people did not come" and the Minister of State, İstemihan Talay, said "We wish the public had come to the stadium." The officials attended the 'Nevruz' celebrations in Atatürk Stadium.

In 1998 one focus of the government in the State of Emergency region and neighboring provinces was the education in the Turkish language and culture. Many children were taught Turkish as part of the Pre-School Educational Development Project which was run by the Social Development Project (TOKAP) and applied in Siirt, where many internally displaced people were living on the verge of starvation. The first phase of the project was conducted between 15 March and 19 June 1998, and approximately 1,000 children were educated in 43 courses in the province. During the 3-month educational term the children who did not know any Turkish were taught the language and received instructions on issues such as "Atatürk Principles" and "Turkish nationalism". TOKAP coordinators stated that there were more than 20 thousand children, aged between 5-6, who "have to go through the education" in Siirt. Siirt Governor Osman Acar explained the aim of the project as to "save impoverished children in the villages and districts from the negative effects of the environment in which they live and to raise them as followers of Atatürk and as nationalist citizens." Some groups criticized the project, naming it as a means for assimilation.

3.2

STATE OF EMERGENCY PRACTICES

The state of emergency legislation provided the legal basis for human rights violations not only in the provinces where it was officially in force (Diyarbakır, Hakkari, Siirt, Şırnak, Tunceli and Van in 1998), but also in the "neighboring" provinces and in provinces without an official status regarding the state of emergency. The state of emergency was put on the agenda wherever "internal security operations" were conducted. The State of Emergency Law provides for a wide discretionary power of the Regional Governor and denies any judicial means against decisions of the governor. According to the Decree on the Introduction of the State of Emergency Regional Governor's Office "No lawsuits can be filed on administrative procedures taken by the State of Emergency Regional Governor on the basis of authority given to him." (Article 7)

With Diyarbakır as the center, the State of Emergency Region initially covered the provinces of Bingöl, Elazığ, Hakkari, Mardin, Siirt, Bitlis, Van and Tunceli. The newly announced provinces of Batman and Şırnak (part of Siirt and Mardin provinces) were later added to the State of Emergency Region and the provinces of Muş, Şanlıurfa and Adıyaman were termed as neighboring provinces to which the legislation was applied. In 1996 Mardin got the status of a neighboring province. In October 1997, Batman, Bingöl and Bitlis provinces became neighboring provinces.

Political parties which had promised to abolish the state of emergency before they came to power made no attempt to keep their promise when they came to power and all applied the NSC decisions.

The implementation of a state of emergency has the security forces with an almost infinite and uncontrolled authority in using violence. In the region under a state of emergency and in other places where

"special security operations" were conducted people suffered from village and house raids, forced displacement, prevention of agricultural activities, food embargoes and arbitrary detentions as common incidents. Thousands of civilians were detained and most of them were arrested. The government, parliament and media did not show an interest in solving these problems. On the contrary, people who voiced their problems were blamed of disseminating "secessionist propaganda."

The HRFT Diyarbakır Representative Lawyer Sezgin Tanrikulu said: "There is an impatience in the region against the people and organizations taking sides with the democracy and human rights... All kinds of injustice and banishment are deemed proper in the region, while the reason to this is not explained. It is a paradox to talk of human rights on the one hand and to close these institutions on the other hand." The KESK Diyarbakır Branches' Platform Spokesperson and Chairman of the Tüm-Bel-Sen Diyarbakır Branch Abdülbaki Kazmacı said: "The human rights violations continue. Pressures on the public laborers have also increased. Even an ordinary speech can be a reason for interrogation. Many public workers have been sent to exile. These exiles reflect an understanding which see the people as criminals when they seek for their rights. As long as the restrictions continue, full democracy will remain as a dream in Turkey. The rock music groups that are brought to the region, the football matches will not manage to conceal the existing war. Problems will not be solved through prohibitions, but with a mutual search for solution."

Throughout 1998 it was impossible for human rights defenders and other NGOs to carry out their mission in the State of Emergency region. Circulation of newspapers and journals which cover regional human rights violations was prohibited in the region. Branches of HRA, TUHAD (The Solidarity Association of Prisoners' Families) and the MKM (Mesopotamian Culture Center) in the region, especially those in Diyarbakır, and the HRFT Diyarbakır Office were closed. Some people from these institutions, some members and executives of Diyarbakır Medical Association, Diyarbakır Bar Association for the Region and of trade unions within KESK were "exiled" outside the region. The State of Emergency Governor banned the program of the "4th European Film Festival on Wheel" in Diyarbakır, which started in Ankara on 16 October and continued in Bursa and in İzmir afterwards. The decision banning the festival, which was to take place in Diyarbakır on 6-8 November, was made under Article 11 of the State of Emergency Law.²⁴ On the other hand, performances such as fashion and American football shows were organized in Diyarbakır and in other provinces and a propaganda on "western life style" in the region was carried out by the mass media regardless of the fact that the people in the region were confronted with widespread starvation."

In 1998, like in the years before, activities of human rights organizations which tried to make investigations and report on the actual situation in the region were hindered. For example, Selman Yeşilgöz, chairman of the Tunceli Culture and Solidarity Association -an association observing human rights situation in Tunceli- was banned from crossing the borders to Tunceli province until 30 July. Tunceli Governor's decision of 13 July gave the reason for the ban as "possibly causing disturbances concerning peace and safety." The chairman of the association's İzmir branch, Kemal Mutlu, was detained for 3 days during a mission of Dersim Solidarity Committee in Tunceli.

On 6 August Kemal Mutlu held a press conference in the HRA İzmir branch presenting his observations in Tunceli. Mutlu said that "forced displacement was in force aiming at depopulating the region, villages were completely burnt down, the forestry was burnt and destroyed with bulldozers." He continued, "The food embargo declared on the few remaining villages, restrictions on transportation, ban on using the

²⁴ In its circulars issued periodically on the "fight against terrorism", the Ministry of the Interior Affairs suggested that activities of human rights defenders in Turkey and abroad should be prevented as a means of "fighting terrorism". Article 11 of the Law on a State of Emergency gives the right "to ban from entry, expel or show a specific place of residence to people or groups that appear to be able to destroy public order or public security".

plateaus for grazing cattle and sheep has almost made it impossible to live in the region. We haven't been able to visit our graves for several years."

Village and house raids continued in 1998, but less frequent than before. For example, on 17 March the soldiers raided the house of relatives of Faik Kızılay, a DEP board member who had been murdered by "unknown assailants" in 1994 in Iğdır. They broke the doors, windows and destroyed the furniture in the house. Kızılay's wife made an official complaint against the soldiers. Soldiers from Siirt Central Gendarmerie Station and village guards from Emekçiler village of Eruh raided houses in Dumlupınar and Conkbayır districts on 1 and 2 April, and approximately 50 people were detained during the raids. 13 of the detainees were released without being taken to a prosecutor. The detainees were reportedly tortured. Veysel Turhan, chairman of HADEP Siirt Branch reported that the people whose houses had been raided were villagers from Binewe who had moved to Siirt after they had been forced to leave their villages when they rejected to become village guards. On 15 May, 2 soldiers died in an armed clash in the rural area of Nusaybin district. On 17 May, soldiers from Dağlıpaç Gendarmerie Station raided Büyükkardeş (Cinatamiho) and Küçükkardeş (Cinatahiso) villages. They gathered the villagers in the village square and reportedly beat the villagers.

Yukarı Çömlekçi (Kotibajor) village of Kurtalan district (Siirt) was hit by cannon balls from Kurtalan Gendarmerie Battalion on 6 August. Thereafter it was raided and 3 people were detained. On 28 August, mortar fire was opened on Koçbaşı (Çilik) and Turan (Panemîrg) villages of Van-Saray from the Gendarmerie Station in Güllük village around 6pm. Three houses owned by Abdulhadi Özgül and his neighbors were completely destroyed. In the attack, Cemal Cansever and Sadrettin Fidan were severely injured and taken to Van State Hospital. The authorities declared that the mortar fire was opened during an armed clash whereas the villagers claimed that there was no armed clash when the mortar fire was opened. In the night of 28 August, cannon balls were fired from Acar (Herende) village Gendarmerie Station of Batman-Sason around 9pm, during which a child named Barış Adnan Yavuz (2) lost his life and 5 people from Çevrecik (Kaniyabere) hamlet of Kozluk-Yanikkaya village were injured. Villagers Halime Aktaş (30), Bedrettin (22), Evin (18), Yakup (22) and Fehuşa Yavuz (35) were reportedly taken to Batman State Hospital.

On 23 September, an armed clash broke out between special team members accompanied by "confessors" and PKK militants in the rural area of Diyarbakır-Kulp. In the clash one PKK militant died and 3 "confessors" were injured. Çukurca (Çirik) village was reportedly raided afterwards and was randomly put under gunfire. The villagers who were gathered in the village square were reportedly beaten.

On 27 September, soldiers from the Gendarmerie Station in Elbistan and village guards from Karahasanlıuşağı village raided Atmalıktaşanlı and Hasanali villages of Maraş and detained some people.

On 13 November, the District Gendarmerie Commando Unit raided Ağaçalı village of Diyarbakır-Kulp; gathered the villagers in the village square, reportedly searched their houses and confiscated food supplies such as flour or oil claiming that they were "in excess." In the second week of December, about 100 people were detained during raids by the Silvan Gendarmerie Battalion in Diyarbakır-Silvan. Headman of Eşme (Selikan) village, M. Emin Kılıç, headman of Eski Ocak (Sehti) village, Mehdi Bahadır, and headmen of Otluk (Heşter) and Kaf (Kafu) village were reportedly among the detainees. In December, Sabri Bozaba (headman of Yolgüden village), Haydar Beken (headman of Yayladere Sarıtosun village), Şükrü Parmak (headman of Karşıyaka village in Elazığ-Karakoçan) and 7 villagers were detained during raids on villages in Yayladere district by teams of Bingöl Police HQ.

During frequent road controls in the State of Emergency Region, passengers were ill-treated by the gendarmerie, village guards and confessors, and many people were detained arbitrarily. For example, the Batman-Sason highway was blockaded by soldiers and village guards in August. Entries to the district center were closed and the outlets were controlled. The passengers who were either entering or leaving the district were taken out of the vehicles and searched. Many people, who were not registered in Sason, were detained.

Road controls in Tunceli province were less frequent in 1998. In some centers of settlement, entrances and outlets were closed during the "operations" by military forces and village guards. (See chapter on "Enforced Migration".)

Diyarbakır-Lice district was one of the focuses of persecution in 1998. Around midnight of 9 August, soldiers and special team officers randomly raided houses in Molla, Karahasan, Mumağa and Delivan streets. Not only the houses were damaged but a child named Şehnaz Dolak (15) was severely injured in Delivan street by a G-3 bullet hitting her through the window. Residents of Lice described the incident as follows: "At midnight, while we were sleeping on the roof, we heard the gunshots. Children and women started to scream. None of us did know what to do; we were just trying to get inside the houses. The bullets were buzzing on above us hitting the walls and windows. They could have killed all of us as they did in 1992. The fire lasted for two and a half hours."

The state of emergency legislation was applied outside the region as well. In 1996, the Law on Provincial Administration No. 5442 was amended and the same powers the State of Emergency Governor had been equipped with, were acknowledged for all provincial and district administrators. Thus, some "special operations" were started to be put in practice in other regions. This made it clear that the security forces could call on a state of emergency anytime and anywhere.

Many provinces in eastern and southeastern Anatolia that officially are not covered in the region of a state of emergency or by the term of "neighboring provinces" were deeply affected by the state of emergency rule and "special operations." People in Sivas, Erzurum, Ağrı, Iğdır, Kars, Malatya, Erzincan, Elazığ, Maraş, Urfa and Antep provinces were subjected to treatment similar to the one implemented under the state of emergency rule.

The extension of the state of emergency rule did affect not only the provinces in the region, but also some provinces in the Black Sea Region and Hatay. The state of emergency was not officially declared in these places, but the amendments to the Law on Provincial Administration and the "Anti-Terror Law", as well as changes in the Regulation of Prime Ministry Crisis Management Center (9 January 1997) provided a legal basis for the application of a state of emergency rule on a wider scale. The experience of "special operations" in the State of Emergency Region was employed in operations at the Black Sea coast and other regions. Claims of "extra-judicial executions" and torture increased in Sivas as well as in the Black Sea region and Hatay.

The provisions of the state of emergency offered a convenient ground for criminal organizations. Some special team officers, non-commissioned gendarme officers, village guards and "confessors" used the violent atmosphere and the authority given to them as means to engage in illegal activities outside their routine duties within "special security operations."

The "confessors" Adil Altan and Mehmet Güngör, who were arrested in Mersin after a murder they committed in Şırnak in 1997 made a statement about some of their activities in response to the sentence of life imprisonment they received. Altan and Güngör submitted their letter to Mersin Criminal Court No.1 from Silifke Prison where they were kept as convicts. They stated that they had worked within the MİT, JİTEM and "Anti-Terror Branch", and that they had served for Şırnak JİTEM, Silopi JİTEM and Diyarbakır Psychological Operations Department both as village guards and as "confessors" after they had left the PKK. Mehmet Güngör said, "Adil Altan and I served a short term in Diyarbakır Prison after we surrendered. We were constantly being taken to operations during that period." Adil Altan said, "8 PKK militants had been arrested in the Cudi operation in 1996. According to the instructions of the Special Operations Commander and Battalion Commander, we shot them dead because a soldier had been injured in the clashes." Altan made some claims on the fates of some confessors who either "disappeared" in the past years or who did not return after they had been taken out of prisons: "Between 1996 and 1997, 15 of our confessor friends were taken on

so-called "leave" by someone from the Psychological Operations Department of Diyarbakır Prison and put under control of Major Behçet in Bingöl. Having participated in operations for some time and disclosed information about this they were killed. The instructions were given by Team Commander Mehmet Sifki and his assistant Cemal. Afterwards, Major Behçet stated that the confessors drowned on their return from a mission. In addition, my friend Yunus Dizlek with whom I was working together used to work with Colonel Serdar from the intelligence departments in Şırnak and Silopi. Colonel Fehmi and Colonel Serdar killed Yunus and threw him in a river near Habur. Whenever we asked, they said that Yunus had gone to Iraq on duty."

Village Guards

The system of "voluntary" village guards was in force in 1998. While the amount of pressure and torture inflicted on people to accept arms as village guards decreased, less trials were launched against people at SSCs on the accusation of "aiding and sheltering", fewer extra-judicial executions took place and the policy of forced displacement lost momentum, it was observed that village guards always took an active role in these practices. Additionally, village guards seized lands in evacuated villages and/or confiscated houses, fields and farms which initially belonged to the displaced villagers. The number of rape cases and cases on "abduction of girls" as a gentle and acceptable form of rape, increased. It was disclosed that some village guards played an important role in drug trafficking and joined the criminal organizations by cooperating with security forces officers and/or occasionally confessors.

The village guards who are armed and equipped with official power intensely resorted to violence in settling their personal or family disputes. The system of village guards strengthened the tribal social structure. Impunity of security officers and confessors for human rights violations and other crimes was partially extended to village guards as well. For example, the chief of the Jirki tribe and leader of village guards, Tahir Adıyaman, who had been wanted for 23 years, was not imprisoned in 1998, even though Isparta Criminal Court issued an arrest warrant on the accusation of murdering 7 soldiers. The arrest warrant for Adıyaman, who was reported to live in a house next to the commando unit in Çeman (Başaran) of Beytüşşebap district (Şırnak), was renewed on 21 April. Former Minister of the Interior Affairs Mehmet Açar reportedly donated a car to Adıyaman, who had even met President Süleyman Demirel.

The village guards exercised widespread oppression in and occasionally outside their regions as part of their authorities but also their arbitrary discretionary power. Some of these crimes committed by the village guards were disclosed to the public. For example, in Beşpınar village of Diyarbakır-Çınar, the village guards did not allow the return of 30 internally displaced families to their villages and they reportedly threatened other families that had not left the villages and took tributes from them. It was also disclosed that the village guards confiscated the lands and houses of the families who were forcibly displaced in 1995.

Villagers faced pressure when they wanted to leave the system and give back their guns. For example, 22 village guards who gave back their arms in January in Zom (Aran) village of Mardin-Kızıltepe, were later informed that they had to leave the village if they insisted on resigning as village guards. On 16 January village guards Fesih Yılmaz, Abbas Vurgun, Ramazan Vurgun, Cuma Vurgun, Mehmet Yalçın, Cemal Yalçın, Burhan Yalçın, Hamdullah Ökmen, Hamdullah Bal, Reşit Oral, Nazım Temel, Sabri Kırmızıgül, Veysi Kırmızıgül, Hasan Ertur, Esat Demircan, Nuri Aydemir, Veysi Aydemir, Selahattin Aydemir, Hüsnü Aydemir, Mehmet Uncu, Mehmet Barış and Süleyman Barış appealed to Kızıltepe Gendarmerie Battalion HQ with the aim of resigning as village guards and gave back their weapons on the same day. They stated that they had been driven into the front line during operations, and continued, "They made us village guards under threats and then named us 'voluntary village guards.' We were intentionally dragged towards death. We were in the forefront in every conflict." The village guards, who were reportedly accused of being PKK members at the Battalion HQ, said, "If we were PKK militants, why did they give arms to us?"

Why did they trust us? Such accusations we note as being of no importance to them. 'Anyway, it is OK that the Kurds go on strangling each other,' this is what they are saying." Beginning on 17 January, the gendarme prohibited the villagers from taking their animals to the plateaus. Villagers said, "The chief village guard threatened us upon the instruction of soldiers. We told them that we would not take arms. Thereupon, the Battalion Commander threatened us by saying, 'I will demolish your houses on top of your heads if you do not take weapons.' However, we are determined not to take up arms."

After 13 village guards from Değirmenci village of Diyarbakır-Ergani had appealed to the District Gendarme Battalion HQ on 11 March and requested to give back their weapons, a captain from the Mobile Gendarme Station in Kalemndan village reportedly went to Değirmenci village on 12 March and said, "You have received such a big amount of money from the state. Now, you are fed up and you say 'we will quit.' I will cut your heads if these weapons are given back."

Village guard oppression in Lice continued in 1998. Starting at the end of March, villages of Lice were raided and villagers who had not become village guards were forced to accept it. On 25 March, 3 soldiers died and 9 were injured when a military vehicle hit a mine around Tutê village. Thereupon, soldiers raided and evacuated Tutê village, and forced people living in neighboring villages to serve as village guards in Tutê. Moreover, soldiers from Lice Battalion HQ raided Koçera, Merdinya, Herak and Darakol villages and they reportedly threatened the villagers to become village guards or they would have their villages evacuated.

In Diyarbakır-Kulp, soldiers from the District Gendarme Battalion HQ raided Yeşilköy quarter on 20 April and threatened the residents of the quarter to become village guards. Soldiers told the people that they would burn their houses in case the residents of the quarter did not accept. A person living in Yeşilköy quarter said, "The soldiers burnt all houses 3 years ago. We repaired our houses and we did not migrate. Those families whose children had joined the PKK were not given the right to repair their houses and most of them had to migrate to Diyarbakır. The Commander had told them: 'Either you take your children from the organization and hand them over to us or you cannot live in the borders of Kulp.' Thereupon, many families had to migrate."

3.3

THE KURDISH PROBLEM AND THE PKK

The Kurdish problem came on the agenda of Turkey through the PKK's armed activities following the military rule of 1980-83. The PKK organized armed raids on villages and hamlets until 1987 and was involved in clashes with the security forces. Thereupon the PKK acquired a considerable power in the southeast of Turkey and became a determinant force in the public life of Turkey in the 1990s. In 1992/93, "special security operations" were employed against the PKK and especially against the widespread popular support that the PKK had received. Besides people who were killed in armed clashes or in PKK attacks against people who rejected to support them, many people were killed since then in "extra-judicial executions", "murders by unknown assailants" or under "torture." At least 3,500 settlements had been evacuated by the end of 1998 and approximately 3 million people had been forcibly displaced. While being confronted with widespread and systematic torture, arbitrary detention and arrests, the people in the region found no chance to experience an ordinary life under the state of emergency rule. A new "concept" developed in 1992, forced the Kurds living in various parts of Turkey to choose between the NSC policies and the PKK.

Many young people lost their lives in clashes with the PKK and their death served as a pretext for enmity and attacks against Kurds living in western parts of Turkey.

PKK leader Abdullah Öcalan repeatedly announced cease-fires after 1993. While noting his desire for a peaceful solution to the Kurdish problem in which the PKK could get involved as a party, Öcalan stated that he gave up his goal for an "independent Kurdistan" by 1993 and favored a federation first, and then autonomy. After 1997 Öcalan declared that democratization of Turkey and granting the basic rights such as education in the mother tongue to the Kurds would be sufficient to solve the Kurdish problem. In this period, PKK made efforts to internationalize the Kurdish problem as a political problem.

On 1 February Öcalan made a statement on Med-TV and said that he would surrender if the Turkish government gave him a guarantee. Öcalan also stated that their goal was no longer a federation and stated, "In case the PKK is enabled to participate in parliament as a legal party by an amendment of the constitution, and if my life is guaranteed and I am assured that I will not be tried; I will surrender." He added: "We do not want to divide Turkey, but we want the state to be restructured within the existing borders. Unless this state, which has already collapsed, is cleaned from the gangs and policies towards destroying the religious beliefs and the cultural mosaic in Anatolia are abandoned, this problem will continue to exist. In such a process, we think it will be a correct policy to abandon our demand for a federation."

On 17 April Öcalan said the following on Med-TV: "It is necessary to appeal to the people when seeking a political solution to the Kurdish problem." In reply to the question: "If Turkey really thinks of bringing a solution to the Kurdish problem, with whom should they negotiate? Would you insist that you are the person to be addressed, if not who would be the address of negotiation on the Kurdish side?", Öcalan said, "The issue should not be made complex any more. The problem can be solved with people who strive for it. I don't ask them to come and meet me as a precondition. The Kurdish people are a party to the problem and they must be addressed. It is the Kurdish people who witnessed the dungeon and who suffered a lot. An election should be held, the Kurdish people should come up with their own representatives and a dialogue should be started with them... My name as well as that of the PKK might have been involved in terrorism, then lets appeal to the people."

On the other hand, in a program in August Öcalan said the following: "I emphasize that we have to initiate a great political and democratic move. We know that it is to the benefit of all parts of Turkey and the Turkish nation. Loving Turkey means loving its people and culture. We have to trust ourselves and show, without any concession, what it means to be the real inhabitants of Turkey. We had to live through a ruthless war because of people who have no other problem than their own profits and put their lack of understanding in place of politics. Turkey severely needs democracy. Kurds will unlock the gate. Kurds need a national identity, Turks, on the other hand, are in need of a democratic identity."

In a letter he sent to the Council of Europe's Parliamentary Assembly in June, Öcalan maintained that "the Turkish government is intentionally following the policy of purifying the region from the Kurdish population." Öcalan said, "Turkey has been partially successful in this policy; but at the expense of creating a tragedy of mankind which resulted in spreading the Kurdish problem to the western parts of Turkey and from there to Europe." Öcalan, said "Our removal will result in the migration of Kurds en masse and they will be scattered all over Europe," and mentioned that the Kurdish problem needed an urgent political solution which had to include the recognition of the Kurdish identity and guarantee the constitutional rights of Kurds. Öcalan criticized Turkey as being "the party which employs violent means wants for solving the problem" while he described the PKK as being "the party which seeks for the solution through dialogue". He stated that the PKK so far had declared cease-fire twice and was ready to declare it a third time.

Pressures on the civilian population in the State of Emergency Region and neighboring provinces on allegations of "supporting the PKK" continued in 1998. There was a decrease in the number of villages burnt

down and/or evacuated. However, village raids and torture cases, food embargoes and bans on plateaus were frequently observed. On days that the authorities felt to be important for the PKK such as Newroz, World Peace Day and especially on the anniversary of 15 August 1984 -the day when the PKK's military wing started its armed activities- the number of arbitrary detentions and torture cases increased dramatically. In the second week of August, road controls and detentions were intensified. Armored units were placed on the roads between Lice and Kulp, Bingöl and Genç and Elazığ and Palu. In the evening of 10 August houses in Vali Ünal Erkan and Yeşilköy quarters of Kulp (Diyarbakır) were raided. In these quarters mostly internally displaced people were living. On 12 August, the police organized a raid to Siirt's Çakmak quarter at around 11pm, searched all houses in the quarter and detained some 20 people. Especially the houses of executives and members of HADEP were reportedly marked. The house of HADEP Provincial Secretary Baki Taşçı was raided by civil police and all the furniture in the house was destroyed. Veysel Turhan, chairman of HADEP Siirt Provincial Organization said that the quarter had completely been besieged and the houses targeted under the excuse of a search were destroyed. He said, "During these searches, even a tiny move of a finger was a reason for harassment."

The police from the political department organized house raids in several districts of İstanbul. The police reportedly took extraordinary security precautions in Yamanlar, Gaziemir, Buca, Narlıdere and Çiğli districts in İzmir, mostly populated by Kurds. Entries and exits to these quarters and districts were kept under control. In Adana, the police organized parades with convoys in districts mostly populated by Kurds, namely Dağlıoğlu, Gülbahçe, Hürriyet, Barbaros, Yenibey, Kiremithane, Anadolu, 19 Mayıs and Havuzlubahçe districts and disturbed the public.

On 13 August, 11 people were detained in Hakkari-Yüksekova including the chairman of HADEP Provincial Organization Hetem İke, Lütfü Buldan, Kemal Aslan, Cevdet Bora and Engin Aka. On the same day, Süleyman Taş and Ahmet Dağtekin, HADEP district board members in Urfa-Ceylanpınar, HADEP members Şehmus Sürer and Hilmi Sürer were detained. The HADEP members were subjected to beating and insults in detention, but they were released the same day.

After Öcalan's arrival in Italy, anti-Öcalan demonstrations coordinated by the NSC and the Ministry of Interior Affairs and attacks against Kurds and HADEP following such demonstrations dramatically increased social tensions in Turkey.

a) PKK and Foreign Relations

PKK continued to be the determining factor in Turkey's foreign relations in 1998. The government, which blamed all the states, the USA and European countries for supporting the PKK and not accepting the Turkish thesis on the Kurdish problem in previous years, gained a substantial support from the USA in 1998. Especially, the fact that Öcalan left Syria for Russia first and then passed on to Italy evoked serious tensions in the relations between Turkey and the European countries, especially Italy.

In 1997 the NSC had accused Iran of "supporting the PKK". The accusation resulted in "security negotiations" (possibly containing the mutual return of political prisoners and refugees) between Iran and Turkey. However, the tension continued in 1998.

Greece remained one of the main countries accused by the NSC for supporting the PKK in 1998. The PKK opened liaison offices in many countries including Greece in 1998. In a statement made on 2 May, the Ministry of Foreign Affairs declared, "Greek policies on Turkey have been put under the mortgage of a terrorist organization." The statement continued that "the PKK office in Athens holds conferences attended by the deputy chairman of the Greek Parliament and Greek deputies. Such representations directly aim at violating the integrity of Turkey and incite terror." The Ministry of Foreign Affairs claimed, "During

the time when Turkey made a great progress in combating terrorism, Greece spent special efforts to revive the terror that has long been exhausted." The PKK reportedly opened an office in Baghdad in June.

The PKK and its affiliates had been banned in Germany on 26 November 1993. Although this decision was not revised, Turkey did not regard measures taken by German government as being satisfactory and tension continued between the two governments.

Diplomatic activities of the Turkish government in Europe directed at the PKK included the allegation that the PKK engaged in drug trafficking. Contrary to the allegation the German Federal Criminal Department's confidential report on narcotics concluded: "There is no serious evidence to confirm the claims that the PKK is directly involved in drug trafficking". The report stated that people who were caught in searches for drug trafficking had occasionally tried to contact the PKK, in order to secure their stay abroad as refugees.

Following an agreement between the Turkish and Syrian security authorities on 20 October, the Syrian government decided to deport Öcalan, expel the PKK forces from its territory and to ban their activities. This development strengthened the allegation that the PKK was supported by Syria because of the water problem. Mesut Yılmaz, then Prime Minister, spoke in October after negotiations between Syrian authorities and Turkish security officers, and said: "After 15 years we have weakened the PKK to an extent that it can no longer carry out mass operations. The PKK is neither dominant nor active in any region. This has been achieved by paying great costs. Today the PKK can only survive by means of foreign support. Syria was leading this support. We, as the state, concluded at the top level: The source is Syria. If this support is eliminated, the PKK's dissipation will be inevitable and it will not be able to survive in the end. Syria is currently living its weakest period in history, politically, economically and militarily. There is a great discontent towards the administration. The State has been unable to pay the wages of public employees for a long time. They mostly trust in Russia. If we move on Syria, we can strike the largest blow to the PKK. We found out that they had sent Apo to Russia before the negotiations started. We took some steps there. They said that they would keep him under control. It is a great blow to the PKK; he used to be right next to Turkey but now he is 1,500 kilometers away and moreover he is under control. It is important to prevent his dominance and communications. We will do something. However, Apo has been deported from Syria. Syria gave us the list of 600 PKK members. They will return some of them to Turkey, deport others and will not allow the entry of new ones. We will send some staff to Syria and they will make continuous investigations in Syria. Nevertheless, the result we got last week has been the largest blow to the PKK until now." The developments that outlined the Kurdish problem in 1998 were deeply affected by Öcalan's departure from Syria. Öcalan left Syria and went to Russia at first, then to Italy. On 30 October Öcalan requested asylum from Russia. Russian parliament Duma issued a text calling on President Boris Yeltsin to accept this request. Russia refused this request with the hope to sell natural gas and helicopters to Turkey, so Öcalan went to Italy.

Italy's refusal to return Abdullah Öcalan to Turkey led to an economic embargo and threatening demonstrations against Italy in November and December. A project of 150 billion dollars per year for the modernization of the TSK in 1997 provided the basis to smoothen relations between Turkey and the European governments.

Tensions between Turkey and Italy escalated already before Öcalan's arrival in Italy, when representatives of the Kurdish Parliament in Exile (PKDW) attempted to take an oath in the Italian Parliament and organize a joint press conference with Italian MPs in Rome on 29 September. After the PKDW's initiative, the Turkish Ambassador in Rome, İnal Batu, visited the chairman of the Italian Parliament, Luciano Violante, and requested from him not to allow the press conference. Luciano Violante told Ambassador Batu that he did not have the authority to prohibit meetings of deputies with one or more

persons, as they benefited from all rights of freedom according to Italian laws. The Turkish Ministry of Foreign Affairs gave a note to Italy requesting to prohibit the conference. After the conference it was stated that Italian companies would be excluded from the defense projects amounting to 9 billion dollars. In the NSC meeting at the end of September, the following decision was announced: "Italy will be warned through diplomatic means and in case there is no change of attitude towards Turkey, a series of economic sanctions will be applied against Italy and first of these will be the exclusion of the Agusta company from bids on the helicopter modernization project worth 4,5 billion dollars".

b) Şemdin Sakık's Arrest

Former PKK Central Committee member, Şemdin Sakık, for whom Abdullah Öcalan allegedly issued a "death warrant", surrendered to the Iraqi Kurdistan Democratic Party (KDP) on 15 March. In January, Sakık had been called to Northern Iraq by Abdullah Öcalan to be interrogated along with Sait Çürükaya, commander for "Amed Region" for the organization, and 5 other commanders. Allegedly Abdullah Öcalan issued a "death warrant" at the end of the interrogation and Sakık escaped from the camp near Diana together with his 6 guards in order to surrender to the KDP authorities in Erbil.

It was alleged that Şemdin Sakık and his brother Arif Sakık were caught on 13 April in Duhok in an operation of teams from the General Staff Special Forces HQ and brought to Diyarbakır afterwards.²⁵

Whether Sakık was caught or whether he surrendered has so far not been clarified. The Chief Office of the General Staff claimed that he had been caught in an operation. Abdullah Öcalan, on the other hand, maintained that Sakık might have surrendered and said that the arrest of Şemdin Sakık had been a "positive development for the PKK." Öcalan stated, "whatever Çatlı means to the state, somebody like him can emerge within the PKK as well. PKK can be considered as a semi-state. Such people can emerge. We really spend extraordinary efforts to clean the filth. This is not an easy job. Is it easy for Turkey to clean the gangs, despite all the opportunities of the state?"

While Şemdin Sakık's interrogation was going on, many newspapers, especially Hürriyet and Sabah, published "alleged" claims of Şemdin Sakık during his interrogation concerning the HRA chairman Akin Birdal, HADEP and many non-governmental organizations, press institutions, journalists and writers. On 25, 26 and 27 April, dailies Hürriyet and Sabah published some statements allegedly made by Şemdin Sakık on the "PKK-HRA" and "PKK-HADEP" connections. Sakık allegedly said that "HRA chairman Akin Birdal has been receiving instructions and money from the PKK leader Abdullah Öcalan who defines the HRA as 'his gun in Turkey'". Şemdin Sakık also reportedly said that the HADEP was the "legal wing" of the PKK, but that Abdullah Öcalan did not have faith in HADEP. In addition, some journalists such as Cengiz Çandar, Mehmet Ali Birand, Mahir Kaynak, Mahir Sayın and Yalçın Küçük were claimed to be receiving money from Abdullah Öcalan in return for writing articles in favor of him in Turkey. According to such "news" covered in these papers, some journals such as Gündem, Yurtsever Gençlik, Emek, Özgür Halk allegedly were "financed by the PKK." Some MP's, including some from ANAP and DYP, were said to have established contacts to the PKK. The statements attributed to Şemdin Sakık were used for a smearing campaign against a wide range of groups, with the "Saturday Mothers" on one end and MPs, media and journalists on the other. The targets of the campaign included pro-Islamist and rightist newspapers such as

²⁵ The statement of the SG of the General Staff regarding the issue is as follows: "As a result of investigations, Şemdin Sakık, who escaped from the PKK camp where he was under surveillance in Northern Iraq on 15 March 1998, has been found out residing in Duhok and his residence and activities have been closely followed. Sakık, who left his residence in a private vehicle on 13 April 1998, has been taken to the country along with his brother Hasan Sakık in an operation by teams of the General Staff Special Forces HQ. There have been attempts before to ask the KDP on Şemdin Sakık's surrender; however, this operation was only executed after the KDP rejected this request. The health conditions of Şemdin Sakık and his brother are good and they have been delivered to security forces for legal proceedings."

Akit and Yeni Şafak and was directed against individuals and organizations mentioned in the NSC reports and in the circulars of the TSK and Ministry of Interior as people and/or organizations whose "activities should be prevented."²⁶

Some of the alleged confessions of Şemdin Sakık, which actually resembled the NSC reports and circulars of the TSK and Ministry of Interior, are as follows: *"ANAP MP Sebgetullah Seydaoğlu, FP MP Fethullah Erbaş, Abdülmelik Fırat, Salim Ensarioğlu, Leyla Zana and former Chairman of HADEP Diyarbakır Office Mehmet Mengi are among those who support the PKK. Journals such as Ülkede Gündem, Özgürleşen Yurtsever Gençlik, Evrensel, Özgür Halk, Demokrasi and Emek are financed by the PKK.*

"Interviews with Doğu Perinçek and Mehmet Ali Birand led Öcalan to appear in the Turkish media.

"Öcalan mentioned the names of Mahir Kaynak, Mahir Sayın, Cengiz Çandar, Mehmet Ali Birand and Yalçın Küçük. Additionally, Milli Gazete and Akit newspapers promised not to write reports defaming the PKK. Non-violent attitudes of security forces towards the people has altered the people's negative perception of the state."

Such statements that appeared on the newspapers widely covered the claims of "foreign support provided to the PKK". By the way, reports published by the dailies Hürriyet and Sabah strikingly resembled one another, as if all of them had been written by the same person, and none of them mentioned where, how and by whom those "testimonies" had been taken. While Hürriyet and Sabah continued to give an extended space to these claims, statements of the accused people and institutions were either not published or briefly mentioned in one or two sentences.

The claims allegedly made by Şemdin Sakık were officially denied by those people whose names were mentioned in those claims. MPs and journalists who allegedly received money from the PKK rejected these accusations. On 25 April, HRA chairman Akin Birdal organized a press conference and said, "We face with a very primitive and rude conspiracy. This conspiracy was made against everyone who advocates peace, democracy and freedom in Turkey." Birdal stated that the HRA did not make any concession to its independence. In a statement made by the HRA Administrative Board in response to the claims, it was emphasized that "the accusations established to have been written by some forces close to the state will not keep the HRA back from its struggle." Akin Birdal rejected the claims published in the dailies Hürriyet and Sabah. In the meantime, the Minister of the Interior Affairs, Murat Başesgioğlu said, "The accuracy and clarity of the information covered in the press is disputable."

Necati Yılmaz, chairman of the Pir Sultan Abdal Culture Association, made a written statement on 29 April stressing that KESK and the HRA were not only democratic organizations but also supporters of democracy and the struggle of these institutions could be witnessed in public. Yılmaz noted that the Saturday Mothers' asked about the faith of their "disappeared" children and the democratic press and writers wished to reveal the gangs, but the news "leaked" to the papers intended to intimidate the democratic forces.

²⁶ For example, based on a document by 6th Army Corps HQ of 1 August 1996 numbered ISTH. 3590-349-96/IKK.Ks(727) on "Media Organs and Activities of Some Groups in Favor of PKK," Staff Lieutenant Colonel Tuncer Aka of the 39th Mechanized Infantry Brigade HQ in İskenderun gave instructions on 15 August 1996 with an order numbered Isth: 3590745-96 /1492 to all brigade and garrison commands classified as "confidential" to obstruct the activities of some opposing newspaper, magazines and radios as well as cultural centers, trade unions, art and crafts institutions, the HRA and NGOs. The document claimed that "Demokrasi" and "Evrensel" newspapers "print intentional articles especially aiming to exhaust the TSK". According to the document, writers, artists and intellectuals such as Yaşar Kemal, Cengiz Çandar, Melike Demirağ, Sezen Aksu and M. Ali Birand should not be allowed to appear on state TV and radio channels and activities of dissent circles, in particular the papers Demokrasi and Evrensel as well as the MKM and HRA should be prevented.

On 24 April, Şemdin Sakık and Arif Sakık were taken to Diyarbakır SSC prosecutor's office, where they testified for 12 hours and later they were sent to the SSC. The Sakık brothers were arrested by the court and an indictment was prepared against them according to the Article 125 TPC with the demand of the death penalty.

In his testimony to the prosecutor Şemdin Sakık said that Greece gave 9 Stinger rockets to the PKK and two of them were still located in the Zap Camp. Sakık stated that Russia and Iran helped the organization and that further liaison offices of the PKK were situated in Teheran, Maku and Urumiye. Sakık said that while under custody he had told that Salim Ensarioğlu, Abdülmelik Fırat, Fethullah Erbaş, Turgut Atalay, Sırrı Sakık, Leyla Zana, Yalçın Küçük, Mehmet Mengi, Mahir Sayın and Mihri Belli had relations to the PKK, but he had to do so because the officials had "insisted" on receiving these statements.

Sakık reportedly repeated his claims concerning HADEP, which he defined as the "legal wing of the PKK."

The trial of Şemdin Sakık and Arif Sakık started at Diyarbakır SSC on 30 June. Şemdin Sakık was tried for 191 actions, in which 113 civilians, 15 officers and 125 soldiers had been killed; Arif Sakık was tried for 8 actions. In the hearing of 11 November Şemdin Sakık handed over a petition asking to benefit from the Repentance Law. His appeal was rejected since the law was not in force then. In the hearing of 3 March 1999, which was closed to the press, Şemdin Sakık stated that the instruction for the attack which resulted in the death of 33 soldiers had been given by Abdullah Öcalan and all he had done was to execute that order.

Sakık, still in Diyarbakır E Type Prison, made a speech on radio that could be heard by PKK militants in rural area. His speech was broadcast to all military units in the operational region through wireless radio which could be heard by PKK militants as well. Sakık said that he felt obliged to make a statement as a reply to the claims by leading members of the organization about himself. Sakık said, "As an individual who has devoted his life to a nation's struggle, I don't prefer to stay silent against the lies of a man who has become a burden to a nation."

c) The Abdullah Öcalan Crisis

In 1998, the NSC and the government made concentrated efforts to capture the leader of the PKK, Abdullah Öcalan. Following Öcalan's declaration of a cease-fire to start on 1 September World Peace Day, Atilla Ateş, commander of the Land Forces made statements targeting Syria. Accusations and threats of the NSC towards Syria for supporting the PKK escalated after this speech. On 1 October, President Süleyman Demirel made a speech in the opening session of the parliament, and said, "I announce from here to the world that we have a right to attack Syria. We have restrained so far, but our patience is about to run out." This tension was also reflected in relations between the states in the region and Turkey. President of Egypt, Hüsnü Mübarek made diplomatic efforts towards Turkey and Syria.

It was alleged that the USA informed the Hafız Esad administration that Turkey would start a military invasion if Öcalan would not leave Syrian territory until 9 October. After two days of negotiation in Adana between a Syrian delegation headed by the Political Security Director Major General Adnan Badr Al-Hassan and officials from the Turkish Ministry of Foreign Affairs, a contract was signed on 20 October, in which Syria agreed not to shelter PKK supporters in its territories. Abdullah Öcalan reportedly left Syria by plane in the morning of 9 October.

The Greek government refused the request of Öcalan who landed at Athens Airport. Greek Prime Minister Kostas Simitis asked Öcalan to leave their country. Abdullah Öcalan left Greece in 6-7 hours and went to Moscow. It was discovered that Öcalan stayed in Odintsovo town in Russia. President Süleyman Demirel asked the Russian Minister of Foreign Affairs to return Öcalan to Turkey while the minister was in

Ankara to attend the celebrations of the 75th anniversary of the Republic. Öcalan stayed in Moscow for 5 days and later he was told that "he should leave Russia." Abdullah Öcalan asked for political asylum in Moscow. His demand was presented to parliament, the Duma. On 4 November it was voted and accepted. However, Russian President Yevgeni Pirimakov did not agree with the Duma's decision. Öcalan remained in Russia for 30 days and then he started to search for another country where he could go on request of the Russian authorities. Abdullah Öcalan allegedly received an affirmative reply in a telephone call by Italian Prime Minister Massimo D'Alema on 9 November. On 12 November, Öcalan went to Rome. Öcalan was arrested at Rome airport on the accusation of carrying a fake passport, but he asked for political asylum in Italy. On the other hand, the Turkish Ministry of Justice applied to Interpol for the return of Öcalan to Turkey.

In the meantime, journalists and Kurdish groups living in Europe went to Rome. The Kurdish groups staged demonstrations to show support with Öcalan and his request to receive political asylum in Rome. Some Turkish journalists went to Rome with the aim of "ensuring Öcalan's return." On 14 November, a group of PKK supporters held a demonstration in Rome. The demonstrators attacked some Turkish reporters while they were monitoring the demonstration. On 15 November a group of convicts in İstanbul Metris Prison took Mario Calesebasti, an Italian prisoner hostage for "Italy to return Öcalan". It was found out that one of the convicts who held Mario Calesebasti as hostage was the drug smuggler Yaşar Öz who had been tried in the Susurluk case. Mario Calesebasti was released 9 hours later. After the demonstrators in Rome attacked Turkish journalists, the intensity of the hostile comments towards Italy increased in the media. The Turkish Ministry of Foreign Affairs invited the Italian Ambassador in Ankara and requested his government to ensure the safety of Turkish authorities and journalists in Italy. The journalists who had been attacked held a protest demonstration outside the Italian Ministry of Foreign Affairs on 16 November.

On 15 November, Deputy Prime Minister Bülent Ecevit and Minister of Foreign Affairs İsmail Cem went to Italy. It became clear that as long as the death penalty remained in force in Turkey Öcalan would not be returned. The Turkish government made statements concerning the possibility of "abolishing the death penalty" to ensure Öcalan's return. Minister of Justice Hasan Denizkurdu invited the political parties to support the efforts towards the abolition of the death penalty. Denizkurdu stated that the extradition procedures would go ahead if Italy is informed that the death penalty had not been executed for a long time and that it would be guaranteed that Turkey will not execute a death penalty." The debate apparently ended after President Süleyman Demirel stated on 17 November that the death penalty would not be abolished.

Prime Minister Massimo D'Alema announced on 16 November and stated that Abdullah Öcalan would not be returned to Turkey. The Italian authorities stated that Öcalan was detained on request of Germany for an international arrest warrant. Italian Minister of Foreign Affairs Lamberto Dini stated that he had reviewed Öcalan's request for asylum. The German government declared that they had withdrawn the demand for arrest on 16 November.

The US government reacted sharply against Italy's decision not to return Öcalan. In a message sent to Italian Minister of Foreign Affairs Dini, the US government declared, "This decision is a great mistake and was taken against fighting with international terrorism." D'Alema, stating that Italy is a state of law, replied, "We will return nobody to countries that retain the death penalty. Our attitude should not be seen as being directed against Turkey; it is a decision based on respect to our laws, history and our values."

The Rome Appeal Court decided on 18 November that Abdullah Öcalan who had been held at a hospital while he under arrest should be released as long as he has informed the authorities on his whereabouts in Rome. Abdullah Öcalan's imprisonment ended on 20 November.

When tension between Italy and Turkey increased further, Germany and Italy came up with the proposal that Öcalan should be tried at an international court. The US administration was not sympathetic to

the proposal and later requested "Italy should accept that Abdullah Öcalan is a terrorist and, in return, Turkey should be satisfied with Abdullah Öcalan being tried in Italy instead of being returned." EU governments supported this proposal. In a statement Mesut Yılmaz made on 1 December, he requested from Italy that the PKK leader should be tried according to Italian laws if he was not returned. The US Ministry of Foreign Affairs stated, "Our contacts aimed at bringing Öcalan to justice according to international provisions and national law for the crimes of terrorism he committed."

When the option of prosecuting Öcalan at an international court came on the agenda, Holly Carter, director of Human Rights Watch, Europe and Middle Asia Desk, sent a letter to Italian Prime Minister D'Alema. She stated that Öcalan "has been responsible for crimes against humanity," and mentioned that international law does not suggest asylum rights to such a person. In the letter Italy was asked to try Abdullah Öcalan. Carter said that in case that Abdullah Öcalan would not be tried according to the laws in Italy, "he should be sent to another country where he could be tried according to international law." The letter presented examples of abuses the PKK committed against civilians. It was stated that the PKK had to be held responsible for at least 768 extra-judicial executions targeting at teachers, civilians, political rivals, police officers and soldiers and so-called "state supporters" between 1992 and 1995.

The Öcalan crisis was on the agenda of the European Union's Parliamentary Assembly on 3 December. In his speech in this meeting Italian Minister of Foreign Affairs Dini said that together with Germany they were trying to determine the location where Öcalan could be tried according to European standards. In a statement of 7 December EU Chairman Wolfgang Schäussel supported Germany and Italy's approach, but at the end of the meeting, Schäussel explained that no concrete proposal had been accepted and that the EU had no authority regarding this issue.

The Italian government requested Öcalan to go to Russia, the country where he came from. Russia refused to take him. Turkey's request for extradition filed with Rome Appeal Court on 14 December and the official complaint against the Italian Minister of Foreign Affairs Lamberto Dini for "abusing his duties " were both rejected on 20 December.

Reactions, Protests and Pressures

When Öcalan was in Italy, demonstrations against Italy were organized in many cities of Turkey under the leadership of MHP supporters, requesting the extradition of Öcalan from Italy. On the other hand, especially in cities with high Kurdish population, demonstrations took place with the demand that Öcalan should not be returned to Turkey. The protests were accompanied by intense broadcasting and went as far as burning Italian products. As a result, social polarization escalated.

Pressures on HADEP during this time increased enormously. Without receiving the permission of HADEP board members hunger strikes were staged in HADEP offices in all provinces and districts against the possibility of return of Abdullah Öcalan to Turkey. The police raided all HADEP offices because of the hunger strikes and thousands of people were detained. Many executives and members of HADEP, including its Chairman Murat Boztrak were arrested. Unidentified people attacked HADEP offices. HADEP Muş office was set on fire by unknown people on 24 November and became unusable.

The police and MHP supporters attacked demonstrators who supported Öcalan's appeal for a political refugee status. Press releases and hunger strikes that took place in HADEP offices turned into attempts of MHP supporters and security officers to lynch HADEP supporters.

Politics and paranoia

The situation is getting clearer as days go by and it has become obvious how superficial it is to expect results from posing boycotts to Italy or hoping for contradictions among the West and it has served no other purpose but to mobilize and exaggerate the importance of the streets. Therefore, as can be seen clearly, the USA is behind Italy and everything is being executed as part of a general design under their control. The general aim is to solve the Kurdish problem by meeting cultural demands of the Kurdish citizens in Turkey under the condition to maintain the territorial integrity of Turkey. The idea of an "international court" that came up within this context and the approach to the problem in the light of human rights are both developments that took place upon the US initiatives.

Every person that does not base his/her perception of the world on crude nationalism can see that the Western countries do not want to take Turkey in their bodies unless Turkey solves its domestic problems to become one of them. They are afraid of a country that does not allow its problems to be moved on the political platform, the natural and healthy way, and their fear increases according to the area the country covers geographically. Because this might mean that instability will be created in the region. Therefore, the Sevres paranoia that has become fashionable again points to the fact that there is a real disease by changing the places of reason and result. Western people did not create the Kurdish question in order to split the country and they did not take the question on international platforms for this reason. But if we insist on failing to find a solution to the problem, then they will start to discuss how to divide Turkey some time later...

In other words, history is moving on today in quite the same manner as in the past. And like in the past the State makes its situation of ideological paralysis the static national politics. The most important task now is to show resistance against the pressure and any kind of sanction and to teach the West a lesson. It appears that we win more honor if the pressure gets harder and we still maintain that we can keep our heads up. In reality there is fear, the fear that we might not succeed and we are told that we lost... The possibility that we might be humiliated... Therefore, Turkey strives to avoid that the event becomes a problem of human rights. Tomorrow human rights will be put on the agenda at the meeting of the OSCE ministers in Oslo, but Turkey intends to lean its back on the existence of terrorism. The Turkish delegation plans to defend that one has to separate human rights and terrorism. They are, of course, separate things, because the main concern of the human rights concept is what is being done to civilians, not terrorists. Everyone except for the representatives of our State knows that the concept of human rights aims at protecting the individual from the State. It is not a concept that allows for different approaches towards human beings.

On the other hand, it is quite obvious that, if you talk about human rights in general terms, this will inevitably include some political demands. The countries that are not able to realize such a transformation and that fear the politics of their own citizens remain face to face with the paranoia that they might be forced to follow the foreign politics.

(Etyen Mahçupyan, Radikal, 1 December 1998)

Some information on pressure on HADEP and its supporters in this period is as follows:

Hamit Çakır (18), who was detained when the police raided the HADEP Diyarbakır branch office on 16 November in order to stop the hunger strike, died because of torture under custody. On 17 November in İstanbul Beyoğlu, MHP supporters attacked a group of approximately 300 people who wanted to stage a demonstration in support of Öcalan. When the MHP supporters attempted to lynch demonstrators, the police detained demonstrators who were hiding in Saint Antoine Church on İstiklal Avenue under beatings. Around 100 people were detained in the incident, 15 were hospitalized.

On 18 November the police started to detain a group of people staging a hunger strike at the HADEP Ümraniye District branch office. MHP supporters attempted to lynch one of the hunger strikers. The others in the HADEP branch office stated that they would not come out of the building unless the MHP supporters left. While the police attempted to take MHP supporters away about two thousand MHP supporters attacked the police vehicles where detainees were kept in. Many vehicles were destroyed with stones and clubs. The police detained approximately 70 people.

The police intervened when a group conducted a hunger strike in HADEP Kocaeli branch office. MHP supporters attacked the people coming out of the building. One of the detainees, Metin Yurtsever, died in the hospital.

The police hindered a group of 200 people from reading out a press statement outside HADEP İzmir Konak district branch office on 20 November. MHP supporters who entered the building attacked the group who was forced to leave the party building. While the police took HADEP supporters out of the building under beating and put them in police buses the MHP supporters attacked them with stones and clubs. ÖDP, BP and TÜMTİS union members in the same building were also put in buses and taken away. MHP supporters also attacked journalists. It was reported that some of the detainees were beaten and left on the shore road in İzmir Narlıdere. Ahmet Uysal's ribs were broken and he was taken to hospital.

On 6 December board members of HADEP started a three-day hunger strike according to the decision taken in HADEP HQ. to protest the attacks, police raids and detention in all district and province buildings. Police raided Küçükçekmece, Ümraniye, Bağcılar, Sultanbeyli, Kadıköy, Zeytinburnu, Üsküdar, Kağıthane, Sarıgazi, Maltepe and Pendik district organizations of HADEP in İstanbul as well as Van, Muş, Urfa, Diyarbakır, Iğdır, Ağrı and İzmir Province Organizations on 6 December. Many people were detained in the raids. Around 150 of the detainees were arrested for "supporting the PKK" (Article 169 TPC). All of the arrested defendants were released pending trial, at the hearings that continued throughout 1999.

On 8 December KESK stated that they started a hunger strike in protest of oppression against HADEP and for a peaceful-democratic solution to the Kurdish problem. The police prevented the strikes that started in all union buildings of KESK on 8-9 December. More than 200 people were detained during the police raids. Many trade unionists, including board members were arrested on charges of "supporting the PKK".

HADEP deputy chairman Osman Özçelik announced on 10 December that the 3-day hunger strike conducted in protest of pressure on HADEP and arrests of some members and executives, especially the arrest of chairman Murat Bozlaş, had ended. Özçelik stated that during the strikes, 250 party executives including 7 central board members and 208 party members, thus a total of 458 people had been detained and 17 party executives and 24 members had been arrested after the police raids on İstanbul, Siirt, Batman, Muş, Malatya, İzmir, Hakkari, Bingöl, Tekirdağ, Ardahan and Ağrı provincial branch offices.

A Ministry of Interior Affairs document entitled "The Ministry of Interior Affairs Activity Program for Precautions Taken on Abdullah Öcalan's Capture in Italy" was sent to all public organization and institutions to be implemented between 17 and 30 November listed the studies to be carried out by each one of the public organs. The circular asked to "carry banners cursing the PKK and its chairman Abdullah Öcalan during football matches..."

"Meetings cursing the PKK" were organized especially in the State of Emergency Region and "neighboring" provinces. Approximately 20 thousand people attended a "curse the PKK meeting" in Erzurum. Demonstrations were organized in İstanbul, Ankara, Yozgat, İzmir, Kayseri, Konya Dalaman, Kocaeli, Çanakkale, Hatay and Niğde. The demonstrations that gradually became violent disturbed the government after some time.

On 15 November, after Öcalan went to Italy, HADEP chairman Murat Bozlak stated that Öcalan's return to Turkey would result in new pains and grievances. He said that Italy should not sign a decision that would not serve the peace. Bozlak said, "From Italy, which is constantly expressing its request for a peaceful and democratic solution to the Kurdish problem, it cannot be expected to sign a decision that will cause new pains and grievances. During this sensitive process, it is not possible to approve of the attitude of some politicians, who have been left breathless by gangs on their backs and who are misleading the public in order to ensure their own existence. Everyone should see this." Bozlak called on a peaceful solution and said, "Except for a handful of politicians who see everything from the point of their own interest, I am calling on all authorities, civilian community organizations, intellectuals, workers and 62 million inhabitants of Turkey. The Kurdish problem is a problem of all of us. A peaceful and democratic solution is necessary for the problem." Bozlak continued, "We have to use common sense. We should avoid actions that will result in new tensions. We have to make progress with social peace. We have to create conditions in which 62 million people can live together, equally and freely."

Prime Minister Mesut Yılmaz requested in a circular published on 13 December, that one should be careful in protests against Italy and avoid actions that might be conceived as the state's official policy, as in the case of starting an economic boycott. In the circular, it was stated "Any behavior that may lead to the idea that reactions have been shown as a policy of the state will consequently create a boomerang effect in a case where we are righteous in essence."

On the other hand, many people burnt themselves in prisons and various other places in the country in protest at the attempt of assassination of the PKK leader Abdullah Öcalan on 9 October and to show support in his appeal for political asylum after he went to Italy. 39 prisoners and convicts along with 8 people in and outside the country set themselves on fire in this period. Twelve of them died. Those who set themselves on fire in prisons did not receive the necessary medical treatment.

People who burnt themselves to protest the attempt of assassination of Abdullah Öcalan:

- Halit Oral, 09.10.98, Maraş Prison (died)
- Murat Kaya (25), 18.10.98, Bartın Prison
- Mehmet Gül (26), 18.10.98, Amasya Prison (died)
- Ali Aydın, 20.10.98, Bartın Prison (died)
- Meral Kasoturacak, 20.10.98, Çanakkale Prison
- İsmet İnanç, 20.10.98, Yozgat Prison
- Bülent Bayram (25) 21.10.98, Adıyaman Prison (died)
- Aynur Artan, 22.10.98, Midyat Prison (died)
- Selamet Menteş, 22.10.98, Midyat Prison (died)
- Fettah Karataş, 22.10.98, Diyarbakır Prison
- Mehmet Bağrıyanık, 22.10.98, Elbistan Prison
- Cennet Güneş, 23.10.98, Antep Prison

- Seyri İpek, 23.10.98, Adapazarı Prison
- Mirza Sevimli, 27.10.98, Erzurum Prison (died)
- Kenan Karahasanoğlu, 27.10.98, Erzurum E Type Prison
- Hüsni Çobanoğlu, 27.10.98, Erzurum E Type Prison

People who burnt themselves to protest the detention of Abdullah Öcalan in Italy:

- Mehmet Aydın, 14.11.98, Çanakkale Prison (died)
- Muhiyettin Sevinci, 14.11.98, Diyarbakır Prison
- Abbas Sertkaya, 14.11.98, Ümraniye Prison
- Erdal Çeken, 14.11.98, Midyat Prison
- Sadık Sülün, 17.11.98, Gaziantep Prison
- Zeyni Arap, 17.11.98, Gaziantep Prison
- Hamdullah Dağ, 17.11.98, Mardin Prison
- İsmail Bakay, 17.11.98, Adıyaman Prison
- Hanifi Kuzucu, 17.11.98, Siirt Prison
- , 17.11.98, Batman Prison
- Azime İnan, 17.11.98, Batman Prison
- Mehmet Karahan, 17.11.98, Batman Prison
- Kadri İlhan, 17.11.98, Siirt Prison (died)
- Adnan Karataş, 18.11.98, Mardin Prison
- Şükran Aykut, 18.11.98, Kürkçüler Prison
- Fetih Abdullah, 18.11.98, Malatya Prison
- Osman Tint, 18.11.98, Malatya Prison
- Mahmut Turgay, 18.11.98, Konya Prison
- İdris Başaran, 18.11.98, Ceyhan Prison
- Cengiz Kaya, 19.11.98, Ağrı Prison
- Halil Akıncı, 19.11.98, Bursa Prison
- Şahap Doğan, 21.11.98, Sakarya Prison

Protests outside prisons:

- Mustafa Şahin, 17.11.98, Germany
- Remzi Akkuş, 17.11.98, Moscow (died)

- Ahmet Yıldırım, 17.11.98, Moscow (died)
- Emrullah Damlacı, 18.11.98, Derik, Mardin
- Zülküf Yılmaz, 18.11.98, Rome
- Cemal Özalp, 27.11.98, Diyarbakır (died)
- Barzan Öztürk, 03.01.1999 Germany (died)

d) Armed Conflicts

Armed clashes continued in 1998 but on a lower scale. "Cross-border operations" in Northern Iraq, which the TSK organized repeatedly in the last 5 years, continued in 1998 as well. It has not been possible for a long time to determine the number of deaths and injuries in the "cross-border operations". Many civilians residing in the border regions suffered injuries during the operations. Repentant PKK militants, KDP forces and village guards participated in such operations. No response was given to the cease-fire announced by the PKK on 1 September and operations continued uninterruptedly after this date.

Some information regarding armed clashes between the security forces and the PKK in 1998 is as follows:

Around 5 thousand soldiers and many village guards started an operation in Şırnak's Gabar mountain on 20 January. According to the State of Emergency Governor's Office, 7 PKK militants were killed during the clashes on 21 January and the total number of militants killed during the operation was 28. Among the 8 enlisted men who were killed in the clashes on the first day of the operation, Yüksel Özpınar was buried in Adana, Selçuk Şahin in Malatya and Adem Erdaş in Kırşehir's Akpınar district. The funeral of enlisted man Şakir Elkovan, a relative of ANAP Deputy chairman Yaşar Okuyan, was held in İstanbul. Local sources said that 20 soldiers were killed in the clashes.

The TSK's first "cross-border operation" in 1998 started on 8 February with the participation of about 20 thousand soldiers and many village guards. The soldiers who entered Northern Iraq from Şırnak's Silopi and Uludere districts were positioned in Zaho, Amadiye and Duhok regions under surveillance of the KDP. The operation continued and spread with aircrafts joining in.

Veysel Ekinci and Seythan Üzüm, alleged PKK militants, died in a clash in Çatalpınar district (Ordu) on 11 March. It was reported that a person named Mahmut Özgönüller was also killed during the clash.

Allegedly 86 PKK militants were killed and 3 militants were captured during the "spring operation" that started on 10 April and ended on 19 April in Besta Dereler region in the Şırnak-Siirt-Van triangle. The authorities stated that one first lieutenant, 4 NCOs, 3 enlisted men and 4 village guards were killed during the operation.

After the clash that resulted in the death of 4 and injuries of 10 soldiers on 5 April in Van Gevaş district's Daldere (Karkar) region, an operation started in the region with about 3 thousand soldiers and 450 village guards. One soldier was killed and 2 soldiers were wounded in the rocket attack by PKK militants on military vehicles near Daldere stream on 8 April. The injured soldiers were taken to Van Military Hospital.

The "Murat Operation" that started in the region covering Bingöl, Bitlis, Muş and Diyarbakır with approximately 40 thousand soldiers on 24 April continued until 16 May. 3rd Army Corps Commander General Nahit Şenoğul stated that the operation had been directed by 24 generals and had been bigger than the 1974 Cyprus operation. The operation covered Lice Goma Hacı Kadri arable field, Kulp Dorşin, Kendal

region, Dicle Kelekçi and Kurşunlu regions, Genç district Sağgöze Yedisu, Yayladere, Darıkent, and Dallıtepe regions as well as Kulp and Muş borders encompassing Şenyaylası and in Yücebağ and Hamzalı (Şexhemza) regions in between Kulp and Sason. The State of Emergency Region Governor declared that 99 PKK militants were killed and 23 militants were captured during the operation. According to the information given by the General Staff Chief Office, 1 officer and 9 enlisted men were killed in the operation. On the other hand, the PKK declared that 17 militants were killed, 8 militants were injured and the security officers captured 5 PKK militants. In the same statement, it was declared that Şemdin Sakık had been seen in Muş, Sason, Kulp and Silvan regions during the operation.

The military force that the TSK positioned in Northern Iraq at the beginning of April started an operation along the Syrian border up to the south of Çukurca on 20 May. The spokesperson of the Ministry of Foreign Affairs Sermet Atacanlı made a statement on the operation that was also supported by KDP forces. He said, "There is a threat towards Turkey in Northern Iraq and the Turkish security forces have occasionally been organizing operations against this threat. " Atacanlı added, "I do not know if there are still Turkish soldiers in Northern Iraq." Iraqi authorities condemned the operation as an "interference in internal affairs." It was declared that Şemdin Sakık attended the operation in Northern Iraq and was seen walking around for three days after 9 June in order to show places in many regions, especially in the Seraniş region in the northeast of Zaho. The operation ended in the mid-June.

The Ministry of Interior Affairs' Activity Program on Precautions to be taken within the framework of Öcalan's Arrest in Italy

Plan File No: 3. Activity No: 5. Subject of the Activity: Taking physical precautions against members of the PKK in the mountains and supporters of the organization.

Activity Period: 17-30 November 1998.

Executive Organs: the General Staff Chief Office, Ministry of Interior Affairs, Gendarme General HQ, National Intelligence Organization Undersecretariat, Security General Directorate.

Coordinating Organ: Ministry of Interior Affairs.

Target group: Members of the PKK.

Execution Method: Governors will take and execute psychologically and physically effective measures against actions such as demonstrations, occupations, hunger strikes, sit-in actions, death fasts staged by militants appearing under a legal image. If necessary, the coordination with the Security General Directorate and the Gendarme General HQ will be ensured.

The Religious Affairs Directorate shall participate in communications with Greek, Armenian, Jewish people in Turkey for their support for persuading the Italian Government and political circles.

Activity Period: 17-22 November 1998.

Executive Organs: Ministries of Interior and Foreign Affairs, Directorate of Religious Affairs, MİT Undersecretariat.

Coordinating Organ: Ministry of Interior Affairs.

Target group: Foreign Public

Execution Method: 1- Tactics of the Religious Affairs Directorate.

2- İstanbul Governor's Office in coordination with the Directorate of Religious Affairs, if necessary.

Units of the TSK started an operation in the Zerza region between Şemdinli-Northern Iraq-Iran border on 8 July. The operation was conducted by aircraft and helicopters and intensified in Samanlı, Gürmeşe and Beyyurdu (Bedewî) villages as well as around Tekeli, Balıklı, Tanyolu and Alan villages near the Iranian border. Around 400 KDP peshmerges were brought to Şemdinli on 9 July to join the operation. In response to a question asking whether the KDP forces participated in the operation organized in the Şemdinli region, the deputy spokesperson of the Ministry of Foreign Affairs Sermet Atacanlı said, "We are not making any detailed statement on such issues. We can only say that the TSK is on duty."

In the beginning of August PKK militants attacked on the İncebel Border Battalion in Beytüşşebap, Hakkari killing 8 soldiers. Four PKK militants were killed according to Reuters news agency based on Turkish military sources. The State of Emergency Region Governor did not make an official statement about the clashes. The PKK declared that 15 soldiers were killed and 25 were injured in clashes.

The last "cross-border operation" of 1998 conducted by the security forces and peshmerges with the support provided by the KDP started in the border sections of Hakkari and Şırnak on 6 November. The operation was supported by aircraft and helicopters and entered 20-30 kilometers inside Iraq. There were clashes especially between the KDP and the PKK during the operation. A written statement by the General Staff Chief Office on 14 November read that the TSK would enter in Northern Iraq and cover the region whenever it is necessary to do so in the combat against the PKK. According to the statement, in clashes between 6 and 12 November one enlisted man was wounded when he stepped on a mine whereas "54 PKK militants had been captured; 53 being dead and 1 alive". The operation continued until December.

A military helicopter conducting a reconnaissance flight on the Turkish-Iraqi border crashed as a result of fire opened by PKK militants on 27 November. Sixteen of the 18 security officers in the helicopter died, one got disappeared and an enlisted man Engin Yaşar was wounded. The General Staff Chief Office gave the names of the personnel who died or got lost in the helicopter crash: Gendarme Pilot First Lieutenant Oğuz Kılıç, Gendarme Pilot First Lieutenant Erdem Öztürk, Commando Second Lieutenant Gökhan Kösem, Gendarme Technical NCO Mithat Akça, Infantry Commando NCO Mustafa Duman, enlisted men Savaş Gürlek, Ömer Kızılkaya, Şenol Özbay, Yusuf Tanboğa, Turgay Elve, Yusuf Göçen, Erol Kıvrak, İshak Sağlamoğlu, Mesut Batı, Levent Yabangülü, Emin Çelik and Esin Akay.

4.ENFORCED MIGRATION

Approximately 3 million people were forced to leave their homelands due to the atmosphere of violence created by the Kurdish problem. In addition to those who were forced to abandon their settlements for saving their lives, evacuation of settlements on administrative or military decisions was practiced throughout the 1990s as a systematic policy and a method of an "internal security operation." In the State of Emergency Region and in the other regions of conflict where the state of emergency was applied, at least 3.500 villages and hamlets were evacuated totally or partially. Although lesser villages were evacuated since 1996 (the State of Emergency Region Governor's Office declared that 121 settlements were evacuated in 1997), practices such as forcing people to become village guards, embargo on food, setting fire to arable fields, gardens and the forests in the periphery of the settlements, ill-treatment and torture imposed during raids on the village continued systematically. In addition to total or partial evacuation of the settlements, practices of forcing certain families or persons to migrate continued in 1998 as well.

Although the Decree with the Force of Law on the establishment of the State of Emergency Region Governor's Office numbered 285 empowers the Governor with the authority "to evacuate the villages and to restrict entry to and/or exits from the villages," the relevant practices were carried out by any military unit regardless of any formal procedure. Enforced migration was applied in all provinces where "internal security operations" were practiced as well as in the State of Emergency Region and "neighboring" provinces. Therefore, the geographical scope of such practices covered all Eastern and the Southeastern Anatolia region. This policy which was observed in the Kurdish and in Alewite quarters of Sivas in 1996 spread to the Eastern Black Sea Region in 1997.

Enforced migration took place in line with central or local decisions by the security forces rather than through decisions by the State of Emergency Region Governor and authorities subordinated to it, or administrative authorities in other regions where "internal security operations" were carried out. Every the gendarme and police stations and every unit which carried out "operations" in the region had the *de facto* authority to enforce village evacuations. Such acts were backed up by administrative decisions, that were taken afterwards, when needed. The measures included the burning down and destruction of settlements or some houses, fields and gardens. The ways for claiming rights against such practices were blocked on the legal level as well as by practical steps. The European Court of Human Rights also emphasized this problem.

In the briefings given to various group in 1997, the General Staff Chief Office claimed that the practices of enforced migration were "mandatory for the defense of the State." For instance, in the briefing given to the Higher Education Board, rectors, deans, and lecturers of universities by the General Staff Chief Office, it was stated that "the PKK was driven down from the mountains, which they used as natural bases in the past, through the field dominance and strategy concepts" which were applied after 1993. It was stated that "despite all criticism, the villages were evacuated according to a specific plan, which deprived the PKK of their logistical facilities."

Approximately 3 million people who were pulled away from their settlements where they made their productive living were mainly deprived of their fundamental rights to accommodation, nutrition, health and

education. In particular the children were affected by the enforced migration. In addition to the children who worked on the streets or who begged, the number of the children living on the streets increased especially in Diyarbakır, Adana, Mersin and İstanbul. While doctors and medical associations were taking the enforced migration as a "public health problem", there were no official attempts to protect other fundamental rights of those who were forced to leave their homelands. The government undertook studies which are shaped around criteria such as "whether people would agree to become village guards or not" and "the security conditions of the places to which people could return."

a) The Rulings of the European Court of Human Rights

The European Commission of Human Rights and the European Court of Human Rights were the only international mechanisms dealing with enforced migration in Turkey. Most applications to the Commission and the Court came from lawyers of HRA Diyarbakır Branch and were followed up by the Kurdish Human Rights Project, established in London.

The Minister of Foreign Affairs declared that those who were forced to migrate in the State of Emergency region and neighboring provinces had filed 358 applications against Turkey at the ECHR. Most of the 358 personal applications to the ECHR were made by those who were forced to migrate from Lice, Diyarbakır. According to a report by the Inquiry Commission in the Parliament, the enforced migrants applied to the Court on the ground that the security forces burnt down their villages, forced them to migrate, killed or abducted their relatives. Here are some details on such cases:

a) Bombing of the Çekirdek hamlet in Lice, Diyarbakır with aircraft, destruction of houses, killing of 3 people and wounding of 1 person (the government agreed to pay a total in compensation of 260 thousand French Francs and to pay 8.123 GBP to the representatives of the applicants in connection with this case); b) destruction of the house of the imam by the security forces when three young girls joined the PKK in Malazgirt, Muş in 1994; c) the burning down of Nurettin village in Malazgirt, Muş by village guards and forcing of the villagers to migrate; d) burning down of houses and property and wounding of several people by the security forces in Lice, Diyarbakır; e) forcing inhabitants of Kurkağaç village of Güçlükönak town in Eruh, Siirt to migrate to Fındık village and raiding the village by the security forces from Fındık Gendarmerie Station on 23 August 1994, which included the abduction of relatives of the applicants; f) military operations in Sarısaltık Dürüt village in Hozat, Tunceli in 1994, forcing the villagers to abandon the village, burning down property, goats and animals of the villagers and abducting their relatives.

Case of Akdivar

The concerned an application by six people from Kelekçi village in Dicle, Diyarbakır. The applicants claimed that gendarmes raided their village on 10 November 1992, that 9 houses were burnt down and the village was evacuated arbitrarily. The application was based on Article 8 of the European Convention on Human Rights regarding the protection of private and family life and on Article 1 of Protocol No. 1 concerning the peaceful utilization of goods and property.

The government claimed that the security forces made searches in the village and later the PKK came to the village and burnt down the houses. In a second statement by government officials, it was alleged that the security forces did not enter the village on 10 November 1992. An independent investigation by the Commission revealed that national authorities did not investigate the incident and the official minutes of gendarmes and follow-ups no attempt appeared to have been made to determine who the perpetrators of burning down 9 houses were. Moreover, although the villagers applied to several authorities with petitions on their problems due to the destruction of their houses, no authority assisted them in finding ways for compensation or financial aid. Although the government presented testimonies of the villagers to the Court,

holding the PKK responsible for burning down their houses, the Court emphasized the fact that these testimonies were taken in September 1994 after the Commission had informed the government of the application. The Commission and the Court argued that these testimonies were prepared by the gendarmerie. On the basis of the testimonies taken by the Commission separately from each applicant, the Commission concluded that the security forces had burned down the houses.

Since the parties failed to reach a peaceful solution, the Commission and the government took the case to the Court in December 1995. The government raised two objections on the ground that "the process was misused and the domestic remedies were not exhausted." In its objection the government alleged: "the applicants did not exhaust the existing domestic remedies in southeastern Turkey; this is part of the general policy of the PKK... aiming at discrediting Turkey and its judicial bodies and propagandizing that its terrorist activities are legitimate. As part of this strategy, it was necessary to prove that the Turkish judicial system is generally ineffective and fails to deal with such complaints and, thereby, people in southeastern Turkey will be alienated from the institutions of the Republic and particularly from its courts. Therefore, the applicants of this case have political motives by not exhausting domestic remedies."

However, the Court rejected the objection on the grounds that the findings of the Commission supported the claims of the applicants; and stated that there was no evidence of misuse of the process. In connection with its claim that domestic remedies were not exhausted, the government presented some decisions by administrative courts to show that damages to property, whether or not caused by the PKK, had been compensated. The Commission and the Court indicated that in the court decisions presented by the government, the responsibility for the crime had not been established. In the report of the Commission it was established that government officials tended to ignore accusations against the security forces, and it was indicated that the government failed to show any proof for prosecution or conviction of members of the security forces for intentional damage on property.

The Court reiterated the ruling that the (mere) existence of domestic remedies was not satisfactory, and that the condition of exhausting domestic remedies first could only be applied, when "these remedies are used effectively and produce sufficient results." For the Court, "the remedies should be sufficiently clear not only in theory, but also in practice." In this respect, the Court stressed the principle of sharing the burden of proof: "The government, which claimed that domestic remedies were not exhausted, should show that such remedies were accessible and effective both in theory and in practice during the period of the case both, that they were capable of solving the complaints by the applicants and reasonable successful results could be obtained. However, when proof was obtained, this time the applicants should indicate that the domestic remedies provided by the Government were really exhausted or insufficient or ineffective for the case at hand or that there were special conditions which prevented them from exhausting them."

For the Court, one of the reasons which might prevent an applicant from resorting to domestic remedies might be "the government officials' being completely passive (for instance, not launching an investigation or not offering help) in spite of serious claims that the state officials inflicted ill-treatment or caused damage." The Court stated therefore that the condition to exhaust domestic remedies first should be taken realistically not only by establishing whether such remedies formally exist, but also "with regard to the general legal and political atmosphere in which such remedies operate and the personal conditions of the applicants." The Court held that under the conditions of the current case, the applicants were exempt from exhausting domestic remedies.

On 1 April 1998, depending on the findings of the Commission, the Court held that "it is obvious that the security forces were responsible for destroying the houses, however there is no evidence that the security forces' forced the applicants to migrate." The government did not attempt to justify the acts by the security forces, but only rejected the conclusion by the Court. For the determination of compensation, the

damages to property and non-pecuniary damages were considered as well as losses for villagers who had to live in other places.

Case of Menteş

Azize Menteş, Mahile Turhallı, Sulhiye Turhallı and Sariye Uvat appealed to the European Commission of Human Rights on 20 December 1993 on the grounds that their houses located in Sağgöz (Riz) village of Genç, Bingöl were burnt down by the gendarmerie. The applicants who had migrated to Diyarbakır after the event stated that their houses had been set on fire in the raid by the gendarmerie forces on their village in June 1993. According to the petition there was an attack by PKK militants on Üçdamlar Gendarme Station on 23 June 1993. After that the gendarmerie forces stopped a minibus passing by the station and burnt it down, and then they burned down some houses in Güldiken (Pecar) and Sağgöz villages. The gendarmerie forces told villagers of Sağgöz, who had to leave their houses, that they had burnt down their houses as a punishment since they supported the PKK. A Gendarme commander prevented the gendarmes from burning the entire village. The applicants had to abandon their villages. The village was totally evacuated and then burned down in March 1994. The petition stated that burning down their houses constituted just a part of the systematic practices of evacuation and incineration of villages in the area.

The representative of the government stated that domestic remedies had not been exhausted by the applicants and objected to the decision of finding the case admissible. Referring to the Akdivar case, the Commission and the Court pointed at these issues: despite the widespread problem of burning down villages, no typical example was provided for the fact that allegations of deliberate destruction of private properties by the security forces had been investigated judicially or that damages had been compensated; the authorities generally remained reluctant to recognize the existence of such practices, and they did not carry out any investigations into such issues. In discrepancy to the Akdivar case, the applicants had not applied and complained to local authorities; however, the relevant authorities did not conduct any significant investigation after they had been informed. It should be taken into account that the applicants were treated unjustly and left in an insecure situation after their houses had fallen into ashes. It had not been shown that courts could provide satisfactory compensation.

As to the facts, the Government claimed the following: PKK militants had been using the concerned village as shelter and a base since 1983; then they forced the villagers to migrate from the village. The militants settled in the houses, but when the security forces raided the village, they had to abandon it by burning down the houses. On the other hand it was said, that no operation had been conducted in the region on 25 June 1993. In addition, the government representative alleged that the applicants had abandoned their village 6-7 year before that date. Some relatives of the applicants were suspected of having joined the PKK and some relatives had been detained on such an accusation. According to the government, the petition had been filed on pressure imposed on them by their relatives who had joined the PKK.

The investigation carried out by the Commission showed the following results: after the Commission had conveyed the application to the government, the concerned Prosecutor's Office conducted an investigation into the complaints, and concluded that the houses had been burnt down by PKK militants, some relatives of the applicants were members of the PKK, and, therefore, decided on non-prosecution. No adequate investigation had been carried out to reach the conclusion that the houses had been burnt down by PKK militants. Testimonies of the applicants had not even been taken. The government did not forward any document related to the incident or the investigation carried out afterwards, and proposed as witness the gendarme commander who was commissioned after the incident instead of the gendarme commander who was in charge on the date of the incident. In its report, the Commission expressed its concerns for the fact that the government insisted on the connections of the applicants to the PKK instead of carrying out investigations of the complaints. The Commission concluded that the testimonies by witnesses who had been

selected for the investigation and who claimed that the security forces never burn down a village (and who were reported to live in distant hamlets away from the village and be in conflict with the applicants) could not be trusted without further evidence. Furthermore, the Commission found it suspicious that the Prosecutor's Office had requested from the headman of Sağgöz village to select "trustworthy" people as witnesses. The Commission, on the other hand, found the testimonies of the applicants, which were supported by other testimonies, reliable and consistent. The Commission determined that the incident occurred as stated by the applicants, but ruled out a statement by the fourth applicant, Sariye Uvat, who had not been able to give evidence due to her illness. The Commission held that Article 8 of the Convention on private and family life was violated.

Accepting the findings by the Commission, the Court ruled that Article 8 of the Convention was violated. Furthermore, the Court deliberated on the complaints by the applicants on lack of efficient judicial procedures. Thus, drawing the conclusion that there were no efficient judicial proceedings and means, the Court held that the rights provided by Article 13 of the Convention were also violated.

Case of Selçuk and Asker

The application filed by Keje Selçuk and İsmet Asker on 15 December 1993 was presented by the European Commission of Human Rights to the Court on 22 January 1997. The petition contained the following claims: The security forces deliberately burned the houses of the applicants in Islamköy village in Kulp, Diyarbakır on 16 June 1993. Ten days later, the gendarmerie returned to burn the mill owned by Asker. Some months earlier, security forces had warned the villagers, saying that certain houses would be destroyed on the grounds that they were allegedly used by the PKK, if the villagers did not leave Islamköy. The applicants stated that Kulp Gendarmerie Station Commander Recep Cömert was responsible for the violation. On the morning of 16 June 1993, the soldiers came to the village and searched the house of the Askers, then set fire to the house while the Askers were trying to save their belongings. The Askers were able to escape through a door to the barn. The soldiers prevented villagers who attempted to extinguish the fire. The house, barn and all of Asker's property, including his food stocks and poplar trees, were destroyed. The security forces then went to Keje Selçuk's house. They threw her and some of the neighbors' children who were staying with her out of the house, poured petrol on the house and set fire to it. Villagers were again prevented from helping and commander Cömert pushed Keje Selçuk, to make her understand that she should leave the village; then Selçuk moved to Diyarbakır. In the raid to the village on 25 June 1993, the mill owned by Selçuk and three houses were destroyed; the Askers left the village.

The Askers went to Kulp, where they lodged a petition with the District Governor, detailing the losses caused by the security forces and naming commander Recep Cömert as responsible for the incident. But the Askers never received a response to it. The headman of Islamköy also informed the District Governor approximately ten days after the incident that the houses had been burnt, however he attributed the burning to the PKK.

In his evidence to the Commission's delegates, commander Cömert explained that he did not go to Islamköy in June 1993 and he had received no reports of any houses being burnt there at that time. He told the delegates that in the past "untrue allegations" of this type had been raised against him in newspapers. According to the government the applicants' complaints had been "fabricated" by others and that they were acting "under the influence of the PKK and/or with a view to obtaining money." Allegedly "the applicants' homes and possessions had been destroyed by the PKK, which aimed at replacing the State in the region, as punishment and warning, since the villagers generally had good relations to the security forces." Both applicants were "law-abiding citizens" with no history of anti-governmental activity. At the time of the events in question, Asker's son was doing his military service; and Selçuk had one son in the army and another in the civil service. "This might be the reason of punishment by the PKK." The government

questioned whether the mill was burned at all, but if it was, denied that security forces did this. They further disputed that Asker lodged any petition with Kulp District Governor, since he could not produce any acknowledgment of receipt and no such petition was registered in the records.

When the Commission communicated with the government about the petitions, Diyarbakır Public Prosecutor's Office wrote to Kulp Public Prosecutor's Office on 4 May 1994, inquiring whether the applicants had made any complaint and requesting that an investigation be initiated if they had not. Gendarme commander Ergülmez replied, on behalf of the District Governor, that an examination of the records disclosed that Asker had filed no complaint. Then the Prosecutor's Office launched an investigation. No reply to this inquiry was included in the documents of the investigation file provided to the Commission. Similarly, it appeared from that file that no statements were taken from the alleged perpetrators or from villagers who might have witnessed the events. Kulp Public Prosecutor's Office issued a decision of non-jurisdiction, stating that the matter concerned allegations of damage to property in the winter months of 1993 during an intensive clash between the security forces and the PKK, and that since the security forces had been involved in the course of their administrative duties, jurisdiction lay with the Administrative Council. Pursuant to this decision, the file was transferred to the Kulp District Governor on 30 November 1995.

The Commission heard the applicants and witnesses and investigated the relevant files. In addition, despite repeated requests from the Commission, the government failed to provide the complete set of records relating to the activities of the security forces in Kulp in June 1993. The Commission's findings were in harmony with the statements by the applicants. The Commission held that the village was "abandoned" completely by the end of 1994 "due to increased PKK activity."

In its decision of 24 April 1998, the Court, after reviewing the objections by the government, accepted the facts established by the Commission, which it found to have been "proved beyond reasonable doubt." The government had demanded, as in other cases, that this application should be dismissed since domestic remedies had not been exhausted. The government cited as an example the case of Nizamettin Ağırtmış, who was awarded compensation by Van Administrative Court following the burning of his abandoned house by soldiers (decision No. 1996/771 in file No. 1993/427, 27 December 1996). With respect to the exhaustion of domestic remedies, the Court applied the rule as in the case of Akdivar. The Court indicated that the case provided by the government as an example was not similar to the current case and that in connection with the complaint by the Askers, the legal proceedings initiated following the communication of the application to the government were limited and unproductive. The Court held that the applicants' feelings of depression and insecurity should be considered in addition to the destruction of their homes.

Referring to the circumstances of the destruction of their homes and their eviction from their village, the complainants maintained that there had been a breach of Article 3 of the Convention, prohibiting the use of torture and ill-treatment. The Commission had found "the burning of the applicants' homes in their presence to be acts of violence and deliberate destruction in utter disregard for their safety and welfare, depriving them of most of their personal belongings and leaving them without shelter and assistance." In particular Asker's age and infirmity and the traumatic circumstances surrounding the burning of his house, which put him and his wife at risk of smoke and flames, and the fact that the gendarme commander had insulted Keje Selçuk had been noted. Accordingly the Commission found that the applicants had been "subjected to inhuman and degrading treatment."

Considering that the applicants were aged 54 and 60 respectively at the time and had lived in Islamköy all their lives, the Court held that there was a violation of Article 3 of the Convention: "Their homes and most of their property were destroyed by the security forces, depriving the applicants of their livelihoods and forcing them to leave their village. It would appear that the exercise was premeditated and carried out contemptuously and without respect for the feelings of the applicants. They were caught

unprepared; they had to stand by and watch the burning of their homes; inadequate precautions were taken to secure the safety of Mr. and Mrs. Asker; Mrs. Selçuk's protests were ignored, and no assistance was provided to them afterwards." Therefore, the Court held that the applicants were subjected to inhuman treatment.

The applicants also maintained that their rights to private and family life and home (Article 8 of the Convention) and their rights to peaceful enjoyment of possessions (Article 1 of Protocol No. 1) had been violated. The Court held that the factual information provided showed "particularly grave and unjustified interference" with the applicants' rights in question.

The applicants complained that they had been denied any effective remedy by which to challenge the destruction of their homes and possessions by the security forces and to seek compensation. This, they argued, was a violation both of their rights of access to a court under Article 6 § 1 of the Convention, and their rights to an effective remedy under Article 13 of the Convention. As stated in connection with the government's objection, the Court held that there had been a violation of both Articles.

The applicants also maintained that, because of their Kurdish origin, they had been subjected to discrimination in breach of Article 14 of the Convention. Furthermore, in the light of the evidence provided by the applicants of a "systematic, cruel and ruthless policy of population displacement," they requested the Court to find a breach of Article 18 of the Convention ("the restrictions permitted under [the] Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.") The Commission found this allegation of the applicants unsubstantiated. On the basis of the facts established by the Commission the Court found no violation of these provisions.

Case of Gündem

The complaint filed by İsmet Gündem on 7 July 1993 was presented by the European Commission of Human Rights to the Court on 28 October 1996. The claims of İsmet Gündem were as follows: The applicant's family living in Kaniye Meheme hamlet of Sarierik village in Hazro, Diyarbakır, had refused to become village guards. On 7 January 1993, soldiers and village guards raided the hamlet in question and searched the houses. They destroyed some of the property and household goods inside and rummaged through the winter provisions. They fired deliberate shots, gathered villagers together in one place and beat them. In the second raid on 13 February 1993, the soldiers and village guards surrounded the hamlet and fired shots at the houses in which women and children were trapped for about 20 minutes. They targeted the house of İsmet Gündem in particular. The applicant's house was severely damaged during this attack. The applicant and his family left the village soon after these events and settled in Diyarbakır. According to the applicant, the targeting of the houses of his family was consistent with the State practice of evacuating those villages and hamlets where the villagers refused to accept the village-guard system. A number of houses in Kaniye Meheme hamlet, but not the applicant's house, were subsequently destroyed by fire, apparently as a result of a raid by the PKK after villagers in Sarierik village had become village guards.

The government maintained that "the operations conducted by security forces during the dates in question in Sarierik village were aimed at impeding activities of PKK militants, maintaining order and protecting the villagers and their property," and that the PKK militants were responsible for the burning of the houses.

The Commission investigated the files and heard the witnesses. However, İsmet Gündem, who was said to be frightened and who did not come to testify, could not be heard by the Commission. Testimonies of several people from Sarierik village contradicted the claims of Gündem. Departing from these statements, the Commission held that Gündem's claims of violations were not substantiated. And the Court stated that Gündem was the most important witness who would clarify his own claims, but his statement could not be heard, and thus a violation could not be verified. The government's claims that the application in question

was a "plot" prepared by HRA Diyarbakır Branch Chairman Mahmut Şakar for "propaganda" and that the applicants had withdrawn from the trial were dismissed by the Commission. The Court held that the objections concerning these claims had not been made before the trial and therefore would not be investigated. However, the Court held that since Gündem could not be heard, the violations he alleged could not be established.

Following the conclusion of the trial, İsmet Gündem announced that he could not go to Diyarbakır since 1995, and he lost the trial since he could not meet the delegates from the ECHR in Diyarbakır. Gündem stated that the delegation did not go to Sarıerik village for security reasons and met village guards whom they invited to Diyarbakır: "The delegation did not go to the village, but invited my father Ahmet Gündem and chief village guard and headman Kasım Tatlı to Diyarbakır and met them there. The chief village guard and the village guards claimed that my house had been burned by PKK militants. But it is the house of chief village guard Kasım Tatlı, which was burned down by the PKK. If the delegation had ensured the security of my life and we had gone to the village together, I would have shown them the stones from my house which were used in the wall of the Gendarmerie Station and my fields seized forcibly by the village guards."

Gündem's lawyer Osman Baydemir noted that the violations in the region could not be proven most of the time since legal proceedings were not initiated, said: "It is getting difficult to submit visual evidence. The Commission works technically in essence. We do not demand that the Commission violates the procedures for any reason. But, the conditions in which the applicants live should be taken into consideration."

b) The Commission in the Parliament to Investigate Enforced Migration

The Commission in the Parliament to Investigate Evacuated Villages in the Southeastern Region and the Problem of Migration started its activities in 1998 by responding to criticisms against its report issued at the end of 1997. During the intensive discussions in the commission which arose about writing and finalization of the report and in particular on the question of submitting it to the President of the Parliament, the facts were not discussed.

The report prepared by the Commission on Migration, which was established in order to investigate the consequences of the practices of village evacuations in the southeastern region and the ensuing enforced migration and which started its activities on 18 June 1997, was first criticized by the Commission members.

Erdoğan Toprak from the DSP rejected the report which did not contain clear statement on questions such as who burned down the villages etc., and he stated that the Commission did not conduct adequate investigation in the region and did not visit the small settlements, which are far away from the centers, under the pretext of security. Toprak, noted that therefore the report was not realistic and said: "They prepared the report in Ankara without moving and doing anything. I do not believe that this report will bring about useful effects. It is evident that this report which does not reflect the realities will not contribute to a sound solution." In response to his criticisms, Commission Chairman RP Diyarbakır MP Seyyid Haşim Haşimi indicated that investigations were carried out in the region before the preparation of the report and the findings were carefully evaluated.

Haşimi noted that there were disagreements even among the Commission members about the findings and proposals to be included in the report and complained about delays in getting the report ready. Haşimi said that the members of the commission could not give place to certain statements in the report, such as "the embers of the special team have been burning down the villages" or "the PKK did not benefit from the burning down of villages" and continued as follows: "It is said that it is the PKK who burned down the villages. Supposing that the PKK burned down the villages and consequently people had to migrate, this contradicts its purposes. There are many cases like this which seem conflicting to us. But a dispute arose on

whether such statements would be included in the report or not. We re-assessed the report. We corrected it a few times so that no problem would arise afterwards. We could not include the outstanding statements that might have given reason for reactions in the report." Haşimi added that before they excluded the "extreme statements" they made efforts to prevent the report from being obtained by the public and they implemented a self-censorship while drafting the report.

Haşimi stated that enforced migration was continuing and he proposed a permanent parliamentary commission or an Undersecretariat of Migration to be established for future investigation.

Commission member CHP İstanbul MP Algan Hacaloğlu indicated that 3.428 villages and hamlets were evacuated and more than 400 thousand people were expelled from the region due to the atmosphere of violence, which existed since 14 years. Hacaloğlu said: "Some people try to run away via ships to Italy. If the problem of evacuated villages is not dealt with thoroughly in this period, it will lead to all kinds of negative results."

The discussions, which became heated after the report was submitted to the President of the Parliament and evaluated in the Commission of Migration, went as far as the Commission being accused of "secessionism." Commission members ANAP MPs Hüsni Sıvalıoğlu, Ahmet Alkan, DSP MPs Erdoğan Toprak, Cihan Yazar, DYP MPs Zeki Ertugay and Saffet Kaya opposed the recommendation in the report demanding "to lift obstacles to private education in Kurdish, Kurdish radio, TV broadcasting and printed media" on the ground that "this would lead to secessionism." Dissident members claimed that "the report was changed after it was presented to the members, and it contained recommendations supporting the PKK's arguments." The Parliamentary Commission presented the final report to President of the Parliament Hikmet Çetin on 15 January. In the report, it was stated that "the gangs within the state which encourage the continuation of bloodshed should be eliminated" to put an end to migration in the region. The report contained recommendations such as "the abolishment of the state of emergency rule; the replacement of the temporary village guarding system by a 'temporary employment project'; the withdrawal and rehabilitation of the special team members provided that their personal rights are secured." The report also demanded that "the murders by unknown assailants should be clarified."

The section of the report which was opposed by the Commission members was entitled "democratic solutions under ethnical sensitivities" and read: "the legal, institutional and social obstacles in finding sub-identities for all ethnical, religious and etymological groups which form a rich cultural mosaic should be eliminated; in this context, the Kurdish identity should be recognized, the citizens should be allowed to establish private education, private radio and TV channels and printed media in their mother tongues, including Kurdish, and protection and development of their cultures, traditions and folklore should be secured under pluralistic democratic conditions. All citizens from any location, any origin, any religion, and any ethnicity should be embraced within the overall-identity, that is equal citizenship of the Republic of Turkey."

Being accused of secessionism Haşimi said: "In the report, we stated that [education] should be given at private institutions. This recommendation had been articulated not only by us, but also by a number of statesmen who studied this issue in depth." Haşimi noted that commission members Hüsni Sıvalıoğlu, Ahmet Alkan and Zeki Ertugay had signed the report, but stated that they would express their dissident opinions, said: "They never stated this in the meetings. They did not go to Şırnak and Diyarbakır. I would want them to go there and make their contributions. They may have negative or positive views. A commission member first said, 'The report was prepared at the green table, it is like a bulletin from Turkish Radio and TV Institute.' Then he regarded it as radical. It is impossible to understand why he first said so, and then changed his mind."

Although the report by the Commission was presented to the President of the Parliament in January, it was only discussed in the parliamentary plenary session on 2 June. During the discussions, DYP MP Zeki Ertugay demanded that the report "which provides opportunities to enemies such as Madame Mitterand" should not be included in the parliamentary archives. And DSP MP Cihan Yazar stated that "the report discriminates between Kurds and Turks", and they, as the DSP, opposed this concept, and therefore he had included his dissident opinion in the report.

CHP MP Algan Hacaloğlu said: "Nobody who takes an oath in Parliament has the right to claim to be more patriotic than anybody." He claimed that the education in Kurdish would not create secessionism, but lead to unification. And FP MP Hüseyin Yıldız criticized the government by saying, "the government got permission from the General Staff, and the villages were evacuated."

Commission Chairman Haşim Haşimi reminded of the statement by President Demirel in 1991 when he said "We recognize the Kurdish identity," and he argued that "we did not say anything different." Haşimi stressed the fact that the dissident commission members did not even take part in the investigations conducted in the regions with inflow and outflow of migration. Haşimi said: "The MPs look at the issue from the perspective of the central government. They did not even participate in the commission activities carried out in Ankara sufficiently. While they did not make a proper contribution, they criticize the report bitterly." Haşimi, noted that discussions in the parliamentary plenary session on the report were important and said: "The commission consisting of members from parliamentary political parties are formal organs. The facts included in the report have officially been documented. For the first time in the history of the Republic, a commission in the Parliament demanded the recognition of the Kurdish culture and identity."

Haşimi noted that the figures provided by the Governor of the State of Emergency Region were different from those provided by governors of provinces: "Current and previous governments did not fulfill their responsibilities on the issue. I call on the MPs to advocate human dignity. The criticisms regarding the report are not true. Some people argue that migration has economic motives. But such a migration is voluntary. Migrants go wherever they want and come back whenever they want. It is obvious that this migration is not of that kind. This migration involves masses, families and is mandatory. A massive migration is not voluntary. Why did the voluntary migration not happen in other regions and why were 3000 villages there not evacuated? People have been forced to migrate from time to time and in contradiction to human rights and laws. Why do they oppose this? Isn't it that there were murders by unknown assailants in the region? Isn't it that security forces acted beyond their authorities? Some political party chairmen could not enter some settlements for security reasons. Today there are many trials pending at the courts. If people apply to the ECHR, this means that there are violations of rights. Loving one's country does not mean that one should not criticize systematic problems. Please do not view the problem from the perspective of Ankara."

FP Diyarbakır MP Ömer Vehbi Hatipoğlu, noting that the report was an important and historical document, said: "This report revealed some facts unknown to the public. These facts were recorded in the official archives of the Republic of Turkey as 'there is no village evacuated through legal and legitimate decisions.' Then every village evacuated or burnt down upon instructions by public servants have faced illegal practices. This is the first time that this fact is recorded officially." Hatipoğlu stated that the report would be discussed inside and outside the country and many institutions should make use of the report, and the courts would refer to the report.

Minister of the Interior Affairs Başesgioğlu expressed the government's opinion on the report and claimed that "the PKK caused an intensive atmosphere of terrorism since 1984" and "villages were evacuated by the PKK." Başesgioğlu claimed that only 5 percent of the villages were evacuated by the administrative authorities for "security reasons." Başesgioğlu said: "About 60 percent of migration was due to the pressures imposed by terror and the PKK. Some part of migration had economic motives; only 5 percent of migration

was effected by the administrative authorities for security reasons." Başesgioğlu reacted to the FP and CHP MPs who stated that migration was forced by official bodies and the Kurdish identify should be recognized: "We are elected from certain constituencies, but we have to deal with the problems of the whole of Turkey." Mr. Yıldız (FP Mardin MP Hüseyin Yıldız), "I have been following you, you will not be able to solve the problems of that region. You have so hostile approach towards the state and neither the Parliament nor the FP will credit this approach.. Be careful about your speeches here. We listen to these speeches on MED-TV every evening; they are useless. We do not accept such concepts as sub-culture and supra-culture. It is not fair to think that the state forces its citizens to migration. You may be free to speak in parliament, but every speech delivered here will absolutely get its response."

FP Siirt MP Ahmet Nurettin Aydın reacted to the statement of the Minister Başesgioğlu: "I am an MP from Siirt, in which about 200 villages were evacuated, and 32 thousand people from 5 thousand households were driven away from their homes. Migration is a phenomenon on the agenda of the country. Eruh, Siirt is really lively, moving and fertile and there was a village named "Paris" in this district. I say, 'there was' since it was destroyed. Paris consisted of 200-250 households. Now, those who can go to see Paris will cry at the state of Paris. The state of Paris is miserable; Paris is now a village of ghosts and owls; its inhabitants went to unknown places; they live in misery in the outskirts of Siirt... I think that those who had to abandon their villages and those who live there still survive with the hope of returning to their homes." Aydın noted that the "return to your village" project was an important project and said: "This project needs a financing of 1 trillion 57 billion TL. As far as I know, 50-60 billion TL was allocated to this project recently. In other words, given the numerous problems in the region, the lack of sufficient allocation of resources to this area causes problems to the whole country."

The reasons of migration were listed as follows in the report by the Commission in the Parliament to Investigate Migration:

1. *Practices of the State of Emergency rule amounting to pressures,*
2. *Practice of banning plateaus for grazing of cattle,*
3. *High risk of life due to clashes,*
4. *Wish to get away from the insecure and violent atmosphere,*
5. *Concerns for the future of the children in the families,*
6. *Deteriorating economies of the families and enterprises due to the armed conflict,*
7. *Problems arising from special teams, special forces and the system of village guards,*
8. *Pressures imposed by illegal, armed organizations on those villages and hamlets which do not support them,*
9. *Implementation of food embargo in the region,*
10. *Political murders by unknown assailants.*

The solutions proposed by the Commission under the headings of 'Peace Project, Democratization Project and Regional Socioeconomic Project' were listed as follows:

1. *An atmosphere of tolerance, peace and solidarity should be created among the people from every region, from every ethnical origin and from every cultural cluster in the country,*
2. *Those who benefit from the war should be prevented from being organized within the state,*

3. *Legal reforms should be made which would grant pardon for suspects and convicts in prison for all crimes including those related to freedom of thought and aiding illegal organizations,*
4. *The State of Emergency rule should be abolished and ways of claiming one's rights should be opened,*
5. *The Southeastern Anatolia Project should be realized immediately; land mines in the southeastern Anatolia region and eastern region should be cleaned,*
6. *The temporary 'Rural Section Productive Work Project' should be put into practice and the 'Production Rehabilitation Project' should be implemented under the coordination of a minister of state,*
7. *The unemployment compensation should be allocated in the region with priority,*
8. *The system of village guards should be abolished through temporary employment projects,*
9. *Special team members working in the region should withdraw from the region and be rehabilitated provided that their personal rights are secured.*

The Commission also recommended that since the problem was still continuing, a commission on migration that would inform parliament periodically or an undersecretariat of migration or an institution that would conduct studies on the migration should be established. The report by the Commission stressed the fact that the problem of migration should be solved by the parliament's will: "The responsibility of solving the problem lies on the shoulders of politicians. The solution should be discussed freely and originally with participation of NGOs; and all citizens should be able to contribute to building of a public approach."

c) Evacuated and Burnt Down Villages

According to the figures announced by the State of Emergency Region Governor's Office, 820 villages and 2.345 hamlets were evacuated in 11 provinces (Diyarbakır, Hakkari, Siirt, Şırnak, Tunceli, Van in the State of Emergency Region and the neighboring provinces Batman, Bingöl, Bitlis, Mardin, Muş). The number of the migrants was given as 378.335 except for those that came back in October 1997. According to the report, there were also villages and hamlets that were evacuated by force outside the State of Emergency Region and its neighboring areas. 517 villages and 1614 hamlets were evacuated in the State of Emergency Region, 303 villages and 731 hamlets were evacuated in its neighboring areas and 85 villages and 178 hamlets were evacuated in other provinces. The total number was 3.428. Former Minister of State Salih Yıldırım told in an interview on TV that nearly 6.000 settlement units were evacuated. The report also included claims that the figures given by the State of Emergency Region Governor's Office were insufficient to reflect the real number.

Village evacuation and enforced migration, which intensified between 1993 and 1994, continued in 1998. These acts were conducted by the security forces in the region in compliance with central or local decisions. In 1998, practices such as raids by the security forces on villages to impose the village guard system, torture of villagers during these raids, food embargoes, prohibition of plateaus and burning down the crops and fields, gardens and hamlets continued systematically.

Another point of discussion related to evacuated or burnt down villages was the harm arising from losses in production. It was stated that the annual production of 2900 evacuated or burnt down villages was 13.7 trillion TL. A survey by FP Diyarbakır MP Ömer Vehbi Hatipoğlu revealed that the annual loss arising from lack of only agricultural production in 2900 evacuated and burnt down villages was 50.750.000 US \$. The research stated that the 2900 villages in question lived on agriculture in general and stressed that each of these villages carried out an annual agricultural production of a minimum of 10.000 US \$ and a maximum of

25.000 US \$ before being evacuated. Hatipođlu said, "Considering these data, we see that the loss of these villagers, the deserted agricultural lands in the last 5 years amount to at least 60 - 70 trillion TL." Hatipođlu added that 2900 evacuated villages dealt with stock breeding apart from agriculture and said that the loss of these villages in economy doubled considering that stock breeding also ceased.

The Commission report also contained opinions by several civil society organizations.

Akın Birdal, HRA Chairman: "The Universal Declaration of Human Rights, the OSCE, Paris Charter, the European Convention on Human Rights, the OSCE 1991 Human Dimension Moscow Meeting and the 1993 Vienna Declaration, to which Turkey is a party, draw the outlines of how to arrange human settlements. Yet unfortunately, these were not put into practice in Turkey in general and in the region in particular. The problem has not been solved up to now intentionally. Central village projects and similar unrealistic projects will not solve the problem. The right to life is at stake in the region. According to the findings in studies we made in Mersin and Adana, the most significant problems of migrants are related to nutrition, accommodation, health, education, and the right to work. In short, the elimination of the reasons of enforced migration and its consequences depends on the democratic and peaceful solution to the Kurdish problem. It is possible only through complete and perfect democracy, respect for human rights, and a basic democratic constitution based on human rights and the rule of law. Now that the results you obtained are known to them and others. In fact, this problem is no longer that of the enforced migrants; it has become a common problem of all citizens; this bleeding wound should heal. I hope these activities will contribute to the solution of the problem."

Yavuz Önen, HRFT President: "Enforced migration is no longer a local problem. The solutions pronounced up to now are only alleviating, but and useless. At first hand, an end should be put to enforced migration, in other words it should not continue. The conditions that have led to the implementation of the State of Emergency rule should be eliminated at once and also practices which would replace the State of Emergency rule and which would worsen these conditions, such as the Law on Provincial Administration and the Regulations on Crisis Centers, should be avoided and should not be implemented. Otherwise, this would only mean a continuation of the State of Emergency rule... The solution can be attained together with the local people. A solution is impossible without involvement of the local people and without their active participation. This is true for everything including allocation of money, construction of houses, animal breeding etc."

Yılmaz Ensarođlu, Mazlum-Der Chairman: "First, the problem should be defined in correct terms. There is no such problem as migration in the southeastern region. Migration is one of the consequences of the Kurdish problem, or the southeastern problem, or terrorism problem (whatever you may call it). Searches for solution of the problems of enforced migrants should contribute to the solution of the basic problem, which leads to this problem. We cannot solve the problem of migration without solving the southeastern problem. The most convenient and sound solution is to provide the means to the migrants for their return to their homelands. To do this, their lives should be secured, villages should be reconstructed, means of subsidies should be ensured and collective return should be made possible; if neighboring villages do not return, a single village does not dare to return."

Various NGOs also carried out studies regarding enforced migration. Migrants Social Assistance and Cultural Association (Göç-Der) was founded in 1997 to make studies on enforced migration and in its "1998 Enforced Migration Report" the following was stated about the subject: "As Göç-Der, we consider enforced migration in three groups when we evaluate the reasons for enforced migration and the conclusions from the fate of hundreds of families that were forced to migrate;

1. Approximately 3.500.000 people migrated due to burning down and evacuation of almost 4.000 villages since they were forced to become village guards or evacuate their villages for security but did not accept or they returned the weapons they once had taken up,

2. People migrating from partially evacuated villages due to multi-dimensional affects of war such as food embargoes, prohibition of plateaus, continuous operations and detentions and lack of security of life because of the clashes,

3. People migrating for security of life because of the attacks against civilians in provinces and districts, anxiety of security of life due to murders by unknown assailants (especially in Diyarbakır, Batman, Silvan and Nusaybin), intense detentions and shooting on civilian houses with machine guns from time to time in Lice, Kulp, Şırnak, Cizre, İdil and etc."

The Göç-Der Report stated that Bağgöze (Eyne) and Ballıkavak (Lude) villages of Eruh, Çeper (Xanakele) village of Lice and Buzikri guard village of Eruh were evacuated in 1998. In addition, it was stated that the houses in Serexane village of Derik were destroyed and mines were planted around Timoq village of Kozluk.

In the "1998 Regional Report" prepared and published by Diyarbakır Bar in 1998, it was emphasized that the stated evacuated villages that did not become village guards as a means of "struggling against terrorism". The report stated that evacuated villages were burnt down to prevent villagers from coming back and that a "dehumanization policy" was applied since 1990. The report put the figure of total evacuated villages between 1990 and the end of 1997 at 3.211. The annual figures are as follows: 923 villages between 1989 and 1993, 1800 in 1994, 195 in 1995, 175 in 1996 and 118 in 1997.

The report found the reason for the decline in the number of evacuated villages after 1994 not to be "that the state gave up this policy but that the number of villages that rejected becoming guards became less". The report stated "Inhabitants of evacuated villages were not settled in certain places and left alone with their destiny, often not allowing them to take all their belongings with them. That these practices were applied by state officials was both declared by the state officials themselves and confirmed by the ECHR".

The report stated that approximately 3 million people migrated from the region since 1990 and said "Approximately 3.000.000 civilians were forced to live in utterly non-hygienic conditions in the suburbs of various cities since the state did not fulfill its responsibilities set forth by national and supra-national law". In addition, the report stressed that another reason of the migration was "prohibition of plateaus" due to the ongoing war and said "Agriculture and stock breeding is carried out in rural areas. Prohibition of sowing arable lands, prohibition of plateaus and food embargoes caused an almost complete standstill of agriculture and stock breeding in the region and the people faced with famine were forced to migrate".

Diyarbakır Agricultural Chamber entitled its studies from the beginning of 1998 "Agricultural Situation in the Region and Reasons of Negative Events". The report stated that the practices of village evacuation and mining within the scope of "special security operation" in the region prevented agricultural activities and that 50 % of the fields in Diyarbakır could not be utilized. The report further stated that the people of the region could not be nourished adequately because of poverty and children showed disorders of growth and said "Families that migrate from their villages face considerable living troubles in big cities where they settle. Poverty has reached a point directly affecting human life. Most of these people depended on working in their own fields before migration. Villagers whose nutrition is based on the crops of their own production face troubles of growth now and get ill since they can not be nourished well".

Tolga Temuge, Turkey Coordinator of Greenpeace, an organization that struggles internationally against environmental pollution said about the forests burnt down in the area of clashes in the southeastern region that they were opposed to it but that they could not express it. Temuge said that the state created

difficulties when they dwelled upon such a destruction and said "Greenpeace will be closed if this situation continues". Temuge stated that Greenpeace gave messages of peace and an end to war and said "You may be opposed as an individual, but you have to be sensitive as an organization. Of course, no one wants forests to be burnt down. However, we have to notice some points as an organization. There is a war. Human life is most important. One could not express opposition against the destruction of nature while people are killed". Temuge asserted that Greenpeace members could only individually struggle against the burning down of forests and villages and that Greenpeace lost 800.000 of its members when it stated "stop war, do not destroy nature" during the Gulf War.

In its monthly bulletins the HRA provided information on the evacuation of 30 villages and hamlets in 1998.

According to the 1998 bulletins of the Association of Human Rights and Solidarity with the Oppressed People (Mazlum-Der), 942 attacks were made against settlements within the year. This figure included raids, enforced migration, enforced village guarding, food embargoes, village evacuation and land invasion within the scope of attacks against settlements.

Information concerning some of the practices in 1998 is as follows:

Villagers of Ballıkavak (Lude), Bağgöze (Eyne), Erüh District, Siirt, were called by Erenkaya Gendarme Station Commander in late December in 1997 and told to migrate as soon as possible. According to the villagers, they requested from the officials to allow them to stay in the village until spring, but the officials had rejected this request. Afterwards, the remaining 20 families in Ballıkavak village migrated to Erenkaya village and Siirt on 6 January 1998. It was reported that the village had become completely evacuated after the migration of the last 20 families. HADEP Siirt Office Chairman Veysel Turhan prepared a report and stated that Ballıkavak village had been put under pressure to become village guards for a long time. Turhan stated in the report that the village composed of 120 households had gone down to 20 households in late 1997 after pressures. The report further said that the villagers that were invited to the station by Erenkaya Gendarme Station commander on 3 January were threatened in order to leave the village and that the commander said "You will evacuate the village. Otherwise, we will ignore any responsibility".

In December 1997 shepherds of Ziyaret village of Ergani, Diyarbakır notified village guards that they had seen five PKK militants around Tasbelahur village and Dartawi hamlet. The PKK members were killed in the clash after this notification and it was learnt that soldiers from Ergani District Gendarme Battalion HQ, Ziyaret chief village guard Hasan Akın and the village guards at his service raided Dartawi hamlet on 26 January. The villagers told that the soldiers threatened them with putting the hamlet that was composed of seven households on fire in case they did not leave the hamlet. Afterwards, the Abbase Arap family left their houses. Some of the villagers that lived on stock breeding sold their cattle and settled in Ergani district center. Some of them took their cattle and belongings and moved to Zeydela village at the foot of Bervan mountain in Ergani. Villagers said that the soldiers went to Dartawi hamlet again on 2 February and checked all houses. It was claimed that village guards and soldiers destroyed the ceilings and walls of all of the houses in order not to be used again.

Villagers of Karşıyaka (Dersewan) of Kozluk, Batman told that gardens and orchards around the village were put on fire by Taşlık (Berzanajor) village guards at 12.00am on 24 February. The villagers said that they tried to prevent the burning of their gardens but were attacked by the village guards that carried stones and sticks. The villagers said that Dersim (24), Ejder (18) and Peswar Altan (15) were injured during the attack. The villagers obtained medical reports after the attack, went to Kozluk Public Prosecutor's Office and filed an official complaint about the village guards.

It was stated that Yüceli (Xurs) village of Kızıltepe, Mardin was attacked by soldiers on 27 February and 9 villagers were ordered to evacuate the village until 2 March. The villagers Hıdır and Ahmet Eren said, "They threatened us that they would burn down our houses in case we did not move. We told them we had nowhere to go and would not move even if our houses were destroyed. It is not coincidental that we who were tortured were forced to move from a village composed of 360 households".

Eleven villagers including Tajdin Örnek and Vahap Eren were detained on 4 January on the pretext that "they assisted the PKK". They were tortured in Mardin Police HQ where they were kept in detention. Although findings of torture were confirmed by reports issued at Mardin Governmental Medical Office, Tajdin Örnek and Vahap Eren were arrested.

Yenipınar (Kevezoyaker) village of Beşiri in Batman was attacked by soldiers on 11 April, all houses in the village were searched and the property in the houses was destroyed. The villagers told that soldiers forced the shepherds Emin, Mehmet, Ömer, Hasan and Selim to leave the village and told them to leave within one month on the pretext that they were not registered as living in the village.

Güzelköy (Bilupe) hamlet near Alpine Commando Brigade in Otluca (Xenanîs) village of Hakkari and Çemi Alekanan hamlet was evacuated during the first days of June on orders of the Brigade HQ. The villagers settled in Hakkari. The villagers applied to HADEP Hakkari Provincial Organization saying that they were living on stock breeding. The soldiers who forced them to leave their hamlets had said "no one carrying the surname Çiftçi will stay here". HADEP Hakkari Province Chairman Hüseyin Ümit stated that there was an intention to evacuate many settlements including Merzan hamlet in Hakkari province.

The Elbistan Gendarmerie Division Commander conducted a meeting with village headmen of 20 villages at the foot of Nurhak and Engizek mountains in Elbistan, Maraş on 23 May, and argued that "the villagers intended to migrate because of military operations on the Nurhak and Engizek mountains" and wanted to be informed about the provinces and districts where people wanted to migrate. According to the villagers, Atnalıkaşanlı village headman Hüseyin Yılmaz and Hasanali village headman Seho Aslan who participated in the meeting said that the villagers did not ask if they could leave and collected signatures from Atnalıkaşanlı, Muçolar, Çakılı, Bayramuşağı, Hasanali, Tatolar, Bakış (Molap), Hucek (Merikom), Soyucak, Kistik, Topkiran, Kantarma, Yoğunsögüt, Toprakhisar, Kaleköy villages and their hamlets that they did not want to migrate and took the signatures to the district governor. Village headman Yılmaz stated that the pressure for migration was suspended for the time being after initiatives of the district governor who had received the petition. It was also claimed that a mobile military unit of Malatya 2nd Army Corps HQ deployed at various points close to Nurhak mountain was involved in the operations and threatened villagers of Fındık, Çavuslu, Polat, Dereyazi and Topraktepe villages of Doğanşehir district on 25 May not to go to the plateaus. Fındık and Çavuslu villages that were subjected to the ban reportedly are village guards.

In Lice, Diyarbakır, pressure was exerted on Çeper (Xanakele) village on the pretext that they had buried a PKK militant. The village was evacuated despite the appeal made to President Süleyman Demirel and the Parliament by the HRA. The villagers moved to surrounding villages and Diyarbakır. According to the villagers, a week after Lice Battalion Commander Halil Devenci had given a deadline Çeper (Xanakele) village was attacked on 17 June in the morning. The soldiers beat the villagers and took all belongings in the houses outside despite the resistance of women and children. The ID cards of the villagers who were given time till 19.00 to evacuate the village were seized and they were threatened that their belongings and houses would be burnt down in case they would not migrate. Therefore, the villagers loaded their belongings and cattle to the trucks, tractors and small buses they brought from Lice. Some of the villagers claimed that they were threatened with their lives when they went to Ergül Gendarmerie Station to take their seized identity cards back and some of them moved to Kıralan (Zehrax), Daralan (Comalas), Turali (Çeh), Dernek (Tili) and Tebdal villages while the majority moved to Lice and Diyarbakır. The villagers told that the pressure by

soldiers against other villages continued and that 5 other attacked villages were threatened with evacuation. Soldiers subordinated to Lice Gendarme Battalion raided Daralan (Comalas), Dernek (Tili), Biryas, Kiralan (Zehrax) and Çele villages of Lice several times. The soldiers threatened with migration the villagers whom they accused of assisting the PKK. In the "Urgent Call" made by Diyarbakır Democracy Platform on 20 June, it was stated that Çeper (Xanakele) village was finally evacuated by Lice District Gendarme HQ.

Diyarbakır Democracy Platform went to Lice on 24 June to make investigations in Çeper but the committee established by the call of Democracy Platform was not allowed to enter Lice. Soldiers threatened the committee members and sent them back. The committee members could not find a solution after meeting the deputy governor and declared that violations of rights continued in the region.

The members left for Lice after the meeting but stopped at Mermer Gendarme Station. The station commander negotiated with HRA Deputy Chairman Osman Baydemir on behalf of the committee and told him that "they would not allow them to enter Lice". The soldiers told the committee members waiting in front of the station "You are occupying the state highway in vain. Go back. You may state that we did not allow you on Med TV, Ülkede Gündem and Emek". Therefore, the committee members came back to Diyarbakır and met deputy governor Necip Çakmak. Arguing that the events were beyond his authority, Çakmak rejected the committee members. The committee was comprised of Osman Baydemir, Yılmaz Ensaroğlu (Mazlum-Der Chairman), Mahmut Özgür (Göç-Der Chairman), Sedat Sadioğlu (TOHAV), Salman Yeşilgöz (Chairman of Tunceli People Cultural and Solidarity Association), Levent Tüzel (EMEP Chairman), Bayram Boryel (DBP Deputy Chairman), Fadime Göktepe (mother of the killed journalist Metin Göktepe), Ayşe Düzkan (Pazartesi Journal), Naci Temeltaş (TMMOB Board Member), Mehmet Işıktaş (Diyarbakır Democracy Platform Spokesman), Sezgin Tanrıku (Diyarbakır Bar Association Secretary) and Vedat Çetin (HRA Regional Coordinator) as well as representatives of political parties such as DSP, CHP, HADEP, ÖDP, EMEP and DBP and representatives of professional organizations.

Villagers who migrated from Kocasirt (Sexhir) village in Ömerli, Mardin in 1995 were not allowed to go back to their village. The villagers said that they had left since they refused becoming village guards and settled in Mardin and its Kızıltepe and Ömerli districts. They made appeals to Mardin Regiment HQ and Ömerli Battalion HQ to return to their villages several times but their applications would be accepted only in case they would "become village guards". The villagers said, "They evacuated our village 3 years ago since we refused becoming village guards. We utterly suffer economically in our new settlements. Therefore, we made several appeals to return to our village. But we were rejected". The villagers further told that a villager named Beşir Diken was threatened with death by village guards of Risin (Çınaraltı) village when he was going to his village from Kızıltepe on 20 June. He was sent back after beatings. "We are not even allowed to visit the graves of our relatives in the village."

Some villages in Eruh, Siirt, which had been evacuated previously, were put on fire by soldiers. The villagers stated that Demirkaya (Hedid), Setrik and Yeşilören (Ginyanis) villages of Eruh district which were evacuated when in 1994 the villagers refused to become village guards were burnt down by soldiers of Çırpılı Gendarme Station during an operation in rural areas on 21 June. A total of 45 houses in the villages that were put on fire by lava weapons became unusable. The soldiers burnt down the surrounding forests under the pretext that "PKK militants found shelter there".

Bedew village in Şemdinli, Hakkari was evacuated on 9 July for "security reason" under supervision of soldiers. The village guards from Bedew village composed of 20 households and a total of 40 village guards settled in the district center with their families.

Mahmut Demir (65) from Çeper (Xanakele) village, who had to migrate to Diyarbakır with his wife and 7 children, said that they abandoned the village to save their lives. Demir said, "In the late hours of night we were awake because of artillery fire. The noise stopped early in the morning. Soldiers who raided our village in the morning took us to the corpse of a guerilla and asked us whether we knew him or not. When we said that we didn't know him they sent us back. The corpse was left on the field. We buried the person by permission from Korha Gendarme Station. Having been informed about it, Gendarme Station Commander Halil Deveci came to our village accompanied by many soldiers. He accused us of not providing information on guerillas and threatened us by saying, 'Abandon the village in three days otherwise I'll shoot whoever I see.' They took the identity cards of all men and made them sign a paper reading 'We abandon the village because of pressures by the PKK.' They beat all women, men and children. The soldiers raided the village again in the morning on 16 June and they broke the goods in the houses into pieces under the pretext of a search. They insulted and beat people with butts, feet and fists in every house they entered. Many people were injured. The ones who had money and a vehicle, abandoned the village immediately".

Gündem, 19.06.1998

The villagers said that Berekelka Jor and Berekelka Jer villages in Başkale, Van were evacuated on 16 June on the pretext that the village guards "assisted PKK militants".

Salkımbağlar (Bedare) village of Bağgöze town in Eruh, Siirt was evacuated on 29 June. The villagers said that they settled in tents on the Giresikeftiyan hill in viewing distance to the Bağgöze Gendarme Battalion.

Ten villages in Beşiri, Batman and in Kurtalan, Siirt were evacuated when the villagers rejected to become village guards. The villagers stated that villagers of Doğanpazar (Baciriye), Salate, Yalınca (Sevdike), Ortaköy (Çikinik) and Yağlıca (Cimsar) villages of Doğanpazar and Belekmiş, Hilere, Aşağı Kayatepe (Çemsaribe), Göktaş (Turese) and Yukarıtepe (Saribe) who were pressurized to become village guards by means of prohibition of agriculture on furtive grounds and, therefore, had to migrate between 20 - 25 September. Approximately 200 families settled in houses they rented or nearby their relatives. It was claimed that houses in the evacuated villages were destroyed by village guards from Beşpınar (Erenze) village on instructions of soldiers. The allegation that 8 villages of Siirt and Batman provinces were forcibly evacuated was put on the agenda of the Parliament by FP Siirt MP Nurettin Aydın and a request was submitted to the Minister of the Interior Affairs Kutlu Aktaş. In the reply the Ministry confirmed that 3 villages and 5 hamlets were evacuated in Siirt province in 1998.

Soldiers raided Daldava hamlet (15 households) of Gelenler village in Başkale, Van on 17 October, gathered the villagers in the square and told them that the time given for them to become village guards was over. The villagers said that they were threatened to evacuate the village and that they faced this treatment since they refused to become village guards.

Enforced migration affected villages and hamlets of Alewites too. The TSK reportedly applied intense pressure on Alewite villages in Tokat province in January 1998. Some villagers said, "We have to notify the village headman even about the number of animals we take with us to collect wood." The villagers said that they were requested to evacuate two houses in the hamlet 5 km from Oğulcuk village in Tokat province and that the reason of this practice was that they refused to become village guards.

One of the reasons for enforced migration is the pressure to become village guards. Some families left their settlements because of such a pressure. A next step was forcing the families that refused to become village guards to evacuate their houses or destroy their houses. In some settlements, villagers who were forced to become village guards were not allowed to migrate and it was observed from time to time that villagers were given arms by force.

Six villagers in Göllü (Guli) village (55 households) of Ömerli, Mardin had to become village guards as a result of pressures by soldiers from the district battalion HQ. The people in the region stated that soldiers raided the village on 6 February, cursed at and insulted villagers and gave weapons to village headman Zübeyir Çınar and villagers Selim Poyraz, Necim Üzgün, Orhan Önder, İbrahim Öncül and Mahmut Bakkal by force. The villagers applied to the HRA Mardin Branch on 9 February, reporting that soldiers had come to Göllü village for the last 2 weeks and told them to "become village guards" but "no one in the village accepted that. Those who wanted to migrate were not allowed to. Soldiers raided the village on 6 February. Soldiers under the command of non-commissioned officer Ömer blockaded the village, took the people out of their houses and searched them one by one. They told that they would burn down the village if we refused to become village guards. 6 people had to accept to become village guards after such pressure".

The Parliamentary Question by FP Siirt MP Ahmet Nurettin Aydın to the President of the Parliament on 30.09.1998:

1. Were Kayatepe, Göktaş, Belekmer and Hilere villages in Kurtalan, Siirt and Doğanpazar, Yalınca, Ortaköy and Yağlıca villages in Beşiri, Batman evacuated between 20 and 25 September 1998?
2. It is a contradiction for the government to continue to evacuate villages on one hand and to plan to implement the "Return to Village" projects on the other, or not?
3. How many villages were evacuated each year in Siirt since 1984?
4. How many enforced migrants applied and benefited from the "Return to Village" project?
5. Is the "Return to Village" project in force while the government continues to evacuate villages?

The following is the response to the parliamentary question by Aydın, signed by Kutlu Aktaş and issued by the Ministry of Interior Affairs, Gendarme General HQ on 23 October 1998:

It was determined that Kayatepe, Göktaş and Hilero villages, which were stated in the parliamentary question as part of Kurtalan, Siirt province are in fact within the borders of Beşiri, Batman province, and that Belekmer village was in fact the Çukurlu hamlet of Tulumtaş village in Kurtalan, Siirt. It was determined that due to pressures by the secessionist terrorist organization which would come to the hamlet in question to get supplies and killed (1) villager by hanging him on the pole, (25) families abandoned the hamlet and currently (3) families reside in the hamlet.

Doğanpazar and Yalınca villages in Beşiri, Batman province were not evacuated by the security forces; the villagers in question constructed houses in the city and district centers, found jobs and then abandoned the villages on their free will.

The villagers in Ortaköy and Yağlıca villages in Beşiri, Batman province abandoned the villages on their free will long before the date specified in the parliamentary question.

The following are the number of villages and hamlets in Siirt province, which were abandoned since 1984.

<u>Year</u>	<u>number of abandoned villages</u>	<u>number of hamlets</u>
1984	-	1
1985	-	-
1986	-	-
1987	1	2
1988	1	2
1989	4	7
1990	4	17
1991	4	6
1992	5	10
1993	27	19
1994	20	27
1995	9	9
1996	3	6
1997	3	4
1998	3	5
<u>Total</u>	84	117

The following are statistical data concerning hamlets and villages in Siirt province to which villagers returned under the "Return to Village" Project.

<u>Name of district</u>	<u>Name of settlement</u>	<u>Number of households</u>	<u>Population</u>	<u>Date of Return</u>
Pervari	Karasungur village	68	439	October 1995
Pervari	Tuzcular village	35	202	1996
Şirvan	Özyurt village	10	112	01.05.1995
Şirvan	Kömürlü Yelken h.	21	141	March 1996
<u>Total</u>		134	894	

Moreover, in Siirt province the authorities have been continuing to work for

- re-settling people of Eruh-Çizmeli village (115 families - population: 600) in Deste region;
- re-settling people of Kurtalan-Erdurağı village (20 families - population: 150) in the Erdurağı hamlet;
- re-settling people of Eruh-Bozathı (12 families - population: 85) and people of Yerliçoban village (26 families - population: 180) in Yokuşlu village.

We demanded urgent support from the Prime Ministry for general infrastructure such as electricity and drinking water and personal needs such as housing in order to realize the project before winter.

Former inhabitants of evacuated villages abandoned their villages and hamlets at least 5-6 years ago and migrated to the city and district centers and set up a new life. Their return and integration would lead to many difficulties and it was determined that younger people in particular did not want to return. It was also determined that certain families said they wanted to return in order to receive social aid.

Since the provision of personal needs and the infrastructure in abandoned villages are very costly and since it is not known for certain that the villagers would return to the villages, it seems more appropriate to establish central villages rather than settling them in separate and small settlements.

Kutlu Aktaş, Minister of Interior Affairs

Soldiers and special team members that frequently raided Cennetpınar, Kelibişler, Bozolar and Akdemir villages and Hamzicanlı hamlet in Pazarcık, Kahramanmaraş forced the villagers to become village guards. HADEP Maraş former Provincial Chairman Ali Gökot reported that "the state applied much pressure on the said villages". The villages were blockaded and villagers were tortured. Gökot stated that the villager protested against raids by soldiers and special team members on their barns at midnight and said, "The pressure increased after an official complaint. The main reason for the pressure is that the villagers did not migrate".

Abdullah and Şerif Akkurt and Cemal Ekici who were made village guards by force in Ardiçdalı village of Baykan, Siirt in 1993 handed their weapons over to the village headman on 24 April. Abdullah and Şerif Akkurt migrated from the village the same day.

After all men, aged between 18 and 65, in Cintepe village (60 households) in Eruh, Siirt were given weapons on 6 May, another 50 weapons were given to men older than 65 on 25 May. The villagers said that soldiers from the Eruh Gendarme Battalion came to the village on 25 May in the morning, took 50 villagers over 65 to the battalion in military vehicles and gave them weapons by force. The villagers said that they had to sign papers stating "I accept to be a village guard by my own free will" by force. The number of village guards in the village reached 120.

Soldiers of Siirt Kurtalan Gendarme Battalion HQ forced villagers of Tasoluk (Xirbe), Toluntaş (Cefan), Demirkuyu (Beysatun), Toytepe (Merce), Yoldurağı (Zewiye), Yayıklı (Hakimiye), Yanarsu (Zoqe), Konakpınar (Enkisir), Yunuslar (Sexunis), Gökdoğan (Cimzerq), Bozhöyük (Teliba), Oyuktaş (Sikefta), Akçagedik (Sikeyf), Ekinli (Cefan) and Basteqa village to become village guards. The military gave the deadline as 2 June to take up arms but the villagers told the battalion commander that they did not want to get weapons. Gökdoğan village headman Mizbah Ceylan said "I went to the battalion with the villagers. They answered 'You will leave the village if you refuse to become village guards'. We are determined not to be village guards. We will not leave the villages until our houses are burnt down". The villagers said that 53 people from Marmaruna and Saipbeyli (Beybo) villages had to take up arms on 26 May and that Cengiz Turan and Osman Türkan from Marmaruna village were forced to leave the village as they did not take weapons despite pressures.

110 village guards from the Şidan tribe in Hatip, Yukarı Beşparmak (Axula Jor), Aşağı Beşparmak (Axula Jir), Yalıztepe (Heliza), Kalıntaş (Hemsiri), Beytemeri, Tutak (Çalyan) and Çatakdibi (Sokan) village in Nordiz region in Gürpınar, Van who had been village guards since 1991 gave their arms back. The villagers gave them to Çatakdibi Gendarme Station and migrated to Van. Village guards from the Şidan tribe whose villages had been evacuated for "security reasons" in 1996 had been standing guard in the evacuated villages and around Çatakdibi Gendarme Station.

Soldiers from Gürpınar Gendarmerie Station raided Bahanis village (that had accepted arms) of Güzelsu (Hosap) town in Van on 24 June and wanted the village to be evacuated since the village guards did not enter clashes with PKK militants. The villagers said that the inhabitants of the village that was composed of 15 households and had 20 village guards migrated to Güzelsu town on 25 June. The said 20 village guards resigned the same day and gave their arms back to military officials.

Inhabitants of Demiremek (Diriske) village in Eruh, Siirt which was evacuated in May 1997 since the villagers refused to become village guards said that their village was burned down by soldiers of Dikboğaz Gendarmerie Station. The villagers reported that some 20 houses that were put on fire by the soldiers at noon on 27 June burned down completely.

It was claimed that Van Gevaş district governor Bekir Sıtkı Dağ called the headman of Abalı (Kes) village, Gıyasettin Ayakatiki, to his office in mid January, and asked him to persuade the villagers to become village guards or the villagers would be forced to migrate. He told him to notify the villagers of this situation. The villagers stated that Mehmet, Şefik, Hasan, Hamit and Mustafa Yeşildağ migrated with their families from the village of 220 households and settled in Van province.

d) Other Pressures Against Villagers

In certain settlements measures such as food embargo and prevention of agricultural activities were also observed, in addition to the evacuation of the villages completely or in part. These measures were justified as "eliminating the logistical support" for PKK militants. Food embargo and prevention of agricultural activities were also employed as means to force villagers to leave their homelands. Notwithstanding, the migration of the villagers was not always allowed.

Food embargoes continued in 1998. For instance, HADEP Deputy Chairman Osman Özçelik stated that between December 1997 and 20 January, three raids had been conducted on Karaağaç (Benin) village in Kulp, Diyarbakır and a food embargo had been imposed. He indicated that the villagers were accused of "aiding the PKK" and said, "The inhabitants of Karaağaç (Benin) village are blamed without any supporting evidence and documents and they are subjected to unlawful and inhumane treatments. The villagers are forced to migrate so that no humans are left, and if they do not abandon their villages, they face arbitrary tyranny, hunger and death." Özçelik noted that 12 children from Karaağaç village were ill due to insufficient nutrition and said: "The limited food supply is insufficient. What we observe in Karaağaç village exemplifies regional and inter-country migration on a small scale." According to the villagers, the inhabitants of Karaağaç village applied to Seyrek Gendarmerie Station and obtained permission to get food on 16 January when their children became ill due to insufficient nutrition. They went to Diyarbakır on 18 January, bought food and returned to their village on the same day. Mehmet Sincar (60), Ridvan Sancar (27), Veysi Beyhan (25) and another 9 villagers whose names could not be established were stopped by soldiers from Seyrek Gendarmerie Station and although they had the document issued by Seyrek Gendarmerie Station, the food they had bought was seized by soldiers on the ground that it was too much.

In the regions where "special security operations" were conducted the security forces controlled entrance to and exit from the settlements. For instance, Cevdet Kortakt, registered in Soylu village in Savur, Mardin stated that when he brought the corpse of his uncle Cevdet Kortakt from İzmir to Ata hamlet in Savur, Mardin, he was threatened by the chief village guard Şemsettin Güneş and soldiers from Soylu Gendarmerie Station. Kortakt said that the chief village guard of Tepecik village, Şemsettin Güneş, told them, "Why did you take the corpse to the village without informing us? You can only go there after staying here for one week." Kortakt said: "Güneş and the commander of the Gendarmerie Station seized our ID cards for a week. After one week, when the commander of the Gendarmerie Station gave our ID cards back, he threatened us by saying 'abandon your village.' Now they do not even allow us to bury the corpses. We have gone through many troubles during the last week."

In Sürgücü town of Savur district where a food embargo had been imposed and entrance had been forbidden after 5pm for a long time, two villagers were caught in a snowstorm 2 km away from the town in the vicinity of Pelke Hespe (Horse Footprints) on 21 January. While one of the villagers managed to get to the village, shepherd Şükrü Çelik froze to death. The villagers said, "Gendarmes banned entrance and exit in the town after 5pm. Therefore, nobody can get anywhere. Since Şükrü Çelik was old and it was past 5pm, he could not enter the village. The sheep came back, but not Şükrü." The villagers stated that they informed the station insistently that they wanted to look for Çelik, but they were not permitted. They said that the soldiers had threatened them: "You have no permission to go out. If you go out we will kill you." The villagers said: "Even if there are emergency cases, they will not permit us. The soldiers do not allow us to take the patients to hospital. We even cannot visit our neighbors." The villagers said that many people had come to the town following the death of Çelik, but those who wanted to come to the village for the funeral of Çelik were prevented from doing so. They said: "Those who want to come for the funeral are not allowed. And those who arrived before 5pm cannot go out. They want the funeral to be held without much participation. Today, Çelik died and tomorrow some other people will die. There are ill and elderly people. The ban on entry and exits means the death of all of us."

In Eruh, Siirt, security forces imposed a ban on grazing animals once again on 25 February. Soldiers from Eruh Gendarme Station and village guards started to prevent the grazing of animals outside the district borders. The inhabitants of the district noted that the village guards were given the duty to control the implementation of the ban, said, "They put the ban on the ground that we give animals to the PKK guerrillas." The villagers stated that the village guards continually perform inspections outside the city borders: "They only allow us to graze animals in the fields in the vicinity of the gendarme battalion. Village guards frequently opened fire in prohibited areas where shepherds who had no knowledge of the ban were grazing their sheep. Every year, when spring comes, such bans are implemented. We have been feeding our animals in the barns for a week. We have hard times."

Members of the Alikan clan, who had migrated from villages in Beşiri, Batman to Mersin, was prevented from going to the plateaus of the Toros mountains. The families who were grazing animals in Dedeli, Salıpınar, Gülpınar, Değirmenbaşı, Karakoyun and Alaçay plateaus stated that they were again prevented on grounds of "security" as was the case in the southeast region. Hüsametdin Gezici related that they had been going to the plateaus for 4 years, but they were prevented from doing so in 1997 since the special teams had settled in the Toros mountain. Gezici noted that they were leading a nomadic life and said, "We would go to the plateaus in our village. With the beginning of the war bans were introduced and they destroyed our villages. And we migrated to Mersin. Yet the same pressures apply here. At times we are being detained. The special teams threatened us saying, 'Leave our territories. You caused bloodshed there; you will do the same here, won't you.' They treated us like PKK militants. We were pushed away from our villages. They threatened to kill us if we went to the plateaus."

Food Embargo:

We observe a violation of rights called food embargo in the atmosphere of war in the area under State of Emergency rule. Embargo is a violation of rights, implemented by civilian and/or military authorities and it is very vivid though it may vary to place, time and scope.

Food embargo means allocation of limited in type and amount through special permission cards in a settlement. Regional civilian and military authorities issue this card and gendarmes and police authorities in the region supervise the implementation of the embargo, which included not only the food, but also medicine and medical treatment equipment.

Authorities admit the practice of food embargo, calling it "Controlled Food Supply." It is said that this embargo is implemented in order to "prevent the PKK from obtaining food from the people who do not need that much." In other words, they make people starve in order to eliminate the delivery of food to the PKK. Indeed, villagers are the one and only victims of this practice. Due to the ban on going to pasture and plateaus, the hindrance of stock breeding and sowing of vineyards and gardens, agriculture is rendered impossible. On the other hand, the villagers are not allowed to take honey, butter, vegetables and fruits they produce outside the village "for trade" on the ground that "the PKK might seize them." Moreover, since the mills in the villages were destroyed by the state, villagers can only buy a limited amount of flour from cities and district towns.

Place, time and density of the embargo vary. Intensity of the embargo may increase or decrease depending on the arbitrary attitude by the officials who initiate this practice. In some places (for example, in Tunceli), it continues for 2-3 years and may sometimes include quarters of the city center. In some places, this practice aims at villages and sub-village settlements (hamlet, etc.) and causes villagers to migrate or to agree to become village guards. Moreover, most of the time villagers cannot get rid of this practice although they agree to become village guards.

We can draw the following conclusion from meetings with survivor families, reports by the observation committees and information provided in the press/to the public:

Firstly, by announcing food control, villagers' existing food is controlled and food in excess (for example, flour more than 50 kg) is seized and taken to the Gendarme Station. The mills in the villages are closed down and flour can only be provided from a central point which is determined beforehand. Thus, flour traffic is taken under control. Flour could be provided from distant mills only by permission cards. This permission card is asked on return to the village at the checkpoints on the way and at the village entrance. Sometimes, food bought for a wedding, engagement ceremony etc., are seized and people are detained. The permission card is valid for certain periods and people are not given permission to buy more food before completing this period. It is said that in every shopping of food this card has to be given to the authorities and the new one can only be received under this condition. When people want to sell their products outside the village, they have to obtain special permission from the Gendarme Station. Also, the food may be spoiled because of arbitrary behavior at every checkpoint.

This practice affects mostly adolescents, ill persons and the elderly. In provinces with predominant Kurdish population, there are many children who are suffering like the children in Iraq from the international embargo.

Food embargo is not a compulsory practice arising from famine, etc. As a result, these people find migration a sole and imperative solution since it eliminates the minimum conditions of living for a villager.

The HRA Istanbul Branch, Human Rights Bulletin, December 1998 Special Issue

Erzincan Governor Recep Yazıcıoğlu forbid villagers from going to Melen Plateau on Hel mountain situating on the border between Erzincan and Tunceli in June for "security". Paşa Erol, the former headman of Akdemir village of Pertek, Tunceli, stated that the officials made a misleading statement claiming that "the ban on plateaus had been removed," but the ban on plateaus in Tunceli was prevalent. He said, "The Erzincan Governor does not allow people from Tunceli to come to the Melen plateau. On the other side of the mountain, the people from Erzincan graze their animals, but we are prevented from it for "security" reasons. If that plateau is not secure, why do they allow the people from Erzincan?" Erol, reminding of Erzincan Governor Yazıcıoğlu's speech in Tunceli in 1997 and his words "The ban on plateaus has been abolished, and now the sheep are grazing on Melen," said: "We have applied to every official body. Bu we got no response. Yazıcıoğlu forgot about his promises." Erol noted that there were 60 thousand sheep at risk of death due to

the hot weather: "Every day, about 10-15 sheep die from each household. If we cannot go to the plateau in ten days, all of our animals will die."

Soldiers from the Gendarmerie Battalion conducting checks in the area of a transformation station belonging to TEDAS stopped the motor vehicles coming from Batman and villages in Sason district on their way Sason around 5.30pm on 27 June. The soldiers forced the passengers to get off the vehicles, searched them and checked their ID cards. They did not allow any vehicle to pass. The soldiers reportedly said: "From now on, nobody will be allowed to enter Sason after 6pm. Those who attempt to enter will be shot. The city center is forbidden after 6pm." Tens of people including those residing in the city center were sent back. The inhabitants of the district stated that the ban was not justified by any means. The same ban had been applied in 1994, but after public protests it was abolished in 1995. The military officials introduced the ban again in the summer of 1996-97.

It was reported that the inhabitants of Oruçlu (Avetax) village of Tatvan, Bitlis, which had been evacuated in 1997 were not allowed to sow their fields. Soldiers prevented villagers from entering the village and declared their fields a "forbidden zone." Sevdin Gökçe and headman Şemsettin Demir, who went to the village on 25 May in order to sow their fields, were detained. Gökçe, who was tortured in detention, received a medical report certifying his inability to work for 10 days. He was arrested as requested by the Public Prosecutor's Office on accusations of aiding the PKK and sent to Bitlis Prison. Villagers of Oruçlu applied to the HRA Ankara Branch stating that Gökçe had been arrested because of fake statements by two confessors and some village guards. They also said that village guards were allowed to sow their fields and village guard Mehmet Türkmen and his relatives could sow their fields without any trouble, but they themselves had financial troubles.

In Pervari, Siirt, the Gendarmerie Battalion HQ intended to "form a security buffer" and declared the rural areas in the district a "forbidden zone". The decision was announced from municipal loudspeakers on 15 July. According to the decision which entered into force on 16 July, the inhabitants of the district and the villagers were prevented from going to the Mexiz, Desta Rewan, Desta Hingilî, Meydana Seliman regions and the rural area around the Herekol mount. In the decision, it was emphasized that those who happened to enter these regions would be "shot without a warning." On the same day, transportation on the freeway between Pervari and Doğanlı (Hosya) town, which passes through Çeme Karî region, was also banned. The soldiers established a checkpoint on the freeway and did not allow any vehicle to pass. No information could be obtained on the duration of the ban; it was reported that the inhabitants of the town went to Pervari by saddling their horses. The inhabitants of the district stated that the same ban had been implemented between 1995 and 1996, but was abolished in 1997 upon intensive protests by local people and village guards.

The Gendarmerie Battalion HQ banned the entries to and exits from Pervari after 7.30pm starting from 22 July. In the announcement made from municipal loudspeakers on 22, 23 and 24 July, it was declared that those who happened to enter or exit from the district after 7.30pm would be shot without any warning. On 22 July, the soldiers opened fire on cattle grazing on the rural area 200m away from the district center, which was declared a forbidden zone on 16 July. Three cows died.

Soldiers from Lice Battalion HQ conducted raids on 12 villages of Lice starting from 3 August. The soldiers gathered villagers in the public square and threatened them by saying, "From now on, you are not permitted to go out after 9pm. Those who happen to go out will be shot without any warning. We will not be responsible for any inconvenience." It was reported that the soldiers made the headman sign a document confirming that they were warned.

Many animals died in the fire opened by anti-aircraft tanks of Zeyrek Gendarmerie HQ on Kafa and Herp hamlets of Karpuzlu (Herta) village in Kulp and at Yıldız and Bamuse hamlets of Kiyi (Darakul) village in Lice on 4 August.

While the ban on grazing animals in Eruh, Siirt introduced in 1996 continued, 3 shepherds were detained on accusations of violating the ban. The shepherds Bengin Beştaş (17), İbrahim Oktay (18) and Sezgin Tegin (13) were detained by village guards, who were on duty at the checkpoint at the exit of the district, to the District Gendarme Station on 22 August. It was reported that the shepherds were kept in detention for 3 hours, were tortured and threatened, and Sezgin Tegin had swollen feet due to torture.

While the entries into villages of Dargeçit were allowed between 8am and 4pm, the Gendarme Battalion HQ banned the entries into Akçaköy (Izar), Akyol (Dereca), Bağözü (Tırwa), Çatalcam (Dersalip), Değerli (Iwan), Gürışık (Gündükhaci), Kartalkaya (Liyan), Kısmatlı (Baskil), Korucu (Sikeftika), Kumdere (Sibebi), Kusluca (Qupras), Ormaniçi (Kavaka), Ulaş (Dilan) and Akbelen (Germero) villages, which had been evacuated between 1993 and 1995, after 4pm starting at the end of September. Lale Geçer (60), who was allowed to go to her fields in Dereca, narrated what she had gone through in connection with the ban as follows: "After our village was evacuated in 1995, I moved to Dargeçit. We are making our living with what our children earn from temporary jobs. Since their wages are not sufficient, I would come back to the fields and orchards we left behind risking my life. Some days ago, I got permission from the soldiers and went to our fields and orchards in Dereca. Since the soldiers did not allow me to take food with me, I fainted. I regained consciousness at midnight. Since I was delayed for returning to the district, I had to spend the night there. My children wanted to search for me, but the soldiers did not allow them. I managed to come home after one day." The villagers reported that the soldiers "opened fire for warning," and that on 10 August, the soldiers from Kusluca Gendarme Station opened fire on the villagers who wanted to go to Akyol (Dereca), Akbelen (Germero), Subağı (Avadore), Ormaniçi (Kavaka) and Berqevan villages, which had been evacuated in 1995.

In Bekirhan town in Kozluk, Batman, a curfew at nights was imposed starting on 1 September. It was reported that about 15 tradesmen were invited to Bekirhan Gendarme Station by the commander on the ground that they did put up flags in their shops on 30 August. The inhabitants of the town stated that the tradesmen went to the station at noon on the same day, and they were threatened and insulted by the station commander since they did not hang out flag to their shops. The commander reportedly said: "Why did you not hang flag on this day? Yet, I know the reason. I know the terrorists among you. I know them very well. I will soon get rid of them. And you should be careful and should not make any mistake from now on." The tradesmen told that the station commander had said to them, "Since you did not put up flags on this day, I will not allow you to open your shops."

The soldiers from Kozluk Gendarme Battalion and Tuzlagözü Gendarme Station raided Kurşunlu (Malaxano), Karşıyaka (Dersewan) and Çayırılı (Merga) villages of Kozluk on 27 September. The soldiers searched the houses and they reportedly threatened the villagers not to hire their fields to nomads on the ground that "the governor banned it". In the evening on the same day, the soldiers raided Merga village again and gathered the villagers in the public square and conducted a search. The villagers stated that the soldiers put the pastures on fire when they left the village.

e) Discriminatory Practices against Enforced Migrants

The bans imposed on Kurdish families who went to the Black Sea as seasonal workers from Diyarbakır, Tunceli, Batman, Mardin, Muş, Van and Adıyaman in 1997, continued in 1998. After Kemal Yazıcıoğlu, who was working for "DAL," which was formed at Ankara Police HQ following the military coup of 12 September 1980 and which was known in public as a place of torture, was appointed as Governor of Ordu, the governors of Ordu and Giresun issued circulars prohibiting Kurdish people from entering these cities. The circular issued by the Governor of Ordu read, "Due to the nut collecting season, so-called 'nut workers' come to our province from outside the region. The investigations conducted in connection with

these people revealed that these people had been involved in several crimes in their respective regions and were being wanted. Moreover, the complaints filed with the Governor's Office in relation to these people showed that since they did not know the Black Sea region well, they failed to collect nuts and gave damage instead. Therefore, bringing nut workers from outside the region is hereby forbidden by the Governor's Office." When the circular was issued by Ordu Governor Kemal Yazıcıoğlu one month before the nut collecting season prohibiting the Kurdish workers from entering the city on the grounds that "there are PKK spies among them," many Kurdish workers had gathered at the provincial border. Thirty people who entered the city were detained and expelled from the city. In Şebinkarahisar, Giresun, 20 workers were detained. On the other hand, Sakarya Governor Yener Rakıcıoğlu allowed Kurdish people to enter the city, however they were not allowed to contact anybody, in particular the journalists.

CHP Sivas MP Mahmut Işık protested against Governor Kemal Yazıcıoğlu's decree and stated that his party would prevent practices of treating people as potential criminals just because of their place of birth. Işık asserted that Yazıcıoğlu violated the constitution and the laws and discriminated people as first, second and third class citizens, for which he had not right or power.

Upon the inquiry by the Ministry of Interior Affairs in connection with the incident, Yazıcıoğlu claimed that "he was accused by dark motives, he did not discriminate between people and he did not prevent any people from anything". He said, "If you want you may come and see by yourselves!.." However, police checkpoints were established at the entrances of Ordu. The police officers on duty there sent back Kurdish workers who wanted to enter Ordu. On the other hand, workers from Samsun, Tokat and other neighboring provinces and districts could easily enter Ordu.

A news story titled "Gang demands visa for entry" published on page 12 of the daily Gündem on 16 August was censored by İstanbul SSC. Eyyüp Demir, the correspondent of Gündem newspaper who wanted to interview Kurdish workers, was detained and interrogated by the political police on the shores of the Melet river on 10 August. The issue of Gündem newspaper on 12 August, which also reported on the detention of Demir, was also censored by the SSC because of the news story titled "Kurds carry their hell on their backs". Gündem correspondent Faruk Aktaş, who went to Arifiye with HADEP Sakarya Provincial Organization Executive Member Fahrettin Kocalar in order to meet workers, was detained and prevented from making interviews. He was later released.

Some of the workers who were taken out of Ordu were kept waiting on the shore of the Melet river starting at the beginning of August. The Governor's Office prohibited them from building tents and threatened them to leave the region. The worker had to go to Giresun and Bulancak. It was claimed that the ID cards of the workers who were allowed to work in Giresun and its surroundings were confiscated by the village headmen and their ID information was reported to the police. The workers protested against this: "They treat us as enemies. We are prevented from entering here just because we are Kurds. This governor explicitly discriminates between people. If we are criminals, they should arrest us. If here is another state, they should give us a visa and passport. They should show us where our country is."

ÖDP Ordu Branch Secretary Osman Gül noted that the circular by the Governor's Office violated the constitution and the laws: "I should emphasize that every individual living in this country has the constitutional right of working in any part of the country freely and without pressures and limitations." Gül noted that more than one thousand Kurdish workers had come to the region in previous years and no problem had occurred: "Last year, the workers stayed on the shore of the Melet river. Through our negotiations with then-Governor Mustafa Malay, the problem was resolved. This year, we wanted to meet Yazıcıoğlu but he refused to see us."

There were similar incidents in Giresun. When a similar circular was issued by Giresun Governor İbrahim Şahin, gendarmes and police officers detained 280 Kurdish workers at the entrance of Şebinkarahisar

on 5 August on the ground that "they might be wanted people." HRA Ordu Branch Chairman Rifat Kargı protested the incident and stated that the circular issued by Ordu and Giresun governors were in violation with international conventions. He described these practices as "the attempts by dark forces that wished that the war continued by claiming its presence in the Black Sea region."

HADEP Deputy Chairman Osman Özçelik said, "With this attitude, the Governor is undermining peace in the country." Özçelik stated that the racists and separatist governors especially mistreated those people who inevitably had become agricultural workers in the Black Sea and Aegean region with very low wages under inhuman conditions and without any social security. Özçelik said: "The pretext provided by the Governor is ridiculous. He says there are criminals among these workers! There might be a few criminals among thousands of workers. If the Governor is well informed about the presence of such people, he is expected to apprehend them. Preventing all of the workers means a violation of the freedom to work, or at least the freedom of travel and settlement. We think that this attitude by the Governor will undermine peace in the country." Özçelik invited Yazıcıoğlu to quit his attitude and noted that they would file an official complaint against him.

HRA Deputy Chairman Lawyer Eren Keskin said, "Those who accuse people of secessionism for having voiced out demands such as the ongoing war should be replaced by a permanent peace, barriers before freedom of thought should be lifted and laws and practices should be applied equal and just are actually themselves performing a practice of true secessionism in the Black Sea Region." She stated that "some people attempt to prevent even those Kurdish people, who had to migrate from their places of living due to war, from making their living," and continued, "Considering that former İstanbul Governor Kutlu Aktaş, who was assigned Minister of the Interior Affairs, and İstanbul Mayor Recep Tayyip Erdoğan recently attempted to introduce 'visa requirements for entering İstanbul,' it is easy to understand that the ban for Kurdish people in the Black Sea Region is not accidental but coordinated from a single center." Keskin condemned the prevention of the Kurdish workers from Ordu and Giresun and the detention of 280 people, emphasizing that the governors of Ordu and Giresun were committing crimes in doing so.

On 12 August, the board members of the HRA, Mazlum-Der, Göç-Der, Kurdish Institute and Democratic Struggle Platform sent telegrams to Prime Minister Mesut Yılmaz and Minister of the Interior Affairs Kutlu Aktaş, reading, "We regard the prevention of the Kurdish workers from entering Ordu and Giresun as a grave human rights violation and we demand that the two governors be suspended from the office."

As to this implementation victimizing the workers, Ordu Deputy Governor Ömer Bıçkıcıoğlu said, "I also oppose the prevention of them from working. These citizens have been victimized. It is not fair to regard all of them as bad. Even if there are people with ulterior motives among them, it is not fair to inflict the same practice on all of them."

Kemal Canlı, the headman of Kuyulu village of Ordu, noted that the workers who would come from the southeastern region for the last 5 years in order to collect nuts could not come this year due to the ban and said: "They called us to the Gendarme Station. They made every headman read the Governor's instruction prohibiting the employment of workers from the southeastern region and let us sign it. Now we have both sides against us: Both the workers who come here to earn a living and our villagers who need workers. In the past, these workers would come and we would collect their ID cards and give them to the Gendarme Station. And they would take them back when they returned. Now this is forbidden."

Seyit Torun, the mayor of Ulubey district, which was affected by the lack of workers, assessed the outcomes of the ban as "a great scandal." He said: "The ban is strictly carried out in our district. They apprehend and send back the workers who came via truck after travelling for 3-4 days in poverty. This is a great scandal. They applied to the officials and demanded that we employ them after taking their ID cards to

investigate previous convictions, but the officials rejected it. In fact, there is nothing the security forces could do." Torun noted that the ban also caused difficulties for the farmers and said, "Many farmers had given 100-150 million TL as advance payment to the workers. Due to the ban, they both lost their money and face a lack of working force. There is a serious problem."

CHP Party Council Member Ali Rıza Gülçiçek stated that the ban was inhumane since it discriminated between "Kurdish and Turkish" people. Gülçiçek said, "The government should eliminate this disgrace. Every individual who has an official ID card issued by the Republic of Turkey is equal in this country and has the right to work in any part of the country. The panorama here is very ugly. The people from the southeastern region do not even have the right to humane accommodation and living, let alone making their living due to the ban by the governor. The government officials should put an end to this ugly and inhuman practice."

The migrants who were prohibited to enter Ordu and Giresun built tents in Terme, Samsun. After Terme Chamber of Agriculture contacted the nut producers in the region, some of the migrants started to work there. The agricultural workers coming from Urfa, Adıyaman and Viranşehir settled in the tents established on the shores of the rivers and roads in Çatıyanı, Altınlı, Bazlamaç, Dutluk, Sarayköy, Hüseyin Mescit, Akçay, Uzungazi, Özyurt and Kocamanbaşı villages of Terme.

When a journalist asked Ordu Governor Kemal Yazıcıoğlu, "You have been criticized for days. You are expected to resign from office. It is stated that you have declared some part of Turkey as forbidden for the citizens of the Republic of Turkey. Why do you do this?" he said: "No governor discriminates between people from the eastern or southeastern region. Hundreds of people from the eastern and southeastern region are still working in several sectors in Ordu. There are also agricultural workers who came and started to work. But the problem arose since we took cautious steps and took the necessary measures in advance. The region is a sensitive region. The terrorist organization attempts to have a hold in the Black Sea region via Tunceli-Erzincan and Sivas-Tokat. Moreover, this route is important for the smugglers. Therefore, we had to increase security measures, searches and preventive activities when we were faced with hundreds of agricultural workers." Yazıcıoğlu stated that 4 people among them were wanted and arrest warrants had been issued for them: "We apprehended them. One of them evaded military service. After taking his testimony, we sent him back to Malatya, where he was enrolled. Another was wanted since he had taken part in an unauthorized demonstration in support of the terrorist organization. And we sent him to Diyarbakır. Another one was wanted since he insulted the spiritual personality of the state and nation. We apprehended him and sent him to Mardin. Another one who was apprehended among the agricultural workers was wanted in connection with theft, and we sent him to Şanlıurfa." Yazıcıoğlu said: "We will continue to take measures for the security of Ordu, the region and Turkey," and he responded to the criticisms by saying, "This is because of my attitude towards the PKK and because of attempts at appointing me as the Security General Director. We have neutralized the vanguards of the terrorist organization in Ordu and the rural area. We cleared them off here. The heart of the problem lies here. We take into consideration fair warnings and criticisms, but we will continue with our measures."

In his statement about the issue, Göç-Der Chairman Mahmut Özgür said: "In spite of this dramatic enforced migration, there are attempts of preventing the migration victims from entering cities to where they migrated through visas and circulars." Özgür regarded the demand by former İstanbul governor Kutlu Aktaş and İstanbul Mayor Recep Tayyip Erdoğan to introduce visas for entry to İstanbul and the prevention of the Kurdish people from entering Ordu and Giresun via circulars by the governors as risky developments. He emphasized that these measures were violations of the rights of the victims to migration, settlement, traveling and working as stipulated in the constitution and international conventions. Özgür noted that visas for entry into İstanbul and some other provinces meant discrimination and said, "Marital law and the state of emergency have been applied in the Kurdish provinces of the country for years. In the State of Emergency

Region, hundreds of villages were evacuated for 'security' purposes. As a result of the food embargo, the ban on the plateaus, and intense detentions, millions of people were forced to migrate leaving behind their homes, belongings and sources of living." Özgür stated that visa requirements for millions of homeless, unemployed and hungry victims would mean a violation of legal and human rights, and that there were attempts at driving the victims of migration away from the city centers. He emphasized that although visa requirements were in force since the beginning of August, the officials did not make any statement about it; he noted that in case no statement was made, they would send petitions to İstanbul Metropolitan Municipality and İstanbul Governor's Office in order to protest the practice.

Meanwhile, in a written statement made by Urfa Democracy Platform on 21 August, it was stated that Governor Yazıcıoğlu's attitude was chauvinistic and that the ban on the Kurdish workers undermined the concept of fraternity of peoples. It was stated that the ban decision was based on the perception of the local people as potential criminals: "In our region, the villages were evacuated, the people were forced to migrate and the region was economically depressed due to the war for 14 years. The people had to migrate to other parts of Turkey in order not to die of hunger. The families which would go to the Black Sea region to collect nuts every year faced a new practice this year." The Platform emphasized the fact that through the propaganda that 'there are outlaws among the workers' the discrimination of Kurdish people should be legitimized; it was demanded that the practice be abandoned.

In connection with the measures of Ordu Governor Kemal Yazıcıoğlu, Sema Pişkinsüt, chairwoman of the Human Rights Commission in the Parliament stated that such decisions should be given after exhaustive investigation and consultation. Pişkinsüt pointed out that the activities of the PKK would not be obstructed but might increase instead, due to practices taking all of the people in a certain part of Turkey as potential criminals. She said, "These people are taken by trucks to collect nuts and cotton under very bad conditions, similar to Uncle Tom's Hut, and they live under bad condition in place to where they migrate." She stressed that the government should consider the issue on the whole. She noted that the government should seriously deal with this problem and should establish a commission of sociologists and pedagogues if necessary in order to determine the decisions to be taken scientifically after investigating the issue in all dimensions, provide better accommodation for agricultural workers and find out the real amount of possible security risks.

FP Diyarbakır MP Seyyid Haşim Haşimi asked Prime Minister Mesut Yılmaz why the Kurdish workers were prohibited from the Black Sea. As to Ordu Governor Kemal Yazıcıoğlu, Haşimi wanted to learn the following: "Although he was a police officer who had close relations to groups supporting the MHP before 12 September, and to gangs organized within the state, and although he appeared in the record of military courts as being involved in torture and illegal practices and received disciplinary penalties, why did you appoint him as governor and do you feel yourself responsible for the current situation?" Prime Minister Mesut Yılmaz answered: "I think the public was misinformed on this issue. Every citizen is equal for the Turkish State, which would never discriminate between its citizens unless someone is a criminal."

f) Initiatives for the "Return to the Village"

The authorities developed activities in order to enable the migrants to return to certain villages provided that they agreed to become village guards. Several decisions were taken at a meeting of the "Board of Coordination and Follow-ups for Development Plans and Settlement Activities in the Eastern and Southeastern Anatolia Provinces" under the chairmanship of Deputy Prime Minister Bülent Ecevit in August 1997, and 3 options were offered to the victims of migration, the essential condition being that they agreed to become village guards:

1. The state shall motivate the return to the villages where security can be established fully and where economical facilities are sufficient;

2. Employment, subsistence and accommodation facilities shall be provided to those who will stay in the cities;

3. Collective settlement centers will be established on the land which will be provided by the Treasury and which is suitable for agriculture and stock breeding."

The authorities stated that the purpose of this initiative was that "the State provides the opportunity to engage in agriculture and stock breeding on the land provided by the State for those people who want to engage in agriculture and stock breeding, but cannot return to their village for security reasons." However, in spite of statements by Ecevit that investments in the region would be increased and that the villagers could return to their villages, those who returned to their villages were reportedly sent back.

Another solution proposed by the government was the "village-city project" which has been advocated by Bülent Ecevit since 1970s.

According to the numbers given by the State of Emergency Region Governor's Office, 25 thousands of villagers returned to 96 villages and 76 hamlets within the scope of the "return to village" project initiated in 1997 in the State of Emergency Region. The officials stated that the targets of the "return to village" projects were not reached since "the young people did not want to abandon the life in the cities."

It was claimed that 4.072 people were sent to their villages as part of the "return to village" campaign organized by the İstanbul Metropolitan Municipality in 1995. İstanbul Metropolitan Municipality Control Department Chairman Selami Uzun stated that during this campaign, "bus tickets were provided for those who wanted to return to their villages and trucks were hired for those with property after conducting the necessary investigation." Uzun said: "The funds allocated for the return to village were less than those for staying in the city."

The issue of returning to the villages was also included in the report prepared by the Migration Commission in the Parliament. The report noted that the "return to village" project was welcomed by the migrants, but that the officials determined only 148 settlements as secure, that the villagers were allowed to return provided that they became village guards, and that existing village guards attempted to obstruct the return to the villages. The report demanded that village evacuations should be stopped, and that accommodation, health and education problems of those who did not want to return to their villages should be solved immediately.

The report read, "The Governor's Office of the State of Emergency declared that only 148 of 3.313 settlements which had been evacuated in the State of Emergency Region and neighboring areas were secure, and only inhabitants of these settlements could return. The damages because of unused property rights by the villagers who were not allowed to return to their villages for security reasons should be redressed reasonably by the state."

The report asserted that the return to the village should not be enforced: "Not the security forces, but the inhabitants of the villages should decide which villages to return to." The report demanded that a permanent committee subordinated to the Undersecretariat of the Prime Ministry should be established to ensure the implementation and coordination of the "return to village" project. Moreover, it was suggested that every family, which would return to the village, should be allocated a 'loan for adaptation to life' of about 400-500 million TL in 1997 prices and also with land, free-of-charge.

The Commission Chairman Seyyid Haşim Haşimi criticized the "return to village" project. He stated that a return to the villages was not possible under current conditions: "How will the return to the villages be ensured? It is not possible through verbal means. It is not possible through the project of 'village-cities.' The villagers had abandoned their settlements for security reasons already. What will be the criteria in

determining the villagers who will return? At first hand, security should be established and the mines should be swept. Then, villagers will know whether they would return and where they should return." Haşimi noted that governments had advocated that the local chieftains should be rendered powerless and the clan system should be abolished in the region and the local people should be provided with land: "The State owns 1.761 million ha of land only in Ceylanpınar. Moreover, these fields are fertile. It has 4 million ha of land in Iğdır, Muş, and Ağrı. Now the government attempts to do something by proposing the village-city project. There are only a few territorial chieftains there. First, the chieftainship of the state should be eliminated."

Gürpınar (Van) District Governor Halil İbrahim Ertekin organized a 'return to village' meeting on 1 October. In connection with the meeting in which district organization chairmen from HADEP, CHP, ANAP, FP, DSP, MHP, DYP, BBP and BP participated, HADEP Gürpınar District Organization Chairman Bahri Avar stated that the chairmen of the district organizations agreed that no prerequisite should be specified for the return to the villages, but the meeting was unproductive. Avar noted that District Governor Ertekin had organized a meeting with headmen a week ago and the real purpose behind the meetings was to form out 'villages of strategic importance.'

g) Problems of Involuntary Migrants

The most significant problem of those who were forced to migrate and settle down in big cities especially in Diyarbakır, Adana and Mersin was being far from their homelands, houses and fields, orchards and the way of life. The rights of education and health of the migrants could not have been achieved in new environments either. They were not provided with any systematic social or psychological assistance in addition to living in an atmosphere of violence, having their rights to life being violated and witnessing clashes in the region. The number of children living and working on the streets climbed up significantly. The activities by NGOs fell short in solving these problems.

However, one of the most urgent problems of enforced migrants was their security and that of their children. Those who had to migrate from the region temporarily or permanently due to the social conditions were regarded as "potential criminals" or "terrorists" in both political and judicial aspects. In a circular by the Ministry of the Interior Affairs, dated 3 January 1997 (this circular is supposedly renewed every year), one of the recommended "anti-terrorism" methods was stated as follows: "In order to prevent the organization from finding new areas for itself, street hawkers should be prevented in Adana, İçel, Antalya, Sivas, Konya, Nevşehir, Kırşehir, Tokat, Ankara, İstanbul and İzmir, and the Law on Identification numbered 1774 should be applied strictly, taking into consideration that the families who are inhabitants or have newly settled down in the region might be unregistered."

There were many reports about police raids and attacks by supporters of the MHP in quarters where the immigrants dwelled. For instance, Sakine Erdoğan, mother of 7 children, was forced to migrate from Siirt as a result of pressures. It was alleged that she was threatened continuously by some police officers. Sakine Erdoğan stated she migrated from Siirt to Adana, from Adana to Antep because they had been forced to do so. She said, "Because our family was a patriotic one, my husband was continually harassed. Therefore we migrated from Siirt to Adana. My husband found a job in Adana. He began to work. After that, the police officers began to raid our house. They asked 'your sister is being wanted. Tell us where she is'. We could not stay there either. We went to Antep. They still harass us".

The association Göç-Der, which has been conducting studies into issues of forced migration, held its 3rd ordinary congress on 18 October. Göç-Der Chairman Mahmut Özgür noted that the primary problem of the immigrants before they migrated had been problems in connection with health and unemployment. Özgür said, "The forced migrants suffer these problems in the places where they migrated to so much, that they want to turn back despite all the pressure and violence they have there". Özgür said, "the primary demand of the migrants is peace". Özgür argued that the actual reason for forced migration was the Kurdish problem. He

added, they try to "break off relations of Kurdish people with their native country and assimilate them as well as depopulate the region because of the 'low-intensity' war there. Özgür said, "They tried to break off people's relations to social life, organizations, natural environment. A new type of life, which we noticed recently, was developed. A nomadic community which lacks the possibilities of education and health and consisting of people who live in nylon tents and are externalized from social life was established. They live in tents 12 months a year". Özgür said that they observed that most forced migrants lived in places with no infrastructure, roads, water, electricity, where the sewer system goes uncovered, where there are no toilets and kitchens and in quarters where living conditions are unhealthy and that they are living on the basement floor or in stores. Özgür depicted that the migrants were alienated in their new environments because of problems such as language and cultural differences apart from problems in connection with health and unemployment. He said "These things all contribute to the psychological disorders which they suffer already. Now they long for the life they lived in their native regions which was full of pressure and violence". Mahmut Özgür indicated the project named Multi-purposed Community Centers (ÇATOM) and similar projects for Kurdish women and children were "very specific and planned". He added, "These projects try to assimilate the Kurdish population. The state authorities, considering the increase of Kurdish population in Western regions and the formation of a new community in these places, strive to carry out their projects of assimilation in these places".

On 6 March HRA İstanbul Branch Commission on Kurdish Rights published the results of an investigation conducted with 49 families, which were forced to migrate and living in İstanbul. The statement stressed that the migrated families had enjoyed minimum living conditions, a family unity and a certain culture before migration, and all families had given the reason for coming to İstanbul as "continuous pressure, detention, food embargo, pressure to become village guards, the possibility of death and burned villages".

The report listed the basic problems after immigration: "the continuous change of address, children's inadequate education and malnutrition, employment without insurance and as cheap labor, unhealthy conditions in shanties and broken families". The survey maintained that the stress of old people who are longing for their villages and land, and who do not feel at home, could lead even to death. The HRA demanded that the condition of becoming a village guard in order to return, should be removed. The survey read, "The impacts of events after forced migration upon the people of the region is deep. It is hard to compensate the destruction made. In the 49 families, that we talked to all individuals of the family who could work did so. However, they could only meet their basic needs. Conditions should be created, in which all concerned people, institutions and organizations can discuss the forced migration as a whole. The people who experienced the phenomenon should take part and be active in discussions regarding 'means of solution'."

Psychiatrist Dr. Mazlum Çöpür, member of the human rights commission of İstanbul Medical Association stated that forced immigrations and voluntary immigrations affected people in different ways. Çöpür said, "If the person migrated in order to live in better conditions, it is easier for him/her to adapt to new circumstances. That is to say, the people who say 'I have to stand all these' have higher resistance levels. We observe psychiatric symptoms and disorders of these people less frequently. However, people who are not ready to migrate but had to do so because of the indirect pressures such as crating harsh living conditions are not prepared to go and, therefore, the migration leaves adverse effects with these people". Dr. Çöpür indicated that forced immigration upsets the psychological order of the people, and social, cultural and spiritual differences change individuals. Çöpür said, "Everybody has a way of living which s/he is accustomed to. But when s/he is forced to migrate, the usual way s/he of dressing, working, nutrition as well as other aspects of life gets upset. Feelings such as hate, antipathy of people and being excluded arise as a result".

The Sarbaz family, from Kuşdağı village of Gürpınar, Van, was forced to migrate in 1992 since they did not accept to become village guards. Father Adnan Sarbaz came to İstanbul in order to send money to his family. After a while, his family came to İstanbul with the help of some of his friends.

The family lives in a one-room flat in an old, wooden building of the 1800s, in Tarlabası, Beyoğlu. Since their landlords come from the same area, they do not take rent. Moreover, they do their best to help them. This family of 8 people says: "We will wait until the end of war in the region to return home". Adnan Sarbaz started to work as a temporary driver in an asphalt company of the Metropolitan Municipality. While he struggles to make their living with a wage of 37 million TL, he also takes care of the treatment of his brother suffering from blood cancer. Sarbaz says: "We cannot make our living with this wage. We were expelled from our village and came here. We live in misery".

In Kuşdağı village 10 houses were left out of 80 households. Mother Kadriye Sarbaz says: "Everybody was forced to migrate. Everybody was expelled from his own land." She notes that they do not want to return until the guarding system ends. Kadriye Sarbaz says: "Being a village guard means death for us. We will not return until the war ends, until the death ends in that region".

Kadriye Sarbaz states that they suffered so much from soldiers and guards: "We could never sleep at nights. Guards, hidden in gardens, observed our houses. They tried their best to harm us on the ground that we were supporting the guerillas. They did everything to intimidate us."

Sarbaz family has a 5-year-old daughter named Şehriban, who suffers from a congenital heart disease. Kadriye Sarbaz states that the treatment of her child is very difficult and asks for help. Şehriban looks to be only 1.5 years old and cannot speak. Kadriye Sarbaz says: " We have been suffering from this anguish for 5 years. We do not know what to do."

Emek, 20.01.98

An article written by psychiatrists Aytekin Sir, Yener Bayram and Mustafa Özkan of Dicle University Faculty of Medicine Psychiatry Department was titled "Preliminary Investigation on Post-Traumatic Stress Disorder in a Group Consisting of People who Experienced Forced Migration in the Country". The article covered results of a questionnaire presented to migrated villagers and proposals for solution. A hundred people who migrated from nearby districts and arable fields to Diyarbakır were compared to the control group consisting of 80 people of similar social - demographic features who did not migrate. The differences between the other migrant groups and the forced migrants were depicted as follows: "Before they migrated, they had been effected by terror events for many years. They experienced forced migration. It was no natural disaster like an earthquake, flood etc. but a disaster created but intentionally and arbitrarily by other people. The migrants suffered many material as well as psychological losses during this migration. Their economic situation worsened considerably, they could not even meet their material needs. They had to leave jobs they knew best in agriculture and stock breeding. They had to look for daily jobs under someone else's protection. The contribution of family members who had been their biggest support and work-mates grew less and one single person began to raise all the material needs of the family. The other family members who recognized they could not help the head of the family were adversely affected by the conditions; it was not certain when terrorism would come to an end and when they could turn back to their original place of residence".

The survey revealed that 66 of the 100 migrants suffered from post-traumatic stress disorders (PTSD). The people in the control group showed no disorders. The survey put forth that the average age of the group diagnosed to suffer PTSD was 42.32. It also revealed that the most widely seen symptoms were

"psychological depression due to external stimulants which remind of the events". The survey found out symptoms of hopelessness, deficiency and depression. It stated 72 of the 100 people in question wanted to turn back to their native village, but they were pessimistic about the prospects. The report of the survey read, "one of the reasons why the people become pessimistic is uncertainty in connection with return. Therefore, this part of the society which cannot make any future plans and accept defeat in their struggle to survive has turned to be an introvert group which cannot communicate to society". The survey noted that the TSSB diagnosis could not be confirmed by renewed interviews with the migrants group and, therefore, remained open to discussion. According to the survey, the reason was the difficulty in finding a control group due to depopulation of most of the villages.

The story of the Karakoç family, who stayed in the building which collapsed last night in Karşıyaka, İzmir, reveals out the fact that victims of war and migration are helpless.

Three years ago, the Karakoç family, living in Kuzerip (Yazır) village of Savur, Mardin, migrated to Bismil, Diyarbakır because of pressures by the security authorities forcing them to become village guards. But the pressures by the village guards continued in Bismil, and the Karakoç family had to move to İzmir. Arab Karakoç narrates what they had gone through as follows: "I had to settle in İzmir with my five children and my brother Osman. We had financial problems and lived in misery. And I had to move into a dilapidated house."

Arab Karakoç stated that they had been staying in this house for 4 months after they came to İzmir. He added that about 14 people including an 8-month-old child and a 5-month-pregnant woman were stuck under the ruins of the house. Karakoç stated that after they were rescued from underneath the ruins, they were asked in the hospital whether they had a health insurance or not. Karakoç said: "The doctor came and asked me where I came from. My house had collapsed and he comes and asks me whether I have a health insurance or not. When I said that I had not health insurance, he scolded me. I asked why he did not ask me about my health, whether I was well or not and what kind of doctor he was. Then he said 'Stay the night here, we will send you tomorrow.' Karakoç said that governor promised to help them but they did not accept the help. He also said that he did not know what to do after being discharged from hospital.

Gündem, 22.01.98

Mainly the children suffered most from the negative conditions created by forced migration. A sociologist in Van Yüzüncü Yıl University, Assoc. Prof. Ahmet Bilgili conducted a research for the Children's Foundation on forced migration from Eastern and Southeastern Anatolia. He said that the children would never forget what they experienced during migration, and the migration would leave permanent effects and pains upon them. Bilgili's report read as follows: "Most of the children who were forced to migrate had to live in tents beforehand, and in primitive and inappropriate places afterwards. The average number of children in migrated families in Van is 6.6. Close relatives or 2 or 3 families had to dwell in the same house. Such conditions have adverse effects on children."

Bilgili said 68 percent of the migrants were heads of families who were illiterate and their primary problem was unemployment. He said they should turn back to the village. Bilgili proposed in the section of measures: "When new policies are established, the child factor must not be ignored. Migration should be explained to the children, migration policies should be dealt with considering the whole family and families should be protected. The children of the migrated families should be given better education. The children who became orphans due to terrorism should be protected."

Most of the children who lost their places of residence because of forced migration had not only difficulties in accommodating to their new environment but actually had to live in the streets. Yusuf Ahmet Kulca, chairman of the Volunteers' Association for Urchins, which was founded on 14 July 1992, quoted the primary reasons why children were living in the streets. These are as follows: poverty, forced migration, economic and social inequality, growing up without love, irregular urbanization, sexual harassment within the family and being uneducated and change of cultural conditions. Kulca pointed at the increased number of street urchins and said the children who worked in the street during the day in Diyarbakır, Adana and Mersin because of economic conditions and who went home in the evening and lived in tents were also urchins. Kulca emphasized that first migration, poverty and lack of education had to be solved in order to remove the causes which force children to live in the streets.

Hulusi Altınbaş, chairman of the Association for Street Urchins and Children in Need, stated that most of the urchins and children in need were children of forced migrants. He said, "People who take these people out of their villages are responsible for this. It is the bad system which creates such children". Altınbaş indicated that the families which migrate to the big cities had to make their children work and said, "The migrating families' lower intellectual level leads to increasing pressure on these children. If the children were not here, they would work in their gardens and farms. The civil war which played an important role in bringing the children here should come to an end".

Yurdagün Türker, chairman of the children's commission of Adana Bar Association saw an increase in the number of working children in Adana due to migration. Türker stated that 1,386 children were put on trial in Adana between 1997 and 1998 and 296 of these children were imprisoned. He said that 500 children were put on trial on grounds of theft and added: "most of these children are those who stole bread and biscuits because they were hungry. Sometimes we participate in trials of children who stole protective canvases of cars in order to warm up. Children never steal in order to get rich, they take because they need. There is no criminal child but exploited children forced to commit crimes due to economic reasons."

h) Forced Migration and Right to Asylum

Forced migrants who cannot enjoy their rights to security, nutrition, housing, education and health illegally tried to go to European countries. In the 1990's, especially after 1992, the special domestic security operation was introduced and many people lost their lives as a result of extra-judicial executions, political "murders by unknown assailants" or "disappearance". Accordingly the number of asylum seekers increased. Between 1992 and 1994, some of the refugees who had gone to Northern Iraq from the Hakkari and Şırnak region turned back to Turkey upon the government's guarantee, but most of them tried to move on to European countries.

Pressures by the government and KDP authorities on the office of the UNHCR resulted in its withdrawal from Etrus Camp as from 15 January 1997. In January 1997 the HRA Diyarbakır Branch Commission for Women and Children commented on the closure: "A Kurdish community consisting of 15 thousand people living in tents and nylon shelters, the majority of them women and children faced a new shock". The chairwoman of the Commission, Özlem Çetin, said in her public statement, "As far as we are concerned, we want to draw your attention to thousands of women and children left in a unhealthy and insecure living in the camp under harsh winter conditions and suffering material needs. We consider the decision by the UNHCR as a violation of recognized rights of women and children guaranteed by international agreements, and call on every non-governmental organization and the public to be more sensitive on this issue. We protest against the decision of the UNHCR".

At the same time 1,500 people from the camp were reported to have gone to mountainous regions and, with the support of the PKK, getting prepared against an air raid by the Turkish Armed Forces and possible KDP attacks. Twenty families were also reported to have settled in temporary settlement areas in

Zaho and Dohuk by the UNHCR in January. The UNHCR announced that refugees who accept to turn back to Turkey were settled in temporary settlement areas. However, KDP authorities stated that there was no adequate housing in Northern Iraq for 15.000 people from the Etrus Camp.

After depopulation of Etrus Camp, 6.000 people were reported to have gone through a KDP controlled region to Iraq and 5.500 people reportedly turned back to Turkey until October 1998. It was reported that in contrast to other forced migrants, housing was provided for refugees turning back from Northern Iraq and that they were settled particularly in Şırnak. The UNHCR examined the conditions of the returned refugees. Some of the refugees were reported to have become village guards after they settled in their recently built houses.

In 1998, KDP supporters were reported to have attacked refugees from Turkey in the Ninova Refugee Camp.

The refugees declared in a letter to the UNHCR on 16 January that living conditions got harsher in the camp day by day. They said the refugees were affected by the harsh winter conditions and that there were not enough tents, gas stoves, clothing and blankets. They said there was an increase in infants' deaths due to malnutrition and epidemics. The refugees who stayed at Ninova Camp asserted that the KDP raided the camp and some people were kidnapped and killed.

Northern Iraqi and Iranian Kurdish migrants also tried to enter European countries in illegal ways. The Turkish government protested against the Italian government and the European Parliament because they did not accept the thesis of the NSC alleging that "illegal immigrants go to European countries with the help of the PKK and a substantial reason of migration was to politicize the Kurdish problem by taking it to Europe". Other European governments, including Germany and France, inflicted pressure on Italy and demanded that Italy should stop accepting the refugees. European governments and the EU increased their border security to stop the migration. Turkey tried to reduce transitions to Europe by police "operations" on refugees from other countries. European governments and Turkey exploited the fact that some of the refugees wanted to migrate for economic reasons.

Since May 1997 the number of ships to Europe which carried Northern Iraqi and Iranian Kurdish refugees as well as Turkish Kurds increased. For example, on 29 May 1997, a Turkish ship carrying approximately 250 people was reported to have run aground in the Calabria region of Southern Italy. In August, some human traffickers directed by the Turkish Mafia were reported to have killed 289 people of Kurdish, Pakistani and Sri Lankan origin after taking their money by sinking their ship in the middle of the Mediterranean. In October, owners of the ship "Asiye Ana", which carried both Turkish and Northern Iraqi refugees, reportedly attempted to sink their own ship at the coast near Reggio Di Calabria. On 19 November, a ship carrying 450 refugees, mostly from Turkey, ran aground near Calabria. 835 refugees, most of them Kurdish people, traveled in a ship which ran aground on 27 December 1997 near Catanzaro. The flow of refugees continued in 1998 too. On 1 January 1998, a ship named Cometa carrying 418 passengers (290 of them of Kurdish origin) went to Otranto Port of Italy.

The Italian Government dealt with the problem in November 1997. The public statement by the Italian Foreign Ministry said, "From now on, Turkey should look for a political solution to the Kurdish problem, not a military one. The Italian government will not give up its efforts towards a solution of the Kurdish problem. Our government will follow the issue on international platforms as well. Respect to human rights and a solution to the Kurdish problem are necessary for Turkey and Europe to get closer. This is not solely Italy's opinion, but it is the shared opinion of the 15 EU member countries". Greens Party Deputy Chairman Paulo Gento and the deputy chairman of the Parliamentary Commission for Foreign Affairs made a joint statement. They said, "It is necessary to solve the Kurdish problem by political means in order to stop the flood of migration and provide peace in the region". The Italian President, Romano Prodi, announced that

they could not find any authority they could speak to about a solution of the migration problem by humanitarian means. A decision taken by Italian Parliament on 10 December demanded that the Kurdish problem should be discussed at the UN, the EU and the OSCE. Tension between Turkish and Italian governments arose as a result of these statements. Italian judicial authorities claimed that MHP supporters and the Mafia organized the human trafficking and that the people taken to Italy were Kurdish refugees. However the Turkish authorities claimed that the migration was organized by the PKK and the people taken to Italy were illegal immigrants and PKK supporters. There was no discussion in Turkey on the relation of this migration to the forced migration in Northern Iraq and Turkey. In late December, when the Italian government had called on the UN for an "urgent international initiative" in connection with the Kurdish problem, the Turkish authorities said, "We will reject any intervention in our rightful struggle. This is an intervention to an issue which is an internal problem of Turkey and in which Turkey struggles to defend its borders".

The HRA Chairman Akın Birdal stated in January, "For years the policies and the regime stipulated mass migration and the migration to anywhere in the country went as far as foreign countries". Birdal said, "This (Migration) may be considered an additional problem to those economic, social and social problems emerging due to the Kurdish problem. Migration led to human trafficking besides gun-running and drug trafficking, which we find embarrassing and dangerous... If there is an escape to another place that people define as 'heaven', we should eliminate Turkey's appearance as 'hell'. Let's cooperate in order to have a peaceful, free, and equal life in Turkey. Otherwise, on the threshold of a new century, it will be the country going aground, not the ship carrying the refugees. We should save Turkey".

HADEP Deputy Chairman Osman Özçelik said, "Migration cannot be ended by demanding extradition of the immigrants. Migration can only end if reasons behind it are abolished. The principal cause of migration is war. As long as the war continues, migration to other places and countries will also continue".

The NSC's statement, issued after the meeting on 21 January on developments concerning Italy, dealt with events of human trafficking from Turkey to Italy and other European countries in illegal ways. Consensus was reached to take the necessary precautions to prevent Turkey from being used as a base for such purposes and for counter political campaigns against Turkey on the pretext of such events.

In January, the Italian Foreign Minister Lamberto Dini proposed "urgent cooperation" with Turkey in connection with migration movements. The Turkish Minister of Foreign Affairs İsmail Cem replied, "It is important that European countries develop shared and effective manners in connection with illegal human trafficking", but they would not accept any connection to be assumed between the recent events and "forced immigration". Cem claimed, "romanticism by considering the event as a human rights problem helps people who organize and benefit from human trafficking". Cem also commented on the statements by Italian authorities to the effect that the illegal immigrants could be recognized as political asylum-seekers, saying that such an attitude might encourage new waves of migration. Deputy Prime Minister Bülent Ecevit expressed his opinion on Italy's attitude: "The Europeans, unfortunately, do not evaluate our problem in southeastern Turkey from an objective point of view. They prefer a racist point of view". Ecevit said the migrants started their journey "like sheep on very unhealthy ships", but in case that one of these ships went down in the Mediterranean and people died, Italy could claim irresponsibility. They should very carefully think of what their attitude may result in.

The State of Emergency Region Governor Aydın Arslan claimed that the PKK tried to politicize the immigration issue in an attempt to get of its hopeless situation by introducing the immigration issue as a refugee problem. Arslan said, "The issue is simply looking for a job. But members of the terrorist organization in Italy jumped on it as if they had organized it. We have got some information. Some

supporters of the terrorist organization living in Italy carry banners. These banners were not taken from here. They are written in Italy".

European governments also put pressure on Italy to prevent it from granting asylum to the refugees. German Minister of the Interior Affairs Manfred Kanther made a public statement in January. He said, "Especially Italy and Greece are the countries which should take strict precautions against illegal migration". Kanther stated, "In case the migration is not stopped, asylum-seekers would come to all European Union countries. The Schengen treaty which removed the border control among EU member countries is by no means an error in itself, but all countries should abide by the rules." Manfred Kanther said they prepared a "9-item-action plan" in order to prevent illegal entries to Germany. The plan consisted of the establishment of a "central record" for foreigners, increased powers of guard units at the borders and aggravation of social aid regulations. Kanther demanded more power for judicial and police organizations. German Minister of Foreign Affairs Klaus Kinkel said, "Turkey should know that it is supported by Europe in its struggle against PKK" but noted, "but the Kurdish problem can only be solved by political means and by economic, social and cultural measures. This is a political problem, which should be discussed in terms of human and minority rights. If the problem is tackled this way, then waves of refugees would not occur. Europe's refugee policy can in no way be held responsible for such an event".

A letter of recommendations adopted by the European Parliament on 15 January claimed that the illegal immigrant problem could be solved "provided that political solutions to the conflicts in southeastern Anatolia and Northern Iraq are found". The letter of recommendation demanded the EU to take the issue to the UN Commission on Human Rights and read, "The European Parliament demands an international initiative to search for a political solution to the problem". EP MP Claudia Roth said, "European governments pursue a hypocritical policy in connection with Kurdish political immigrants. 2,000 Kurdish immigrants can in no way threaten the security of Europe which has a population of 350 million". The European Council for Asylum-Seekers and Exiled People issued a statement in response to statements of the German authorities to the effect that "European borders should be protected". The statement indicated European authorities "should not protect themselves from the asylum-seekers but they should protect asylum-seekers against the authorities".

In 1998, many foreign immigrants were detained in Turkey while they were trying to go to European countries on ships, buses or trucks. In 1998, at least 3,386 Northern Iraqi people were detained while they were entering or leaving Turkey and at least 974 people were deported.

5.THE RIGHT TO LIFE

After PKK leader Abdullah Öcalan was detained in Italy and Turkey's request of extradition was refused due to the death penalty in the Turkish legal system and debates on abolishing the death penalty began. But death penalty was not abolished in 1998 as well. The situation of Öcalan led to a public opinion for the application of the death penalty. The Preliminary Draft on the Turkish Penal Code recommended abolishment of the death penalty, but no parallel initiatives were taken to this end. Many people were prosecuted with the request of the death penalty, especially at the SSCs; these included also children. (See the section "Death Penalty".)

The officials did not carry out any studies for legalizing the human rights standards that have been developed to preserve the right to life. The regulations required for the punishment of the officials that were responsible from violation of the right to life were not made. The claims concerning violations of the right to life were not investigated as required; prosecutors and judges tried to acquit the officials that have caused deaths or injuries in many situations. The European Court of Human Rights also mentioned this problem in its judgements.

Government officials made statements based on the prejudice that the security officials were innocent or just "did what was to be done" against the claims concerning violations of the right to life. The officials were sensitive to only the right to life of the security officials. For instance, President Süleyman Demirel made the following statement after the bomb attack against a gendarme station: "It is crazy to dare shoot and bomb Turkish police, gendarme and soldiers. It is untrue if the attackers think that they will remain unpunished. If a button is torn away from any soldier of mine, that button belongs to the state. It means that the honor of the state is despised. Hands against the state will be broken." The "culture of revenge" implanted among the security officials was among the most important factors supporting especially extra-judicial execution and torture also in 1998.

Therefore, the violations of the right to life remained to be systematic. The officials responsible from "extra-judicial executions" and murders in detention or prisons were not judged or punished and they continued their duties. No serious initiatives were taken to enlighten the political "murders by unknown assailants". Even the debates on policies of violence on the Kurdish problem were still considered as dangerous initiatives; armed clashes and attacks against civilians by armed groups continued. At least 45 people were killed in political "murders by unknown assailants" in 1998 despite the statements of the officials that these had ceased. The Susurluk scandal showed that many people that were judged for being responsible from political "murders by unknown assailants" and those that had even been sentenced had counter-guerilla relations with state officials and that they were protected at highest levels of the state (see the section "Susurluk Scandal"). The families that lost their relatives in murders "by unknown assailants" reacted to the fact that the offenders remained unpunished and investigations were carried out carelessly and negligently though there was sufficient evidence and gunmen were known. As a result, they brought various initiatives.

Table 2. Violation of Right to life in Turkey, 1990-1998²⁷

	Extra-judicial Executions	Political murders by unknown assailants	Disappearances	Those died in detention or in prison ²⁸	Those died in mine and bomb explosions	Armed clashes	Attacks on civilians
1990	...	11	2	12
1991	98	31	3	21
1992	283	362	8	18	38	1.719	189
1993	189	467	30	40	123	1.854	406
1994	129	423	57	53	131	2.814	192
1995	96	166	49	37	45	1.787	112
1996	129	113	19	72	40	1.471	41
1997	98	65	10	52	63	2.386	81
1998	80	45	11	43	28	1.091	32

In 1998, at least 80 people were killed in "extra-judicial executions". It was impossible to determine how many of the people caught alive in the clashes were killed afterwards.

The armed clashes and attacks especially within the scope of the Kurdish problem constituted one of the most important reasons of other violations of the right to life and strengthening of militarism in Turkey. Many civilians in the clash environments were forced to migrate, detained, tortured and killed in fires opened at random. The villagers killed in clashes were introduced as "terrorists that were found dead" in the media. The village guards in the State of Emergency Region and neighboring provinces continued to be a serious and common threat against the right to life. Armed groups and especially the PKK carried out armed attacks to civilians or their supporters they considered to "have betrayed". Civilians were also affected by the armed clashes between the PKK and security officials. PKK groups also targeted the families of the village guards. Armed clashes and attacks by the PKK declined in 1998 as well. In 1998, at least 1.091 people were killed in armed clashes according to the data compiled by the HRFT (see the section "Kurdish Problem"). The HRFT determined that at least 46 people were killed in the attacks of the armed groups against people that were against clashes (8 of these were killed as a result of the attacks of extreme rightist groups and 32 of these were killed in the attacks against civilians and civilian target).

a) Crime Organizations and the Right to Life

Crime organizations were one of the important obstacles against the protection of the right to life. It became clear that security officials and especially village guards and repentant militants were involved in many crime organizations and that some of the crime organizations had relation with counter-guerilla (see the section "Susurluk Scandal"). Some cases could be enlightened in 1998. For example, the corpse of a villager named Fethi İpek was found around Çeltik village on Diyarbakır-Ergani Highway on 27 September. As a

²⁷ This statistical information consists of the cases determined by the HRFT. The persons who were found dead after disappeared were not included with the statistical information on the disappearances. Moreover, the whereabouts of 9 people who had gone missing during the period 1980-89 are still unknown.

²⁸ Please see Table 4 in the section "Personal Security".

result of the inquiry by Diyarbakır Gendarmerie Regimental HQ, Captain Coşkun Bayar commissioned in Diyarbakır Provincial Gendarmerie HQ, NCOs Serdar Karabulut, Mehmet Yüksel, Mustafa Alnak and Levent Korkut and Ali Yıldız, who was claimed to be used as a gunman by JİTEM, were detained. On 8 October, Ali Yıldız, Serdar Karabulut and Mehmet Yüksel were arrested and other defendants were released. Upon the objection by the public prosecutor against the decision of release, Diyarbakır Penal Court No. 3 issued an arrest warrant in absentia for Coşkun Bayar, Levent Korkut and Mustafa Alnak. Coşkun Bayar surrendered at the end of November and later he was released. NCO Levent Korkut was caught in Dağkapı quarter in Diyarbakır on 15 October.

A military official made the following statement to the journalists: "There are two teams in Çeltik region. The team that committed the murder is led by Battalion Commander Captain Coşkun Bayar. This team deals with narcotics crimes. JİTEM team deals with the political events. After this incident, JİTEM staff denounced Coşkun Bayar and his gang claiming that 'they would identify and kill those that should be killed and that this was none of their business.' Conflicts increased since the amount of money in the incident was high."

The investigation related with the gang was later transferred to Diyarbakır SSC Prosecutor's Office. Ali Yıldız said the following in his testimony to Diyarbakır SSC Prosecutor: "I began working as an intelligence officer in gendarmerie smuggling department in February 1997. We acted together with the Coşkun Bayar, Levent Turgut, Mustafa Alnak, Serdar Karabulut and Mehmet Yüksel team and we would place marijuana in the houses or workplaces of dissent people occasionally. We acted as we had caught these people, get money from them in order not to initiate any official procedures and shared this money among ourselves. We were doing the same thing continuously and placed drugs in the house of the nephew of Fethi İpek in the same manner. İpek knew that we did it. Therefore, we decided to kill İpek. Captain Coşkun called Fethi and we took him to somewhere near Dokuz Çeltik village on 26 September. Serdar and Mustafa helped us and Mehmet killed İpek by hitting his head with a stone. Levent and I were also there. But we did not participate in the murder actually. Afterwards, we eliminated the evidences. I do not know whether Captain Coşkun was there since I was drunk".

Diyarbakır SSC Prosecutor's Office brought a case against the defendants at the end of December. The indictment sought the death penalty for Captain Coşkun Bayar, former Chief of Diyarbakır Provincial Gendarmerie Regiment HQ Drug and Weapon Smuggling Department, Levent Korkut, Serdar Karabulut, Mustafa Alnak and Mehmet Yüksel who were commissioned in the same department, and gendarmerie informer Ali Yıldız.

In the first hearing held on 28 December, Ali Yıldız said that he was the victim of a conflict within the gendarmerie. Yıldız said the following: "The scenario was prepared. I was used as a tool. The people that interrogated me when we were taken into investigation knew well what had been done up to now. There was enmity between the intelligence director Captain Osman who interrogated me and smuggling department director Captain Coşkun. Therefore, I was used. I have no life security in Diyarbakır Prison. I request the court to transfer me to any other prison in Turkey. I will submit my defense and all I know to the court in written form." In his defense, Captain Bayar described the claims against him as slander. Bayar said "I have no problems with anyone. There is no enmity between me and Captain Osman as did claim Ali Yıldız. We were watching a football match with Captain Osman at his house on the day Fethi İpek was killed." The case is still continuing.

Ramazan Aslan, a taxi driver in Yüksekova, Hakkari, went missing after he left the district to take Siruş Bala (17) to Şemdinli on 12 April. His relatives investigated the case and found the car of Aslan (06

YLH 45) in a repair shop in Şemdinli on 16 April. Within the scope of the investigation initiated upon the application of the relatives of Aslan, Siruş Bala, Bapir Bala and Halis Bala, the nephews of Wargenima Village chief village guard Cemşit Bala, were detained. Bala brothers said that they had shot Aslan in the head with a single bullet at Kumocağı region in order to seize his car and that they had thrown his body in Pésan stream. Siruş Bala who claimed the responsibility for the murder was arrested, whereas Bapir Bala and Halis Bala were released. Relatives of Ramazan Aslan emphasized that some police officers at Şemdinli Public Police HQ were related with these people and thus they wanted to cover-up the incident. They said the following: "The gang wanted to take a taxi driver named Kerem Akgül. However, Akgül took a relative of his while going to Şemdinli and thus saved himself from being murdered. After Ramazan disappeared, the officials in the district held a meeting. The authorities want to cover-up the incident. Yüksekova Security was also involved in the investigation. Tension occurred between Yüksekova and Şemdinli Police HQs since the latter wanted to cover-up the incident". The body of Ramazan Aslan was found in Nawrezan village on 5 May. The autopsy revealed that Aslan was knelt on his knees and shot dead at his back. Aslan was buried in Yüksekova cemetery after the autopsy.

b) The Authority to Use Gun

Police and Soldier Suicides

Working conditions, lack of control of the power to use gun, inadequate training and being oriented to human rights violations led to common accidental killings and suicides among security officials. In 1998, at least 7 policemen committed suicide and at least 11 soldiers were claimed to commit suicide. Information was obtained that one of the said soldiers died as a result of torture (see the section "Deaths in Detention" for details).

Despite the claims that some of the soldiers allegedly committed suicide had actually been murdered, it was impossible to make investigations on this subject. For example, enlisted man named Zeki İmren who was claimed to have committed suicide in Armored Brigade No. 16, Mechanized Infantry Battalion No. 2 in Ergani, Diyarbakır on 21 October 1997, was claimed to have been murdered. Zeki İmren was registered in Göktepe Village, Hizan, Bitlis. His relatives living in Mersin told that Zeki İmren had begun his military duty in Burdur. However, after 25 days, before his raw recruit period was over, he had been sent to Diyarbakır Devegeçidi Station HQ, to the military unit in Diyarbakır Değirmendere after a month and to Ergani after 20 days. Ethem İmren told that they had been informed about the death of Zeki İmren six days after he arrived at the unit in Ergani. Ethem İmren said the following: "In the morning, he said that he was okay and told us not to worry about him. In the evening of the same day, the military officials phoned us, told us that Zeki committed suicide and asked us to take his body. Zeki did not want to carry out military service and he was against war. Therefore, he was not given weapons in Diyarbakır and he was often sent into exile." Ethem İmren told that they went to the unit in Ergani afterwards: "There, a second lieutenant named Bülent said that Zeki had died in a clash and another told 'Your relative had been seriously injured in a clash and now he is under intensive care.' A NCO named Bilal said that Zeki had committed suicide. After these contradictory statements, another one came at noon. One of the commanders said that he had died in intensive care. When we asked how he died, he said that Zeki had taken the weapon of one of his friends after lunch and committed suicide. Upon these statements, I asked the squad commander about the incident. He said that PKK militants had injured him in a clash, and he had died at Diyarbakır Military Hospital. These contradictory statements reveal that my brother was executed".

Ethem İmren said that they were not allowed to examine the body and that it was stated in the preliminary investigation minutes that "he had died as a result of three bullets on his temple, cheek and chin."

The minutes stated that "... there is no need for an autopsy..." Emphasizing this statement, Ethem İmren said the following: "If he had committed suicide, he would have died with the first bullet in his head and then autopsy would be applied. My brother was definitely executed. Based on the minutes we obtained, we lodged an official complaint with Siirt Public Prosecutor's Office to be submitted to Diyarbakır Public Prosecutor's Office".

It was claimed that enlisted man Ercan Aydın committed suicide in Hozat, Tunceli on 25 December 1997. Relatives of Ercan Aydın living in Kaynarca village of Muş told that Aydın got permission for 5 days for the engagement ceremony of his brother. His uncle İrfan Aydın said the following: "The bullet enters from his back and leaves the body from his stomach. What kind of a suicide is this? We do not believe that Ercan had killed himself. How could one shoot oneself from his back? Village chief Kadir Gök, my older brother Haydar Aydın and my nephew Yusuf Taş had opened the shroud to see the body. They saw that there were no wounds on his face and head. Then they looked at his body and saw that there was a hole on his back as big as a child finger and that his stomach was totally damaged".

Suicides and suspicious deaths in the army continued also in 1998. A soldier named Ramazan Er who was performing his military service in Gendarmerie HQ in Bozova, Urfa committed suicide on 15 January. It was said that Öncü, who lived in Yeşilova village of Türkeli, Sinop, had two months to complete the obligatory military service.

The body of Mikail Ataman who was performing his military service in Kars Mechanized Infantry Brigade No. 4 was delivered dead to his family claiming that he "committed suicide". His Abuzer Ataman, who is living in Kaş village of Adıyaman and an board member of the HADEP Adıyaman Central District Organization, claimed that his son was described as a "problematic family member" since his brother was in Elbistan Prison; that his son was treated differently and killed. He said that his son phoned him on 15 January at 17.00 and said to his mother "They will kill me, tell my father to come and take me. Tell them that my mother is dead so that I could come." Abuzer Ataman further said that his request to talk to his son and his superiors was rejected at the night of the phone call. He told that a captain commissioned in Kars Mechanized Infantry Brigade No. 4 phoned him at 02.00 a.m. on 16 January and said "Condolences. Your son committed suicide. Will you take his body or shall we send him?" Ataman said that a second autopsy was performed in Adıyaman State Hospital and it was determined that the bullets entered 2 cm over left breast and left the body from the hip and that it was impossible for a person to commit suicide in this way. Ataman said the following: "He was depressed for the last three months. He was not given permission at weekends. How could he be given a weapon? But, they told he committed suicide while standing on guard."

On 6 February, Major Ahmet Şengül reportedly committed suicide with his official gun in Siirt Tactical Regiment HQ No. 121.

Fatih Öztürk who was serving for his compulsory military service as an enlisted man in Artillery Regiment HQ No. 108, Artillery Battalion No. 2 in Malazgirt, Muş, was claimed to have committed suicide on 15 February. The "death examination and autopsy" report signed by Major Ahmet Ülkü stated that there was a bullet hole of 3-cm diameter in the stomach. Fatih Öztürk's father Ali Öztürk said the following: "My son always told that he was ill-treated. He phoned me two hours before we were told that he was dead. He said that those men cursed at him. Then Major Ahmet Ülkü got the phone and said 'you see the situation of your son'. After two hours, we were informed that he was dead. I can not believe he had committed suicide." It was reported that enlisted man Mehmet Gökçen who was performing his military service in Şırnak committed suicide on 21 March in order not to return to his military duty after leave. His father Ali Gökçen, living in Sart town in Salihli, Manisa, told that Mehmet Gökçen often took part in operations during his

military obligation; that he was sent to a leave after he was injured in a clash around Şırnak; and that he did not want to go back for fear of death. Ali Gökçen said the following: "We told him that he had no other chance. We gave him advice. We said all of us did it. I told him that he had 6 months left and to go and finish it and get married. However, he repeated he did not want to go because he believed he would not be able to come back. He was silent and thoughtful. He seemed unconscious". It was learnt that Gökçen prepared his case on 21 March when he would return to his duty and committed suicide by touching high voltage with an iron bar in the restaurant he used to work 30 minutes before the leave of the bus. A friend of Mehmet Gökçen told that Gökçen was proud of killing people in clashes and that he showed pictures of his taken near three PKK members one of whom was a male and two were female: "We got angry with him and tore the pictures. He said he took the pictures only to show us and he did not react when we tore the pictures".

It was claimed that Şahin Turan committed suicide while serving for compulsory military service in Tunceli on 28 March. Şahin Turan was registered in Muş. His father Hilmi Turan said that military officials first told that he had shot himself on the leg. Therefore, Hilmi Turan went to Tunceli to investigate the event and this time he was told that there was a mistake and Şahin Turan had shot him on the shoulder. Hilmi Turan said that the claim of the battalion commander that he committed suicide because of a girl was not true and that the autopsy report was not given on the pretext that the signature of a doctor was missing. The incident seemed suspicious to him and he examined the place where his son died. Hilmi Turan said the following: "The distance between the place my son died and the guarding cabin is 5 m. Besides, another bullet hit the nearest electricity pole. This cannot be the bullet that hit my son. It means he shot twice, and one of them hit the pole; or why should a person shoot the pole while committing suicide? Moreover, no one intervened after my son was shot. No one dies from such an injury. My son died from loss of blood because he was not taken to the hospital. I do not believe my son committed suicide". Hilmi Turan said the autopsy report stated that there was a bullet entry hole on the front side of the right shoulder: "However, when we examined the body we saw that the bullet entered from the back of the shoulder. Bullets do not break the part where it hits but the part where it leaves. The front side of the shoulder was damaged in pieces and there was a little hole at the back of his shoulder. That is, he was shot at the back of his shoulder".

It was claimed that enlisted man Ömer Bengi committed suicide in April in the Gendarme Private Training Battalion No. 3 in Emirdağ, Afyon. His sister told that they moved from Ekinçi village, Hamur, Ağrı to Manisa 10 years ago. She said that her brother phoned her 10 days ago: "He was sobbing. He said 'They will kill me. I am scared to death'. A person who loves life and is afraid of being killed does not commit suicide. My brother was killed." His father Yusuf Bengi said that he talked to his son one day before the incident: "His voice was different than usual. He heard me but I could hardly hear him. I felt he talked under pressure. I guess there were others with him". Bengi said that at 19.00 in the evening of 20 April, a division commander named Rauf had phoned and said "There is no need to conceal. Your son committed suicide. The burial report came and we are waiting for the autopsy". Yusuf Bengi told that he asked questions to the officer who brought the body; and the officer responded that 5 people one of whom was a second-lieutenant had committed suicide after the festival and they did not know the reasons of deaths: "Our duty is to submit you the body". Yusuf Bengi said the following: "When we looked at the body, we saw that he was shot with a single bullet on the forehead. Enlisted men use G-3 machine guns. It is a big weapon. Raising that gun and taking aim between two eyebrows is a low possibility. The bullet hit from the opposite. He was very thin. We are waiting for the autopsy to be declared. I will keep following even if they declare it as a suicide. Because I do not believe that he committed suicide".

It was claimed that enlisted man Hüseyin Baykara, registered in Balla (Yaylakonak) village of Adıyaman, committed suicide in June in Çerkez village of Tekirdağ. His father Mehmet Baykara declared that there were traces of strokes on the body of his son and said that the incident was suspicious. Mehmet

Baykara told that there was no reason for his son to commit suicide and said the following: "He had almost 2.5 months left. He performed his military service for 15 months. Why should he commit suicide?"

It was claimed that Sezai Karaaslan who was performing his military service in Isparta Infantry Regiment No. 40 cut himself with blade, taken to Isparta State Hospital and committed suicide there on 8 July. Sezai Karaaslan was the brother of Şaban Karaaslan, a former board member of the National Youth Association. His body was taken to Diyarbakır on 10 July. When the body was brought to his house in Yeniköy quarter in Bağlar district, the ambulance carrying the body was stoned by approximately 2000 people. Therefore, the soldiers took the body of Karaaslan back to Diyarbakır State Hospital. The relatives of Karaaslan talked to the officials and the body was taken to Yeniköy again under the supervision of high rank military officials and the police.

The relatives of Karaaslan said that they talked to the NCO who took the body from Isparta to Diyarbakır: "The NCO said 'Sezai had cut himself with blade one day before he committed suicide since he was depressed. I took him to the hospital with soldiers for his treatment. He set himself free from the soldiers and committed suicide by jumping from the third floor of the hospital'. However, today (11 July) we had a phone call from a person from Diyarbakır who performed his military service in Isparta. The person told us that he was a close friend of Sezai and said the following: 'We were together. We shared the cigarette we were smoking. I went to the meeting area for 10 minutes. There was blood on the floor when I came back. Sezai had committed suicide by jumping from the window of the dormitory'. We are suspicious against these two contradicting explanations". Şaban Karaaslan said the following: "My brother went to perform his military service after he got married. His wife was pregnant for 6 months. He would come home for distribution leave after 7 days. He phoned us a few days before his suicide and wanted money for travel. We sent him the money. I do not know whether this is suicide or not since we do not definitely what happened about his death. They permitted us to see his face only when they were burying him. Right of his skull was crushed. Blood was coming from his face. The report they showed us stated that the reason of the death was brain trauma due to falling".

It was claimed that enlisted man Halim Bayram who was performing his military service in Çanakkale Naval Units HQ was killed by NCO Hüseyin Arabacı while he was standing guard. Bayram was wounded with a gunshot while he was in on guard on 7 September and died on 14 September in Çanakkale Military Hospital. His brother Esat Bayram said that they were told of the incident on 8 September and went to Çanakkale from Karlıova, Bingöl. They talked to NCO Hüseyin Arabacı and he claimed that his brother had psychological problems and therefore attempted to commit suicide. Esat Bayram said that they saw his brother at the hospital, that his brother's kidney, intestines and lung were torn and that his liver was quite damaged. Bayram emphasized that there was a little hole at his brother's back and there was a large one at his front, proving out that his brother was shot from the back.

Bayram said that his brother started talking on 9 September and told them, "NCO Hüseyin Arabacı shot me. He hated Kurds. He continuously threatened me. On the day of incident, he sent me to stand guard forcibly despite I was not listed that day. He threatened me to either go to guard duty or run away or he would shoot me. So I went to the guard duty. After 2 or 3 hours, I saw him coming. I understood that he would shoot me. I do not know how it happened. I was in the hospital when I opened my eyes". Esat Bayram said that Hüseyin Arabacı who treated them well till his brother talked drove them away from the hospital and did not permit them to get close to his brother again, that his brother recovered from day to day and even begin eating but that his illness worsened on 14 September for an unknown reason. Bayram said the following: "We were outside. We believed that he would recover. Then they suddenly told us that his situation got worse. I suspect that too. In my opinion, they killed my brother in order to prevent him talking.

That is why they drove me away from the hospital". Esat Bayram told that they heard 4 other soldiers one of whom was from Diyarbakır, one from Siirt, one from Mardin and one from Van had also been shot within the last month but that the soldiers had restrained from giving details. Bayram said the soldiers told him that one of the soldiers that were shot had died and others had been under medical treatment in various hospitals. Esat Bayram made an official complaint with Çanakkale Public Prosecutor's Office on 15 September against Hüseyin Arabacı about the death of his brother.

Kuşadası Recruitment Office Chief Captain Orhan Çakır was killed by enlisted man Mahmut Şah Bahadırlı, whom he caught reading a letter on guard duty in the afternoon on 29 May. Bahadırlı then committed suicide with a single bullet in the head.

It was claimed that a Cypriot named Osman Mercan who was performing his military service in Cyprus Security Forces Battalion No. 4 committed suicide in December. The news concerning the event was as follows in "The Socialist Reality in Cyprus" newspaper: "Osman Mercan went to perform his obligatory military service with the invitation for 19th term second lieutenants, but his diploma was considered invalid and he was given the rank enlisted man. The public was not convinced with the claim that Osman Mercan committed suicide a short time before his duty was over. Doubts of murder increase since Osman Mercan was shot from the back, he was attacked by his commander a short while before he was shot and he was sent to guard duty on field though he had been on guard in telephone exchange central".

Suicides were also observed among police. For instance, special team member Teoman Erdem who could not score while playing billiards committed suicide by shooting himself in the head. It was learnt that he told his friends he would kill himself if he could not score on his turn. Police officer Erdal Heper (25) in charge at İstanbul Anti-Riot Squad Branch Directorate committed suicide with his gun at his house in Fatih on 26 February.

Female police officer Keklik Yaşar (28) committed suicide at Bursa Airport she worked on 26 February.

Police officer Fatih Şenaydın from İstanbul Police HQ Anti-Riot Squad Motorized Unit committed suicide at his house in Merter on 18 April.

Erhan Türk (27) who was in charge at İstanbul Police HQ Anti-Riot Squad Branch Directorate committed suicide by shooting himself in the head with his official gun in the guesthouse on 30 April.

Başar Edik who was in charge at Antalya Police HQ Anti-Riot Squad Branch Directorate committed suicide in branch building guesthouse on 24 July. It was claimed that he killed himself because of the problems he had with his girlfriend.

Ömür Özcan (24) who was commissioned in İstanbul Police HQ Anti-Riot Squad Branch Directorate committed suicide with his gun on 27 August.

Police officer Tahmil Ergören killed police officers Yakup Emre and Adnan Ateş in a police car in Beyşehir, Konya on 23 October and then went to the cemetery and killed himself. Konya Governor Namık Günel disclosed that Tahmil Ergören had been appointed from Ağrı to Beyşehir, Yakup Emre from Iğdır and Adnan Ateş from Şırnak all three months ago; that Tahmil Ergören had said to his friends, "I don't want to work here. My friends mock at me. They tease me as if I were Islamist when they see the green coat I sometimes wear". Governor Günel said the following: "I do not think that the incident arose from a simple

argument. I believe that the security officials especially commissioned in the Eastern and Southeastern regions should be psychologically rehabilitated, rested for a while and then assigned again. The officers that work in these regions may get depressed because of the conditions".

The events in which police officers and soldiers killed their friends and relatives while joking with one another or during fights were also observed in 1998. For example, Orhan Kara killed his sister Gülten Kara, brother Erol Kara and mother Şaziye Kara with a shotgun in Ersizlerdere of Kastamonu on 2 October. It was learnt that Kara completed his military service two months before the incident. Private Abuzer Karakurt who was performing his military service in Edirne Mechanized Division No. 54 opened fire in the dormitory with the machine gun after he returned from guard duty on 1 December. Mehmet Durgu, Yılmaz Kurnaz and Mehmet Hilmi Kaygı were injured in the fire and taken to hospital.

Police officer Gökmen Can who was in charge at District Police HQ in Bozyazı, İçel, killed another police officer Emin Kandemir who called him "dishonored man". The incident reportedly went as follows: On 26 May, police officer Mehmet Emin Kandemir asked Gökmen Can "Where did you buy that fish?" in the police car which was taking them to the duty places. Gökmen Can answered "It is none of your business" and discussion began. When the car reached Bozyazı government building where was Can's duty place, the discussion turned into a fight. Kandemir attacked Can with his truncheon and Can shot him with his automatic gun. Gökmen Can was detained six hours after the incident.

Police officer Nihat Çetin shot dead his wife Sibel Çetin at his house in Keçiören, Ankara after a quarrel on 23 June.

Enlisted man Ahmet Akarsu who was performing his military service at the Gendarme Division HQ in Güney, Denizli, led to the death of a child named Ali Buldanlı (14) walking across the road while he was checking his gun after the guard duty on 8 May.

Police officers raided a teahouse on Komando Street of Beşevler, Batman at night on 4 June, and they accidentally killed a person. The event reportedly went as follows: "After ID control and search, the police sat in front of the teahouse and had tea. Suddenly the automatic gun of one of the policemen caught fire and killed Halil Cabır (75) who was sitting in front of the market that was approximately 10 meters away. Yusuf Değer (70) was injured in the incident.

c) The Rulings of the European Court of Human Rights

Ahmet Güleç

Ahmet Güleç (15) was killed by the security forces in a protest demonstration in İdil, Şırnak. On 27 July 1998, the ECHR concluded that the Convention was violated and decided that the government would pay 60.000 French francs to applicant Hüseyin Güleç (Ahmet Güleç's father).

The application was related with the death of 2 people and injury of 12 people in the spontaneous an unauthorized demonstrations held in İdil on 4 March 1991 to which gendarme intervened. During these events, high school student Hüseyin Güleç had been killed. According to the government, the demonstrators shooting at the gendarme killed Güleç.

Thirteen rifles were seized after the event and the owners of the rifles were put on trial at the SSC. The people prosecuted in this trial proved that they were not involved in the demonstration and they were acquitted. In addition, board members of different political parties submitted a petition to İdil Public

Prosecutor's Office stating that they had witnessed the demonstration and the gendarmes shot at unarmed demonstrators upon the order by their commander.

The report submitted by the government to the Commission and based on the accounts of different security units commissioned in İdil related the event as follows: On the morning of March 1991, the shopkeepers all closed the shutters of their shops and the security forces had been informed that a group of between 1,000 and 1,500 people from the neighboring villages was advancing on İdil. The gendarme commander, the district chief of police and other civil servants intercepted them and made several announcements to the effect that the demonstration was illegal. However, the demonstrators continued to advance, shouting slogans like "Long live the PKK", "Freedom for Kurdistan". The group, composed of men, women and students, was more than three thousand strong. When they reached the junction with Milli Egemenlik Avenue, some demonstrators began to attack the police and gendarmes with stones and sticks and firearms, whereas security forces required them to disperse. Sticks and stones were thrown at the security officers who were trying to disperse them; certain demonstrators opened fire with the aim of spreading panic and disorder. The demonstrators began to disperse while attacking on the public buildings. The security forces fired warning shots and gave warnings over the town hall loudspeakers. The demonstrators killed Ahmet Güleç and Ekrem Oruç in the course of these events; 29 spent cartridges from Kalashnikov-type weapons were found at the scene of the demonstration.

Some witnesses stated in their testimonies at the ECHR that the reason of the demonstration was a reaction to the raids of gendarme to villages. They said that they shouted slogans such as "stop torture" and "stop pressures". Some of the witnesses disclosed that Güleç had died as a result of the fire opened from an armored vehicle of the gendarme.

On 5 April 1991, Ahmet Güleç's father Hüseyin Güleç lodged an official complaint with İdil Prosecutor's Office against a person or persons unknown and against the commander of the security forces, Major Mustafa Karatan. The prosecutor declared that it had no jurisdiction to deal with it and transferred the case file to Şırnak Provincial Administrative Board, which halted the proceedings against Major Karatan on 18 October 1991 on the grounds that the victim had died of bullet wounds received in the course of a confrontation between the demonstrators and the security forces, but it was impossible to identify those responsible. The decision of the discontinuation order was notified to Güleç's lawyer Hasip Kaplan on 3 March 1993 upon his application to İdil District Administrative Board. General Osman Kurt, who was appointed to investigate the case for the Provincial Administrative Board, concluded that the gendarme had killed the two persons prior to the intervention; and that the gendarmes had performed their duty. According to General Kurt, the official complaint lodged against Major Karatan contained gratuitous and inopportune accusations against him. Nurettin Güven, Deputy Governor of Şırnak, asserted in his testimony to the Commission that "In Turkey, gendarmes did not fire on citizens except when driven by necessity to do so."

Meanwhile, İdil Public Prosecutor's Office also issued a decision of no jurisdiction in the case of a person who had been wounded in the fire opened from an armored vehicle, concluding that "gendarmes were acting in the performance of their duties and it was impossible to identify the person who had fired the bullets which hit the demonstrator."

On 12 June 1991, the District Governor's Office requested the gendarmes to inform them of the identity of the gendarmes in the armored vehicle. In response to this request, it was asserted that "the exact position of each of gendarmes was not noted in the log-book, given the sudden and serious nature of the events; and it was no longer possible to verify their position on the day in question, given that more than three months have since elapsed." The failure in establishing the identity of those responsible for the fire meant that it was impossible to bring a prosecution. The Supreme Administrative Court also approved this decision.

The government argued that the application should be rejected, because the application was "highly political" seeking to impute the death of Ahmet Güleç to the security forces, and because there had been no breach of Article 2 of the Convention. This objection was dismissed. The Commission concluded that it had been established that the armored vehicle had opened fire in the main street, where the demonstration was taking place, and that Ahmet Güleç had been hit by a fragment of a bullet fired from that vehicle; and that he had not been killed intentionally. The Commission discerned that the demonstration could be described as a riot, but expressed the view that the use of a combat weapon during a demonstration for the purpose of restoring order could not be regarded as proportionate.

The Court concluded that driver of the armored vehicle Nazım Ayhan had fired on the demonstrators in a way to risk their lives. The Government denied this allegation, but this was consistent with ricochet wounds and autopsy reports.

The Court also accepted that the use of force might be justified in the case, but a balance must be struck between "the aim pursued and the means employed to achieve it." According to the Court, the lack of anti-riot equipment was unacceptable because disorder could have been expected in the region. On the other hand, the Government produced no evidence to support the assertion that "there were armed terrorists among the demonstrators." The Court noted that no gendarme sustained a bullet wound and no weapons or spent cartridges supposed to have belonged to PKK members had been found on the spot. Prosecutions in Diyarbakır SSC had ended in acquittals. In conclusion, the Court considered that Ahmet Güleç had been killed by an excessive use of force that was not absolutely necessary and the right to life was violated. The Court also concluded that the investigation was not thorough and it was not conducted by independent authorities.

Havva Ergi

The application made by Muharrem Ergi on 25 March 1994 about the death of his sister Havva Ergi in the gendarme fire at Kesentaş (Gisgis) village of Diyarbakır on 29 September 1993 was deemed admissible by the Commission on 2 March 1995. The Commission, in its report dated 20 May 1997, concluded that the security forces had acted in violation of Articles 2 and 25 of the Convention. The Court made its judgment on 28 July 1998.

According to the application, a week before the incident villager Cuma Bali had been killed by the PKK. On 29 September, a commando unit and village guards had set up an ambush in the vicinity of the village; they had opened fire and indiscriminately bombed the civilian houses in the village; Havva Ergi had run into the house from balcony but she had been hit in the head by a bullet and died immediately.

Her uncle Hasan Ergi had called the gendarme commander and informed him that Havva had been killed. The commander had stated that he had expected at least 20 people to have died, and that he would inform the public prosecutor. Afterwards the public prosecutor, a doctor and an officer came to the house for an autopsy. The family members asked the officer why the family had been persecuted in this way and he replied that, if the villagers accepted to become village guards, the persecution would stop and explained the reason of the indiscriminate fire at the entire village was the clumsiness of the troops. The public prosecutor did not ask about the circumstances of the death of Havva Ergi. The gendarme officer drew up the incident report without interviewing or seeking any statements from the villagers or members of the commando unit involved. Besides, there was no evidence to prove that the PKK were in fact present in the vicinity during the incident. The bullet that killed Havva Ergi was described in the ballistics report as a standard NATO 7.62. The family was not informed in any way after the autopsy. They stated that the village of 200 households had been reduced to twenty families, the rest having abandoned their homes as a result of military incidents.

The government asserted that the security forces had engaged in an armed clash with the PKK, and that the shot killing Havva Ergi had been fired from the direction where the PKK militants were located. Ergani Public Prosecutor, as a result of the preliminary investigation, decided that the matter laid outside his jurisdiction on the grounds that "members of the PKK had killed Havva Ergi", and transferred the file to Diyarbakır SSC. After the application was notified to the government, Diyarbakır SSC informed the Ministry of Justice about the case, and without mentioning the type of the bullet that killed Havva Ergi, they asserted that "PKK members involved in the armed clash could not be apprehended yet," and that the claims accusing the security forces were intended to denigrate the security forces involved in the fight against terrorism," and "there could be no question of them opening fire on the village."

As for the Commission, it observed that there had been no detailed investigation or judicial finding of facts on the domestic level as regards the death of Havva Ergi. The Commission noted that the two gendarmes had stated in evidence that they had not in fact been at the village when the clash had occurred. Besides, the Commission had requested the Government to identify gendarme officers present during the operation, but the Government had not responded. The Commission, considering that villagers of Kesentaş had been accused of being "collaborators" for the killing of Cuma Bali as well as a great many people in the village had joined the PKK, noted that the applicant's claim that the bombardment of the village could have been motivated by a desire to "teach the village a lesson" was not totally without substance. The Commission also found that that the gendarme's allegations about the locations of the PKK members and the security forces were not true, and that the bullet which had killed Havva Ergi might have been fired from the location where the security forces had been present.

Given the insufficient factual and evidentiary basis, the Commission concluded that the Turkish authorities failed to protect Havva Ergi's right to life on account of the defects in planning and conduct of security forces' operation and lack of an adequate and effective investigation.

The Court, like the Commission, considered that there was an insufficient factual and evidentiary basis on which to conclude that Havva Ergi had been intentionally killed by the security forces. Yet the Court held the State responsible for failing to take all feasible precautions in the choice of means and methods of a security operation with a view to avoiding and minimizing, incidental loss of civilian life, concluding that the security forces had been present in a way to risk the lives of the civilian population through being exposed to cross-fire. The Court concluded that there has been a violation of Article 2 of the Convention, as the Turkish authorities failed to protect Havva Ergi's right to life on account of the defects in the planning and conduct of the security forces' operation and the lack of an adequate and effective investigation.

The Court further decided on the violation of Article 13 for the authorities' failure to carry out an effective investigation; and of Article 25 for the applicant had been intimidated. The Court awarded the applicant 15,000 GBP in compensation for non-pecuniary damages; and 12,000 GBP for legal costs and expenses.

Ali Rıza Aytekin

Gülten Aytekin applied to the Commission about the killing of her husband by a soldier in charge at Kozluk Yanıkkaya Gendarme Station in 1993. The Commission found the application admissible. Gülten Aytekin rejected a friendly solution. On 23 September, the Court rejected the application, concluding that the domestic remedies were not exhausted.

Ali Rıza Aytekin, a building contractor, had been awarded a contract in Sason, Batman, and accompanied by 3 people, he had been going to Sason on 24 April 1993 when the gendarmes had ordered him to stop at a checkpoint on Diyarbakır-Sason highway. Just as he stopped, soldier Tuncay Deniz killed him opening fire at the back of the car.

According to the government, enlisted man Tuncay Deniz warned the driver of the car to stop, and fired a shot towards the car when the car did not stop. Kozluk Public Prosecutor immediately commenced an investigation into the incident. He later decided that he lacked jurisdiction in the matter, and transferred the case to Batman Provincial Administrative Board. The report submitted to this Board read that Deniz had tried to stop the car and fired a warning shot; but the car failed to stop and as a last resort the soldier had fired at tires of the car but caused the death of the driver Aytekin.

Aytekin's lawyer Sedat Aslantaş applied to Kozluk Public Prosecutor's Office, requesting the necessary proceedings against Deniz for intentional murder and the gendarme commander for negligence.

Tuncay Deniz was put on trial before Diyarbakır Military Court, charged with intentional murder committed in excess of his duties. On 10 May 1994 the court decided that as the crime was not one against another soldier or committed in a military location it had no jurisdiction to hear the case, and transferred the file to the Batman Criminal Court. Gülten Aytekin participated in the hearings as an intervening party. On 2 October 1997 Tuncay Deniz was convicted for unintentional murder using force in excess of that required by lawful self-defense (TPC 452 and 50). Gülten Aytekin and Batman Prosecutor's Office appealed against this decision, on the grounds that Deniz should have been convicted of intentional murder (TPC 448).

The Commission noted that it was impossible for the Ali Rıza Aytekin to drive the car at speed since there were speed ramps on the road, and found the soldier's account of being at risk to be unconvincing. The Commission was unable to determine whether the car was stationary or was still moving when the gendarme opened fire. There was insufficient material to conclude that Deniz had fired a warning shot in the air; and Deniz had opened fire intending to stop the car, either aiming at the driver or failing to take proper aim.

The Government requested the Court to declare the applicant's complaints inadmissible. Gülten Aytekin, on the other hand, declared that the proceedings into the death of her husband could not be considered as an effective remedy investigation as Deniz was responsible for firing the fatal shot. The Court concluded that domestic remedies were not exhausted and the applicant might take an active part in the proceedings. The Court also noted that the applicant had failed lodge a claim for compensation in Turkey.

Eşref Yaşa

Based on report submitted by the Commission in 1997, the Court made its judgement in Eşref Yaşa case on 2 September. Yaşa had applied for the Commission on 12 July 1993 because of the armed attack against himself and his uncle Haşim Yaşa for selling the newspaper Özgür Gündem.

Eşref Yaşa declared that after he had rented a newspaper kiosk in Diyarbakır, he began to receive death threats from the police because he sold Özgür Gündem in October 1992. In November, two police officers, one of whom the applicant knew, had visited him and they had threatened to burn down his kiosk, and one week after the visit the kiosk had been set on fire.

On 15 January 1993 shots had been fired at Yaşa, and he had been hit by eight bullets. He had been held up at Diyarbakır Hospital for two hours by the police before he had been taken under operation. Besides, his relatives were later subjected to insults and received death threats at the hospital. In hospital Yaşa had made a statement to the police, saying that his assailants were police officers. The ballistics report indicated that the cartridges found by the police at the spot were identical to those used in the murder of two other people in Diyarbakır.

On 14 June 1993 the applicant's uncle, Haşim Yaşa, who had been running the kiosk after Yaşa had been injured, was shot in the head and killed by an unknown assailant while walking on a street. Haşim Yaşa's 7-year old son was the only witness to the shooting. On the same day, the applicant was arrested, assaulted and threatened with death by the police, who told him that they had carried out the shooting and

that he had been the intended target. On 10 October 1993 the applicant's younger brother, Yalçın Yaşa, aged 13, who had been looking after the kiosk following the attacks on Yaşa and his uncle, was killed by an unknown assailant near his home. His brother, Yahya Yaşa, aged 16, was seriously injured during the attack. The government maintained that the investigations were being conducted in accordance with the Turkish Penal Code regarding the matters of application; and that there was no evidence to support the applicant's contention that the security forces were responsible for the attacks on Yaşa and his uncle; and that the applicant had never officially complained to the relevant authorities.

Yaşa declared that he and his uncle had been shot because of their involvement in the distribution of the newspaper *Özgür Gündem*. The incidents had been part of a campaign of persecution and attacks against people engaged in the publication and distribution of *Özgür Gündem*. To support that claim, Yaşa stated that at least 7 journalists working for the *Özgür Gündem* and at least eleven vendors or distributors had been killed. The Government refuted any allegation that there had been official intimidation of persons in any way connected with the sale of newspapers and asserted that such newspapers were sold freely throughout Turkey.

The Commission noted that it was impossible to conclude "beyond all reasonable doubt" that applicant had been attacked and his uncle killed by security forces. The Commission also concluded that the Government had to have been aware that those involved in the publication and distribution of *Özgür Gündem* feared that they were falling victim to a concerted campaign tolerated, if not approved, by State agents.

The government could not provide documents concerning any investigative measures taken in relation to the incidents, except for a letter which Diyarbakır SSC Prosecutor had sent to the Minister of Justice, in which he said: "[The] allegation ... is wholly untrue. There are no gunmen working for the State in southeast Anatolia. In [that] region there are armed conflicts between armed organizations and conflicts arising out of the settling of scores within such organizations. The allegation that these incidents are attributable to the State and gunmen acting on its behalf is outrageous..." On the other hand, Yaşa produced a copy of the Susurluk Report by the Prime Ministry Board of Inspectors before the Court. This report falsified the claims by the SSC prosecutor.

Yaşa asked the Court to hold that there was a violation of the right to life because of the lack of an adequate and effective investigation, and those violations were aggravated by the existence of a practice tolerated by the respondent State. Yaşa pointed out attention to the content of the Susurluk report on "murders by unknown assailants."

The Government claimed that although the investigations had been unsuccessful, the Turkish authorities had not sought to conceal or distort the events. The Government also pointed out that in all European countries "there are crimes of murder or assault that are not cleared up". The Government also asserted that the Susurluk report had no official status, and it was not relevant as it had no direct link with the present case.

The Commission emphasized that there was no sufficient evidence to elucidate a campaign of attacks against people connected with *Özgür Gündem*, yet there were certain other cases pending before the Commission likewise concerned measures taken against and attacks on the newspaper and people connected with its publication and distribution. The Commission observed that "the Government had confined themselves to complaining of the deceitful nature of the allegations and, generally, of a lack of evidence, and had been unable to provide any satisfactory information at all on the measures that had been taken to verify the truth of the applicant's allegations." The Commission had concluded a violation of Article 2 as the Government had been unable to provide any satisfactory information at all on the measures that had been taken to verify the truth of the applicant's allegations. Before the Court, the Delegate of the Commission

concluded that the Susurluk report was irrelevant to the determination of the facts of the case as it did not provide a sufficient basis for facts that have been proved beyond all reasonable doubt.

The Court concluded that "the Susurluk report does not contain material enabling the presumed perpetrators of the attacks on the applicant and his uncle to be identified with sufficient precision." For this reason, the Court concluded that "the material on the case file does not enable it to conclude beyond all reasonable doubt that Mr Eşref Yaşa and his uncle were respectively attacked and killed by the security forces." The Court noted that the obligation to protect the right to life under Article 2 of the Convention as a general duty of the State required an effective official investigation when individuals have been killed as a result of the use of force, and concluded that Article 2 had been violated in this respect. The judgement also read that "the Court is struck by the fact that the judicial investigators appear to have excluded from the outset the possibility that State agents might have been implicated in the attacks." The Court pointed out attention to Diyarbakır SSC Prosecutor's consideration of the incident as merely "a settling of scores between armed organizations" and the Government's statement that all responsibility for the attacks lay with "terrorists", even though the investigations were not over and no concrete evidence were brought to the Court. Given the information included in the Susurluk report, the Court also pointed attention to the attacks involving killings in south-east Turkey on journalists, newspaper kiosks and distributors of the Özgür Gündem and many complaints and requests made to the authorities for protection, and held that "it was incumbent on the authorities to have regard, in their investigations, to the fact that State agents may have been implicated in the attacks." In that connection, whether or not the applicant had formally identified the security forces as being the assailants was of little relevance. Taking into consideration that no concrete and credible progress was made 5 years after the incident, the Court concluded that the investigations were considered to have been effective, thus there has been a violation of Article 2. The Court also held a violation of Article 13, which requires an effective criminal investigation by the State.

Abdülmenaf Kaya

Mehmet Kaya made an application about the murder of his brother Abdülmenaf Kaya around Dolunay village of Lice on 25 March 1993. The application stated that security forces had killed Kaya deliberately and he was unarmed. However, Kaya was a "terrorist" according to the government and "died in a clash between PKK members and security forces". Lice Public Prosecutor's Office, at the end of the preliminary investigation, transferred the file to Diyarbakır SSC Prosecutor's Office on 20 July 1993.

Mehmet Kaya asserted that his brother who lived in Dolunay Village was going to the fields four kilometers from the village, accompanied by Hikmet Aksoy. Soldiers carrying a military operation in the vicinity of Boyunlu, Dolunay, Ormanköy and Çiftlibahçe on the same day detained Hikmet Aksoy. Seeing this, Kaya began to run towards Çiftlibahçe village and hid in some bushes. The soldiers found and killed him. According to villagers who witnessed the incident the soldiers planted a weapon near his body and took photographs of the scene. The report of the autopsy was not given to his family. The soldiers raided Çiftlibahçe and Dolunay villages after the incident, and threatened the inhabitants with the destruction of their villages if they talk about the incident. Most of the people who went to offer their condolences on the death of Kaya were detained and tortured.

The government alleged the following in brief: "Kaya was a terrorist; Aksoy was never detained at the said date. He is a PKK member and wanted for now. Domestic remedies are not exhausted yet. Investigation continues". The identity of Kaya had been discovered months after the incident, in a handwritten report signed by three gendarmes and dated 5 May 1993.

In his testimony given to Diyarbakır SSC Prosecutor, Hikmet Aksoy said that he had been detained while dealing with his beehives, and Abdülmenaf Kaya had run away. The soldiers had first shot at Kaya's feet, then he was apprehended. Later he had heard 3 gunshots. When he was detained on 22 November 1995,

Aksoy gave a testimony at Diyarbakır Anti-Terror Branch, telling that Kaya had supported the PKK and he had "organized the attendance of villagers at a funeral." However, Aksoy rejected this testimony before the prosecutor the next day, saying that he was forced to sign a statement that the police had written.

Applicant Mehmet Kaya and Hikmet Aksoy did not attend the Commission's hearing in Turkey. Kaya notified the Commission that he feared reprisals if he were to give evidence at the hearing, whereas Aksoy informed the Commission that the police exerted pressure on him in order to avoid him from giving evidence at the hearing. Moreover, neither Lice Public Prosecutor nor Diyarbakır SSC Prosecutor attended the hearing.

In its report submitted on 24 October 1996, the Commission denoted that there was insufficient factual and evidence to conclude that Abdülmenaf Kaya was intentionally killed by soldiers. The Commission concluded that there had been a violation of Article 2 on account of the inadequacy of the investigation conducted by the authorities into the death of Kaya.

When the case was referred to the Court, the Government requested the Court to declare the case inadmissible on account that applicant Mehmet Kaya had not attended the hearings in Turkey and in Strasbourg.

The evaluation of the Court mentioned that the autopsy performed on the body was defective and incomplete, as the number of bullets that hit Kaya or the distance from which the bullets had been fired had not been recorded. The autopsy report was imprecise as regards the location of the entry and exit wounds, and no tests for fingerprints or gunpowder traces on Kaya's clothes or body were made at the scene. Although the security forces were claimed to take the body's photo, the authorities did not submit the photographs to the Commission or the Court. Besides, the prosecutor failed to carry out any material investigation at the scene. No attempt was made to check the weapon allegedly used by Kaya for fingerprints or to retain the bullets lodged in the body for further analysis. According to the Court, "The public prosecutor had in effect convinced himself from the very beginning that the deceased was a terrorist who had been killed in a clash. That conviction determined his attitude to the investigation thereafter since it effectively excluded the possibility of any alternative version of the cause of death."

The Court stressed that "the general legal prohibition on arbitrary killing by agents of the State contained in Article 2 of the Convention would be ineffective, in practice, if there existed no procedure for reviewing the lawfulness of the use of lethal force by State authorities. (...) The procedural protection of the right to life inherent in Article 2 of the Convention secures the accountability of agents of the State for their use of lethal force by subjecting their actions to some form of independent and public scrutiny capable of leading to a determination of whether the force used was or was not justified in a particular set of circumstances." Indeed, the government had pleaded that "the investigation could in the circumstances be legitimately reduced to a minimum," contending that the case was a clear-cut case of lawful killing by the security forces. The evaluation by the Court read, "The Court is struck in particular by the fact that the public prosecutor would appear to have assumed without question that the deceased was a terrorist who had died in a clash with the security forces." He was ready to accept the value the information given by the military without any investigation, thus he did not collect any evidence and issued his decision of non-jurisdiction without awaiting the findings of the ballistics experts.

In its judgment of 19 February, the Court concluded that the authorities failed to carry out an effective investigation into the circumstances surrounding the death of Kaya, thus there was a violation of Article 2 of the Convention. However, the Court considered that there was an insufficient factual and evidentiary basis on which to conclude that the security forces had intentionally killed Kaya. On the other

hand, the Court also concluded that the applicant was denied an effective remedy against the authorities in respect of the death of Kaya, in violation of Article 13 of the Convention. The Court awarded Kaya's widow and children the sum of GBP 10,000 for non-pecuniary damages; and the applicant for legal costs and expenses.

5.1

THE DEATH PENALTY

The death penalty was not lifted in 1998. No action was taken to enact the Preliminary Draft of the Turkish Penal Code, which foresaw "life imprisonment" to replace the death penalty. At the SSCs 465 trials were brought against 144 people (21 men and 5 women) in the age group 15-17 and 1,144 people (1,050 men and 68 women) over the age of 18 on charges "high treason and crimes against the sovereignty of the State" under Article 125 TPC (TPC); and 198 trials were brought against 549 people (23 women and 522 men) over the age of 18 along with 4 minors under Article 146 TPC which is on "changing the constitutional order by force." Besides, 253 trials were brought against 591 people (3 children at the age group 11-14, 31 at the age group 15-17, 536 men and 21 women over the age of 18) under Article 450 TPC, which is on "full attempt to murder."

On 3 January the Government reported that a draft bill was prepared regarding the ratification of the Protocol No. 6 to the European Human Rights Convention on the death penalty. Having stated that "the year 1998 would be the year of lawfulness", Prime Minister Mesut Yılmaz announced that they were going to sign the Protocol No. 6 and lift the death penalty. Nonetheless, this promise was not fulfilled. Therefore, Turkey faced difficulties with regards to the extradition of some of people apprehended in Europe.

The State Inspection Board under the President prepared a report, "The Amendment of the Laws Posing Obstacles Against Democratization," which gave place to the proposal of the Ministry of Foreign Affairs urging the amendment of the provisions of the Constitution and laws on the death penalty. The Council suggested that "It is vital to insistently before the relevant bodies about the fact that the existence of the terrorist acts poses the only obstacle in the way of signing the protocol."

Minister of Justice Hasan Denizkurdu disclosed that they had prepared a proposal for an amendment to lift the death penalty, which might cast a problem for the extradition of Alaattin Çakıcı and Abdullah Öcalan. Denizkurdu said, " For the time being there is no problem in legal terms. Turkey provides the necessary guarantees. Moreover, death penalty has not been executed in the last 15 years. Nevertheless, during the negotiations regarding our demand of extradition, the lawyers of the suspects will emphasize on the death penalty. The judge will get confused. I had started a study in order to avoid this."

The draft bill prepared by the Ministry of Justice, consisting of 14 items and proposing amendments to the Penal Code was submitted to the Board of Ministers in November. The draft bill proposed amendments to Article 125 TPC, which is on "separating some parts of the State territory from its sovereignty", Article 450 which is on "murder," and the provision of the TPC on "burning down the forests deliberately." The draft bill proposed "life imprisonment" to replace the death penalty stipulated in these provisions. The draft bill maintained that the death penalty could be executed in times of war and a prospect of war. Therefore, no proposal was made for the amendment of the Military Penal Code that included the death penalty.

The Virtue Party (FP) criticized the draft bill, requesting a compromise between the political parties after a survey to be carried out for determining the crimes to be excluded from the scope the death penalty." FP Parliamentary Group Deputy Spokesman Lütfü Esengün said, "Lifting the death penalty solely for the sake of extradition of Apo or Çakıcı would mean to award those who have committed crimes deserving death penalty, which would definitely not be fair. The next issue will probably be the Repentance Law, and then bloody murderers will wander around freely after 10 or 15 years."

President Süleyman Demirel also involved in the debates on the death penalty, which started on the question of extradition of Abdullah Öcalan. He said, "The Turkish public has no inclination for the lifting of the death penalty or for an amnesty. Italy is a civilized country; thus will definitely act in line with the superiority of the law. It would not and cannot attempt to shelter and protect a murderer who has led in shedding blood of 30,000 people."

The last execution of death penalty in Turkey was on 25 October 1984. According to the data provided by the General Directorate of Forensic Registers and Statistics, the death penalties given to 613 people were ratified and 385 of them were executed between 1936 and 1996. Of these people, 310 had been given the death penalty on charges of "premeditated murder," 35 on charges of "killing one or more people," 31 for political crimes, 2 on charges of "murder for extorting money," 2 for "murder through rape," 2 for "inciting to murder," and 3 for "murder by way of poisoning, for theft or by way of arson." After the military coup on 12 September 1980, 161 death penalties were issued, and 37 of these were executed until 1984. Fifty people were executed between 12 September 1980 and 25 October 1984. The "Anti-Terror Law," which entered into force on 12 April 1991, lifted the death sentences issued until its promulgation and the death penalties which might be issued in connection with the crimes committed until then.

In Turkey, the death sentence is subjected to a review by the Supreme Court regardless of an appeal. In the Turkish legal system, the death penalty decision, after approved by the Supreme Court, is sent to the Parliament and taken up by the Parliamentary Justice Commission. If the Commission adopts the death penalty decision it is submitted to the General Assembly in the form of a bill for approval. If the decision is ratified by the General Assembly, it is sent to the President for approval. If the President approves it, the convict is executed by hanging. The President has the right to return the law to the Parliament.

a) Prisoners on Death Row

In 1998, case files of death penalties issued to 37 people were pending review at the Commission of Justice of the Parliament in Turkey.

001) Seyfettin Uzundiz, 05.04.1996, Bayrampaşa Closed Prison, Money extortion, murder (TPC 495)

002) Bekir Gedik, 05.04.1996, Diyarbakır Military Prison, Intentional murder (TPC 450)

003) Nizamettin Özoğlu, 05.04.1996, Amasya Prison, Activities for separating some parts of the State territory from its sovereignty. (TPC 125)

004) Yakup Karaca, 05.04.1996, Elmalı Prison, Obliterating the traces and evidence of extorting money, and murder to save himself from punishment, and illegal entry to a private property (TPC 450/9. 497/1 and 193/2)

005) Mehmet Sait Dayan, 05.04.1996, Bartın Special Type Prison (TPC 125)

006) Halil Yıldırım, 09.04.1996, Isparta Closed Prison, Killing two persons premeditatedly, premeditated murder, killing his own sibling (TPC 450)

007) Taner Keleşoğlu, 03.07.1996, Kars Prison, Killing three persons premeditatedly to conceal the violation of trust.

- 008) Sinan İyit**, 28.08.1996, Yozgat E Type Prison (TPC 125)
- 009) Ali Osman Köse**, 28.08.1996, Ankara Closed Prison, Attempt to abolish or change the Turkish Constitution completely or partially and to prevent the National Assembly, which was formed under that law, from executing its duty. (TPC 146/1)
- 010) Rabbena Hanedar**, 28.08.1996, Ankara Closed Prison (TPC 146/1)
- 011) Hasan Şahingöz**, 28.08.1996, Ankara Closed Prison (TPC 146/1)
- 012) Ali Nazik**, 28.08.1996, Ankara Closed Prison (TPC 146/1)
- 013) Murat Katrağ**, 28.08.1996, Ermenek Special Type Prison (TPC 450/7)
- 014) İsmail Özdemir**, 08.11.1996, Giresun Prison (TPC 495/1, 497/1, 450/9, 448)
- 015) Coşkun Öztürk**, 08.11.1996, Metris Prison (TPC 450/7, 450/9)
- 016) Hasip Mehmet Atay**, 12.12.1996, Gaziantep E Type Prison (TPC 450)
- 017) Mehmet Arı**, 03.02.1997, Manisa E Type Prison (TPC 450/7-4)
- 018) Ekrem Gökçe**, 03.02.1997, Akhisar Closed Prison (TPC 450/7-9)
- 019) Kadir Şahin**, 17.02.1997, Eskişehir Closed Prison (TPC 479/2, 522/1, 450/9)
- 020) Mürsel Girgin**, 17.02.1997, Eskişehir Closed Prison (TPC 479/2, 522/1, 450/9)
- 021) Selami Özcan**, 16.05.1997, Yozgat Closed Prison (TPC 146/1)
- 022) Aziz Varkan**, 05.06.1997, Iğdır Closed Prison
- 023) Nadir Şenol**, 05.06.1997, Iğdır Closed Prison (TPC 450/4-10)
- 024) Halil Güneş**, 19.06.1997, Halfeti Closed Prison (TPC 450/11)
- 025) Erol Özpolat**, 19.06.1997, Çankırı Closed Prison (TPC 146/1)
- 026) Celal Atalay**, 01.10.1997 (TPC 498, 522, 495/1, 450/9)
- 027) Birsen Güngören**, 01.10.1997 (TPC 498, 522, 495/1, 450/9)
- 028) Yaşar Akan**, 10.11.1997, Adana Military Prison
- 029) Cüneyt Erengül**, 10.11.1997, Adana Military Prison (TPC 450/9)
- 030) Adil İnandı**, 10.03.1998, Maraş E Type Prison (TPC 450/5)
- 031) Mehmet Peşçi**, 10.03.1998, Iğdır Prison (TPC 450/4)
- 032) İbrahim Çınar**, 12.03.1998, Antalya Prison (TPC 450/9)
- 033) Cemal Çakmak**, 20.03.1998, Ankara Closed Prison (TPC 146/1)
- 034) Kemal Gömi**, 14.04.1998, İstanbul Closed Prison (TPC 146/1)
- 035) Süleyman Güney**, 22.04.1998, Nevşehir Closed Prison (TPC 146/1)
- 036) Burhanettin Duman**, 30.11.1998, Ankara Closed Prison (TPC 450/9)
- 037) Aslan Kaya**, 01.12.1998, Diyarbakır E Type Prison (TPC 125)

b) Death Penalties Pending Review at the Supreme Court

In 1998, most of the death penalties approved by the Supreme Court were convictions by the SSCs, i.e. in connection with "crimes against the State."

The following is the information on the people who were given the death sentence in 1997, as far as determined by the HRFT.²⁹

- 038) **Cemalettin Cenap Arıcı**, PKK, Diyarbakır SSC
- 039) **Nimet Iğraç**, PKK, Kayseri SSCs
- 040) **Muhammed Taşdemir**, PKK, Kayseri SSC
- 041) **Mehmet Sinci**, PKK, Kayseri SSC
- 042) **Hüsni Özcan**, PKK, Kayseri SSC
- 043) **Ahmet Gülmezoğlu**, PKK, Kayseri SSC
- 044) **Abdullah Sönmez**, PKK, Kayseri SSC
- 045) **Abbas Alkan**, PKK, Kayseri SSC
- 046) **Selahattin Mete**, PKK, İzmir SSC
- 047) **Kasım Karataş**, PKK, İzmir SSC
- 048) **İsmail Tartan**, Common criminal, Urfa Criminal Court
- 049) **Yıldırım Arıcan**, PKK, Kayseri SSC
- 050) **Abdurrahman Tekgöz**, Common criminal, Antalya Criminal Court
- 051) **Hasan Alapan**, Common criminal, Denizli Criminal Court
- 052) **İsmail Doğruer**, TİKKO, İstanbul SSC
- 053) **Hasan Kadem**, Common criminal, Bakırköy Criminal Court
- 054) **Hüseyin Kıran**, TDKP, Erzincan SSC
- 055) **Metin Dere**, TİKKO, İstanbul SSC
- 056) **İzzettin Ekren**, PKK, İzmir SSC
- 057) **Çeknaz Ekren**, PKK, İzmir SSC
- 058) **Sabri Keve**, PKK, İzmir SSC
- 059) **Celal Türk**, **PKK, İzmir SSC**
- 060) **Yusuf Çubuk**, **PKK, İzmir SSC**
- 061) **Salih Gün**, **PKK, İzmir SSC**
- 062) **Zübeyir Paksoy**, **PKK, İzmir SSC**

²⁹ Among the people who were given the death penalty by the SSC, PKK members were prosecuted under Article 125 TPC whereas those who were accused of being members of other organizations were prosecuted under Article 146/1 TPC.

- 063) Yusuf Akbaba, **PKK, İzmir SSC**
- 064) Mehmet Darga, **PKK, İzmir SSC**
- 065) Türkan İpek, **PKK, İzmir SSC**
- 066) Coşkun Coşar, **Common criminal, Burhaniye Criminal Court**
- 067) Ömer Gök, **Common criminal, Bakırköy Criminal Court**
- 068) Zana Mazak, **PKK, Ankara SSC**
- 069) Metin Şahin, **PKK, Ankara SSC**
- 070) Cumali Karsu, **PKK, İstanbul SSC**
- 071) Enver Özek, **PKK, İstanbul SSC**
- 072) Fatma Tunç, **PKK, İzmir SSC**
- 073) Nuri Akbulut, **PKK, İzmir SSC**
- 074) Mehmet Nuri Özen, **PKK, İzmir SSC**
- 075) Hasan Aşkın, **PKK, İzmir SSC**
- 076) Hilmi Yaşlı, **Common criminal, Adana Criminal Court**
- 077) Nadir Kalkan, **PKK, İzmir SSC**
- 078) Ahmet Güven, **PKK, İzmir SSC**
- 079) Ramazan Akdağ, **PKK, İzmir SSC**
- 080) Kadri Sönmez, **PKK, İzmir SSC**
- 081) Hüseyin Güçlü, **PKK, İzmir SSC**
- 082) Bayram Kaymaz, **PKK, İzmir SSC**
- 083) Fikri Demirci, **PKK, İzmir SSC**
- 084) Resul Köse, **Common criminal, Bandırma Criminal Court**
- 085) Cafer Tayyar Bektaş, **TİKKO, Ankara SSC**
- 086) Önder Mercan, **TİKKO, Ankara SSC**
- 087) Önder Gençaslan, **TİKKO, Ankara SSC**
- 088) Taci Nergis, **Common criminal, Bandırma Criminal Court**
- 089) İsmet Özdemir, **DHKP/C, Ankara SSC**
- 090) Mahmut Soner, **DHKP/C, Ankara SSC**
- 091) Selahattin İrez, **Common criminal, Bakırköy Criminal Court**
- 092) Harun Arslan, **Common criminal, Adana Criminal Court**
- 093) Bayram Yaruk, **PKK, Adana SSC**
- 094) Metin Mıcık, **Common criminal, Kastamonu Criminal Court**

- 095) Mehmet Fidancı, **Hezbollah, Diyarbakır SSC**
- 096) Mehmet Sıddık Biçer, **Hezbollah, Diyarbakır SSC**
- 097) Adem Kepenkliođlu, **TİKB, İstanbul SSC**
- 098) Turhan Tarakçiođlu, **TİKB, İstanbul SSC**
- 099) Mehmet Hakan Canpolat, **TİKB, İstanbul SSC**
- 100) Türkan Yüksel, **PKK, Adana SSC**
- 101) Adnan Yalçın, **PKK, Adana SSC**
- 102) Mehmet Yamaç, **PKK, Adana SSC**
- 103) Metin Dikme, **DHKP/C, İstanbul SSC**
- 104) Yasemin Okuyucu, **DHKP/C, İstanbul SSC**
- 105) Bayram Kaya, **DHKP/C, İstanbul SSC**
- 106) Abdurrahim Akalp, **PKK, Ankara SSC**
- 107) Sait Oral Uyan, **TKP-ML, İstanbul SSC**
- 108) Çađatay Çelikel, **Common criminal, Bakırköy Criminal Court**

Çađatay Çelikel

Çađatay Çelikel, who had been put on trial on charges of "having strangled Gülcan Özgündüz with a wire on 27 April 1995 in Çatalca, İstanbul, and stolen her golden jewelry," was given the death penalty. In the trial that was concluded at İstanbul Bakırköy Criminal Court No. 1 on 14 January, Necip Günay was sentenced to 30 years 8 months in prison for "having aided Çađatay Çelikel."

İsmet Özdemir and Mahmut Soner

The case that was brought against 15 people with the claim that "they had wounded 2 police officers in Zafertepe quarter of Ankara on 22 July 1996," and which lasted 15 months, was concluded at Ankara SSC No. 2 on 21 January. At the hearing, defendant İsmet Özdemir, who was accused of "opening fire on a police vehicle in Seyranbađları and being a member of the DHKP/C" (TPC 146/1), read out his final defense. Özdemir recounted that his statement had been taken under torture; that SSC Prosecutor Nuh Mete Yüksel had overlooked the torture inflicted on him; and that there was no evidence to elucidate the accusations. Özdemir said, "This case has been brought on the basis of fake accusations prepared by the police. The prosecutor has connived with the police, and your court has also overlooked this conspiracy. It has been accepted that the judiciary is not independent in Turkey. Prosecutor Mete Öztürk was put on trial and acquitted for his words, 'The judiciary is not independent.' Yekta Güngör Özden, former Chair of the Constitutional Court denoted that the judiciary is not independent." As his final words, Özdemir added, "I do not accept any decision of the court of the contra-guerilla as valid." Other defendants also pleaded innocent. They said that they had no connection with the organization and that they had been victims of a plot. Ferhat Mete, who had been arrested at the age of 16, said, "It is claimed that I had met the alleged member of the organization and entered the organization 25 days before my arrest. However, both of the 2 charges brought against me dates 2 months before the date I had allegedly met this member of the organization. This contradiction is far beyond my imagination. At the age of 16, I was not allowed to enter a teahouse without

an ID card or to be a member of an association. How can I become a member of an organization? My testimony was taken under torture. I insist that the judicial decision be made within this respect." At the end of the hearing, the court board gave the death penalty for İsmet Özdemir and Mahmut Soner under Article 146/1 TPC.

Selahattin İrez

Selahattin İrez, who had been put on trial with the accusations of "having killed Mehmet Akbaş (58) and Ümmü Akbaş (56) in Çatalca, İstanbul on 26 March 1996" (TPC 450), was given the death penalty twice for murder and sentenced to 10 years' imprisonment with the accusations of theft. The trial at Bakırköy Criminal Court No. 1 was concluded on 19 February.

Harun Arslan

Harun Arslan, who had been put on trial at Adana Criminal Court No. 1 in 1996 with the accusations of "having raped and then murdered a child named Hamide Çulha" (TPC 450/3), was given the death penalty on 5 March.

Bayram Yaruk

Bayram Yaruk, who had been accused of "having planned the suicide attack in Adana on 25 October 1996," was given the death penalty. In the trial that was concluded at Adana SSC on 24 March, İbrahim Aksoy was given life imprisonment, İmam Dülçek was sentenced to 15 years in prison, Nezir Taş to 12 years 6 months, and Mustafa Aydın, Hamza Pirinç, Abdullah Ülkü and Agit Timur to 3 years 9 months in prison. PKK militant Leyla Kaplan and 3 police officers had died in the suicide attack against the Anti-Riot Branch Directorate in Adana.

Metin Mıcık

Metin Mıcık, who had been put on trial at Kastamonu Criminal Court with the accusations of "having killed 2 persons for theft" (TPC 450/7) in Kastamonu in 1995, was given the death penalty on 26 March.

Mehmet Fidancı and Mehmet Sıddık Biçer

Out of the 5 people who had been put on trial with the accusations of "having killed 9 people and wounded 3 others in an attack against the mosque in Yolaç village of Silvan, Diyarbakır in June 1992 and being members of the PKK" (TPC 125), Mehmet Fidancı and Mehmet Sıddık Biçer were given the death penalty, whereas Nevzat Gülenyüzlü was sentenced to 3 years 9 months' imprisonment.

In the final hearing held at Diyarbakır SSC on 1 April, defense lawyers Nevzat Güven and Sedat Çınar disclosed that their clients had been kept in prison for 6 years although they had no connection with the attack, and requested their release. The villagers on trial pleaded innocent, saying that the incident was a clash between the PKK and the Hezbollah, and that they had no connection to both of these organizations. After the hearing, defense lawyer Sedat Çınar asserted that the trial was not a fair one. He said, "We requested from the court board to hear witnesses and carry out an examination on the spot. They even don't know how many mosques are there in the village. They say there are two mosques in the village. However, there is only one. Our clients have no relation to any organization. Indeed, there is no evidence to elucidate their membership to any organization. This trial is a breach of the European Human Rights Convention."

Adem Kepenklioğlu, Turhan Tarakçioğlu and Mehmet Hakan Canpolat

Adem Kepenklioğlu, Turhan Tarakçioğlu and Mehmet Hakan Canpolat were given the death penalty with the accusations of "being members of the TİKB and having killed repentant militant Adil Özbek and a

jeweler named Ömer Demirbağ " (TPC 146). In the trial that ended at İstanbul SSC on 3 April, the court board did not commute the penalties to lesser terms on the grounds that "they were not convinced that the defendants regretted their offenses."

Hilmi Yaşlı

Hilmi Yaşlı, who had been put on trial on 3 February with the request of the death penalty on charges of "having killed a woman called Nuray Karabulut in Adana in 1997", stated at the hearing held on 4 June that his testimony had been taken under torture in detention at the Police HQ, and pleaded innocent to the accusations. He said that he had climbed onto the roof of the apartment building in order to repair the television antenna and that the bruises on his cheek, which were mentioned as an evidence in the case file, had taken place on the roof. At the end of the prosecution at Adana Criminal Court No. 1, Hilmi Yaşlı was given the death penalty.

Metin Dikme, Yasemin Okuyucu and Bayram Kaya

Metin Dikme, Yasemin Okuyucu and Bayram Kaya, who had been put on trial at İstanbul SSC on the allegations of "being members of DHKP-C and having killed 12 people, including Yaşar Günaydın, İstanbul SSC former Chief Prosecutor, and retired General Adnan Ersöz," were each given the death penalty under Article 146/1 TPC at the hearing held on 26 June.

Cafer Tayyar Bektaş, Önder Mercan and Önder Gençaslan

Cafer Tayyar Bektaş, Önder Mercan and Önder Gençaslan were prosecuted at Ankara SSC with the accusations of "being members of the TİKKO and having carried out an armed attack against police officer Havva Bayar and her sister Hatice Bayar." At the hearing held on 23 September, Cafer Tayyar Bektaş, Önder Gençaslan and Önder Mercan were given the death penalty.

c) Judgements by the Courts

Most of the death sentences were given by the SSCs in 1998 as was the case in previous years. Some of the death penalties were commuted to life imprisonment in 1998.

Ayfer Ercan was put on trial at İstanbul SSC with the demand of death penalty on the charges of "being a member of the Communist Labor Party of Turkey (TEKP/L) and having killed police officer İsmet Yiğit on 26 July 1995 in Bakırköy, İstanbul. At the hearing held on 26 February, Ayfer Ercan said that she had been interrogated as a member of another organization after she had been detained, but she had later been included in TKEP/L file when she had mentioned the name of Tarık Ziya Yıldırım as a friend. Ercan said that she had an emotional affair with Yıldırım, but she had not related with his activities within the organization. Ercan said, "I don't even have the slightest idea about how to enroll in an organization." In her defense, Ercan denoted that the police officers had not taken Tarık Ziya Yıldırım to the hospital although he had been wounded, and they had left him to death. Ercan added, "The police officers claim that they had taken him to the building in Vatan Street where the bomb squad is located as they had found a hand grenade on Tarık. This is not true. The police officers intentionally left to die in retaliation of their friend's death, and to exterminate the most crucial witness of the event. Then they accused me in order to find an assailant in the incident." Ercan also added that the prosecutor had not specified anything with regards of her membership to the organization while he was reading out his statement as to the merits of the case. Ayfer Ercan was given life imprisonment in the final hearing held on 5 May.

The trial brought against Hamit Altun, Şehmus Aslan, Burhan Kaba and Şahmerdan Sarı with the accusations of "having planted a bomb under the stand of Müjde Bookstore (which publishes the Bible and Christian classics) in the industrial fair in Gaziantep on 15 September 1997, thus killing a child and

wounding 19 people," continued at Adana SSC in February. In the trial, the death penalty was sought for Şahmerdan Sarı, the alleged leader of the pro-Islamic Vasat organization, Burhan Kaba and Mehmet Yıldırım, alleged members of the same organization, and sentences from 5 to 10 years for the other defendants. Policeman Halil Yıldız, who was claimed to have supplied explosives to them, testified at the hearing on 24 February. Yıldız stated in his testimony that he had been subjected to torture in detention: "They gave electric shocks to my genitals. I lost my consciousness during the torture and they made me sign a paper."

The trial was concluded at Adana SSC on 8 September. Of the defendants who were indictment with the request of the death penalty, Mehmet Kurt was given a life imprisonment whereas Şahmerdan Sarı was sentenced to 18 years 9 months, and Abdülmelik Altun, Burhan Kara and Mehmet Yıldırım were sentenced to 12 years 6 months in prison.. The Court Board also sentenced Halil Yıldız (the police officer), Faruk Öztürkoglu and Hakan Elçen to 3 years 9 months in prison, whereas acquitted 24 defendants.

Zehra Racabi, the representative of the Iranian People's Mojahedin Organization in France, and Ali Panah Moradi, a member of the Resistance Committee of the same, had been killed by Savama agents in Fatih, İstanbul, on 21 February 1996. Iranian citizen Reza Merzeger Masoumi had been put on trial at İstanbul Criminal Court No. 1 on charges of "having organized the assassination," and given 33 years 4 months' imprisonment on 24 January 1997. However, the Supreme Court overturned the verdict.

The re-trial of Masoumi was concluded on 3 June. He was given the death penalty twice on charges of "premeditated murder" (TPC 450/2), but the court board later commuted the death penalties to life imprisonment twice. Besides, Masoumi was given a penalty of serving in a cell for one year, as there were two penalties of the same nature.

In the course of the prosecution, Masoumi stated that he was also a member of the People's Mojahedin Organization, but he had been apprehended by the Savama agents who threatened him with killing the members of his family and forced him to provide them with information. He said that he had informed the Savama agents about the arrival of the 2 persons in İstanbul, and he had gone to the house in Fatih along with them. He said, "They told me that they would not kill but only interrogate them."

Of the 32 people who were claimed to be "members of the DHKP/C and held responsible for the killings of 3 people (including 2 police officers)," 16 defendants were sentenced to various imprisonment terms ranging from 3 years 9 months to life imprisonment, whereas 16 were acquitted because of insufficient evidence against them. At the hearing at İstanbul SSC on 17 April, arrested defendants Kadir Kaya, Mehmet Kayıhan, Ali Ateş, İsmet Unver, Hüseyin Çelik and Muhammet Gücüm were each given the death penalty on charges of "attempt to change the constitutional order by force," but these penalties were commuted into life imprisonment because of extenuating circumstances. The court also sentenced Şefenur Tezgel, Aydan Odabaş, Gülperi Özen, Fatma Güzel, Ayla Özcan, Ural Eroğlu and İhsan Cibelik to 12 years 6 months' imprisonment and Seyit Gülmez (he was released after the disclosure of the verdict), Şükrü Özdemir and Muzaffer Aktaş to 3 years 9 months in prison.

An *imam* named Hacı Ömer Arayıcı was put on trial with the demand of the death penalty on charges of "having stabbed Fevzi Polat (the Head of Vasıf Çınar Primary School) to death in order not to give him the money collected for the 8-year continual education." At the hearing held in October, the public prosecutor read out his statement on the merits of the case. He recounted that Arayıcı had claimed in his defense that he had killed Polat as the latter had an affair with his wife, but there was no evidence to elucidate this claim. The prosecutor said, "The defendant, who is a religious man and had a certain level of education, had taken a knife when he went to visit the victim, and according to the statements of the witnesses, he had attacked him suddenly." The prosecutor requested the court board to issue a death penalty for the defendant

on charges of "premeditated murder" (TPC 450/4), and a second death penalty as the victim was a public officer (TPC 450/11).

At the hearing in November, Arayıcı defended himself, saying that he regretted the crime and that he had not planned the murder but instead, Fevzi Polat's words and behaviors had incited him. Arayıcı's lawyer Ünal Güler asserted that "his client had committed the offence without deliberation but under strong provocation, with the intention of stopping the unfair attack against his personality." Arayıcı was first given the death penalty on charges of "premeditated murder a public officer on duty," but the death penalty was later commuted to life imprisonment because of the "good conduct of the defendant in the course of the prosecution" (TPC 59).

d) Those Stading Trial with the Demand of Death Penalty

The trial brought against Ozan Ceyhun, who lives in Germany and who is the Spokesman of the Immigrants and Refugees Group of the Greens Party, continued at Beyoğlu (İstanbul) Criminal Court on 8 May. Ozan Ceyhun was indicted with the demand of the death penalty under Article 146/1 TPC in connection with a murder case that had taken place in 1980 (18 years before the trial was brought). Ceyhun's lawyer Hans Wolfgang Euler held a press conference in Germany on 6 May. Lawyer Euler stated that a trial had been brought against two defendants in connection with the same incident at İstanbul Military Court previously, and the 2 defendants had been acquitted, and a decision of non-jurisdiction had been issued for Ceyhun. Lawyer Euler stated that a decision arrest in absentia was issued for his client in the recent trial, which was brought 18 years after the incident, and he demanded this decision be lifted. At the hearing on 8 May, the court board lifted the decision of arrest in absentia.

Within the course of this trial, Ozan Ceyhun was detained in Germany by Interpol upon the request of the Turkish government, which also requested his extradition. Ceyhun was released after a short detention. After having been released, Ceyhun made a statement: "The Turkish government had requested my arrest and extradition to Turkey in connection with an offense I know nothing about. I had been accused of murder and membership to an illegal organization. The crime had been committed in 1980. 18 years had passed over the incident. No notification has been made to me up to now. When my membership to the European Parliament is in on the agenda, Turkey has appeared with such an accusation."

Ceyhun's lawyer Euler stated that his client had been detained basing on the ground of a fake arrest warrant, as the Turkish government had stated the limit of the sentence sought for Ceyhun as 10 years in the Interpol bulletin. Lawyer Euler added that the death sentence was not mentioned in the bulletin, and said, "The accusation of writing the international arrest warrant with false information is not directed at the Turkish judicial system, but at the individuals in charge at security organization and judicial mechanism and cast a responsibility for these individuals." Layer Euler stated that the necessary legal proceedings should be put forth against these people, who acted in contravention of the Turkish law in the course of investigation.

Six people, Mahmut Önder Topbaş (special team member), Cemil Andırmak (special team member), Gafur Çalışkan (owner of Batılı bus company), Selahattin Büyüköztekin, Nurullah Körken and Cavit Demircan (he was claimed to have the possession of the narcotics found on the bus), were put on trial at Edirne Criminal Court No. 1 with the accusations of "having killed 6 people in the bus they had stopped on Edirne-İstanbul TEM on 21 December 1997." The indictment prepared by Edirne Public Prosecutor's Office sought the death penalty for Önder Topbaş and Cemil Andırmak for "premeditated murder of more than one person" (TPC 450/5) and for the remaining defendants for "inciting to murder." The indictment asserted that the 6 people had been killed on the suspicion that they were informers after the police had captured narcotics in a bus of Gafur Çalışkan.

The defendants disclosed in the first hearing held on 9 March that they had been tortured in detention. One of the defendants, police officer Mahmut Önder Topbaş said that his testimony was taken under torture. He said, "I am a police officer and police officers always torture any police officer accused of anything. They said they would rape my wife. I did not believe them. But when I learnt that she was taken to the department, I signed the given testimony." Cemil Andırmak, retired special team officer, also said that he had accepted the accusations under torture. When the judge asked him if a police officer tortured another police officer, he replied, "I'd rather fall into the hands of the PKK than those of the police in İstanbul. I resigned from the profession for I refused to inflict torture." (See the section on "Mafia, Politics and Business World."

Ankara SSC Prosecutor's Office brought a trial against one student with the demand of the death penalty and against another with the demand of imprisonment. The death penalty was sought for İbrahim Güllü, who was claimed to have "seized the gun of a police officer" during the demonstration at Kızılay, Ankara on 17 December 1997. The demonstration had been held on the occasion of a hearing at the Supreme Court regarding the 8 students who had been convicted by Ankara SSC for "opening placards at the Parliament and being members of an illegal organization".

The indictment prepared by Ankara SSC Prosecutor's Office accused Güllü of "being member of the Revolutionary Socialists Labor Movement (DSİH); and together with Yusuf Akar, Ayhan Koç and Onur Dikmen, having beaten plainclothes police officer Aydın Karaçoban and seizing his gun during the demonstration at Yüksel Street," and requested the death penalty for him with the accusations of "attempt to change the constitutional order by force" under Article 146/1 TPC. The indictment sought an imprisonment term between 15 years and 22 years 6 months for other defendant, Murat Akyıldız, under Article 168/2 TPC and the Anti-Terror Law. In connection with the same demonstration, Ankara SSC Prosecutor's Office brought a trial against 24 students, 6 of whom were under arrest, but the court issued a decision of non-jurisdiction, and referred the case file to Ankara Penal Court of First Instance No. 3, which released the arrested students in the first hearing held on 25 January.

The trial against Güllü and Akyıldız started at Ankara SSC on 25 February. At the hearing, Güllü rejected the accusations. When police officer Aydın Karaçoban said to the court that he had recognized him among 20 suspects in the Police HQ, Güllü said that there had happened no such thing in the Police HQ as confrontation. The Presiding Judge asked Güllü if he knew Burhanettin Akdoğdu or not. (A student at Uludağ University, Akdoğdu was a reporter for the journal Kaldıraç. He had been detained in Bursa on 12 December 1997 with the accusations of "membership to the DSİH, and he had lost his life at Ankara Police HQ Anti-Terror Branch on 12 December 1997. The security officials claimed that Akdoğdu had "committed suicide with a blanket strap.") Güllü stated that he knew Akdoğdu from the high school. Upon this, Akdoğdu's sister Canan Akdoğdu was heard. Canan Akdoğdu said that she did not know Güllü, and that her brother had no relation with any illegal organization. "My brother was taken to the house on the day he was detained. The police officers claimed that they had found a pistol during the search in the house. My brother was still alive. The next day they handed over his body, claiming that he had committed suicide."

Lawyer Kazım Genç stated that there was no evidence against his client in the case file; and that the minutes of apprehension, search in the house and confrontation were not included in the case intentionally. Lawyer Genç recounted the words of police officer Karaçoban, who said, "When I intervened in, they understood that I was a police officer and took my gun." Lawyer Genç said that these words also indicate that the seizure of the gun was not a premeditated action but a spontaneous one.

Lawyer Genç added that his client had been accused of "membership to an illegal organization," which is stipulated in Article 168/1 TPC, and reminded the court board that the accusation of "aiding an illegal organization" is stipulated under Article 169 TPC. Thus, said Lawyer Genç, his client could not be

prosecuted with the request of the death penalty under Article 146/1 TPC, and added, "My client can at most be prosecuted with the accusations of acting in contravention of the Law on Meetings and Demonstrations for participating in the press statement. And the place of this accusation is Penal Court of First Instance. For this reason, I request you to issue a decision of non-jurisdiction."

At the hearing on 23 March, student Köksal Kayısı was heard as a witness. Kayısı said that he had been detained in line with the testimony of Güllü two days after the demonstration: "I was kept in detention for 3 days. I was confronted with Güllü. He told the police officers 'I took the gun from the police officer and gave it to Köksal, and he put it under his belt.' However, he seemed exhausted while he was talking to the police officers." Two other students, Vahide Akar and Cem Yıldırım were also heard by the court. They stated that they had seen Güllü in the turmoil while some police officers had detained him on Karanfil Street on that day. The SSC rejected to release Güllü.

The trial brought against İbrahim Gümrükçüoğlu with the demand of the death penalty continued at İstanbul SSC. Gümrükçüoğlu, who attempted to assassinate President Süleyman Demirel on 18 May 1996 in İzmit and wounded Chief Guard Şükrü Çukurlu and Milliyet newspaper reporter İhsan Yılmaz, was indicted on the demand of the death penalty for "full attempt to assassinate President (TPC 156), and a sentence of 1 to 3 years in prison for "breach of Law on Firearms". The indictment left it to the jurisdiction of the Court to comment on if the illness of Gümrükçüoğlu, Paroxysmal Nocturnal Hemoglobinuria (PNH), had effected his consciousness and ability to move partially or totally during the attack.

In the beginning of June, the Forensics concluded that İbrahim Gümrükçüoğlu was "mentally ill." The report by the 4th Expertise Committee read that Gümrükçüoğlu suffered from a blood disease that could have led to the total loss of consciousness during the incident. The report suggested that Gümrükçüoğlu should be kept under medical surveillance, and also expressed that Article 46 TPC should be applied to him, which stipulates that "any body who suffers from a mental illness that could lead to loss of consciousness or movement while committing a crime cannot be punished."

The court decided to release Gümrükçüoğlu on the grounds that he was mentally ill, and referred him to hospital for medical treatment. The decision of the court read that he could not be punished as he was mentally ill. In August, however, Bakırköy Psychological and Neurological Diseases Hospital sent a communication to İstanbul SSC, notifying that İbrahim Gümrükçüoğlu did not suffer from any mental disorder. This report is review at the Supreme Court.

A trial was brought against 4 people on charges of "being members of the İlim Wing of the radical pro-Islamic Hezbollah Organization and having killed 20 people in Batman on 192-1997." Diyarbakır SSC Prosecutor's Office sought the death penalty for Lezgin Cangir and Bilal Taş under Article 146 TPC, and imprisonment terms up to 20 years for Salih Karadeniz and Abdülhakim Cihangir. The trial at Diyarbakır SSC started on 15 April. In the trial, the defendants were accused of "carrying out armed activities in order to change the constitutional order and establish a state on the basis of Islamic law."

İstanbul SSC Prosecutor's Office brought a case against Gülseren Özdemir (20), who had been detained in Adana on 13 August and subsequently arrested, with the demand of death penalty. The indictment accused Gülseren Özdemir of "being a member of the PKK; and having participated in the attack carried out against a police vehicle on Alemdar Street in Dudullu Quarter of Ümraniye, İstanbul on 28 November 1997, during which police officer İsmail Akkoyun was killed and police officers Recep Aköner and Arif Keçeci were wounded." It was claimed in the indictment that the PKK had wanted to send Özdemir to the rural areas as she had been wanted by the police, but she rejected this and wanted to carry out a suicide attack. Accordingly, Özdemir had said, "I would kill the other two if the gun did not break down." It was reported that the trial brought against Özdemir would be unified with the trial brought against Mehmet Çelik (the death penalty is sought), Şabeddin Yeşilmen (the death penalty is sought), Sıraç Çelik, Abdurrahim

Bozdemir, Ayşe Arda, Hüseyin Göze, Metin Bozkurt, Hüseyin Çağlar (without arrest), Fethi Yılmaz (without arrest) in connection with the same attack. Gülseren Özdemir's sister Gülistan Özdemir (15) had been killed by the police during the raid against a house in Fatih, İstanbul on 11 February.

In April, Diyarbakır SSC Prosecutor's Office brought a trial against Azize Dünder with the demand of the death penalty under Article 125 TPC. She was accused of participating in many raids and attacks that resulted in deaths. It was claimed that Demir had joined the PKK when she was 9 years old, and she had to resort to a translator while testifying before the court as she did not know Turkish.

In May, İstanbul SSC Prosecutor's Office brought a trial against 5 persons on allegations of "being members of the PKK and having placed a bomb in Halide Edip Adivar Park in Sultanahmet, İstanbul, on 10 April." In the trial that started on 6 July, the death penalty was sought for Özgür Gürbüz and Müslüm Özçelik, and prison terms up to 4 years 6 months for Ulaş Tekir, Celal Beyan and Figen Sayman. At the hearing, defendants Müslüm Özçelik and Özgür Gürbüz stated that they had been subjected to cruel torture methods in detention. Gürbüz said that he had suspended on a hanger, given electric shocks and continuously threatened with death at the Police HQ. At the hearing on 19 August, people who were at the park when the bomb exploded. The witnesses said that they did not see who had placed the bomb.

Şemdin Sakık, a leading figure of the PKK, and his brother Arif Sakık were brought to Turkey after an operation carried out by members of the Chief Office of the General Staff Special Forces Headquarters on 13 April. Şemdin Sakık and Arif Sakık were referred to Diyarbakır SSC Prosecutor's Office on 24 April (see the section on "The Kurdish Problem and the PKK").

At the end of May, Diyarbakır SSC Prosecutor's Office brought a trial against Şemdin Sakık and Arif Sakık on the demand of the death penalty under Article 125 TPC. The indictment accused Şemdin Sakık of having participated in many armed clashes and given orders for many others that ended in the deaths of many soldiers.

The trial started at Diyarbakır SSC on 30 June. At the hearing, Sakık's lawyers Dilek İncesu, Doğan Zengin and Sabahattin Korkmaz disclosed that they had not been given permission to meet their client. They said that after all efforts, they had notified the Ministry of Justice that they had been barred from meeting their client. The lawyers stated that they had been able to talk to their client only for one hour on 29 June.

The trial continued on 3 September. At the hearing, Şemdin Sakık stated that his lawyers had been threatened for undertaking his defense, and declared that he dismissed them from his trial. Sakık, who concluded that he would make his defense himself, said that he had not been able to read his testimony taken by the police yet. Şemdin Sakık added that he did not say anything about certain people who were declared to the public as being mentioned in his testimony.

Sakık did not attend the hearing held on 11 November. At the hearing, the court board rejected his demand of benefiting from the Repentance Law, on the grounds that the mentioned law was not in force.

An explosion took place at the historical "Mısır Mall" in Eminönü, İstanbul on 9 July, killing 7 people, 3 of whom were children, and wounding 127 others. At the end of December, a case was brought against 15 people in connection with the explosion. The indictment accused the defendants of "the bombing of Mısır Mall; bombing of Maltepe Officers Club on 1 July 1998; bombing of Küçükalyı 50th Year Park on 4 July; and the murder of Erdal Nayır on 28 July 1997."

The indictment sought the death penalty for Pınar Selek, Abdülmecit Öztürk, Alaattin Öğüt, Kübra Sevgi and İsa Kaya with the accusations of carrying out armed attacks for "separating some parts of the State territory from its sovereignty" under Article 125 TPC. Maşallah Yağan was indicted with the request of an imprisonment term between 21 to 31 years on charges of "establishing a gang against the indivisible integrity

of the state" and "bombing public places," and Ercan Alır, Baran Öztürk, Heval Öztürk and Delibaş Arat were indicted with the demand of sentences between 15 years and 22 years 6 months in prison. Besides, sentences of 3 to 5 years in prison were sought for defendants Erkan Öget, Menderes Öget, Ali Can Öget, Hasan Kılıçdoğan and Suat Kayak for "aiding and sheltering these persons."

5.2

EXTRA-JUDICIAL EXECUTIONS

"Extra-judicial executions" continued in 1998, although at a lower level when compared to similar practices in previous years. Throughout the year, at least **80** people lost their lives and **29** people were wounded 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.

As in the previous years, the trials launched against the security officers in connection with "extra-judicial executions" were far from being "dissuasive" for the assailants. In the trials launched in connection with the extra-judicial executions, the prosecutors either requested the acquittal of the perpetrators or implementation of the legal provisions that seeks the least punishment. Article 49 TPC includes the provision that "anyone who implements a provision of the law or obeys an order that is obligatory to conduct shall not be punished." In cases that Article 49 was not applicable, the prosecutors requested a reduction in punishments on the pretext of the provisions of "self-defense" or "killing a person in a way to conceal the real assailant."

The administrative courts ordered the Ministry of Interior Affairs to pay compensation in some cases, even though the courts acquitted the perpetrators. For example, in February 1998, İstanbul Administrative Court No. 3 ordered the Ministry of Interior Affairs to pay a compensation of TL 23,500,000,000 for pecuniary damages and TL 500,000,000 non-pecuniary damages to Sabiha Doğan, the mother of Selma Doğan who had been killed, along with Erol Yalçın, in the police raid against a house in Hasköy, İstanbul, on 26 November 1993. The judgement reads as follows: "It is the primary duty of the police to protect the people and to apprehend the defendant alive whether he is a criminal or not, and to surrender him to the judicial authorities and to take the necessary precautions so as to prevent the incidents from developing in this manner." Eight police officers had been put on trial at Beyoğlu Criminal Court No. 1 for killing high school students Selma Doğan and Erol Yalçın. The trial had ended in their acquittal on 23 May 1995.

In the evaluation of the judgement by the administrative court, Metin Narin, a lawyer for the People's Law Office, said that the judgement was significant as it confirmed the intentions of the police officers who participated in the house raid. Lawyer Narin said, "The court has declared in its judgement that 'the two people were killed intentionally and in a systematic manner without paying any efforts to apprehend them alive even if they were criminals.' This is our thesis that we have repeatedly uttered in many trials launched in connection with extra-judicial executions. The judgement reveals the accuracy of our thesis."

Table 3. Extra-Judicial Executions 1990-1998

	Those killed during house and shop raids	Those killed in fire opened on demonstrators³⁰	Those killed for disobeying stop warnings, in random shootings, and after being apprehended alive	Total
1991 :	22	32	44	98
1992 :	63	117	103	283
1993 :	57	23	109	189
1994 :	32	-	97	129
1995 :	21	26 ³¹	49	96
1996 :	42	4	83	129
1997 :	26	-	72	98
1998 :	15	-	65	80
TOTAL	278	202	622	1102

a) Trials and investigations on extra-judicial executions**Incidents in Gazi Quarter and Ümraniye³²**

The trial, which could hardly be launched after the bloody incidents that took place in Gazi Quarter of Gaziosmanpaşa and 1 Mayıs (Mustafakemalpaşa) Quarter of Ümraniye, İstanbul, in March 1995, continued in 1998.³³ The intervening people, who went from İstanbul to Trabzon in order to attend the hearings, faced attacks by some adherents of the MHP and pressure by the police. The vehicles carrying the families of the victims and the intervening lawyers were stoned almost every time they went to Trabzon, windows of the buses were broken, and some people were wounded. There were police officers in front and behind the convoy, but they were indifferent to these attacks. An official complaint was lodged in connection

³⁰ Ninety-four people were killed during the Newroz celebrations in 1992, and 3 people in 1993.

³¹ Those killed during the incidents in Gazi quarter and Ümraniye in İstanbul were included in this figure.

³² In Gazi quarter, fire was opened at coffee houses that are frequented by Alewites and left-wing, at night on 12 March 1995, killing Halil Kaya (61), and wounding 19 people. The assailants also killed Mesut Efe, the driver of the taxi they had seized. Later, thousands of people demonstrated to protest against the attack. The police opened fire on the crowd killing 15 people and wounding over 300 others. Two women were burnt to death in a vehicle that was pelted with a Molotov cocktail, and 2 others wounded. The police also opened fire on the people during the demonstration held in 1 Mayıs Quarter of Ümraniye on 15 March, killing 5 people and wounding 24 others. The people killed during the incidents were Halil Kaya, Mesut Efe, Mehmet Gündüz, Reis Kopal, Zeynep Poyraz, Mümtaz Kaya, Ali Yıldırım, Fadime Bingöl, Sezgin Engin, Fevzi Tunç, Dilek Sevinç, Dinçer Yılmaz, Hasan Sel, Hasan Ersüren, Hasan Gürgen, Hüseyin Bilal, Mehmet Özgür, Şefika Sevi, Gülistan Sevimlikurt, İsmail Baltacı, Hasan Tuyan, İsmihan Yüksel, Genco Demir, Hakan Çabuk.

³³ The trial launched against 14 people on the accusations of "inciting the incidents and being members of the Marxist Leninist Communist Party (MLKP)," continued at İstanbul SSC throughout 1997 and 1998. In the trial that ended on 16 February 1999, Sevgi Tağaç, Evrim Sarısaltıkoğlu, Erdinç Tağaç and Suna Yaşar were each sentenced to 12 years 6 months in prison, Cihan Kırmızıgül and Mehmet Akbaba to 8 years 4 months 15 days, and Haydar Tüzün was sentenced to 3 years 9 months in prison. Mehmet Kırmızıgül, Zeynep Aytumur, Kazım Koç, Düzgün Akyol, Musa Kılıç and İsmail Yılmaz were acquitted. The case file against Halan Polat was separated.

with the attack prior to the hearing on 27 February, but Trabzon Public Prosecutor's Office issued a decision of non-prosecution.

The trial launched against the State by Family Gündüz, demanding compensation for pecuniary and non-pecuniary damages for the loss of Mehmet Gündüz, who had been killed in the incidents, was concluded at İstanbul Administrative Court No. 1 on 20 October. In the trial, the Family Gündüz sought a total of TL 12,000,000,000 as compensation (for pecuniary damages, TL 4,000,000,000 for his wife Mukaddes Gündüz, TL 1,500,000,000 for each of their children, Bilge and Coşkun, and TL 1,000,000,000 for Sinem Gündüz. As for non-pecuniary damages, the Family sought TL 1,000,000,000 for each member of the family.). The Ministry of Interior Affairs asserted that "there was no negligence or fault by the administration during the incidents, that the security precautions were perfectly set, thus there could be no causality between the damages and the administration," and requested that the trial be rejected. However, The Court declared the State as "completely negligent" in the killing of Gündüz, and decided that the Turkish government should give a compensation of TL 9,000,000,000 (TL 8,000,000,000 for pecuniary losses and TL 1,000,000,000 for non-pecuniary damages) to the Family Gündüz under Article 125 of the Constitution, which reads that "the administration would be obliged to pay for the losses which stem from its own actions and proceedings." The Family Gündüz will receive an amount of TL 20,000,000,000, when the interests starting from 1996 are added.

On 18 January, prior to the hearing on 23 January, CHP Sivas MP Mahmut Işık and Halil Telek and Alibeyköy, representatives of the People's Houses in Gazi and Alibeyköy, disclosed that they had received information on a possible attack on the families of victims on their way to Trabzon. They also emphasized that they always faced difficulties in Trabzon. Avcı said that the police officers in charge of the security of the court had frequently told them, "The remanded police officers are our friends. You will be in a dungeon here if they continue to keep them in prison." Avcı also said that the police officers had labeled them as members of the PKK.

Then-Minister of State Murat Başesgioğlu, while answering journalists regarding the prosecution, said, "Our security organization is paying great efforts in order to protect all parties of any trial, including the intervening parties. Everybody in Turkey should trust the judiciary, whomever be defendants and other parties of the prosecution. However, attending a trial should not be as if going to a meeting or a picnic. To attend the trials collectively in order to collect some political benefits or to influence the judiciary means, according to me, seeking some purposes beyond intention."

Mustafa Tunç, Veli Kaya and Haydar Koparan, the fathers of Fevzi Tunç, Mümtaz Kaya and Reis Koparan who had been killed by the police during the incidents, disclosed that they had gone to Ankara in order to make known their problems, but they could not find any authorized body. They said that they had met the Private Secretary of then-Deputy Prime Minister Bülent Ecevit, but he had answered them harshly, "You can't say such things about my police officers," when they told him that they had no life security. While the trial was under way, the Penal Department of the Ministry of Justice applied to the Supreme Court with the demand of the transfer of the trial to another province. However, the 10th Penal Board of the Supreme Court rejected this demand. The judgement reads as follows: "The difficulty that the defendants, witnesses, and the intervening parties faced during their travel to court was given as grounds for the demand. However, the Code of Criminal Procedures does not list such a difficulty as one of the reasons for transferring a trial."

Meanwhile, it emerged in April that İstanbul Governor's Office had "pigeonholed" for 3 years the file which had been prepared with the demand of the prosecution of then-İstanbul Governor Hayri Kozakçıoğlu and Security Director Necdet Menzir for "negligence in duty." Subsequent to the incidents, the relatives of the victims had lodged an official complaint against then-Minister of Interior Affairs Nahit Mentеше, as well as Kozakçıoğlu and Menzir for "being negligent in duty." Gaziosmanpaşa Public

Prosecutor's Office had issued a decision of non-authorization, on the grounds that the permissions of the Ministries of Interior Affairs and Justice were required to conduct the investigation. The file prepared against Menteşe and Kozakçioğlu was sent to the Ministry of Justice on 19 April 1995, and the one against Menzir on 4 July 1995. The Ministry issued a decision of non-prosecution for Menteşe on the grounds that "he had no administrative responsibility for the incidents." However, the Ministry found it appropriate that Kozakçioğlu and Menzir be prosecuted on charges of "negligence in duty" (TPC 230), and referred the file to İstanbul Governor on 25 July 1995. It was found that the Governor did not send the files to Gaziosmanpaşa Public Prosecutor's Office, but kept it pending at the Governor's Office throughout the 3 years. Meanwhile, Kozakçioğlu and Menzir resigned from their offices and were elected MPs during the general elections in December 1995. Thus they could not be put on trial.

A group of people attempted to make a press statement at Bakırköy (İstanbul) Freedom Square on 29 March in connection with the hearing to be held on 2 April. The police dispersed them, beat and detained Ali Gündoğdu, Şengül Aslan, and persons whose surnames could not be revealed, Gazi, Derviş, Adem, Nurgül, İnan, İbrahim, Ahmet, Muharrem, İsmail and Kalender, and 3 other people. The police officers also harassed National News Agency (UBA) cameraman Kemal Ertaş, MNG TV cameraman Hakan Köse and Cihan News Agency (CHA) reporter İlhan Kaya.

At the hearing, the court board heard an eyewitness, Özlem Tunç, who was cruelly beaten by police during the incidents. She said that she had seen police officer Adem Albayrak firing his gun. She said that the Commander of 6th Brigade had taken her to Gazi Police Station when he had come to the region in order to take charge by the incidents, and that the commander had prevented the verbal assaults against her in the police station. But after getting out, she added, some police officers had taken her to a coffee house where they sexually harassed her. Tunç said, "They sexually harassed me in the coffee house, while calling me 'kızılbaş' (a word of insult used for members of the Islamic sect Alewites). Then they started beating me. A soldier was trying to protect me, but I was wounded in the beating by the police. While I was getting out of the coffee house they shot near my head but just grazed. I saw Albayrak firing his gun along with a plainclothes police officer." Upon this, the Presiding Judge requested Tunç to identify the defendants, but she lost consciousness and fell down. Doctors intervened, but she could not complete her testimony. She continued her statements in the afternoon session. The intervening lawyers declared that there were police officers carrying guns in the court hall, and they had asserted pressure on the witness Tunç. Upon this, the Presiding Judge had the police officers taken out of the hall. Another witness, Mehmet Yavuz, also identified Albayrak. The relatives of the victims, who were heard at the hearing, lodged a complaint against defense lawyer İlhami Yelekcı on the grounds that he had harassed them.

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Not a Trial but Torture!

Two people in black robes and white foulards were standing on the balcony in the court hall in the two-storey Trabzon Criminal Court. In professional clothes, two Belgian jurists from the Lawyers Without Borders were watching the court board below them, standing and attentive. Presiding Judge Kaya Güleç also spent most of the hearing time, which lasted 5 hours, standing. Together with other members of the board, looking at the documents he took out from files that were spread all over the pulpit, and making cross-examinations, he was trying to understand how the Gazi massacre took place and who were the perpetrators. He was splitting hairs. He expressed his attention in his own words when he got angry with someone who made noises using a wireless in the hall: "Our heads are about to explode here."

The hall was very crowded. The lawyers of the defendants and guards, 7 of the 8 police officers on remand, all surrounded by gendarmes, at the back rows families of some of the police officers and police officers from Trabzon Anti-Terror Branch; they were all sitting. On the left side were standing the intervening lawyers and the relatives of the people who had been killed in the Gazi incidents.

The suffering of the relatives of those killed in the incidents neither ended there nor in the court hall. They traveled some 1100 kilometers from İstanbul to Trabzon to attend the last 5 hearings. They arrived in Trabzon after travelling 17 hours. This time, the 10 buses carrying them were allowed to come nearby the court house as a favor (!). However, nobody was let out of the vehicles. Everybody was searched one by one, from the buttons of their shirts to their socks, then the information on their ID cards was written, and then they were allowed in the square outside the court house. Yet these people had infinite patience. After searching them for about half an hour, they gave up and started to use metal detectors for the search. Seven of the 8 police officers prosecuted on remand for killing 7 people in the incidents on 12 March 1995, during which 21 people had been killed, were in the court hall.

Police officers absent again

Twelve police officers on trial without arrest did not attend. It was discerned that police officer İsa Bostan, who could not be apprehended although an arrest warrant had issued against him 5 months ago, was in Cyprus for military service. Two witnesses were heard yesterday. They stated that they saw two police panzers before the fire was launched towards the Cemevi (a place of worship), and that the intensive fire had started after one of the panzers directed its projectors on the crowd. Meanwhile, big-scale photographs of the police officers firing their guns during the incidents or running all around were shown to the defendant police officers. Only one of them, Mehmet Gündoğan said "It is me," identifying a person carrying a gun. There was another person in the photograph, standing like a cowboy with a long-range rifle. The Presiding Judge asked him, "Do you know him?" "No," said Gündoğan. However, sitting next to him was Adem Albayrak. The person in the photograph looked like his twin brother. The same question was directed to Albayrak. He looked at it as looking at his reflection in a mirror, and most sincerely said, "No."

The intervening lawyers asked about the files on the prosecution of the then-İstanbul Governor and Security Director Hayri Kozakçıoğlu and Necdet Menzir, which were kept at the Ministry of Justice for 3 years. They demanded that Hanefi Avcı and Tansu Çiller be heard in connection with the incidents. The Supreme Court had rejected to transfer the trial to another province. This time they asked for a bigger hall.

As for the defense lawyers, of course people had been killed during the incidents in Gazi, but the ones who killed them were not their clients. Those selected as culprits had to be released. At the end, the court board, also in line with the demand of the prosecutor, decided to release 2 of the 8 police officers on remand, Hamdi Özata and Hasan Yavuz. The trial was postponed until 27 February. The people of the Gazi quarter, who came over 1100 kilometers in 19 hours and waited for the results of the 5-hour hearings on their feet, took the road in order to return to Trabzon again. They would travel for yet another 19 hours.

It was not a trial, but almost torture.

Celal Başlangıç, Radikal, 24 January 1998

Albayrak. The relatives of the victims, who were heard at the hearing, lodged a complaint against defense lawyer İlhami Yelekçi on the grounds that he had harassed them.

Haydar Kopal stated that Albayrak and Gündoğan who fired intentionally on targets had killed his son and 4 other people. Dilek Sevinç's mother Şaziment Şimşek said that Albayrak had claimed in his previous testimonies that he did not know any place in Gazi, and she added, "But I have known him for years. Albayrak knows everywhere in Gazi. At the hearing, the court board declared that they unified the trial with the one opened by Eyüp Public Prosecutor's Office against defendant police officers Adem Albayrak and Mehmet Gündoğan for killing Sezgin Engin and Mümtaz Kaya during the incidents.

One of the intervening lawyers, Cemal Yüce, stated that there was information on the Gazi incidents in some sections of the "Susurluk Report," which had been prepared by the Prime Ministry Inspection Board, which were not revealed to the public, and demanded those sections from the court board. The court board rejected this demand as it seemed irrelevant with the trial, and released police officers Metin Çakmaz, Sedat Özenir and Hayrullah Şişman. Thus, the number of the police officers released in the course of prosecution reached 5.

At the hearing on 7 May, Adem Albayrak and Mehmet Gündoğan were questioned on the killing of Sezgin Engin and Mümtaz Kaya. Gündoğan said, "We did our job there. The state should give us medals," and Albayrak said, "terrorists" for the people living in Gazi quarter. When the audience reacted against these words saying "Shameless. You murdered our children," Mehmet Gündoğan turned towards them and said, "The Gazi people are shameless." The intervening lawyers demanded that these words be written in the minutes but this demand was rejected.

Mümtaz Kaya's mother Sevgi Kaya stated that her son had been killed by Mehmet Gündoğan. She said, "I was alongside my son when he was killed. Mehmet Gündoğan fired his gun right before my eyes, and killed my son. I saw him killing Reis Kopal and Zeynep Poyraz, too. I will again identify this policeman even after another 3 years." The Presiding Judge wanted to learn why she had not lodged an official complaint up to that date, she replied, "A plainclothes police officer named Niyazi, in charge at Yeşilpınar Police Station, came to my house, and threatened me saying, 'If you become a witness, I will shoot you in the head.' I was afraid of them killing my children."

The court also read out the testimony of Mustafa Duyar.³⁴ After agreeing to become a repentant, Duyar changed his first statement in this testimony taken at Gaziosmanpaşa Public Prosecutor's Office, and denied that he had seen Albayrak and Gündoğan killing Zeynep Poyraz. At the hearing on 12 June, Muharrem Buldukoğlu was heard as a witness in connection with the killing of Zeynep Poyraz. He said that everything had been calm on 13 March, but the police panzers had suddenly driven on the crowd, and that police officers in uniforms and plainclothes had started to fire on the people with long-range rifles. He added that Poyraz had been shot in the back in the fire and had fallen down. He described one of the police officers firing on the people as "in blue jeans and having a short beard." The intervening lawyers requested from the court board to show the photographs to him for identification, but this demand was rejected. Being heard by the court as a witness, Yalçın Yılmaz said that he had seen police officers in uniforms and plainclothes firing on the people by taking them as targets outside the post office, and he identified Adem Albayrak. The lawyer of the police officers, İlhami Yelekçi, asserted that "the police officers had utilized their authority, and that they had abided by the orders of their superiors." The court board decided to lodge an official complaint against persons who seemed to be negligent in bringing Orhan Durmuş and İsa Bostan, said to be in the

³⁴ Mustafa Duyar, who was on trial for killing a leading businessman, Özdemir Sabancı, and Haluk Görgün, an executive in his company and Nilgün Hasefe, a secretary in the same, was killed in Afyon Prison on 15 February 1999.

military service in Cyprus, to the court, although arrest warrants had been issued against them at the very beginning of the trial.

At the hearing on 10 July, it was reported that police officer Orhan Durmuş was also in the army though the court issued an arrest warrant against him. İlhami Yelekçi declared that Bostan would soon finish his military service. Upon this, intervening lawyer Cemal Yücel said, "we observe that the state mechanism operates differently when the defendants are state officials. It has come to light that 2 of the defendants, against whom arrest warrants were issued 9 months ago, are performing their military service." Yücel requested from the court board to lodge another official complaint for those who were negligent in bringing them to the court.

Defendant İsa Bostan, who was arrested in absentia, attended the trial for the first time on 10 August. At the hearing, the intervening lawyers requested that Mehmet Elkatmış, the Chairman of the Parliamentary Commission to Investigate Susurluk, be heard as a witness as he disclosed that he had received some intelligence information on the participation of Mahmut Yıldırım (Yeşil code name), a gunman of the counter-guerrilla, in the massacre. The court board rejected this demand on the grounds that it seemed irrelevant to the trial.

In his defense, İlhami Yelekçi claimed that "the ones killed in the incidents were members of illegal organizations and traitors." Lawyer Yelekçi asserted that repentant Mustafa Duyar had been the fiancée of Zeynep Poyraz and he had also said similar things. Yelekçi, as a reply to Cemal Yücel, alleged that "the trial was not related with Yeşil, but with killing of 9 members of illegal organizations." Upon this, the mother of Zeynep Poyraz, Türkmen Poyraz, reacted against him, saying, "That man was not the fiancée of my daughter. You protect the fascists." Then, Adem Albayrak swore at her. Presiding Judge Dursun Kaya Güleç scolded Yelekçi: "You do the same thing every time. You don't need to tell them again." At the end of the hearing, the remanded police officers swore at the relatives of the victims, and shouted at them: "You are all traitors. All of you should be annihilated."

Later at the hearing, Adem Albayrak and Mehmet Gündoğan asserted that they had worked in the state of emergency region for many years, and they claimed the following: "For this reason, the militants witness against us, and we are still on remand because of these testimonies."

Intervening lawyers stated that the security officers had decoded the texts of the police radio communication on the day of the incident, and they said, "Some places were omitted while decoding the talks. As we do not trust the security organization, we request that the originals of the tapes be brought to the court in the next hearing."

The intervening lawyers lodged an official complaint on 3 September in connection with the attitudes of the defendant police officers and their lawyer İlhami Yelekçi in the trial. The petition given to İstanbul Public Prosecutor's Office read that Yelekçi had slapped the father of victim Sezgin Engin in the face, and that the police officers and Yelekçi had insulted the intervening people at the hearings. The petition continued that Trabzon Criminal Court had rejected the official complaint to be lodged previously against the police officers and their lawyer.

At the hearing on 2 October, journalists Miyase İlknur, Ahmet Şık, Evrim Alataş and Hacer Yıldırım were heard as witnesses.

Evrım Alataş, who worked for the journal Newroz, said that she had gone to Gazi along with some other journalists in the morning on 13 March, and that the police in uniforms and plainclothes had suddenly started to fire on the people by choosing targets although calm prevailed up to that time. Alataş said that she had run away and taken shelter in a house on the attack and that after the incidents some police officers had

seized and broken their cameras and seized the film rolls. Aktaş added that the police officers had been beaten them with iron clubs, and said, "I suffered internal bleeding because of the beating."

Journalist Ahmet Şık said that he had gone to Gazi Quarter in the evening when firing had been opened at the coffee house, that the police panzers had been driven on the crowd, and guns had been fired in the dark of the night. In Şık added that the firing had been launched under the light of the panzer's projection on a small group of people waiting outside the Cemevi in the same night, and Mehmet Gündüz had been killed. Şık added that the next day he had seen that the police officers outside the post office had opened fire on the people with long-range rifles, and that many people had been shot and fallen on the ground.

Ahmet Şık said the following about Adem Albayrak and Mehmet Gündoğan: "Both of them were firing. Adem Albayrak was wearing a blue jeans, his mustache was a little bit longer. Mehmet Gündoğan had a small beard, and there was a scarf around his neck. I saw Albayrak continuously shooting at targets with a long-range rifle. There were plainclothes police officers near him. I saw all of the incident, and took photographs." The defense lawyers rejected these statements, and alleged that "the witnesses had been assigned by someone in order to talk against the police officers." Mehmet Gündoğan said, "To which illegal organization do you want to expose me? Did you take my photographs while shooting?" Şık replied, "Yes, there are also those photographs." He shouted at him, "Then why don't you give them?" Ahmet Şık said that after the photographs were published, he had received threats on the phone by anonymous police officers, and he still received letters threatening him.

Mehmet Gündoğan, a reporter with the daily Cumhuriyet, said that the police officers had sworn at and insulted some journalists and writers, including herself, and they had threatened them saying, "We can kill you right here. nobody can find your carcasses." Hacer Yıldırım, a reporter with the journal Söz, said, "Two plainclothes police officers had directed their long-range rifles on the crowd as if they were hunting. They captured us. I had taken the pictures of all of the incidents, but they seized my film rolls. Our cameras were broken, and we were brutally beaten with iron clubs." The intervening lawyers demanded that the long-range rifles in İstanbul Police HQ should be sent to a ballistic examination, Hanefi Avcı should be heard as a witness, and "the Susurluk Report" should be brought to the court, but these demands were rejected.

At the hearing on 6 November, intervening lawyer Cemal Yücel stated that there was no correlation between the incidents and the ongoing trial. He said, "No just result will come out in such a trial. The relations behind the scene in this incident should be brought to light." Yücel said that the incidents in Gazi was a test of a plan, and that the victims had been killed with automatic guns fired at targets. He added that the Court persistently rejected their demand for hearing then-Chief of the Police HQ's Intelligence Department, Hanefi Avcı, but the incidents would be understood if he was heard.

Defendant Mehmet Gündoğan alleged that "the witnesses and the lawyers had acted in line with the instructions given by some illegal organizations." Upwith the accusations brought by Gündoğan, lawyer Cemal Yücel requested from the court board to lodge an official complaint against Gündoğan, which accepted this demand. Gündoğan was released at the hearing.

At the hearing on 18 December, the photographs taken from the archives of the newspaper Cumhuriyet were shown to Adem Albayrak, defense lawyers and intervening lawyers. In connection with these photographs, defense lawyer İlhami Yelekçi said that some people in uniforms had been seen in the back of a minibus with long-range rifles in their hands, but only Albayrak had been accused.

Intervening lawyer Cemal Yücel stated that witness Selahattin Gülten, who was invited to testify at the court in the last few hearings, was not able to attend the hearings because of his life security, and they no longer insisted on hearing him as a witness. Lawyer Yücel also criticized the release of Mehmet Gündoğan,

and he demanded that Albayrak should not be released and the defendants prosecuted without arrest should be remanded.

After the disclosure of the verdict, Adem Albayrak shouted at his lawyer: "Apo is outside, I am imprisoned. If they would kill me, let them do it. I am in prison for a long time. I don't understand this." He also threatened a journalist: "We will meet outside."

People Standing Trial in Connection with Gazi Incidents

The trial launched against 10 people with the accusations of "being members of the PKK and for causing the deaths of Şefika Sevi and Gülistan Sevimlikurt by throwing Molotov cocktails on a vehicle during the incidents" was concluded on 15 August. İstanbul SSC gave the death penalty to Tekin Özdemir, sentenced İrfan Çelik, İsmail Adanmış and Mehmet Bedri Tekin (repentant) to 12 years 6 months for "being members of the PKK" (TPC 168), and İbrahim Toprak to 18 years 2 months in prison for "being a member of the PKK and throwing explosives." In the trial, Özkan Şahin, Sedat Düzce and Veysel Bulut were sentenced to 3 years 9 months for "aiding the PKK" (TPC 169), Rıdvan Çeken to 3 years 6 months (TPC 169), and Celal Aykut to 8 years 4 months.

The trial launched against 38 people in connection with a public statement made in Kızılay Square in Ankara on 14 March 1995 in protest against the massacre in Gazi, was concluded at Ankara Penal Court of First Instance No. 21 on 4 December. Thirty-two of the 38 defendants, who were prosecuted with the accusations of "acting in contravention of the Law on Meetings and Demonstrations," were each sentenced to 1 year 6 months in prison and fined TL 300,000, whereas Mehtap Uzun, Umut Aydın, Hüseyin Tatar, Murat Demirat and İsmet Durmaz were each sentenced to 1 year in prison and fined TL 200,000 as they were minors. The sentences against the 5 people were later commuted into a fine of TL 3,166,000, and reprieved.

The court board decided to commute the sentences against the 32 people, most of whom are board members of some trade unions and NGOs, into 1 year 3 months and a fine of TL 250,000, and reprieved all of the sentences. The case file against İsmet Kılıç was separated as "the defendant could not be found." The names of the 32 people are as follows: Deniz Akpınar, Fikret Ayaz, Mustafa Kocaoğlu, Garip Yalçın, Yüksel Eleren, Kemal Ünal, Yıldırım Kaya, Bahattin Murat Demir, Erdoğan Tedik, Sait Kıran, Mustafa Kemal Gürbüz, Çetin Altan Yerlikaya, İshak Kocabıyık, Cevat Han, Ali Topçu Türkmen, Hasan Yağız, Öztürk Türkyılmaz, Durmuş Özdemir, Halil Hacı Alioğlu, Ayhan Eken, Mehmet Nuri Aytekin, Gürsel Türkmen, Fatma Koçyiğit Öner, Aykut Anıl Öner, Kadir Karşigil, Tarık Yılmaz, Ali Kitapçı, Tarkan Aydın, Mustafa Bal, Şahan Karaca, Mehmet Çoban and Bektaş Veli Ulaşoğlu.

Other trials and investigations

Emine Tuncel, Gülizar Şimşek, Hasan Hüseyin Onat, Yavuz Arakız

Nine police officers were acquitted in the trial in which they were prosecuted for killing Emine Tuncel, Gülizar Şimşek, Hasan Hüseyin Onat and Yavuz Arakız, alleged militants of the DHKP-C, during the raid against a house in İstanbul Gültepe on 14 July 1996. In the trial that ended at İstanbul Criminal Court No. 5 on 23 November, the acquittal decision was delivered on the grounds that "elements of an offense were inconsistent." The police officers prosecuted in the trial were Şefik Kul, Ahmet Toprak, Süleyman Bolak, Erol Telten, Eyüp Şen, Yesutay Aksakal, Hüseyin Doğrul, Sami Şen and Murat Cezmi Erbay.

Senem Adalı (20), Muhammet Kaya (21)

Four police officers were acquitted in the trial launched against them in connection with the killing of the journal Kurtuluş vendors, Senem Adalı (20) and Muhammet Kaya (21), in the raid against a house in Alibeyköy, İstanbul, on 26 August 1996. After the raid, the police authorities had claimed that Adalı and Kaya had been "members of the DHKP-C." In the trial that ended at Eyüp Criminal Court No. 1 on 15

December, the court board gave the acquittal decision for police officers Sualp Albayrak, Yesufay Aksakal, Rüştü Güneş and Ayhan Özkan on the grounds that "they had defended themselves."

Turgay Metin (12), Cihat Metin (14)

In 1998, no developments took place regarding the killing of 2 children, Turgay Metin and Cihat Metin, by special team members while they were grazing the cattle in the vicinity of Güzelce village of Mesudiye, Ordu, on 23 August 1997. Special team members İbrahim Kaya and Mustafa Çavdar, who were remanded after the incident but released the next day upon the objection by their lawyers, were not put on trial until 1999. The 2 police officers are reportedly still on duty.

U. M. (11), the brother of Turgay Metin who survived the attack with injuries, related the incident as follows: "We had the animals to the barn and were returning home. We were carrying torches. We saw the police vehicles when we came by the road. We were sure that they wouldn't do anything. Without saying anything, they started to fire from the second car. My brothers died, and I was wounded in my shoulder. My mother started to run towards us, but they took her away saying, 'Do not approach, terrorists came and there is a clash.'"

Tevfik Karabulut, the lawyer of the Family Metin, said that the special team members had attempted to cover up the incident, "The most awful thing in the incident is that: People in the windows and on the street at that moment had shouted, 'Stop, these are children,' but they continued to fire on the children, and when the children died with hundreds of bullets in their bodies, they broke the headlights of their cars and started to fire at random in order to cover up the incident as an attack by terrorists."

The Family Metin applied to the Ministry of Interior Affairs for a compensation of TL 10,200,000,00, but this demand was rejected. Deputy Undersecretary of the Ministry, Osman Aydın, said the following in a letter he sent to lawyer Tevfik Karabulut: "In order to pay the amount of money you request for your clients, it is necessary that a competent judicial body should give a decision on the mistake of the service of the administration. Unless such a decision is delivered, it is impossible to make any payments." Upon this, lawyer Karabulut launched a trial at Trabzon Administrative Court, which concluded that the amount requested by the plaintiffs was extremely high. The letter sent to the court by First Counselor of the Ministry, Akif Tığ, read as follows: "(...) The incident had taken place accidentally; in a special region, while the security officers were carrying out security operations in accordance with this special atmosphere and the weather was bad. The legal proceedings had been started against the security officers who had been involved in the incident. The amount that the plaintiffs request is too much. Besides, it is inappropriate to seek for an interest for non-pecuniary damages. Yet, the plaintiffs had launched the trial without following the formal proceedings as defined in Article 13 of the Code of Administrative Proceedings. For this reason, we have the conviction that the trial should be rejected with respect to the proceedings." The compensation request of the Family Metin is under the examination of experts.

Sabahat Karataş, Taşkın Usta, Eda Yüksel³⁵

The trial launched against 22 police officers, including İbrahim Şahin (then-Special Operations Branch Director of the Security General Directorate) and Reşat Altay (İstanbul Security Deputy Director), for killing Eda Yüksel, Taşkın Usta and Sabahat Karataş in a house raid in Çiftehavuzlar, İstanbul, on 17 April 1992, continued in 1998. No important developments were witnessed in the trial, which was transferred to Kayseri Criminal Court in 1996 for the "security" of the defendants.

³⁵ Sinan Kukul, Arif Öngel, Satı Taş, Eda Yüksel, Sabahat Karataş, Ahmet Fazıl Ercüment, Ayşe Nil Ergen, Şadan Öngel, Ayşe Gülen, Taşkın Usta and Hüseyin Kılıç had been killed in the raids against 4 houses in the Anatolian part of İstanbul on 16 and 17 April 1992. No guns or bombs had been found in the house of Ayşe Nil Ergen and Ayşe Gülen during an examination carried out in the presence of a judge.

The names of the police officers on trial are as follows: Reşat Altay, İbrahim Şahin, A. Vasfi Kara, Abdullah Dindar, Mehmet Şakir Öngel, İsmail Alici, Adnan Taşdemir, Ruhi Fırat, Aslan Pala, Mehmet Düzgün, Adalet Üzüm, Mehmet Baki Avcı, Şenel Kahraman, Ömer Mesut Yağcıoğlu, Ali Türken, İsmail Türk, Yahya Kemal Gezer, Zülfikar Çiftçi, Sönmez Alp.

Prior to the hearing held on 22 January, the police and a group of MHP supporters attacked the intervening people coming from İstanbul to follow the trial, and lawyers and spectators.

The accused police officers did not attend the hearing. The police dispersed a group of people who wanted to attend the hearing and detained 13 of them. Thirteen people, including intervening lawyers Behiç Aşçı, Nevra Akpınarlı and Zeki Rüzgar were detained outside the court house. People who wanted to escape the attack took shelter in buses, but MHP supporters threw stones on them. The detainees were released after the hearing ended. Making a statement after having been released, lawyer Behiç Aşçı said that they could not attend the trial because of the attacks, and added, "I spoke to Kayseri Public Prosecutor regarding the attacks but he preferred to watch the incident, saying, 'This is none of my business'."

İrfan Ağdaş (17)

Similar developments were also observed in the course of the trial launched against police officers Birol Mıdık, Abdurrahman Yolcu and Aytekin Kayhan for killing İrfan Ağdaş, a newsboy for the journal Kurtuluş, on 13 May 1996. On 17 December 1997, the Supreme Court rejected the demand for the transfer of the trial from Eyüp (İstanbul) Criminal Court No. 2 to another province. At the hearing on 16 March, the journalists were not allowed to follow the trial. Presiding Judge Mehmet Avlamaz and a court member Zehra Öztürk obtained medical reports recommending them rest for several days the day before the hearing, and they did not attend the hearing. Another court member, Lütfü Mungan did not attend the hearing for similar reasons. Therefore the hearing was heard by a presiding judge and two member judges newly assigned to the court board. At the hearing, police officers Mıdık and Yolcu asserted that they had to defend themselves as Ağdaş had taken out his gun. However, the intervening lawyers were reminded of the report by the Forensic Medicine Institute, which read that Ağdaş had not used a gun during the incident, and they requested that the police officers should be remanded.

At the hearing on 22 May, it was stated that there was a contradiction between the statements of the defendant police officers and the wireless communication that took place on the day the boy was shot dead. The reports sent to the court by İstanbul Police HQ and the Forensic Medical Institute proved once more that Ağdaş had no gun. In their statements, the police officers had stated that "the boy was holding a black bag in the one hand and a gun in the other while he was firing" on them. However, the witnesses had declared that Ağdaş had no gun. The radio communication records revealed that the boy had only "a black bag in his hand" when he was shot dead.

At 20.10, the talks on the 8th channel used by the Political Branch were as follows:

-40 32: A person, there was a bag in hand. We fired behind him. The person is wounded, we apprehended the person ... on the road, Ok. Center?

-Center: Give location, location.

-40 32: Come up from Saya hill. Saya Hill. The people started chaos here. We shot the person.

At the hearing on 28 May, defense lawyer İlhami Yelekçi claimed that the radio communication was not decoded in whole, and requested from the court board to ask for the whole of the communication. Upon this, intervening lawyer Metin Narin took the floor, and said that the text included the talks by the team 40 32, who had shot Ağdaş, and that it was clearly understood that Ağdaş, who had allegedly carried a gun, "had a black bag in the hand." Narin asked for an examination on the sport, and requested that the police officers

be remanded with respect to the autopsy report and the radio communication. The court board decided to ask for the decoded text in whole, but rejected the demand for the remand of the defendants. Prior to the hearing, Tülay Akal, a reporter with Kurtuluş, was detained in the yard of the court house.

At the hearing on 7 July, a new judge, Yunus Dertli, presided on the court board including two judges from courts of first instance because the former judges were either "on vacation" or "on sick leave." Thus, the members of the court board were changed three times for various reasons. Intervening lawyer Metin Narin stated that such changes evidenced the lack of a fair trial. The court board did not allow journalists to the court room. Taking the floor for the ban on the journalists, lawyer Narin said, "The court has banned the press from publishing the names and pictures of the accused police officers. The press has not been banned from any other thing. We object the ban." However, the court rejected the request of Narin. Taking the floor once again, Narin said that he had applied to the European Commission on Human Rights, which requested Turkey to make defense until 11 September in connection with the killing of Ağdaş. He reminded them that his demand from the court to arrest the defendant police officers had been rejected every time, and added, "Because there is no such thing as fair trial in this case, I have nothing to demand from the court."

Taking the floor at the hearing on 10 September, lawyer Metin Narin said that the defendant had declared false addresses to the court, and that this was an indication of their reluctance to attend the hearings, and demanded that they should be arrested. Then the court board issued an arrest warrant in absentia in order that the testimonies of the defendants be received. This warrant was revoked in the further when the defendant police officers gave their testimonies. The trial is under way.

Mustafa Dölek

The trial launched in 1996 against special team member Soner Ağbaba for killing Mustafa Dölek during a house-raid in Küçük Cennetpınarı Village, Pazarcık, Kahramanmaraş, on 24 June 1995,³⁶ was one of the few trials on extra-judicial executions that were concluded within 1998. In the trial launched by Maraş Public Prosecutor's Office, an imprisonment term no more than 8 years was sought for Ağbaba with the accusations of "killing a person while exceeding the limits of duty." Ağbaba, who was not remanded, was prosecuted at Ankara Criminal Court No. 8, where the case file was transferred because of "security" reasons.

At the hearing held at Ankara Criminal Court No. 8 on 2 February, the prosecutor explained his opinion as to the accusations. He said, "During the operation carried out upon information that there were some PKK militants in the village, members of the Special Team entered the house of Mustafa Dölek; then, a dispute arose between Dölek and the Special Team officers, and Soner Ağbaba shot the deceased in order to protect himself and do his duty." The prosecutor demanded the acquittal of Ağbaba.

At the hearing on 23 March, Kazım Genç, the lawyer of the Family Dölek, requested the court to sentence Ağbaba for "intentional murder." Genç stated that though the bullet taken from Dölek's body had not been identified in the ballistic examination by the police so as to say the bullet belonged to his gun, the

³⁶ Special team members who raided the village in the morning, shot Mustafa Dölek dead at the door of his house. It was claimed that "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 him. The following were stated in the autopsy report undersigned by physicians of Maraş State Hospital and 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 death." Sultan Dölek, the wife of Mustafa Dölek, objected to the autopsy report, and lodged an official complaint against the special team members. Upon this, a second autopsy was performed. The following were stated in the second autopsy report: "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 TTB Central Council, alarmed about the falsification of the first forensic report, launched an investigation.

eye-witnesses had clearly said that Dölek had been shot dead by Ağbaba. He requested the court board to send the bullet to the laboratories of the Gendarme HQ for the renewal of the ballistic examination. Making a press statement after the hearing, Dölek's elder brother Ali Dölek said that he had been threatened by the police many times to give up the trial.

The trial ended at Ankara Criminal Court No. 8 on 11 May. The court first sentenced Ağbaba to 8 years imprisonment for "killing Mustafa Dölek" (TPC 452/1). However, through a series of reductions, the prison term was commuted into a prison term of 1 year 1 month 10 days, which was reprieved by the court.

Mecbure Genç, Fadime Genç

The trial launched against village guard Mehmet Seyid Acar for killing a pregnant woman, Mecbure Genç, and her relative, Fatma Genç, in Çaygeçit village, Kozluk, Batman, on 15 May 1996, in the firing he had launched behind a vehicle, continued at Batman Criminal Court in 1998.

At the hearing, the lawyer of the Family Genç, Zeki Ekmen, and the prosecutor requested the arrest of the defendant, but this demand was rejected. Later in the trial, an arrest warrant in absentia was issued against him for he did not attend the hearings. At the hearing on 4 August, Mehmet Genç, the husband of Mecbure Genç and the headman of Çaygeçit village, disclosed that Mehmet Seyid Acar had freely walked around in the village despite the fact that an arrest warrant in absentia had been issued against him

Making a statement after the hearing, Mehmet Genç said that former District Governor of Kozluk, Mehmet Sarıcan, had proposed that he should say that "the PKK had carried out the attack." Mehmet Genç said, "The District Governor said, 'We will give you TL 10,000,000,000 if you say that the PKK carried out the attack. Otherwise, it will be bad for you.' I told them they could do whatever they want, but at the court I would relate how the incident had taken place."

Tuncay Topyıldız (27)

A trial was launched against enlisted man Haluk Gevancı for killing Tuncay Topyıldız because he did not obey the "stop warning" in Sarıyer, İstanbul, on 23 April 1997. The trial by Sarıyer Public Prosecutor's Office was launched for "killing due to carelessness."

At the hearing held at Sarıyer Penal Court of First Instance on 23 January, the relatives of Topyıldız reminded the court that Topyıldız's money and mobile telephone had been lost after the incident. They also emphasized that Gevancı had not complied with the rules related to using a gun in case of disobedience to a "stop warning." The court decided that the case did not fall into the jurisdiction of the court and sent the file to Beyoğlu Criminal Court, İstanbul. It was reported that Gevancı had completed his military service some 20 days after the incident and had returned to Mersin.

In the trial that started at Beyoğlu Criminal Court No. 2 on 26 March, the court board decided to prosecute Haluk Gevancı without arrest. In the trial that ended on 18 December, Haluk Gevancı was sentenced to 6 years 8 months in prison on charges of "murder beyond intention." An arrest warrant in absentia was issued against him.

Tayyip Üzüm (29)

In April, a trial was launched against enlisted man Bilal Payam for killing Tayyip Üzüm³⁷ in

³⁷ After the murder, the authorities claimed that some gendarmes had fired against Tayyip Üzüm because he had not obeyed the stop warning, while they were going to a construction area to carry out a search following theft incidents. The workers at the construction site had told them that Tayyip Üzüm had worked there for 6 months, that soldiers had been oppressing the workers of Kurdish origin, and that the soldiers had raided the construction site 15 days before and got information about the IDs of some workers. They added that the gendarmes who went to the construction area were in plainclothes.

Bodrum on 19 October 1997. The trial was launched at Muğla Criminal Court with the accusations of "intentional murder", consequent to the official complaint by lawyer Sadun Öztürk. Meanwhile, it was reported that Bilal Payam had finished his military service even without his testimony was received. Abuzer Üzüm, the brother of Tayyip Üzüm, disclosed that they had formerly been threatened by the owner of the construction site, and that the murder was intentional. Üzüm said the following: "My brother went to the forest nearby for toilet, and we heard the gunshots a few minutes later. We saw two gendarmes and a civilian person trying to put him into a car on the spot. We wanted to stop them, but they threatened us with their guns." The trial, which started on 20 May, was concluded on 17 February 1999. The court sentenced Bilal Payam to 1 year 1 month in prison on charges of "firing at Tayyip Üzüm while he was running away and with the intention of wounding him."

Ferdi Akkuş (17)

The trial launched against Chief Superintendent Hakan Uzun and police officers Mahmut Gedik, Nejdet Bikeç, Süleyman Açar and Reyhan Kekeve for killing Ferdi Akkuş in İstanbul on 28 November 1997 on the grounds that he did not obey "stop warning," started at Bakırköy Criminal Court No. 4 on 24 April. Three police officers testifying at the court claimed that they got out of the car and fired at Akkuş when he was running away, and the other two said that they had fired at him from the car. In his testimony, Hakan Uzun asserted that "a police officer had been shot dead in Ümraniye one day before the incident even without having the chance to take out his gun and for that reason they had been demoralized."

İlhan Yavuz Şahin, who was with Akkuş when he was killed, stated that the police officers had driven after them, that they had to stop because of heavy traffic, and that police chief Hakan Uzun, getting out of the police car behind, first fired towards the wheels of the car: "At first we were 10 meters away from him. Uzun then came closer to Akkuş, sitting on the driver's seat. He broke the glass and fired his gun three times against his head. They say that he was taken to hospital wounded. He actually died on the spot. My friend's left arm was impaired. He had 17 stitches in it. How would he have fired while driving? The gun found in the car was put there by the police officers."

At the hearing on 16 July, Yusuf Yıldız was heard as a witness. He said that the police chief named Hakan Uzun had run for a dark blue car while firing his gun towards it: "He fired against the tires and blew them. Then he came closer to the car. He hit the windshield with the butt of his gun and broke it, and then shot the driver." Yusuf Yıldız said that though all shopkeepers around had witnessed the incident, no one was willing to speak because of threats. Uzun claimed that no one had seen the incident as they had blockaded the road, and that he had not fired his gun with the intention of killing. As for the other defendants, they asserted that Akkuş, who had 17 stitches on his hand," had driven the car on them while firing his gun.

After the hearing Yusuf Yıldız was harassed by police and taken out of the court house. This led a dispute between the police officers and spectators. In the subsequent quarrel police chief Hakan Uzun was slightly wounded in the eye. Then Yusuf Yıldız was detained by the police officers upon the instructions given by Hakan Uzun, and he was beaten up in a sentry room in front of the court house. A friend of Yıldız, named Hüseyin, was also detained. Then Hakan Uzun ordered the police officers to detain Ferdi Akkuş' mother, Zahide Akkuş, and father, Şaban Akkuş. Upon this İlhan Yavuz Şahin, who was with Ferdi Akkuş when he was shot dead by the police, put a razor against his own throat and wanted the police officers to release the parents of Akkuş. However, Yavuz cut his throat and his body in various parts with the razor when the police officers did not pay attention. Later the two detainees were released. The trial is under way.

Hayrullah Çelebi

The trial launched on charges of "intentional murder" against police officers named Erol Tekten, Murat Cezmi Erbay, Hüseyin Doğrul, Mehmet Güngör Körnez, İzzet Kervan and Yüksel Ateşoğlu for killing

a youth named Hayrullah Çelebi on Dam Road in Yenidoğan Mevlana Quarter of Sarıgazi, İstanbul, on 16 November 1995, was concluded at Üsküdar Criminal Court on 27 November. The court decided on the acquittal of the police officers on the grounds that "they had launched fire when fire had been launched against them upon the stop warning, thus they had accomplished their duty." The judgement was also upheld by the Supreme Court. The trial is on the agenda of the European Court of Human Rights.

b) Deaths in house and workshop raids

01) Hüseyin Mezarıcı, Adıyaman-26.01.98

02) İsmet Sinan, Adıyaman-26.01.98

03) Ali Arap, Adıyaman-26.01.98

04) Zeynel Karacan, Adıyaman-26.01.98

Security officers raided the house of Hüseyin Mezarıcı in Düzağaç Hamlet of Dilkan Village, Adıyaman, at night on 26 January, on the grounds that "there were PKK militants in the house." A clash broke out during the raid. PKK militants Ali Arap and Zeynel Karacan, and the owner of the house, Hüseyin Mezarıcı, died in the clash. İsmet Sinan (15), the nephew of Mezarıcı, was wounded but died in hospital on 13 March. The house was reportedly destroyed during the raid.

Subsequent to the raid, people living in the hamlet, Mehmet Coşkun, Mehmet Coşkun (same name), Mehmet Ali Mezarıcı, Halil Coşkun, Ali Mezarıcı, Selver Aydın, Sabri Ser, Aziz Mutlu, Yusuf Ser, Hüseyin Patates and Mustafa Özdoğan were detained. Later, the relatives of Mezarıcı and Sinan applied to the HRA Adıyaman Branch. Mezarıcı's wife Güle Mezarıcı stated that the soldiers had opened fire on the house without any warning.

05) Mehmet Topaloğlu, Adana-28.01.98

06) Selahattin Akıncı, Adana-28.01.98

07) Bülent Dil, Adana-28.01.98

The police killed Mehmet Topaloğlu, Adana Representative of the newspaper Kurtuluş, and Selahattin Akıncı, a vendor for the same, as well as Bülent Dil (his name could be revealed on 4 February), in a house raid in 95th Street, Kiremithane Quarter of Adana, at night on 28 January. The police alleged that the three had been "the members of the DHKP-C, that they had come from Sivas to carry out an attack, and that they had been killed in a clash when they had disobeyed the call for surrender." After the raid, the DHKP-C disclosed that Besat Ayyıldız (Selahattin Akıncı) and Bülent Dil were members.

Eye-witnesses stated that they had not heard gun-shots from the house and that the electricity was off in the neighborhood during the raid. According to the eye-witnesses, some police officers opened fire arbitrarily from a construction just behind the house in order to create an image of an armed clash.

A statement by the People's Law Office (HHB) read that Mehmet Topaloğlu was a native of Adana, that he had been taken under police custody previously and that he had been Adana Representative of Kurtuluş for the last 6 months. The statement also added that the house belonging to Hanifi Topaloğlu, which was raided, was known by the police. Lawyer Metin Narin stated the following after his investigation: "There was no clash. There is no trace of a bullets on the front of the house. There is no trace indicating that the main door was forced. The window glasses were not broken, despite the bullet traces on them. This is evidence to the effect that the incident was an extra-judicial execution."

Meanwhile, Ethem Açıkalın, Adana reporter for the journal Atılım, disclosed that he and Topaloğlu had been stopped by the police outside Adana Main Post Office said, "Plainclothes police officers who we know from our previous detentions told us that they would not detain us there, but kill us and throw our corpses over a wall."

Meanwhile, the media reports, in line with the official statement, read that a clash had taken place during the raid. Television channels show the scenes from a clash that had taken place in İstanbul previously.

Hanifi and Gülperi Topaloğlu, owners of the house, who were detained following the raid, were released on 29 January. Hanifi Topaloğlu said, "My nephew Mehmet and his friends went to the next room to smoke cigarettes after having tea with us. It was raining and the electricity was off. We locked the main door, and went to the bedroom to sleep. Then, we heard gunshots. When I went towards the door, I came face to face with police officers with radios and guns, alongside the dead bodies of my nephew and his friends." The autopsy report revealed that 11 bullets were found in the dead body of Mehmet Topaloğlu, and his shoulder bones were broken. Mehmet Topaloğlu and Selahattin Akıncı were buried by the police in Adana on 30 January, without the information of their relatives.

Zeki Rüzgar, a lawyer for the People's Law Office, and Ercan Gökoğlu, the Chairperson of the Solidarity Association for Prisoners (TİYAD), stated that they had seen torture traces on the body of Bülent Dil when it was exhumed from the cemetery for the poor to be buried in a cemetery in Kayseri on the request of his family. In the press conference they held on 31 January, lawyer Rüzgar stated that they had not found any traces of an armed clash in the house where they made an inspection after the alleged clash together with the representatives of Adana Democracy Platform. He said that they had found only 25 bullet holes in the house, though the police claimed that there were thousands, and the bullet holes they had seen were not outside the house but inside it. Lawyer Rüzgar said that the persons whose identities were unknown should have been kept in the morgue at least for 15 days, according to a circular by the Ministry of Justice, but the person killed in the raid had been buried immediately, which was worth attention. He said, "We had paid efforts in order to receive the corpse of Bülent Dil upon the application by his family. The documents on the incident have all been prepared without any care and are all incomplete. We saw an appalling scene when we opened up the shroud to wash the body of Bülent Dil. We saw cigarette burns and wounds on various parts of the body. The skin below the right armpit was stripped off. We saw not a single bullet hole. On the contrary, there were wounds, instead, made by a drilling instrument. The skin on the lower parts of the right elbow was torn apart because of the breaks in the bone, which protruded from the elbow, and the bone of right leg was broken. We saw bruises on the neck as if it were subjected to pressures of one's fingers. His neck was swollen. We didn't see any mutual bullet holes suggesting the entrance and exit of a bullet in the body." Lawyer Rüzgar concluded that the traces on the body had indicated that Bülent Dil had been captured alive, subjected to intensive and brutal torture methods, and "killed by being strangled or breaking his neck."

Lawyer Rüzgar added that it had been determined that one of the arms of Mehmet Topaloğlu had been broken, and said, "When we take into consideration the rumor going round in Adana about a wounded person who had been taken out of the house with a jacket wrapped around his face and by being forced to walk, put in a car and then taken away, it becomes quite obvious that all the 3 persons had been apprehended alive and then killed under torture. Lawyer Rüzgar also said that they could not find any trace of the clothes that would be necessary for the determination of the distance of the shots. Rüzgar added that there were documents about the place where the wounded person had been taken to, and that they had met a doctor named Bülent Savran at Adana Cemetery, who had told them that the autopsy report had not been prepared by Adana Branch of the Forensic Medicine Institute.

On 21 March, the family of Bülent Dil lodged an official complaint with Adana Public Prosecutor's Office against Adana Security Director and 28 police officers. The petition submitted by lawyer Zeki Rüzgar

read that an examination had been carried out on the spot by the HRA, TAYDER and People's Law Office, and they had concluded that "no clash had taken place as there were no bullet holes outside the house or on the entrance door and no traces to indicate that the door had been forced." The petition emphasized the fact that the police had disclosed that Bülent Dil had died on the way to the hospital, and requested a second autopsy on Dil and the prosecution of the police officers who had participated in the operation.

Meanwhile, Adana Public Prosecutor's Office launched an investigation against lawyer Zeki Rüzgar, who made a statement in the name of the organizations who had carried out an examination on the spot and who disclosed that the incident was an extra-judicial execution. Later, a decision of non-authorization was issued and the investigation file was referred to Ankara SSC Prosecutor's Office.

The police intervened in the press statement to be made by the journal Kurtuluş outside the Turkish Journalists' Association (TGC) on 16 February in protest to the murder of Mehmet Topaloğlu, Selahattin Akıncı and Bülent Dil. The police dispersed the group and beat and detained 11 people, including Oya Gökbayrak, the Chairperson of the Rights and Freedoms Platform.

08) Mehmet Durak, Çorum Bayat- 30.01.98

09) Satı Durak, Çorum Bayat- 30.01.98

10) Ali Durak, Çorum Bayat- 30.01.98

11) Baran Durak, Çorum Bayat- 30.01.98

12) Serpil Yayvan (Durak), Çorum Bayat- 30.01.98

In Kuruçay village of Bayat, Çorum a clash broke between gendarmes and some members of a family whose house they raided on 30 January. In the clash, 5 members of the family, Mehmet Durak (43), his wife Satı Durak (39), their son Ali Durak (17), and relatives Baran Durak (14) and Serpil Yayvan (20), as well as enlisted men Ahmet Şanlı and Erkin Güler were killed, NCO İlhan Cinoğlu and Mehmet Durak's son Ahmet Durak (18) and brother Satılmış Durak (25) were wounded. The incident took place as follows: The gendarmes were patrolling in-between Kuruçay and Çamlıgüney villages, as there was a feud between the two villages. On 30 January, the gendarmes controlling the road wanted to seize the gun of a driver named Memiş Yayvan. But he resisted them because of the blood feud and run away to the house of a relative, Mehmet Durak. The soldiers went to the village, but they failed to take the gun of Yavaş as other villagers intervened. The soldiers went the house of Mehmet Durak in Ebembağı Quarter once again at 22.30. A clash broke out when the soldiers raided the house, and 5 people and 2 enlisted men were killed.

Then-Çorum Governor Atıl Güzey disclosed that a fight had arisen when Mehmet Durak and his family resisted the soldiers, and the fight had soon turned into a clash. However, the relatives of Mehmet Durak told the journalists that the gendarmes had started the incident, and they had "fired at every moving object and any room where the lights were on."

The report prepared by the Mazlum-Der after an examination in the village read that the soldiers who died in the incident had been taken away using the car of Memiş Yayvan's brother Abdurrahman Yayvan, but Satı Durak and Baran Durak, who were wounded in the incident, died because of loss of blood one hour later. The report stressed that Memiş Yayvan had been stopped during the road check on at about 15.30, but the gendarmes had gone to the house after 8 hours. According to the Mazlum-Der report, Abdurrahman Yayvan had been invited to the gendarme station in connection with the incident and beaten there, that a NCO named Emrullah had left the station after he had left him with two gendarmes and ordered the gendarmes to shoot him if he moved, and that the incident, in which 7 people had been killed, had taken place 15 minutes later.

13) Gülistan Özdemir, İstanbul-11.02.98

14) Hamdin Salgın, İstanbul-11.02.98

A child named Gülistan Özdemir (15) and a youth, Hamdin Salgın (19), were killed in the police raid against a house on Yasemin Street in Fener Camçiçeşme Quarter of Fatih, İstanbul, on 11 February. The official statement read that the 2 persons were "members of the PKK" and "the were killed in the clash that broke out when they did not obey the stop warning." However, shortly after the incident, it was revealed that Gülistan Özdemir, a textile worker, had come to the house to have meal, that there had been 13 other people, including some children, in the house, and that no clash had taken place. Thirteen people, including the parents of Gülistan Özdemir, Emine Özdemir and Seyfettin Özdemir, and her siblings, Türkan and Mazlum, were detained after the raid.

HRA Deputy Chairwoman lawyer Eren Keskin, lawyer Gülizar Tuncer and lawyer Fatma Karakaş carried out an examination in the house on 12 February. Making a statement after the examination, lawyer Keskin said that she had received information from Fatih Public Chief Prosecutor Atilla Cengiz as to the incident, that he also had an opinion that no clash had taken place, and that he had told that the police officers could be put under investigation. Keskin said that they reminded the prosecutor that the house had been sealed subsequent to the incident and many people in the house had been detained. Upon this, Prosecutor Cengiz had told her, "I only instructed the sealing of the flat. I have no information about the detainees." Keskin said that there were no marks of a clash outside the building and that the entire building had been sealed arbitrarily without the information of the prosecutor, which all indicated that the incident was a pre-mediated and evident extra-judicial execution. Meanwhile, the lawyers applied to İstanbul SSC Prosecutor's Office regarding the members of the Family Özdemir in detention, but they were told that "these people were not detained."

In a press statement made by the representatives of the HRA, Contemporary Lawyers' Association (ÇHD), and Legal Researches Foundation (TOHAV), outside Fatih court house on 13 February, it was said that Özdemir had been killed when she had gone home for lunch, and her parents, who were in detention, had been taken back to the Police HQ after they had identified their daughter in the morning on 13 February. HRA İstanbul Branch Chairperson Ercan Kanar, reading out the press statement, said that the raid was exactly an "extra-judicial execution." Lawyer Eren Keskin stated that the father of Hamdin Salgın had been detained when he had come from Diyarbakır to take the body of his son. Hamdin Salgın and Gülistan Özdemir were laid to rest on the same day.

İstanbul Public Prosecutor's Office completed its investigation in May. The indictment prepared by the Prosecutor's Office requested the court to launch a trial against Şefik Kul, the Deputy Director of the Anti-Terror Branch, and police officers named Şaban Düzer, Erol Tekten, Salih Palamir, Ahmet Toprak, Rüştü Güneş, Sualp Bayrak and Sami Şen for "killing in a manner of concealing the real assailant" and to commute the sentences to be given to them from half to one third as "it could not be possible to determine which police officer had committed the crime." The indictment alleged that the police officers had "performed their duty, and got rid of the danger against them." The trial started at İstanbul Criminal Court No. 4 on 30 June. The accused police officers and their lawyer İlhami Yelekçi did not attend the hearing. Sending a letter to the court board to state his excuse for being absent at the court, lawyer Yelekçi requested them to hold the hearings secret and to ban the press from publishing pictures and information about the trial. In the next hearing on 6 October, İlhami Yelekçi, attacked the journalists in order to hinder them from taking pictures. The court board decided to ban the press from publishing pictures and information about the trial, upon the demands by lawyer Yelekçi. However, this ban was later converted into a ban on publishing of pictures, upon the objections raised by the intervening lawyers. Meanwhile, the journalists were taken out of the hall by the police who also harassed them. Police officer Şaban Düzen said at the hearing that they had

gone to the house upon information they had received, that they had knocked on the door but the people in the house had begun to shout slogans instead of opening the door. He alleged that fire had been launched against them from the house when they had made "surrender" call, then they had broken into the house and opened fire indiscriminately in order to protect themselves. Other police officers gave similar testimonies at the hearing. The trial is under way.

Meanwhile, the sister of Gülistan Özdemir, Gülseren Özdemir (20) was remanded by İstanbul SSC she was referred to after being detained in Adana on 13 August with the accusations of "being a member of the PKK and planing an attack." İstanbul SSC Prosecutor's Office put her on trial on the demand of the death penalty.

15) Selahattin Üçkardeş, İstanbul-22.05.98

Selahattin Üçkardeş (26) and a police officer named Fadıl Şişman died in the clash that broke out during the police raid against a house in Esenyurt Quarter of İstanbul at night on 22 May. The police authorities disclosed that Selahattin Üçkardeş was "one of the high-ranking PKK executives" and they had found a fake ID card on him, in the name of İrfan Hünerli. The owner of the house, Şahin Han, was detained after the raid. Meşruk Çiftçi, Naci Kutaş, Şemsettin Kayan and Nusret Akın were also detained in police operations. It was alleged that the detainees had killed Tahsin Tok, Mehmet Yıldızhan and Cuma Akgün for "not paying money to the PKK."

e) Deaths in attacks against settlements

16) Yusuf Küçük, Tunceli Ovacık-04.06.98

A villager, Yusuf Küçük (50), was killed in the cannon fire launched by soldiers from Ovacık Gendarme Station on Kedek Hamlet of Tatuşağı Village, Ovacık, Tunceli, at about 21.00 on 4 June. Villagers named Yusuf Küçük, Mustafa Tat, Bülent that and Ali Erbaş left the hamlet in order to search for cattle which had been frightened by the noise and strayed. Yusuf Küçük died instantly. The military authorities claimed that Yusuf Küçük was "a member of the PKK." The soldiers raided Tatuşağı village in the morning on 5 June, and detained Bülent Tat, Mustafa that and Ali Erbaş, who were with Küçük when he died, and two other persons whose surnames were Ateş. Villagers disclosed that an officer, who was in command of the operation, had told them, "Didn't I tell you not to leave the village after 20.30? If you did so, you would end up like this."

17) Mehmet Can Baran, Diyarbakır-24.08.98

Soldiers from the Gendarme Commando Battalion in the vicinity of Nawro Quarter of Kulp, Diyarbakır, launched cannon fire on the cultivated area near Nawro in the night of 24 July. The fire, which was launched on the grounds that the thermal cameras had determined action in the field, lasted for about one hour. It was reported that the fields of Mehmet Can Baran had burnt completely in the fire, and 10 cattle had been killed. Baran was shot by soldiers and wounded in the shoulder when he left his house in order to extinguish the fire. The security officers barred the villagers out of "security reasons" when they wanted to take him to a hospital in Diyarbakır by a private vehicle in the same night.

18) Barış Adnan Yavuz, Batman-01.09.98

Barış Adnan Yavuz (8) was killed when a mortar fired from the Gendarme Station in Acar Village of Sason, Batman, hit the house of Yakup Yavuz in Çevrecik Village of Kozluk, Batman, at about 21.00 on 28 August. Yakup Yavuz, his wife Beraat Yavuz, and another child of theirs, Evin Yavuz, as well as guests, Halime Aktaş, Bedrettin Aktaş and Fehuşa Yavuz, were wounded in the explosion.

d) Deaths by fire opened because of disobeying stop warnings and at random

19) İsa Çatanak, Urfa-05.01.98

20) İmam Aktay, Urfa-05.01.98

Two smugglers, İsa Çatanak and İmam Aktay, were killed by soldiers while they were attempting to pass the Turkish-Syrian border in the vicinity of Akçakale, Urfa, at night on 5 January. Urfa Governor Şahabettin Harput asserted that the 2 persons had died in a clash that lasted for one hour when they opened fire at the surrender call by the soldiers. İsa Çatanak, registered in Arida Village, was reportedly a relative of Mehmet Çatanak, one of the 5 smugglers who were killed on 2 December 1997.³⁸

21), Urfa-00.01.98

A person, whose name could not be revealed, was killed by soldiers patrolling on the border area in the vicinity of Mürşitpınar Village of Suruç, Urfa, in the night of 10 January when he attempted to pass the border over the mine fields. The corpse of the person, who was about 20 years old, was kept in the area for one day, and the taken to the morgue of Suruç Sate Hospital. The authorities asserted that a group of people had opened fire at the surrender call by the soldiers when they were passing through the border, and he had been killed in the clash.

22) Sertan Mert, İstanbul-17.01.98

Sertan Mert was killed by the police in Göztepe, İstanbul, on 17 January. It was claimed that some police officers tried to stop a stolen car with a license plate 34 TG 8160 at night, and Sertan Mert, Arif Özer and Mehmet Ali Bülbül who were in the car, opened fire at the police officers. Mert was shot by the police, and he died in the hospital. Özer and Bülbül were detained by the police.

23), İstanbul-19.02.98

A person, whose name could not be revealed, was shot dead by the police on Müstakizade Street in Çarşamba Quarter of Fatih, İstanbul, on 19 February. The person was reportedly shot dead while he was trying to break in the house of Micahit Ören, the son of the Head of the Executive Board of İhlas Holding Company, Enver Ören.

24) Murat Can (21), İstanbul-12.03.98

25) Alpay Denizhan (22), İstanbul-12.03.98

It was revealed that Murat Can (21) and Alpay Denizhan (22), who were claimed by the police as having died in a traffic accident while they were escaping from the police in a stolen car in Kağıthane, İstanbul, in the evening on 12 March, had actually been shot dead by the police. After the incident, the newspapers reported that the two youths had died in a traffic accident. However, the autopsy performed on the youths at the Forensic Medicine Institute upon the demand of their families revealed that there were bullet wounds in the heads of the youths. The autopsy report read that Murat Can and Alpay Denizhan had "died because of internal bleeding because of the bullet wounds." Upon this, İstanbul Police HQ started an investigation against police officers Uğur Taşdemir and Mehmet Çıplak, in charge at Kağıthane District Police HQ.

³⁸ Arabian villagers Mehmet Çatanak, Halil Dölçek, Salih Şahin, Salih Esmer Tekin and İsmail Eroğlu had been killed by soldiers on 20 December 1997. The authorities had announced the villagers as being PKK militants. However, the HRA and Mazlum-Der had interviewed their relatives who asserted that the 5 villagers had been apprehended alive and killed under torture.

The relatives of Can disclosed that Alpay Denizhan had died on the spot because of a bullet in the head, but Murat Can had been wounded in the back and he had stayed on the ground for help before he had died. They said, "After the accident, a bus driver and a pastry seller standing on the next side of the street had wanted to help, but the police officers had not allowed any body to approach him."

Murat Can's brother Burak Can stated that Alpay Denizhan, prior to the incident, had continuously told him, "They will kill me," and he added, "I do not think that the car was a stolen one. Because, two days before the incident Alpay had told me that he would buy a dark blue car. The car in the accident was dark blue. He was continuously saying that he would be killed. Now they say that the car was stolen. If it is, who is the owner of it? First they have to find that person."

The investigation by Şişli Public Prosecutor's Office was concluded in February 1999. The indictment prepared by the Prosecutor's Office sought an imprisonment term up to 8 years for police officer Uğur Taşdemir on charges of "murder," and up to 4 months for Mehmet Çıplak on charges of "an act beyond intention."

26) Ali Uçar (47), Eskişehir-06.04.98

Ali Uçar (47) was shot dead by gendarmes in a picnic area in Sakaryabaşı, Çifteler, Eskişehir on 6 April, on allegations that he did not obey a "stop warning." Uçar was reported to be a taxi driver working in Emirdağ, Afyon, and drunk when he died.

27) Ekrem Dağlayan, Bingöl-14.05.98

Two soldiers and PKK militants named Bedia Bitmen and Yahya Bilici died in a clash that broke out in the vicinity of Kiğı, Bingöl, on 14 May. Subsequent to the clash, the soldiers reportedly shot and wounded Ekrem Dağlayan while he was grazing animals in the vicinity of Bilice Village. Dağlayan reportedly died because of loss of blood in Kiğı State Hospital where he was taken to after having been kept at Açık Güney Gendarme Station for one day. Besides, it was revealed that an ear of Ekrem Dağlayan was cut off with a bayonet. Commander of Kiğı Gendarme Battalion told to the relatives of Dağlayan that he had been killed by PKK militants during the clash. When they reminded him that one of his ears had been cut off, the Commander told them that he would investigate the case.

Meanwhile, shepherds named Zeynel Gökçe and Eşref Dağlayan, who were on the spot, were detained by soldiers. Dağlayan was released the next day, but Gökçe was remanded with the accusations of "aiding the PKK."

28) Halil Demir, Mardin Kızıltepe-20.05.98

Village guards opened fire on the car of Halil Demir in the vicinity of Araköy in Kızıltepe, Mardin, on 20 May. Demir died on the spot, while Mehmet Alfidan was wounded. The military authorities claimed that the attack had been carried out by the PKK. However, the relatives of Demir asserted that he had been killed within the information of the soldiers and special team members.

Halil Demir's brother İbrahim Demir said, "My brother and his worker along with him were shot in the firing. Special team members and soldiers had appeared right after the incident. However, they kept them waiting there for about 45 minutes before taking them to the hospital. My brother had died there because of loss of blood." He added that his brother, who had involved in cotton production and artesian well business, had been killed intentionally, but the gendarmes had attempted to held the PKK as being responsible for the murder. He said, "The area where the incident took place is all surrounded by villages of the village guards. It is impossible for the PKK militants to carry out attacks in this area. The special team members and soldiers had arrived at the spot at the most 3 minutes after the attack. We went there. When we told the gendarmes that the village guards had committed the murder, they detained 3 of us. The gendarme is protecting the

village guards." İbrahim Demir also said that his brother had repeatedly been detained in Suruç, and kept in prison for 4 months in 1995 with the accusations of "aiding the PKK."

29), Hakkari Şemdinli-02.06.98

30), Hakkari Şemdinli-02.06.98

31), Hakkari Şemdinli-02.06.98

32), Hakkari Şemdinli-02.06.98

33), Hakkari Şemdinli-02.06.98

34), Hakkari Şemdinli-02.06.98

35), Hakkari Şemdinli-02.06.98

36), Hakkari Şemdinli-02.06.98

37), Hakkari Şemdinli-02.06.98

It was reported that 9 Iranian smugglers of Kurdish origin had been killed by soldiers in Zerza region in the vicinity of Şemdinli, Hakkari, on 2 June. Many mules belonging to the smugglers were also killed. The smugglers were reportedly buried all together somewhere and soldiers did not give permission to municipal officers of Şemdinli to enter the region to take the dead bodies. The municipal officials stated that they had attempted to remove the dead bodies on the same day, but the soldiers had prevented them, saying that the 9 people were PKK militants. Villagers living around disclosed that the 9 people had brought some goods over the border illegally and sold them in Şemdinli and Yüksekova, and that they had passed over the border many times previously.

38) Süleyman Bingöl, Varto Muş-06.06.98

Süleyman Bingöl, the headman of Yekmal Village of Varto, Muş, was wounded by village guards who opened fire on a minibus in the vicinity of Mercimekkale Village on 6 June. Bingöl died in the hospital on 16 June. Zabit Bingöl, who was also in the minibus, related the attack as follows: "Süleyman Bingöl, Ekber Aktaş and Mehmet Bektaş and me went to Muş and returned in the evening. After visiting a relative in Yağcılar village, we headed for our village. The village guards at the entrance of Mercimekkale allowed us to pass through. As there was nobody on the second check point in the vicinity of the village, we did not stop. They started to fire bullets on us 100 meters after the check point."

39) Nazım Kızılocak, İstanbul-07.06.98

A person named Nazım Kızılocak (23) was shot dead by the police in İstanbul Taksim Park at night on 7 June. The authorities alleged that Kızılocak "did not obey the stop warning," when he was running away after forcibly taking the handbag of a woman. He was reportedly killed by one bullet in the back. Police officer Alpaslan Kandemir, who shot Kızılocak, was released by the court pending trial.

40) Nermin Karabulut, Sivas Hafik-29.07.98

A young girl named Nermin Karabulut (15) was shot dead by soldiers in Göydün Village of Hafik, Sivas, on 29 July. Lawyer İsmail Hakkı Konar related the incident as follows: "Nermin Karabulut and her sister Serap Karabulut (16), who suffers from neurological problems, decided to go to Sivas, which is 11 kilometers from Göydün, for injections for Serap in the evening. They could not find any vehicle, so they started to walk to Sivas. On Erzurum-Sivas highway, fire was launched on them from a military convoy. Nermin Karabulut was seriously wounded in the incident and her sister was beaten by the soldiers. The two

sisters were taken to the mobile station which is 1 kilometer away. Nermin Karabulut died there. Her sister was interrogated by the soldiers. The official statement alleged that Nermin Karabulut was a PKK militant and the medicine was illegal."

41) Kamer Katar, Bingöl Yedisu-10.08.98

A shepherd named Kamer Katar was reportedly shot dead in fire launched by soldiers from a military panzer in Elmalı village, Yedisu, Bingöl, at about 20.30 on 10 August after he and his daughter Derya Katar left home to take their cows to the barn. After the incident, Kamer Katar and his daughter were taken to hospital by military helicopter. Derya Katar was operated on, but the bullet in her rib bone could not be removed. Making a statement to the journalists, Derya Katar said that they had gone outside in order to herd in the cows, and added, "Me, my father, mother and sister went outside. At that moment, soldiers in the village opened fire on us from a panzer. I can't remember what had happened later on." Meanwhile, it was reported that the Family Katar had long been ordered to leave the village by the soldiers.

42), Hatay Altınözü-25.08.98

43), Hatay Altınözü-25.08.98

Two persons were shot dead in the vicinity of Altınözü, Hatay by soldiers from Çay Border Station on the grounds that "they did not obey the stop warning." The 2 persons, who wanted to pass from Turkey to Syria on 25 August, were reportedly smugglers. The names of these persons could not be revealed.

44) Fahri Kayaalp, Batman Beşiri-05.09.98

Soldiers opened fire on a minibus, which was going from Beşiri, Batman to Batman in the night of 5 September, on the road between Deveboynu and Yontukyazı. A person named Fahri Kayaalp (47) was killed in the fire and the driver Reşit Aslan and his assistant Bedri Aslan were wounded. The bullets reportedly separated the left hand and the right leg of Fahri Kayaalp, who died on the spot, from his body. He was laid to rest Girbereş Village of Batman with a ceremony attended by some 1,500 people on 7 September. Bedri Aslan was later remanded with the accusations of "aiding the PKK."

The statement made by Beşiri Gendarme Battalion HQ asserted that "there had been a clash with the PKK militants in the region, and the incident had taken place accidentally during the clash." However, Beşiri District Governor Erkan Atabay, according to his statement published in the newspapers, claimed that "one PKK militant had died and two others had been wounded and apprehended in a clash that took place in the vicinity of Beşiri." Reşit Aslan, who was taken to Dicle Research Hospital after the incident, was not allowed to see his relatives and some board members of HADEP who wanted to visit him.

Suat Kayaalp, the son of Fahri Kayaalp, said that they had gone to the Health center when they had been informed about the incident, and that a plainclothes police officers had told them that the people in the minibus were PKK militants. He added, "I shouted at the police officers when I heard about the incident. A plainclothes police officer said, 'They were shot as they were terrorists.' Later they took us to Beşiri Gendarme Battalion in a minibus. The military officials said that the fire had been launched on the minibus by mistake during the clash. However, no clash had taken place in the region at all."

45) Fırat Kıvanç, Van-06.09.98

In Van, a child named Fırat Kıvanç (12) was shot dead on 6 September on the grounds that he did not obey the "stop warning." It was claimed that Fırat Kıvanç had tried to climb up the fences of the military forbidden zone on the evening. His mother Fatma Kıvanç stated that her son had passed nearby the military zone with a bag in his hand.

46) Aziz (Rıza) Albaşkara, Bingöl-21.09.98

A villager named Aziz Albaşkara (60) was wounded in fire launched by soldiers while he was grazing animals in the vicinity of Karaveliyan Village of Bingöl on 21 September. Later, he was taken to hospital. His daughter Medine Albaşkara said that the soldiers had told her that the incident was an accident.

47) Hayati Öztürk, Elazığ-11.10.98

On 11 October, demonstrations were held in many provinces of Turkey in the name of "Hand in Hand for the Freedom of Belief and Thought," in order to protest against the ban on wearing headscarves. While intervening in the demonstration held in Elazığ, soldiers opened fire on a minibus, killing the driver, Hayati Öztürk (35) and wounding two other persons. The incident reportedly took place as follows: During the demonstration, which was held under strict control of the soldiers and the police, a dispute arose between Hayati Öztürk, who was going to Malatya, and soldiers at Abdullah Paşa Junction regarding who was to stop on the road. Then, upon the orders by an officer who remained unanimous, soldiers launched fire on the minibus and the demonstrators. The driver of the minibus, Hayati Öztürk was killed in the fire, and two passers-by, Abdulsamet Sağlam (35) and Ramazan Bulanık (38) were wounded. Making a statement after the incident, Elazığ Governor said, "The incident had no connection with the demonstration. The wounded persons are the citizens who were going to Malatya in order to watch the football game between Malatyaspor-Elazığspor." However, Mazlum-Der disclosed that the soldiers had opened fire on the demonstrators.

48) İsmail Berrak, Hakkari Çukurca-15.10.98

Special team members launched fire on a group of children while they were picking up wood 500 hundred meters away Çukurca Primary School in Çukurca, Hakkari, on 15 October. A child named İsmail Berrak (12) died on the spot and his brother İsmet Berrak (11) was wounded.

49) İzzettin Zengin, Diyarbakır Kulp-29.11.98

A villager named İzzettin Zengin (65) was shot dead by village guards in the vicinity of Narlıca Village of Kulp, Diyarbakır, on 29 November. The village guards reportedly lied in ambush in the vicinity of the village upon an information regarding the PKK militants around, and they opened fire on İzzettin Zengin when he left his house at about 21.00. It was reported that the corpse of İzzettin Zengin could not be removed from the scene until the morning, and that the villagers had also launched fire on other houses in the village. As the firing continued until 03.00, the soldiers reportedly went to the region and took the village guards to the district center. After the incident, the State of Emergency Regional Governor's Office made the following statement: "One terrorist was captured dead in the rural area of Kulp district."

İzzettin Zengin's wife Havva Zengin disclosed that many of the villagers had left the village as they had been forced to become village guards, and she added, "In September, at the time of vintage, village guards have started to enter in the vineyards and plunder the grapes. My husband stopped them, and a dispute arose between them. Later the village guards began to threaten my husband saying, 'You will pay for this!'"

50) Volkan Koç, İstanbul-04.12.98

In Dolapdere Quarter of İstanbul, a youth named Volkan Koç (18) was shot dead by the police on 4 December on the grounds that "he disobeyed the stop warning." It was reported that the body of Volkan Koç, who had been shot with a single bullet, had been thrown into a back street in Taksim, and had been found by some other police officers patrolling in the region. Meanwhile, Mertan Sessiz, who was with Volkan Koç during the incident and who was wounded in his leg, was detained by the police. The family of Volkan Koç made a statement at the HRA İstanbul Office on 5 December. They said that their son had escaped from the

police as he had been previously convicted of a crime, and they held police officer Adil Özkaya, who is in charge at the Public Order Branch of Beyoğlu Police HQ as responsible for the murder.

d) Those who were killed after having been apprehended alive

One kind of extra-judicial executions was the killing of militants from the PKK and other organizations after they were captured alive. These executions mostly took place in the State of Emergency Region. It was very difficult to determine and verify these cases, but some incidents, which could be confirmed with the statements of the witnesses, were publicized. For example, making a statement to a newspaper, a person named Y. D. disclosed that he had performed his military service in Besta Station in Şırnak in 1997, and that a woman militant, who had been captured alive during a clash, in which 3 other PKK militants had died on 18 July 1997, had been killed later on. Y.D. said, "After the woman was captured alive, a NCO put his gun on her genitals, and fired the gun. Then, he showered her body with bullets." He also said that major Y. Koç, first lieutenant Mehmet and a mine expert, Özkan Aktekin, had cut off the breasts of women militants with bayonets after they had been killed in clashes. Y. D. said, "I don't know his name, but commander of Şırnak Division HQ came and ordered the burial of the corpses. However, torture on the corpses continued after the commander left. An explosion expert named Özkan Aktekin blew up the PKK militants with C-4 explosives. Reluctantly but as being frightened, the other soldiers and I threw the remnants down from a cliff. It was free to take photographs."

Y. D. also said that there were certain other cases he had witnessed or heard from others, and added, "We were on the way from Şırnak to Siirt. When we reached the Eşek Caves on the foothills of Mount Gabar, we met a team in charge in Siirt. The commander of the team told us, 'We captured 3 terrorists alive here. We put them in the cave they were staying and burnt them.'"

51) (PKK militant), Batman Sason-00.02.98

It was claimed that a PKK militant, whose name could not be revealed, was killed by security officers after having been apprehended alive in the vicinity of Sason, Batman, in the first days of February. It was reported that village guards from Yolüstü Village and soldiers had raided Bazıka Village of Sason, Batman, upon an information about a PKK militant who had been hiding in the barn of a house in this village. The soldiers, special team members and village guards surrounded the village and captured this person, whom later they had taken with them for a search in the area. The special team members reportedly machine gunned him when he did not show any place to them.

52) (PKK militant), Antakya Erzin-19.03.98

53) (PKK militant), Antakya Erzin-19.03.98

Six PKK militants died in a clash that took place in the region between Sofular Plateau of Gökdere Village of Erzin, Hatay, and Olukbaşı Plateau of Osmaniye on 19 March. Two PKK militants, who were captured alive during the clash, were reportedly killed by soldiers in Kuyruk Village, which is near the region where the clash took place, and their corpses were destroyed. One of the militants was reported to be a woman.

A villager said that he had heard gun shots at about 15.30 on 19 March, and related the incident as follows: "The clash continued until 18.30. Later silence prevailed. We could not leave our houses as we were frightened. After a while, soldiers came to the village and called us outside. All the villagers were gathered at the village square. They had also brought two persons, one of whom was a woman, wearing guerilla clothes. The soldiers said that 'they had killed 6 terrorists, that those two had been along with them, and they would kill them soon.' We did not think that they would be killed, but the soldiers shot the militants in front of all of

the villagers, saying that they had killed two of their friends. Some of the soldiers who fired at the militants also attacked on the corpses. They destroyed the corpses with bayonets and knives."

The corpses of the PKK militants were kept waiting in the clash area and in Kuyruk Village until the next morning, and then they were removed from the region with a vehicle from Erzin Municipality, which drove around in the district center for a while. The corpses were later exhibited in the yard of Erzin Gendarme Division HQ.

Meanwhile, it was reported that doctor Hakan Alpar from Erzin Health Center No. 2 and Erzin Public Prosecutor Necati Çakır had harshly criticized the soldiers when they had gone to the HQ for the autopsies. The witnesses stated that the prosecutor had told, "What brutality," and the doctor had told, "What you did is against humanity," and then a dispute had taken place when a first lieutenant had answered them.

Later, Alpar made a statement to the journalists: "As the assistant doctor, I went to see the corpses. The incident took place as it is related. The head of one of the PKK militants had been torn to pieces. The soldiers asserted that this was because of a shrapnel. Dr. Süleyman Doğar, another doctor Sadullah and I went to the gendarme station for the autopsies. We performed the autopsy there, and gave the necessary documents to Erzin Public Prosecutor in order to be sent to Adana SSC."

54) (PKK militant), Diyarbakır-17.04.98

PKK militants raided Küçükmezra Village of Diyarbakır on the evening of 17 April. One PKK militant was reportedly caught alive in the subsequent clash, and he was reportedly killed in Mermer Gendarme Station as he refused to become an informer.

The eye-witnesses disclosed that the PKK militant was about 20 or 25 years old, and that he had been dragged on the ground for a long while by the soldiers. The villagers also said, "The wounded PKK militant was continuously shouting while he was being taken away: 'They are going to execute me.' Later we heard that he had been killed in the station."

A morgue officer, who wanted to remain anonymous, said, "One of the arms of the PKK militant was broken, and this had been tied with a rope. There were bullet wounds on the leg, the back and the head. His brain had been completely destroyed with a bullet in the head. I saw that the pieces of the brain had been thrown into the dustbin by the police officers and an imam (religious officer) in charge at the morgue."

55) (PKK militant), Hakkari-29.06.98

It was claimed that a PKK militant named Hüseyin Yıldız had been killed after having been caught alive in a clash that broke out in the vicinity of Bağışlı (Xezekyan) Village of Hakkari on 29 June. It was also reported that Yıldız and 7 other PKK militants (one woman), who died in the clash, had been exhibited after having been hung on the windows of a farm which is 17 kilometers away from Hakkari.

The witnesses disclosed that Yıldız had been caught having been wounded in the leg, and that a NCO had shot him in the head with his gun without saying anything.

56) (PKK militant), Erzurum Hınıs-14.08.98

57) (PKK militant), Erzurum Hınıs-14.08.98

58) (PKK militant), Erzurum Hınıs-14.08.98

It was claimed that 3 PKK militants, who had been captured alive in a clash that broke out after a PKK attack against the Gendarme Station in Hınıs, Erzurum on 14 August, had been killed by security officers.

A villager named H. B. stated that clashes had taken place in the vicinity of Tapu Village after the attack against Hınıs Central Gendarme Station, and that a PKK militant, who had run out of bullets, had been caught by the soldiers who had subsequently shot him dead. The local people said that the corpse of the PKK militant, naked and torn in pieces, had been exhibited on a panzer all around the district center for one hour. They said that soldiers and special team members had shouted to them as follows: "We killed this one. We will also kill the ones who help these. Listen very well, you mean people. This is the carcass of a terrorist from Diyarbakır. If any one of you is from Diyarbakır here, dare come and take the corpse."

It was also reported that two PKK militants, who were hiding in the grass in the vicinity of Hınıs Kilisedere Quarter, had gone to the house of headman Alaaddin Kaya when they had been discovered by the people in the vicinity on 16 August, and they had been killed in the house of Kaya. Kaya related the incident as follows:

"My son woke me up at about 07.00 in the morning. When I went to the door, I saw two men standing with their guns in hand. They said that they would enter in the house and stay there. I wanted to know who they were. They said they were guerrillas. Later, they told me, 'A man saw us when we were hiding in the grass.' Later, they sent me to the man who had seen them. I heard gunshots after a while I left the house. When I turned back, I saw that one of them had been killed inside the house and the other outside in a clash."

On the other hand, it was reported that special team members had executed the PKK militants by shooting. They also said that the corpses had been stripped naked, and exhibited on a panzer in the district center for about 3 hours while military marches were being played. An eye-witness, N. Y., said, "I was taking my wife to the hospital. The people had stopped by the road. We saw two corpses on the panzer. The head of one of them had completely been destroyed, and the body of the other had been cut into two pieces."

A shopkeeper, Ş. E., said, "One of the special team members wanted us to shout slogans such as 'Damn with the PKK, Long Live soldiers.' When the people did not show interest, they started to kick the corpses until they fell down on the ground. Then they pissed on them. They were saying, 'You come here and piss on them too.'" A photographer disclosed that he had taken the pictures of the incident, but the police officers had seized the photographs on 17 August. He said, "We took pictures. It was terrible. Everywhere was covered in blood. The heads could not be recognized."

59) Zeynep Çiçek (PKK militant), Diyarbakır-21.09.98

It was reported that a PKK militant, Zeynep Çiçek, was killed by soldiers after she was caught wounded during a clash between Kulp and Lice, Diyarbakır, on 21 August.

A village guard who had participated in the clash, related the incident as follows: "During the search in the area after the clash, we found a wounded militant around 20 years old. Later, all of the soldiers started to gather there. They continuously questioned her about her friends, and where they had gone to and taken shelter. She could not speak as she was wounded. Despite this, they were kicking her. Later, they sent the village guards away from the spot. No later than one hour, 5 gunshots were heard. We knew that she had been executed by shooting. They put the corpse on a military vehicle, and took the body to Kulp district center."

Zeynep Çiçek's mother Bahar Çiçek, her sister Gülten Çiçek and her relative Mehmet Bayır were detained by soldiers when they went to Kulp in order to take her dead body on 24 August.

60) Rabia Sarıkaya (PKK militant), Sivas-Zara-02.09.98

It was claimed that a PKK militant named Rabia Sarıkaya had been captured alive in the vicinity of Kardere Village of Zara, Sivas, on 2 September, and then she had been shot dead.

Fatma Dilsiz, the aunt of Rabia Sarıkaya, stated that she had gone to Sivas in order to receive the body of her niece, and saw that the statements by officials of Sivas Gendarme Regiment HQ conflicted with each other. Fatma Dilsiz said, "We went to Sivas when we heard that my nephew had been killed. First, we could not receive any information regarding the whereabouts of the corpse. A soldier said, 'No clash has taken place here. Your daughter could be the one who was found dead by the road.' But the Prosecutor claimed that she had died in a clash. When we looked at her photographs published in the newspapers, we saw that she had been wearing guerrilla clothes in the one published in Türkiye and Milliyet newspapers. However, the pictures broadcast on the TV showed her with a yellow shirt and black pants. The report prepared by the prosecutor for identification read that there were blue jeans on her. All of the pictured showed her lying on the ground and with guns put in front her." Fatma Dilsiz said that there were traces of torture on the body of Rabia Sarıkaya, and added, "All her hair had been pulled out by the roots. Her body was in decay, and it did not seem to me as if she died a few days before. Fleshes were cut off from her legs. There were only 3 bullet wounds on her body." She added that none of the authorities had said anything about the date her niece had been killed.

61), Diyarbakır-00.11.98

62), Diyarbakır-00.11.98

63), Diyarbakır-00.11.98

64), Diyarbakır-00.11.98

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75), Diyarbakır-00.11.98

76), Diyarbakır-00.11.98

It was claimed that 16 PKK militants had been killed after they had been captured alive by soldiers in the vicinity of Kulp, Diyarbakır, in November. It was also asserted that some villagers had found the corpses of 3 of the militants and taken them to the village; and then the soldiers had raided the village and detained 5 people.

The incident reportedly took place as follows:

"Upon an information given to the military authorities about 16 PKK militants in the vicinity of Nerçik Village of Kulp, Diyarbakır, many soldiers from Kulp District Gendarme Battalion and Diyarbakır Seventh Army Corps were sent to the region. The soldiers captured 16 militants alive. They were taken to the

forest near Nerçik village, and tortured by the soldiers. In the evening, PKK militants were tied in their hands, and killed by soldiers, who later piled them up and left the region."

After the incident, villagers who went into the forest to fell trees on 13 December, reportedly found the corpses of the PKK militants, all destroyed by wild animals, and took 3 of them in order to bury in the village. Villagers named Ramazan Şener, Musa Şener, and Kasım and 2 others were reportedly detained for taking the corpses to the village.

It was also asserted that the soldiers had taken the 3 corpses back to the forest. The soldiers reportedly threatened the villagers, saying, "Anyone who dares to take the corpses and bury them will look like them. We have received orders to keep the corpses in the field."

e) Other incidentsw

77) Abdülkadir Acun, Mersin-26.03.98

A person named Abdülkadir Acun (38) was stabbed to death by a repentant militant, Abdülbaşir Ertaş, in Civanyaylağı Village of Bekirde, Mersin on 26 March. Abdülbaşir Ertaş was remanded the next day, and Mersin Public Prosecutor's Office launched a trial against him on charges of "intentional murder." Abdülbaşir Ertaş reportedly gave the following testimony at Provincial Gendarme Brigade HQ where he was kept in detention: "I came to Mersin about 22 years ago. I knew Acun for the last year. A dispute arose among us about 7 or 8 months ago when he started to assert pressure in the quarter in the name of the PKK. Because of his relations with the PKK, I did not tell him that I was a repentant. However, he was trying to take me under control and put pressure on me. We had a dispute when I opposed him. He and two other persons attacked on me and attempted to kill me. I used the knife in order to protect myself, and he died. When I first went to Mersin, I felt myself defenseless and without any protection. I never told Acun that I was a repentant, because of his affiliation with the PKK. But they had heard about it, and they were going to kill me for this reason."

It was reported that, subsequent to the incident, the gendarmes tortured Ayetullah Acun, the son of Abdülkadir Acun, and forced him to sign a statement under torture, which read, "My father had relations with the PKK. He was talking about collecting money and some other activities when certain people came to the house."

The indictment prepared against Ertaş asserted that "the exact reason of the murder could not be determined," and that "Abdülkadir Acun had evident relations with the PKK."

78) Ömer Dusak, Urfa-07.05.98

The dead body of Ömer Dusak, who was detained by gendarmes in Urfa on 1 May, was found in the vicinity of Pınarbaşı, Kayseri, on 7 May. It was reported that there were five bullet wounds in his head and body.

His brother Mehmet Dusak stated that Ömer Dusak had been detained by officials from the Gendarme Intelligence and Anti-Terror Unit (JİTEM) in the raid against their house, and that one of the soldiers was a NCO named Kadir. He said, "We were taken to court many times because we have a blood feud with the Bozkoyun family in Siverek, Urfa. A NCO named Kadir took us to the court several times. When gendarmes raided our house there were only my brother and women members of the family. The gendarmes said to the women that they would release him after receiving his testimony. We applied to Urfa Governor's Office, Police HQ, Regimental Command and Public Prosecutor. Our appeals went unanswered. We learnt that my brother had been found dead in a canal in the vicinity of Pınarbaşı. We've heard that the

white car, Doğan SLX, which had been used by murderers while raiding our house, had been given them by the Bozkoyun family." He added that they had heard that the NCO named Kadir had been detained.

Upon the official complaint lodged by the family of Ömer Dusak, NCO Kadir Karaca and some members of the Bozkoyun family were detained. Subsequently, Kadir Karaca, Ali Bozkoyun and Demo Bozkoyun were remanded. Urfa Public Prosecutor's Office launched a trial against them with the accusations of "killing Ömer Dusak." The trial started at Urfa Criminal Court No. 2. On 1 October. Kadir Karaca's wife Sevim Karaca, who was heard as a witness at the hearing, stated that her husband had called her on the day of the incident, and told her that he had gone to a house in order to end a dispute between families Dusak and Bozkoyun, and that Ömer Dusak had been killed near him at that moment. Kadir Karaca also, taking the floor during the hearing, claimed that Ömer Dusak had been killed by members of Family Bozkoyun. However, intervening lawyers alleged that the family Bozkoyun had given a car to Kadir Karaca as a gift after the incident, and that Kadir Karaca had killed Ömer Dusak for money.

Meanwhile, Bülent Dusak and Mehmet Dusak, the relatives of Ömer Dusak, were detained in Urfa on 14 September. They said that the police officers and soldiers had threatened them in connection with the trial. They disclosed that they had been tortured in detention, and the police officers had taken them to Urfa State Hospital before releasing them, and that they had been given medical reports stating that they were not tortured.

79) Murat Yazgılı Utangan (soldier), Urfa-18.05.98

Murat Yazgılı Utangan, an enlisted man in charge at Siverek Prison, Urfa, shot dead NCO Erdoğan Ekmen, on 18 May. He fled after the incident, but he was shot dead by security officers in the vicinity of Kızıklı hamlet, Çaylarbaşı village, on 19 May. The official sources claimed that he was shot dead because he had opened fire at the security officials. The witnesses stated that Erdoğan Ekmen had beaten all of the soldiers under his command, and Utangan had killed him with his rifle when he had swore at him.

80) Erdal Aksu, Ankara-29.10.98

Erdal Aksu (35), who hijacked a plane, Ayvalık, of the Turkish Airlines that was traveling from Adana to Ankara at about 20.50 on 29 October, was killed in the operation by special team members. Erdal Aksu, who was carrying a fake ID with the name Mürsel Peker, reportedly wanted to land in Lausanne, Switzerland. However, the pilots convinced him that they had to land in Sofia because of insufficient fuel, and they landed the plane at Ankara Esenboğa Airport, where all lights were turned off. Some officials speaking Bulgarian convinced him that the plane was landed in Sofia. At around 04.35, Aksu released 7 of the 34 passengers, two being children. Meanwhile, the special team members entered in plane, and changed places with some passengers. Later, they killed Aksu while he was speaking to ground control. Making a statement after the incident, Ministry of Transportation Arif Ahmet Denizolgun said, "We got over the incident without disaster. None of the citizens were hurt. The terrorist was annihilated."

It was claimed that Erdal Aksu was a PKK militant and he was responsible for the killings of 3 teachers he lived in the same house with, namely Enver Kaya, Cevahir Kaya and Songül Haşçelik, and wounding another, Hikmet Kaya, in Diyarbakır on 20 February 1995. It was also asserted that he was the one who killed a police officer, Kurbanı Akboğa, while running away after the incident.

g) Those wounded

In 1998, several people were wounded and some were disabled due to random fire opened by the security forces on demonstrators, people, houses, vehicles or during the raids for several reasons. Following are some examples for these incidents:

Rabia Bayur (13)

Soldiers waiting on duty on the border between Nusaybin, Mardin and Kamışlı in Syria, opened fire on a child named Rabia Bayur while she was picking up dried dung around 15.00 on 5 January. She was wounded in the right foot, but the soldiers did not take her to a hospital for about 2 hours. She was hospitalized upon the reactions of the people who gathered around.

It was reported that 3 police officers, one of whom was in plainclothes, had gone to the hospital in the morning of 6 January, and after asking how the incident taken place, they had forced the parents of Rabia Bayur, Kutbettin Bayur and Şükran Bayur, to sign a document in which they accepted that "unknown persons had opened fire." Upon this incident, her parents took her out of the hospital before she was given the necessary medical treatment. On 7 January, two police officers from Nusaybin District Police HQ went to the house of Bayur family, and threatened them in order to avoid any application being made to the HRA and other organizations.

Ferdi Müslüm

A person named Ferdi Müslüm, selling bread rolls on İstanbul Fatih Sultan Mehmet Bridge, was shot and wounded by a municipality officer named Mevlüt Şam. Şam reportedly took out his gun and shot Şam when the municipality officers were chasing peddlers.

Hüseyin Şengül

A fisherman named Hüseyin Şengül was shot in the leg by a NCO named İbrahim Cura in Aliğa, İzmir on 10 August. Cura reportedly warned the fishermen Hüseyin Şengül, Süleyman Kara, Refik Kirazoğlu and Levent Akçay for they were fishing in forbidden waters across the TÜPRAŞ Refinery, and the fishermen took shelter in Fishermen Port. Cura could not enter the Port with the coast guard boat, and he opened fire when the fishermen resisted him in order not to give up their catch. Cura was released after testifying at Aliğa Police HQ.

Cemal Cansever, Sadrettin Fidan

Mortars fired from the Gendarme Station in Güllük village of Saray, Van, hit some houses in Koçbaşı village at about 18.00 on 28 August. Three houses, one belonging to Abdulhadi Özgül, were reportedly destroyed. Cemal Cansever and Sadrettin Fidan were wounded in the explosions.

The villagers disclosed that the soldiers had told them that they had fired the mortars on the grounds that there had been a clash, but no clash had taken place in the region. About one thousand villagers in the vicinity of Satmanis village at night during the mortar fire, and they were allowed to return to their homes the next day.

Serkan Duruş

On 31 August, police officers opened fire on 3 people, who were allegedly driving around in a stolen car, on the grounds that they did not obey the stop warning on 31 August in Pendik, İstanbul. Serkan Duruş, who was wounded on the back of the neck, and Yılmaz Tiryaki, who jumped into the sea while running away, were detained by the police. The third person managed to escape. Duruş was detained after having been given the medical treatment.

Behçet Kuruca (16)

A child named Behçet Kuruca was wounded in his head and the leg in canon fire in the rural area around Savur, Mardin, on 23 September. Kuruca was taken to Mardin State Hospital.

Hıdır Okur, Hıdır Güngör, (child)

Soldiers opened fire on 3 persons in the vicinity of Tunceli at about 19.30 on 27 September, wounding Hıdır Okur, Hıdır Güngör and his daughter, whose name could not be revealed. The villagers were reportedly searching for their cattle in the area. A horse was killed in the fire.

Cuma Eğilmez (13)

A shepherd named Cuma Eğilmez was wounded by soldiers patrolling in Eğil, Diyarbakır on 9 October. The soldiers reportedly killed 9 sheep. Also it was asserted that the soldiers had asserted pressure on the members of Eğilmez family in order to force them to sign a document which read that "the fire had been launched by unknown persons."

Hayati Ülke (43), Müjgan Uysal (38)

Soldiers on guard in Sarıcaeli Military Ammunition Depot around Çanakkale Airport opened fire at a vehicle that entered the region on 29 November. Driver Hayati Ülke and Müjgan Uysal were wounded in the fire. Hayati Ülke lost 3 fingers and Müjgan Uysal was wounded in the head.

5.3

MURDERS BY UNKNOWN ASSAILANTS

The number of the "political murders by unknown assailants" had started to decrease in 1995, and such decrease continued in 1998 as well. In 1998, 45 people died in political murders by unknown assailants (As determined by the HRFT, 423 people died in political murders by unknown assailants in 1994, 166 in 1995, 113 in 1996, and 65 in 1997). According to the observations by human rights defenders, the main reason of the decrease in the State of Emergency Region was that such attacks fulfilled their aim of intimidating the dissents and the public. A significant part of the imams, teachers, political party executives, trade unionists, human rights defenders and journalists was either killed or expelled from the region or intimidated. Another reason may be that members of the Hezbollah, which was stated to have "been out of control and lost its function" (esp. the *İlim* wing) were apprehended. In parallel with the decrease in the number of murders by unknown assailants, there was also decrease in the numbers of extra-judicial executions and deaths due to torture.

In Turkey, no comprehensive investigation or prosecution was initiated in connection the murders by unknown assailants that were undertaken as counter-guerrilla activities. Rather, officials stated that "the state does not commit murder or be involved in dark affairs". The continually denied the existence of the JİTEM, which was believed to be involved in murders by unknown assailants, disappearances and narcotics trafficking.³⁹ However, in some countries there were legal initiations undertaken against "counter-guerrilla-gladio" type organizations that were established in almost all of the NATO countries in the cold war era. For

³⁹ However, the phonebook printed by Gendarme General HQ in 1994 contained the office and switchboard phones of Diyarbakır, Mardin and Urfa JİTEM group HQ. Besides, the communication for thanks sent by then-Gendarme Public Order Regional Commander General Hikmet Köksal on 22 February 1990 to Major Ahmet Cem Ersever, who was known to be the founder of the JİTEM (killed in 1993), was addressed as follows: "A. Cem Ersever Gendarme Major 972-69 Gendarme Intelligence and Anti-Terror Team Commander. Silopi/MARDİN."

instance, former Spanish Prime Minister Felipe Gonzalez was put on trial at the Supreme Court on charges of commanding the "Anti-terror groups" called GAL in short and ordering the abducting and killing of some people. On 22 March 1997 the Spanish Supreme Court sentenced then-Minister of Interior Jose Barrionuevo and Ministry of Interior Undersecretary Rafael Vera to 10 years in prison based on the documents provided by the military intelligence organization CESID. The court also sentenced 9 former high ranking government officials to 2 years to 10 years in prison.

However, the report prepared by the Prime Ministry Inspection Board in connection with the developments arising following Susurluk accident, contained information confirming the arguments which were pronounced for years by human rights defenders, certain politicians and journalists in connection with the murders by unknown assailants. In some sections of the report which were first censured and then disclosed, it was stated that numerous people including journalists were killed by the "gangs" formed by police officers, village guards and repentant militants (see the chapter on "Susurluk Scandal"). On 22 January, then-Prime Minister Mesut Yılmaz said: "It is obvious that when the people who were put on trial before the courts dies under bridges although they are under police custody, this is not a case of murder by unknown assailants."⁴⁰

The report by the Prime Ministry Inspection Board was completed in January and publicized partially. It started with the following sentence: "The bombing of Özgür Gündem newspaper in İstanbul, the killing of Behçet Cantürk, the killing of writer Musa Anter in Diyarbakır, Tarık Ümit incident in İstanbul, the attempted coup in Azerbaijan, the murder of Hikmet Babataş in Bodrum, the kidnapping of Mehmet Ali Yaprak in Gaziantep, and the loans by the banks amounting to several trillion TL are all different facets of the incident occurring in." Kutlu Savaş, the author of the report, answered the question, "What is Susurluk incident?" as follows: "Murders by unknown assailants have stopped suddenly since November 1996. That is Susurluk." And as for the killing of Kurdish businessmen, Savaş said: "The beginning of Susurluk incident may be hidden in a sentence uttered by then-Prime Minister Tansu Çiller. She had said: 'We have the list of businessmen who aid the PKK.' Afterwards the executions started. Who gave the orders for the executions?" The report investigated the police, the gendarme and intelligence organizations which took part in the formation of the counter-guerrilla organization and the Mafia formations; although the report implied that the perpetrators of some "murders by unknown assailants" or their seniors were met, no investigation was launched in connection with murders by unknown assailants.

After the report was disclosed, the relatives of many people who were killed between 1993 and 1995 took initiatives. The relatives of those who were killed by unknown assailants stated that they would use the report by the Prime Ministry Inspection Board as evidence in the trials pending at the European Commission of Human Rights and the European Court of Human Rights or they would bring actions against the State for compensation. For instance, Mesopotamia Cultural Center Executive Board Chairman Nuray Şen, the wife of Mehmet Şen who was kidnapped in Antep on 26 Mart 1994 and whose body was found four days later, stated that she would launch an official complaint against the State. Nuray Şen noted that she would submit the report on Susurluk as evidence to the trial pending at the European Court of Human Rights in connection

⁴⁰ In a house raid in Yenişehir quarter of Diyarbakır on 18 March 1994, owner of the house Halil Ay, his relatives Mehmet Ay, Hilal Ay, Hüsnüye Ay, Evin Ay and Berfin Ay and also guests Tüm Sağlık-Sen (Trade Union of Health Workers) former Branch Chairman Necati Aydın, his wife Süheyla Aydın, Yasemin Aydın and Deniz Aydın were detained. Those other than Mehmet Ay and Necati Aydın were released on 22 March 1994. No information could be obtained after Aydın and Ay were transferred to Diyarbakır SSC Public Prosecutor's Office on 4 April 1994. The initiatives by Şemsettin Aydın, the father of Necati Aydın, produced no result. The corpses of Aydın and Ay were found in the vicinity of Pamuk river on Diyarbakır-Silvan highway on 9 April 1994. Upon statement by Mesut Yılmaz, Lawyer Sezgin Tanrıkulu, who saw Ay and Aydın last time at the SSC, said: "I saw them waiting in the corridor at that time. We informed their families who were waiting outside. But, they were released by the Public Prosecutor's Office, and taken out from the back door. Then their corpses were found under the bridge. Kutlu Savaş refers to these murders."

with the killing of Mehmet Şen, and said: "It is no use to launch a new trial. However, we will submit the statement by Yılmaz as evidence for the trial to be heard in March at the European Court of Human Rights."

Following the statement by Yılmaz, Necdet Buldan, the brother of businessman Savaş Buldan, who was killed along with Kurdish businessmen Hacı Karay and Adnan Yıldırım on 3 June 1994, stated that they were planning to launch a trial against the Government and that they would submit the report on Susurluk as evidence for the trial pending at the European Court of Human Rights. Necdet Buldan said: "Following our application, the Court demanded the defense from the Government. However, the Government argued as usual that the murder was not a political one, the State would not commit murder and the murder was a result of internal clash." Buldan, noting that trial of the gang members mentioned in the report on Susurluk was not important, said: "The main thing is that murders committed by the State were revealed. They are documented in the report. I don't believe that they would prosecute the murderers; since if they talk, they would point to Ağar and Çiller, who would in turn point to Demirel."⁴¹

Meanwhile, after the report was disclosed and the relatives of those killed took initiatives, Yığılca (Bolu) Public Prosecutor's Office, conducting investigations in connection with the killing of Adnan Yıldırım, Hacı Karay and Savaş Buldan in 1994, took the testimonies of Security Intelligence Department former Deputy Director Hanefi Avcı and former intelligence officer Korkut Eken in March. The Public Prosecutor's Office confronted the people who witnessed the abduction of Buldan and his friends with Ayhan Çarkın, Oğuz Yorulmaz and Ercan Ersoy, the special team members on trial in connection with Susurluk trial, in Metris Prison. But, this was unproductive.

Selim Okçuoğlu, the lawyer of Yıldırım family, also applied to Yığılca Public Prosecutor's Office and filed a official compliant demanding the prosecution of then-Prime Minister Tansu Çiller, Security General Director Mehmet Ağar, İbrahim Şahin, Ayhan Çarkın, Oğuz Yorulmaz and Ercan Ersoy. In his compliant, Selim Okçuoğlu stated that there were frequent references to murders by unknown assailants in reports prepared both by the MİT and by Prime Ministry Inspection Board following the accident in Susurluk. Making references to the testimony given by Security Intelligence Department former Deputy Chairman Hanefi Avcı to the Parliamentary Commission of Investigation into Murders by Unknown Assailants, he stated that Avcı had told that several police officers from Special Operations Department, in collaboration with the MHP supporters and several civilians, had killed dissent people. He also indicated that in the testimony given by Cemalettin Ümit, the uncle of MİT former official Tarık Ümit, to the Susurluk Commission in the Parliament, Cemalettin Ümit said that he though that Tarık Ümit had played a role in the killing of Savaş Buldan, and that no other person than his nephew could know the environs of Yığılca.

In the complaint filed by Okçuoğlu, it was stressed that Tansu Çiller had made the businessmen as target by claiming that they aided the PKK; that then-Security General Director Mehmet Ağar was the planning man of the crime organization; that İbrahim Şahin was involved in gang activities, special team members Çarkın, Yorulmaz and Ersoy were gunmen, and therefore they all should be prosecuted.

Radical pro-Islamic Hezbollah organization, the name of which was frequently mentioned in connection with murders by unknown assailants in the State of Emergency Region and which carried out its attacks "under protection by security forces," was also on the agenda in 1998. The long-time dispute between two factions of the Hezbollah, known as "*İlim*" and "*Menzil*", continued in 1998.

In operations carried out occasionally in the State of Emergency Region, certain people were detained charged with being "members of the İlim or Menzil wings of the Hezbollah." Official statements

⁴¹ After then-Prime Minister Tansu Çiller stated on 4 November 1993 that "they had a list of businessmen supporting the PKK financially", Adnan Yıldırım, Hacı Karay and Savaş Buldan were kidnapped by unidentified people in Istanbul on 3 June 1994. Their bodies were found in the vicinity of Yığılca, Bolu on 4 June.

claimed that numerous cases of murders by unknown assailants had been solved as a result of the interrogation of those apprehended and that they had been involved in numerous cases of killing, wounding and bombing. However, no statement was made as to the solved murders by unknown assailants. No serious result was obtained at the end of the prosecutions against such people.

The State of Emergency Region Governor's Office stated in November that 2,433 Hezbollah militants were apprehended in the operations against the Hezbollah in the State of Emergency Region in 6 years. 1,074 of them were arrested and 1,359 of them were released pending trial. In the statement, it was claimed that interrogation of those detained solved 275 murders and 269 cases of injuries.

Murder of Rıdvan Özden

The investigation started by Diyarbakır Military Prosecutor's Office due to the murder of Mardin Provincial Gendarmerie Regiment Commander Colonel Rıdvan Özden on 19 August 1995 in the vicinity of Ormancık village about 25 kilometers away from Savur, Mardin was concluded in February with a decision of "non-prosecution."

The official complaint filed with Mardin Public Prosecutor's Office by Tomris Özden on grounds that her husband Rıdvan Özden's death had suspicious aspects had been sent to Diyarbakır Military Prosecutor's Office with the decision of "non-prosecution and non-jurisdiction". The Military Prosecutor's Office had heard Captain Latif Geren and Hurşit Can due to the statement that "Rıdvan Özden was murdered by Gendarmerie First Lieutenant Hurşit Can and his three friends" within the scope of the investigation. No legal proceedings had been initiated in connection with Mahmut Yıldırım, code name "Yeşil," and Mardin Provincial Gendarmerie Regiment Assistant Commander Celal Kısa, who were mentioned to have involved in the murder of Rıdvan Özden. During the investigation, it was found out that Hurşit Can was "in prison on grounds of another crime" during the event.

Murat İpek, a repentant PKK militant whose name was involved in Susurluk report, had claimed that Lieutenant Colonel Celal Kısa took part in such affairs as narcotics trafficking and tribute collecting, and Özden did not allow him to continue his affairs in Mardin. Murat İpek had alleged that Özden was killed by a gunman named İsmail Yeşilmen upon the order by Lieutenant Colonel Kısa.

Murder of Uğur Mumcu

No conclusion was reached as a result of investigations pursued after Cumhuriyet newspaper columnist Uğur Mumcu was killed in a bombing on 24 January 1993. Some people alleged the PKK, Hezbollah or international gun smugglers-drug traffickers killed Mumcu. However, claims and doubts that Mumcu was killed by "conspirators within the state" or at least that they were aware of the assassination were also permanently uttered. For example, Chairman of the Parliamentary Commission of Investigation into Assassination of Uğur Mumcu, Ersönmez Yarbay made a public statement on the anniversary of the murder, 24 January and blamed Istanbul Security Director Necdet Menzir. Yarbay said "Mumcu had much information on both the drug traffickers and gun smugglers as well as some of the gangs acting within the state. The gangs had quarrels among them. They were able to kill Mumcu, who had much information and many documents at hand, very easily". Yarbay said the proof of this claim was that no legal proceeding was conducted against some public officers against whom they had filed official complaints in the report issued by Mumcu Assassination Commission in the Parliament on 4 June 1997. Yarbay said one day before the assassination 68 kilos of "RDX C4" explosives were seized. He added: "A week after a connection theory between the explosives and the event in Ankara (Uğur Mumcu murder) was established, 43 kilos of the explosives were destroyed. 25 kilos of explosives were not recorded. The suspects whom the explosives were found with are not being put on trial for the time being. Menzir has to explain what these explosives are. The explosives event may illuminate the investigation upon Mumcu murder."

Yarbay reminded the report issued by Mumcu Commission was sent to all concerned authorities including Ministry of Justice, Ministry of the Interior Affairs, and Ministry of National Defense and official complaints were filed against the public prosecutors and bureaucrats who delayed the investigation. He said "Nobody did anything until now. In response to my official complaints, they gave evading answers such as 'everyone did their jobs'." Yarbay reminded some people from the MIT and Security Intelligence Department testified before the Susurluk and Mumcu Commissions in the Parliament and they spoke in other platforms with some additional information. He defended that their testimonies were not complete and were misleading. Yarbay said, "When you ask why the information they give is not complete, they hide behind the concept 'secret of the state'. We cannot reach anywhere by such an attitude. They mislead both the Commissions in the Parliament and the courts." Yarbay said, "Some minimal information may help illuminate some events. To give an example, Mehmet Eymür said 'I spoke to some extent.' This means 'if I speak more, you will get into trouble. Be careful'. All those should be considered and the concept 'the secret of the state' should be modified. If this modification takes place, not only Mumcu event, but also many murders by unknown assailants such as Muammer Aksoy and Bahriye Üçok events could be illuminated".

The studies of the Mumcu Assassination Commission in the Parliament, which was established in January 1997, were concluded in June 1997. The following opinions were included under the conclusion part of the Commission report:

- Mumcu, who was a target due to his articles on the PKK, organized crime organizations and destructive elements was not protected in spite of the fact that he was threatened.

- The working room, tapes and floppy diskettes which would take us to findings which could make us illuminate the event, were not examined.

- The persons who called him from his office, house or the newspaper building within the period two or three months before his death were not determined.

- Intelligence deficiency occurred both before and after the assassination.

- The detention minutes of the Islamic Movement Organization militants who were detained in Istanbul after the assassination were tampered with in order to pretense that the detentions had taken place before the murder.

In 1998, despite no concrete steps were taken in connection with illumination of the murder, interesting developments occurred. For example, the testimony of a MHP adherent who made an application to Ankara SSC Public Prosecutor's Office and claimed he was one of the five persons who planned the Mumcu murder was heard at the prison in Dusseldorf, Germany by SSC Prosecutor Hamza Keleş. It was reported that Hamza Keleş went to Germany in January and after his return to Turkey, he conducted investigations in Antalya, Istanbul, Antep and Diyarbakır. Within the scope of the investigation, three siblings of the businessman from Gaziantep, Mehmet Ali Yaprak, who was under arrest at that time and who was told to have involved in certain events in connection with Susurluk,⁴² were detained on 11 February. In addition, M. Ö. in Diyarbakır, M. Y. Ü. in İçel and a chief superintendent at Antep Police HQ were detained. Nevertheless, no results came out from the investigation.

⁴² Susurluk report accused Yaprak of international narcotics trafficking, manufacturing a amphetamine named Captagon, marketing it to Syria and Saudi Arabia and providing financial assistance to Mehmet Ağar amounting to 500 billion TL. The report also included opinions such as Yaprak was kidnapped by a group organized by Abdullah Çatlı for money.

Velit Hüseyin was found dead in Telkabin (Başköy) village of Silopi, Şırnak on 2 March.⁴³ No beating evidence was found on his body. The report issued by the doctor of the village on 4 March claimed that Velit Hüseyin had died of epilepsy. Velit Hüseyin had been mentioned as the person who had put the bomb on Uğur Mumcu's car in the testimonies of repentant PKK militants Murat İpek and Murat Demir before the Parliamentary Commission of Investigation into Murders by Unknown Assailants.

Başköy village headman Eyüp Kasel said they went to the scene after the soldiers informed him and they had seen Velit Hüseyin's body. The authorities stated the body was sent to Diyarbakır for an autopsy as they suspected of poisoning. They said some parts of the body had been sent to Ankara as well.

In his testimony before the Commission in the Parliament, repentant Murat İpek said that he had known Velit Hüseyin from Diyarbakır Prison in 1992. He said the following about him: "He is known as an expert on explosives within the organization and the state had used him in this respect many times. I went to Şırnak short after I was released, and this man came there. There was a person called Brother Erhan in MİT, the responsible for Cizre in MİT. He was introduced to Erhan. Afterwards, he was frequently seen in their car. He got far from us. That is, he got far from the security and military forces".

The other repentant, Murat Demir had stated Hüseyin had called him from Doğanşehir, Malatya a short time before Mumcu murder. He said "He had a friend from MİT called Erhan with him. Another person from MİT called İbrahim and a repentant friend called Kadir Karataş were also with them. Kadir lives in Van. He is also among the personnel of the JİTEM. We went to the house of Kadir. We had a chat. During the chat that night, Kadir told us Mehmet Eymür and Korkut Eken had called them for Mumcu event; he had been in Şırnak in that period and had gone from Şırnak to Malatya; he had taken 33 C-4 bombs from Aytekin's house and taken them to Ankara; he had connected one of the bombs to the wipers, one of them to the starter and one to the trunk".

Demir's claims regarding the reasons for the murder of Mumcu read as follows in the report: "He told us that Mumcu had been killed as he had solved a familiar gang; there were thousands of guns seized in Eastern and Southeastern Turkey, 100 thousand guns were taken to the MKE (Mechanical and Chemical Industry Enterprise), their pin and mechanisms were changed and their serial numbers were erased before they were given to the KDP (Kurdistan Democratic Party) and the KDP gave base morphine in exchange to some people; Mumcu had discovered this; he had found the documents; the gang threatened Mumcu permanently and he knew he would be killed; Velit Hüseyin had called Mumcu and threatened him 'You will die'; he had done this as a psychological tactic in order to frighten Mumcu; thus they had aimed at preventing him going out and using the car".

Ten days after the Commission in the Parliament was formed and the explanations of repentant militants İpek and Demir came, the State of Emergency Region Governor's Office sent a communication to Mumcu Commission, claiming that Hüseyin had been deported by Silopi Penal Court of First Instance for a breach of the Passport Law.

After the death of Velit Hüseyin, some people claimed in August that one of the well-known mafia bosses, Alaattin Çakıcı had also involved in the Mumcu murder. Chairman of Mumcu Commission Ersönmez Yarbay said, "During our commission's study, we were notified that Alaattin Çakıcı took a room in Ankara Hotel and left it on the date of the assassination. We examined the event, and found out that Çakıcı stayed at Ankara Hotel room No. 806 on 22 and 23 January 1993. The assassination happened on 24 January. We

⁴³ After the death of Velit Hüseyin, it was reported that Mahmut Yıldırım, "Yeşil," was in Silopi on that period. CHP MP Sinan Yerlikaya made a public statement on 5 April and said "Velit Hüseyin was killed by the gang. Because if this person had been taken before any authority, he would have blamed some of the persons in charge at the state mechanism. Thus, state-gang-murders by unknown assailants chain would have become evident".

could not go any further. If Çakıcı is taken to Turkey, he must be interrogated with regard to Uğur Mumcu murder too".

Lawyer Ceyhan Mumcu, the brother of Uğur Mumcu said that certain steps had been taken in the course of the investigation and for the apprehension of the assailants, but some magic hand had prevented this. Mumcu alleged that Alaattin Çakıcı could be killed. He said, "First, Hüseyin Baybaşı said he would talk about Uğur Mumcu murder, but he did not yet. After that, Tevfik Ağansoy said, 'I will disclose the facts about Uğur Mumcu murder' and was killed after a short time. After this statement, we lodged an official complaint to the Public Prosecutor's Office. However, the prosecutor did not carry out the necessary proceedings. Although Ağansoy was a draft evader, they inquired at which military unit he had served; thus they wasted time. He was killed until the SSC Prosecutor found his address. Now Alaattin Çakıcı is in a similar position. I think he will make some statements. I hope he doesn't have a fate similar to Ağansoy's."

The first concrete step after the assassination was taken in late 1998. Abdullah Argun Çetin, who had been heard by Ankara SSC Public Prosecutor's Office and then released in 1997 and against whom an arrest warrant in absentia had been issued right after his release, was detained at İstanbul Atatürk Airport when he came from Romania on 11 November. Ankara SSC Public Prosecutor's Office brought a suit against Abdullah Argun Çetin on grounds that "he involved in Mumcu murder." The prosecutor requested the death penalty for Çetin on charges of "involving in a premeditated murder" (TPC 450/4, 65/3) and "being a member of the gang formed in order to commit crime" (TPC 313/1).

According to the indictment, Çetin was arrested upon an information which claimed that he would assassinate Prime Minister Mesut Yılmaz's wife Berna Yılmaz or his brother Turgut Yılmaz instead, journalist Emin Çölaşan, MP Cavit Çağlar's son Mustafa Çağlar and businessman Ali Balkaner's son Hakan Balkaner. The indictment reported the suspect was trained on C-4 explosives in Gence, Azerbaijan in 1992. The justifications in connection with bomb assassination and subsequent developments reads as follows in the indictment:

- *Çetin, accompanied by persons called Atakan and Tekin, went in two vehicles 2 or 3 days before 24 January 1993 to the street where Mumcu's house was. Atakan asked whether the slope of the road was available, and the suspect said slope was available.*

- *The persons in the same car with the suspect and the persons following them in a minibus went to Karlı Street for a reconnaissance in order to find out the possible restriction, and to understand whether the slope of the road was appropriate for planting a bomb on the car. The suspect did not give information about the persons in the minibus. As a result of the reconnaissance of the region at Karlı Street, it revealed that the suspect went abroad along with Atakan the same day and that Mumcu's car exploded the next day. Çetin said he received 5 thousand dollars for his reconnaissance and for giving information about the scene.*

- *The investigation still goes on since the primary assailants of the incident could not be determined. Çetin's involvement is a subsidiary one. The action of the suspect was one that facilitates the commitment of the crime.*

- *The expertise report in the case file dated 27-29 January 1993 reads that RDX-C-4 plastic explosives might be used in the event. The suspect also said in his statement that he had been trained on C-4 plastic explosives and knew to connect them with mercury fuse; and that they had practiced a reconnaissance before the event. The expert report dated 3 December 1998 states that C-4 plastic explosives might be connected with mercury fuse. Thus, there is parallelism between the statements of the suspect and the technical findings.*

- *On the other hand, when it is considered that Atakan, Tekin and people who could not be identified went to the scene along with the suspect on two vehicles; that plastic explosives were used in the event and*

that he went abroad after the reconnaissance, it is understood that the crime was committed by people who had participation in the action constitute a gang, disciplined and in permanent cooperation through commitment of a crime. Thus we understand that the suspect is a member of the gang.

- Çetin has relations with Mahmut Yıldırım with the code name "Yeşil" whom he was introduced in 1992 and Sebahattin. He was seen Yeşil in Budapest train station. Upon Sebahattin's request, he wanted from Yeşil the list of repentant militants list consisting of 18 people which he had taken from the murdered Major Ahmet Cem Ersever.

- Çetin saw Sebahattin, Müfit and Selçuk Güneş, who has a counterfeit identity card bearing the name "Hasan Mutlu" on 28 October 1998, at Capitol Business Center in Istanbul. In that place, Sebahattin told about "3X11-6H" formula to the suspect and they planned to carry out attacks against 6 people at 11.00 a.m. on 11th day of 11th month of 1998.

- Suspect Abdullah Argun Çetin received a passport from the Police HQ in Tokat, went to Romania from Esenboğa Airport on 7 November 1998 and wanted the list from Mahmut Yıldırım in Constanta. Yeşil had given the list in exchange for money, and Çetin took this to Sebahattin in Romania.

- They decided at the hand of Sebahattin to give 250 thousand dollars after the actions were realized in return for his connections in the gang.

- We found out that Abdullah Argun Çetin went to the Turkish Embassy after he gave the list to Sebahattin in Romania; told about the assassination event and afterwards entered Turkey from Yeşilköy Airport on 11 November 1998. The letters of Security General Directorate in the file, testimony of the suspect and his passport, when considered together, reveals that a gang was formed for assassination purposes. The suspect is also a member of the armed gang.

In July, the Supreme Administrative Court upheld the decision of Ankara Administrative Court No. 4 which decided that the Ministry of the Interior Affairs should pay a compensation totaling to TL 5 billion 55 million to Uğur Mumcu's family for pecuniary damages. However, the Supreme Administrative Court quashed the non-pecuniary compensation decision amounting to TL 5 billion. After the murder of Uğur Mumcu, her wife Güldal Mumcu and their children had opened a trial at Ankara Administrative Court No. 4, which decided on a compensation for pecuniary and non-pecuniary damages for the negligence of from the Ministry of Interior in the incident. The Ministry of the Interior Affairs and Mumcu family had appealed against this decision. In its judgement, the Supreme Administrative Court Department No. 10 put forth that it was obligatory as per the "Anti-Terror Law" numbered 3713 that "...persons who become or are made open targets of the terrorist organizations should be protected by the state".

Political Murders by Unknown Assailants

Following is the information compiled by the HRFT about the murders by unknown assailants committed in 1998:

01) Suat Erciyes, Diyarbakır-06.01.98

Suat Erciyes (24) died as a result of an armed attack against him in Kaynartepe quarter of Bağlar, Diyarbakır on 6 January. It was claimed that the attack was an internal clash between İlim and Menzil wings of the Hezbollah.

02) Vazıl Hayvarapulos, İstanbul-12.01.98

The body of Vazıl Hayvarapulos, a watchman in a church in Sultanahmet, İstanbul, was found in a well in the garden of the church on 2 January. Vazıl Hayvarapulos reportedly disappeared following the fire in the church on the same day.

03) Abdurrahman Yaşa, Diyarbakır-14.01.98

Abdurrahman Yaşa died in an armed attack in Ofis quarter of Diyarbakır at about 13:40 on 14 January. During the incident Yaşa opened fire in response, and Emin Kut and a person named Alpay Akelman, who was on the spot by chance, were injured from stray bullets. The Police HQ claimed that the incident was a blood feud.

04) Sami Esmer, Diyarbakır-24.02.98

Sami Esmer was killed by unidentified people in Malikahmet quarter of Diyarbakır on 24 February.

05) Veli Demiryürek, Tokat Reşadiye-06.03.98

Veli Demiryürek, headman of Saraykişla village, Reşadiye, Tokat, was killed by unidentified persons on 6 March.

06) Akın Uygur, Batman-17.03.98

07) Mehmet Dal, Batman-17.03.98

2 people died and 2 people were wounded in a armed attack in Batman at night on 17 March. Akın Uygur, the owner of bookstore named Islam on SSK Hospital Street, died; and Davut Kersin and Faruk Kardeş were wounded. Short after the armed attack, Mehmet Dal (22), one of the shareholders of the same bookstore, was, too, shot dead on a spot 200 meters away from the first on 1850 Street, Raman quarter. It was reported that Mehmet Dal and Akın Uygur were adherents of the radical pro-Islamic organization Hezbollah.

08) Şemsettin Özcan, Batman-27.03.98

The body of Şemsettin Özcan (45) was found in 19 Mayıs Quarter of Batman on the night of 27 March. Eyewitnesses stated that there were plastic bags on the head of the dead body. Özcan's brother Şirin Özcan said that Şemsettin Özcan had been taken away by three persons while he was in a pastry shop at 206 Evler region in Kültür Quarter at about 15.00 on 14 January, and that he had heard nothing about him since then. It was reported that Şemsettin Özcan had relations with the Hezbollah.

09) Ramazan Çatal, Batman-25.04.98

In Aydınlıkevler Quarter of Batman, Ramazan Çatal (31) was shot dead by unknown assailants on the night of 25 April.

10) Şükrü Tekin, Diyarbakır Silvan-06.06.98

A person named Şükrü Tekin was killed by unknown assailants in Silvan, Diyarbakır on 6 June. It was alleged that the assailants were partisans of the Hezbollah. It was reported that Şükrü Tekin was a village guard in Yolaç village (Silvan, Diyarbakır), which is known to be a Hezbollah stronghold.

11) Bayram Keleş, Diyarbakır-11.07.98

The body of Bayram Keleş was found in a vacant field on Sakarya street, Bağlar, Diyarbakır, on the night of 11 July.

12) Abdurrahman Kars, Kars-19.07.98

The body of Abdurrahman Kars, the headman of Kazkoparan village of Tuzluca, Iğdır, was found in the vicinity of Kağızman, Kars on 19 July. Kars had been kidnapped by some armed people on 17 July. The military officials claimed that he was killed by PKK militants. However, it was reported that Kars had formerly been subjected to an investigation on charges of "aiding the PKK."

13) Nusret Arıcı, Hakkari Şemdinli-23.07.98

14) Farız Arıcı, Hakkari Şemdinli-23.07.98

Farız Arıcı and Nusret Arıcı were killed by unknown assailants in Dereyanı hamlet of Şemdinli, Hakkari on 23 July.

15) Abdullah Gökdemir, Mardin Kızıltepe-27.07.98

16) Hamit Gökdemir, Mardin Kızıltepe-27.07.98

17) Asım Çelik, Mardin Kızıltepe-27.07.98

Some people from a TIR opened fire on Abdullah Gökdemir, Ali Gökdemir, Osman Gökdemir, Hamit Gökdemir, Asım Çelik, Adile Yiğit, Gülhan Aksoy and Abdullah Büyük (3), who were walking from Kızıltepe, Mardin to Zidiy (Mutlu) village on 27 July. Abdullah Gökdemir died on the spot whereas Hamit Gökdemir and Asım Çelik died at hospital.

18) Hacı Tarhan, Bingöl Kiğı-31.07.98

The body of a villager named Hacı Tarhan was found in the vicinity of Kılçan hamlet of Kiğı, Bingöl on 31 July. It was revealed that Tarhan had been killed under torture.

19) Salih Ulu, Batman-07.08.98

20) Akif Işık, Batman-07.08.98

Salih Ulu was shot dead in Batman on 7 August. It was reported that Akif Işık, the owner of the coffee house where Ulu was working, had been kidnapped and killed by unidentified assailants approximately one month before.

21) Hanifi Kocayığit, Tunceli-19.08.98

Hanifi Kocayığit was killed by unidentified assailants in Sorhum hamlet of Aktuluk village of Tunceli on 19 August.

22) Mehmet Şirin Tekin, İstanbul-28.08.98

Mehmet Şirin Tekin died as a result of attack by four people in Güngören, İstanbul, on the night of 28 August. It was reported that Mehmet Şirin Tekin and his son Cahit Tekin were attacked as they were out from a wedding ceremony hall in Güngören and going their home in Soğanağa street in Güneştepe Central quarter. Cahit Tekin was wounded in his left arm and back. It was reported that Tekin had been a village guard in Tekevler village of Sason, Batman in 1991, and handed back arms along with other village guards in 1993 and moved to İstanbul in 1996.

23) Hüseyin Polat, Maraş Elbistan-30.08.98

Hüseyin Polat, former headman of Atmalıkaşanlı village of Elbistan, Maraş, was shot dead on 30 August. It was reported that Hüseyin Polat went to the cemetery along with some villagers in order to repair the tomb of his father, and was killed after he left his friends on the way back to the village. The official statement alleged that Hüseyin Polat was killed by PKK militants. An eyewitness said: "I was with Hüseyin as we were returning to the village. He said that he had to go to toilet and went behind the cemetery wall. And we were walking slowly. Then we heard gunshots. I was the first to arrive at the spot. I saw two people running away. They were wearing soldier uniform without arms and carrying rifles similar to G-3."

It was reported that Hüseyin Polat and Hasanali village headman Şeho Aslan had collected signatures from many villages of Elbistan against "pressures by the soldiers on the villagers" and given to Elbistan Gendarmerie Squadron Headquarters; and organized a press meeting with the participation of HADEP Elbistan Central District Organization Chairman İzzettin Özdemir on 11 June. After the news was published in newspaper Ülkede Gündem, Hüseyin Polat, Şeho Aslan and İzzettin Özdemir was invited to the station and threatened by Elbistan Gendarmerie Squadron Commander. Afterwards, Polat, Aslan and Özdemir resigned from their offices on 13 June. The PKK disclosed that they did was not involved in the killing of Hüseyin Polat.

24) Arif Baskın, Batman-01.09.98

The body of Arif Baskın (25), the imam of the Peygamber Mosque, was found in front of his house in Beşevler quarter on 1 September. Baskın had been kidnapped by two people in Batman on 15 August. It was reported that Arif Baskın had been killed with a revolver and than his corpse was left in front of his house.

25) Mehmet Kütük, İzmir-10.09.98

Lawyer Mehmet Kütük, Worker Party (İP) Kiraz (İzmir) District Organization former Chairman, was found stabbed to death in the garden of Aegean University Hospital, where he was hospitalized on 10 September. Police officials argued that Kütük had committed suicide. However, İP İzmir Provincial Organization Chairman Karşıluyan said: "It is impossible for a human being to commit suicide by stabbing a 16 cm long knife into his abdomen for five times. This is certainly a political murder."

26) (male), Diyarbakır Ergani-14.09.98

A body was found in the vicinity of Cankatran village of Ergani, Diyarbakır on 14 September. He was reportedly killed under torture. Villagers working in a cotton field found the body. He was at the age of 35 and tall, with black hair.

27) Hüseyin Can, Adapazarı Sapanca-18.09.98

28) Mustafa Toprak, Adapazarı Sapanca-18.09.98

29) Mustafa Negören, Adapazarı Sapanca-19.09.98

30) (male), Adapazarı Sapanca-20.09.98

Dead bodies of Mustafa Toprak and Hüseyin Can were found in the vicinity of Sapanca, Adapazarı, on 18 September. It was alleged that Mustafa Toprak and Hüseyin Can had worked with Ahmet Cem Ersever, the founder of the JİTEM, in the State of Emergency Region in 1990s. It was claimed that after Ahmet Cem Ersever was killed, Toprak and Can worked with Cengiz Ersever, who was arrested in connection with the armed attack against the HRA former Chairman Akın Birdal.

The body of Mustafa Negören was found by some workers on D-100 highway between Adapazarı and Düzce on 19 September. It was revealed that Negören had been shod dead and then upper body was put on fire. It was claimed that Mustafa Negören was a friend of Mustafa Toprak and Hüseyin Can.

In the same region, a body of a male person who was claimed to be a friend of Mustafa Toprak and Hüseyin Can was found on 20 September. He could not be identified.

31) Özbek Öztürk, Diyarbakır Çınar-20.09.98

Özbek Öztürk, a repentant PKK militant, was found dead in the vicinity of Aşağı Konak village of Çınar, Diyarbakır on 20 September. Özbek Öztürk was reportedly killed with a single bullet in the head. Hacı Arzu (the nephew of Çınar Mayor Recdi Arzu) and Selim Adsız were detained in connection with the incident.⁴⁴

32) Fuat Araç, Urfa Siverek-22.09.98

Fuat Araç, a secretary in the courthouse, was shot dead by unidentified people in Siverek, Urfa on 22 September.

33) Vahdettin Tüzel, Batman-05.10.98

On 5 October, Vahdettin Tüzel was shot dead by unidentified people in Batman. The murder was reportedly connected with the conflict between "İlim" and "Menzil" wings of the Hezbollah.

34) Hanif Yazgan, Diyarbakır-05.10.98

On 5 October, Hanif Yazgan was killed in Bağlar Quarter of Diyarbakır in an armed attack by unknown assailants. Hanif Yazgan was reportedly a Hezbollah militant and the murder was connected with the conflict between "İlim" and "Menzil" wings of the Hezbollah.

35) İbrahim Memduhoğlu, Van-18.10.98

An imam named İbrahim Memduhoğlu was shot dead by unknown assailants in Van on 18 October. It was reported that İbrahim Memduhoğlu, the imam of Hacı Naif Mosque in Hacıbekir quarter, was killed by 2 people 300 meters away from the mosque as he was going home after the prayer.

36) Sabahattin Turan, Diyarbakır-25.10.98

The body the imam named Sabahattin Turan was found on the shore of Dicle river in Diyarbakır on 25 October. It was reported that Turan had gone from Hazro to Diyarbakır a week ago and no news could be heard from him since.

37) Keramat Bingöl, Batman-02.11.98

Keramat Bingöl was killed by two unknown assailants in Batman on 2 November.

38) Ramazan Sevinç, Diyarbakır Silvan-08.12.98

39) Saidin Sevinç, Diyarbakır Silvan-08.12.98

Ramazan Sevinç and Saidin Sevinç, brothers running a tobacco shop in Silvan, Diyarbakır, were killed by unknown assailants on 8 December.

40) Özgür Kırtay, İstanbul-12.12.98

⁴⁴ In line with the testimony by Özbek Öztürk, who surrendered in 1993, many people including Çınar Mayor Recdi Arzu's son Fırat Arzu had been detained. Kemal Canpolat, a PTT employee detained on 31 October 1993, had died in detention at Diyarbakır Police HQ.

A youngster named Özgür Kırtay was killed in Kadıköy, İstanbul, on 12 December. It was claimed that Özgür Kırtay, who had come to İstanbul from Diyarbakır a month ago, was killed by the Hezbollah.

41) Mustafa Özdemir, Niğde-21.12.98

42) Şaban Şengil, Niğde-21.12.98

The dead bodies of Mustafa Özdemir and Şaban Şengil were found in the vicinity of Çalkana hill in Gümüşler town of central, Niğde on 21 December. Özdemir and Şengil were reportedly killed with a single bullet in the head.

Moreover, the dead bodies of Fahriye Mordeniz, Mahmut Mordeniz, and Ramazan Yazıcı, who had been kidnapped by so-called police officers in Diyarbakır in November 1996, were found in the vicinity of Cizre, Şırnak in November 1998. (See the section on "Enforced Disappearances".)

5.4

LAND MINES

In 1998, at least **28** people,⁴⁵ mostly children, have been killed (38 people were killed in 1992, 123 in 1993, 131 in 1994, 45 in 1995, 40 in 1996, and 63 in 1997) and at least **68** people have been injured when they trod on mines or as a result of explosions when they were either toying with unclaimed bombs or cannon balls in the State of Emergency Region and the neighboring provinces. The civilians and especially children have suffered from the explosions of mines and unclaimed bombs that have been widely used due to their inexpensive costs and the difficulty to annihilate them. Most of the injured have become crippled from losing their organs such as a hand, arm or a foot.⁴⁶

The mines have not been annihilated even though they have caused major problems. Then-Minister of National Security İsmet Sezgin, in his response in April to the parliamentary question by Virtue Party (FP) MP Kemal Ateş regarding the land mines on the Syrian border, objected to the annihilation of the mines at the border for "security" reasons. Sezgin declared that to annihilate a land mine with classic methods would cost between 200 and 1000 dollars, and stressed that the modern land mine annihilation equipment were sold for 3 million DM. Sezgin said, "The mines that have been laid in the region since 1956 have been effected from nature's conditions and many have been moved. Therefore, substantial amount of personnel casualties would take place during or after the mine annihilation. Additionally, mine annihilation is very risky for the security of the region. Due to the reasons that the border has not yet been built with all physical security systems and the importance of the border security, an evaluation has been made that the mine fields on the border of Syria are not suitable for annihilation at this stage."

⁴⁵ This number does not include the soldiers, police officers village guards and the PKK militants who died because of mine explosion. This section contains only the facts in which the civilians who are not party of the clashes were victims. It is expected that the number of the security officials or the militants who died of mine explosion is much larger.

⁴⁶ Asst. Prof. Serdar Necmioğlu, the Chairman of the Orthopedics and Trauma Department of Diyarbakır Dicle University, disclosed that 500 people were hospitalized between 1992 and 1996 due to injuries from mine explosions. Necmioğlu has stated that most of the injured had their arms and legs cut off and some were permanently injured. Necmioğlu, who stated that most of the mine injuries are taking place in rural areas of Şırnak, Mardin, İdil, Lice and Kulp, said, "When the whole region is considered, the number is folded 5 times. Most of the injured people are treated in district hospitals. Many are trying to be treated by their own means. This results in permanent disabilities."

In the middle of July, a congress assembled in Amman, the capital of Jordan, in order to discuss the problem of land mines. The Mine Consultancy Delegation, which is active in Angola, Congo Republic, Zambia, Cambodia, Laos and Bosnia-Herzegovina, reported that one of the regions that has been most affected by mines is Northern Iraq. The report gave details of the efforts took place in Northern Iraq between 1 January 1993 and 30 April 1998. Accordingly, a total of 7,883 people (5,528 men, 294 women and 2,061) have been killed by land mines in Northern Iraq between the years 1991 and 1998. The report noted that 2,560,039 explosive materials have been annihilated in Northern Iraq and efforts are still continuing.

a) The Villagers Used in Minesweeping

The echoes of forcing the villagers to walk on possibly mined area of villages Kelhasan (Kelhesna) and Tekevler (Gundenu) of Sason, Batman in 1997, continued in 1998. (see Turkey Human Rights Report 1997.) The soldiers had used the villagers in minesweeping in December 1996, and this implementation came up on the agenda occasionally in 1997. Members of the Human Rights Commission in the Parliament, Musa Okçu (RP), A. Baki Gökçel (DSP) and Osman Çılsal (DYP) carried out an investigation in the region in the beginning of 1997. The report on this investigation was publicized in February 1997. The names of the villagers were not given in the report for security reasons. They made the following statements:

First Villager: They have loaded the villagers into two empty vehicles and taken them to mountainous fields. They have said 'You are laying the mines. Instead of our soldiers, you die' and forced the villagers to walk in the minefields.

Second Villager: They have put approximately 30 people in cars. We were put in rows by the village guards and soldiers. The order of 'walk towards the mountain' was given. I said 'Don't torment all these people.' The first lieutenant punched me; the specialist sergeant wanted to hit me with the butt of his rifle. After some resistance, I walked by force. We were exposed to very harsh swears and insults from the soldiers and village guards.

Third Villager: They put everyone they found in the cars. There were 4-5 elderly and a few students among them. We asked them to release the students, but they rejected. The village guards had mine detection devices. The soldiers said 'The villagers should go ahead; you follow from behind' to the village guards. We have been used as mine detection devices.

A High School Student: The soldiers came when I was going to go to school and they gathered people from the village. I said that I was a student, but I could not escape. We were put in a row. They have wanted me to walk forward; when I did not, a soldier hit my waist with the butt of his rifle. After walking 10 meters, we said, "If you are going to kill us, there is no reason for you to lead us into the minefields. Kill us here." They started to beat us. They beat my uncle very badly. We walked again. We were held there until noon. I had two examinations on that day and I flunked both of them for being absent.

The interview with the Batman Governor Salih Şarman was also included in the report. Şarman, who confessed that villagers had been pressured with beyond usual methods from time to time, said "The villagers have abetted the terrorist organizations, they have been warned with methods other than the ones that are known, they have been held under moral pressures and they have been necessarily warned for not giving food to terrorists."

The following opinions have taken place in the conclusion section of the report:

"The concepts of 'beyond the usual methods' and 'necessarily' in the governor's statement have captured the attention of our delegation. However, it was not possible to bring these methods to light. Our

delegation deems it necessary that a judicial investigation should be opened and it should be concluded with sensitivity."

In the meeting of the commission on 10 February, sub-commission's report was reviewed. During the debates, RP MP Musa Okçu explained that the soldiers had taken approximately 40 people from Tekevler and Kelhasan villages to the possible mined fields. Some of the commission members, based on the denial of the incident by the governor and other authorities, requested for the refusal of the report and not processing the incident. The commission member Yaşar Okuyan said, "If we say that the district governors, governors and presidents always tell the truth, there would be no need for this commission. The governor is denying the incident. However, we cannot close the case. The State and public servants are separate concepts. This claim has to be investigated. It is not easy for a citizen in that region to go to justice with such claims. Forget Şırnak and Batman; I could not even initialize an investigation on the ones who are responsible in Yalova."

One of members of the Commission who have prepared the report, Musa Okçu said the following: "Let us see the realities of Turkey. The governor did not want to talk there. The state of emergency is being practiced there. The governor is saying, 'They should have taken the villagers to train them about the mines at the most.' This statement is a claim against the claim that the villagers have been walked in minefields and is a cover-up."

Gendarme General HQ Human Rights Department Director Lieutenant Colonel Kemal Alataş, who also attended to the commission's meeting, rejected the claims. Alataş said, "The claims that the villagers have been forced to walk on minefields are not true. The mines in the region are harming everyone. The villagers are being trained about mines. The incident is merely a warning and a caution. We have mine detectors in any case. Why should we walk our people on minefields like guinea pigs?"

In the voting, the Commission decided to submit the report to the Ministries of Justice and Interior and the Parliament's President for an investigation to be started.

The Human Rights Commission in the Parliament decided to file an official complaint against Batman Governor Salih Şarman, Batman Provincial Gendarme Regiment Commander Colonel İsa Hakkı Musaoğlu and Sason District Governor Ali Fuat Türkel. DSP MP Osman Kılıç used an opposing vote and Chairwoman Sema Pişkinsüt abstained regarding the report.

The commission member Musa Okçu, in his statement in January, stated that soldiers had threatened him for investigating the incident. Musa Okçu stated that a military official who he did not want to identify indirectly threatened him, and said, "He has said in his threats that I 'have been following a policy that supports the PKK and that I have to stop it.' I am not a PKK supporter, I am only the kind of person who wants to reveal injustices. My job is to investigate the problems of a person who has been treated unjustly."

Regarding the official complaint of the Human Rights Commission in the Parliament, Sason Public Prosecutor's Office started an investigation against Sason Gendarme Battalion Commander Captain Hasan Şirin Küçük and 4 NCOs. Within the framework of the investigation, 17 villagers were invited to the Public Prosecutor's Office in order to testify on 30 April. Captain Küçük, who saw the villagers in Sason Court House, threatened them, saying, "This has gone on too long, you should withdraw the claims and there will not be another incident like this. Otherwise, you will be sorry." The villagers refrained from testifying upon this threat, and went back to their village. They were once again called into the Prosecutor's Office on 1 May. It was reported that the villagers stated that they had been "used as guinea pigs for minesweeping," but they did not complain about the soldiers, due to Küçük's threats. Meanwhile, it was asserted that Captain Hasan Şirin Küçük had telephoned one of the villagers, Bahattin Aslan and threatened him.

Similar practices have continued within the year. Some vehicles going from Diyarbakır to Bingöl were stopped by soldiers near Engin Village of Lice at noon on 11 July. About 10 vehicles were taken to

Karadere region between Lice-Bingöl highway under the escort of military vehicles. This part of highway was allegedly under the control of the PKK since 7 July. Here, approximately 30 passengers were taken out to walk in a 200 meters area on both sides of the road. The passengers were released later on. A passenger who did not want his name revealed described the incident as follows: "They got everybody out of the vehicles. They said, 'There are terrorists in these mountains. They have waylaid the road a few days ago. You will help for this. Walk in front of us in order for us to detect the region. There is no need for you to be scared, they will not open fire on civilians.' The passengers have been brought to the fields against their will. Their intentions were to find out if there were any mines."

The Sason villagers' honor...

In his statement of owning up to "Saddam's honor," the effective partner of the coalition government, Democratic Left Party's leader and MP Prime Minister Bülent Ecevit has also said that he has been "deeply worried" about US project of establishing a "Kurdish state" in Northern Iraq.

He has not mentioned the honor of the Iraqi Kurdish citizens that Saddam has applied "genocide" against in Halepche. The news in Sabah has confirmed that this was not a coincidence. It is a pity that many newspapers have "ignored" the news.

The news was as follows: "The Human Rights Commission in the Parliament has decided to file an official complaint regarding the villagers from Sason, Batman who were forced by the soldiers to walk in suspected minefields. (...) It has been decided that the report would be submitted to the Parliament's President in order to be referred to the Ministry of Justice for judicial investigation and Ministry of Internal Affairs for administrative investigation."

According to the Hürriyet newspaper, only Osman Kılıç from DSP has opposed to the decision. Chairwoman of the Commission DSP MP Sema Pişkinsüt has decided to "abstain"...

The MPs of Ecevit who "tried to save the honor of Saddam and afraid from the establishment of a Kurdish state in Northern Iraq," were not reluctant to give to consent for the investigation of the claims that "soldiers had walked the villagers in minefields." It is understood that the honor of the Sason citizens was not very important for them.

If the "soldiers" are involved, the "official complaint" somehow returns like a boomerang to the one who has filed the "official complaint". The claims are not investigated. No result comes out at all if they are investigated.

Istanbul MP and former Minister of Culture Ercan Karakaş, Sivas MP Mahmut Işık and Erzincan MP Mustafa Yıldız, who were commissioned by the CHP HQ, have prepared a report that revealed the "Yüksekova Gang" in March 1996. They submitted the report to the Chief Office of the General Staff, which, for the first time in the history of the Republic, has filed an official complaint about these MPs for "showing the soldiers as targets." However, it was later discovered that all of the details in the report were correct. Neither the Chief Office of the General Staff has apologized, nor the CHP HQ pursued the bureaucrat who has applied to the prosecution office regarding the report.

This is not the only incident...

The Chief Office of the General Staff started a trial against the intellectuals, when they held the state responsible for the deaths of 11 people on 15 January 1996 in Güçlükonak of Şırnak. They were convicted in the trial. However, in the Susurluk Report, Kutlu Savaş has given important examples to explain the dimensions of the "state terror". As we are the only country who has not revealed the blackmail issue in the Lockheed military airplane purchasing, we are probably the only country that does not punish the uniformed officials who make its citizens to eat human excrement and instead promote those officials continuously...

If Turkey was a "state of law," the "official complaint" of the Parliament regarding the villagers of Sason would have been covered on the first pages of all the newspapers and the developments would have been

followed. I believe that this incident will be forgotten, as always. Nothing substantial will come out of the investigation.

, instead of owning up to the "honor" of the bloody dictators who tyrannize its citizens, they would have done a more useful job if they owned up to the "laws and citizens of the Turkish Republic with Kurdish origin."

Then, both Turkey could become a state that "applies the laws to everyone including to the armed bureaucracy," and no one would be afraid that the Kurds would search for a state of their own. (...)

Mehmet Altan, Sabah, 12.02.98

Similar practices have continued within the year. Some vehicles going from Diyarbakır to Bingöl were stopped by soldiers near Engin Village of Lice at noon on 11 July. About 10 vehicles were taken to Karadere region between Lice-Bingöl highway under the escort of military vehicles. This part of highway was allegedly under the control of the PKK since 7 July. Here, approximately 30 passengers were taken out to walk in a 200 meters area on both sides of the road. The passengers were released later on. A passenger who did not want his name revealed described the incident as follows: "They got everybody out of the vehicles. They said, 'There are terrorists in these mountains. They have waylaid the road a few days ago. You will help for this. Walk in front of us in order for us to detect the region. There is no need for you to be scared, they will not open fire on civilians.' The passengers have been brought to the fields against their will. Their intentions were to find out if there were any mines."

Because of the practice, bus companies, which transport passengers in Diyarbakır, decided not to use the Bingöl-Diyarbakır highway.

On 15 July, soldiers and village guards stopped some vehicles going from Sason to Batman around 07.00 near Tekevler village. The soldiers and village guards, who stopped 15 vehicles including 4 trucks within a two-hour period, disembarked the passengers, and made an ID control and searched the passengers. The soldiers took the male passengers to Benî Gewri region around 09.00. The region was reportedly mined. The passengers who walked around the field for almost 20 minutes were released later on. A driver of a minibus related the incident as follows: "A military official, hiding his rank, has said after stopping us, 'we have been informed that mines were laid here. Since the ones who have laid the mines are your men, you will find the mines.' They have taken us to the minefields by forcing us with their guns. They had us walk there for 20 minutes. They have later on released us by saying that the information was false." Another passenger said, "They have walked all of us together. If there were mines in the region, most of us would have died."

A similar incident took place in Mardin in October. It was reported that soldiers, who started an operation in the region on 22 September, had detained a child, Remzi Ay (16) on 12 October near Ömerli district while he was grazing animals and had him walk him around the possibly mined areas in the following days.

After the PKK raid against Kurtalan, Siirt in January, it was reported that soldiers had laid mines in Geliye Dera and Çiyaye Kurtava regions 3 kilometers away from the district. It was reported that Kurtalan District Governor made announcements to the citizens with loudspeakers in order avoid them to enter the region.

In December 1997 and January 1998, it was reported that soldiers had laid mines in the regions around Kavaklı, Şehittepe, Sağgöze and Ardalan villages of Genç, Bingöl. Villagers, who stated that the regions in questions were also furnished with mines in 1997, said that they marked the minefields by their own means, however no response was given to their appeals regarding the annihilation of the minefields.

b) Mine and Bomb Explosions

The information gathered by the HRFT regarding the fatalities as a result of the explosions of mines or unclaimed bombs/mortar shells in 1998 is as follows:

01) Ramazan İen, Diyarbakır Dicle-22.01.98

On 22 January, a child named Ramazan İen (12) died in the explosion of the hand grenade he found in Hanerli Village of Dicle, Diyarbakır. His sister Hatice İen was injured in the explosion.

02) Mehmet Onay, Bingöl Ardalan-04.02.98

03) İdris Onay, Bingöl Ardalan-04.02.98

The villagers Mehmet Onay and İdris Onay died when they trod on a mine in Ardalan Village of Bingöl on 4 February. Ömer Ana and Avni Onay were injured in the explosion. They reportedly lost their feet.

04) Ali Akıncı, Mardin Dargeit-10.03.98

A child named Ali Akıncı (12) died and L. K. (12) and H. A. (13) were injured in the explosion of the hand grenade they were toying with in Kısımetli Village of Dargeit, Mardin on 10 March.

05) Engin Ceylan, Diyarbakır Lice-11.03.98

In Lice, Diyarbakır, Engin Ceylan (14) was killed and Mehmet Karadağ (13), Hüseyin Boğar (13) and Abdullah were injured when the howitzer shell they found in the garbage of the Primary Boarding School, which was used by the Battalion HQ, exploded on 11 March.

06) Muğdat Uşman, Van-23.03.98

07) Adnan Uşman, Van-23.03.98

In Van, children named Muğdat Uşman (13) and Adnan Uşman (14) were killed while they were toying with a hand grenade they found in the garbage of the Commando Battalion on 23 March. Ali Aktaş (12) was injured in the explosion.

08) Eyüp Erdoğan, Tunceli Mazgirt-02.04.98

A shepherd named Eyüp Erdoğan (70) died as a result of an explosion of a bomb he found in the vicinity of Doğanlı Village of Mazgirt, Tunceli on 2 April.

09) Madi Solmaz, Van-Başkale-00.04.98

A shepherd named Madi Solmaz died in the explosion of a bomb that he found in Başkale, Van.

10) Şadiye Çelik, Diyarbakır Kulp-16.05.98

11) Emrah Çelik, Diyarbakır Kulp-16.05.98

12) Birsen Çelik, Diyarbakır Kulp-16.05.98

13) Recep Çelik, Diyarbakır Kulp-16.05.98

On 16 May, the siblings named Şadiye Çelik (2), Emrah Çelik (8), Birsen Çelik (6) and Recep Çelik (4) died while they were toying with a hand grenade they found in Kulp, Diyarbakır. In the explosion, siblings named Belan Özdemir (3) and Mehmet Özdemir (5) were injured.

14) Nafız Güngen, Bitlis Tatvan-20.05.98

A child named Nafiz Gungen (12) died in the explosion of a hand grenade he found while grazing animals near Benekli Village of Tatvan, Bitlis on 20 May.

15) Abdullah Erk, Şırnak Balveren-20.07.98

16) Abdullah İşcan, Şırnak Balveren-20.07.98

On 2 July, children named Abdullah Erk (16) and Abdullah İşcan (17) died when they trod on a mine planted in the vicinity of Balveren Town of Şırnak.

17) Sebahattin Akkaya, Van Başkale-10.07.98

18) Mehmet Akkaya, Van Başkale-10.07.98

A vehicle going from Başkale, Van to Esenyamaç Village struck a mine planted on the road in the vicinity of Esenyamaç on 10 July. Driver Sebahattin Akkaya and his brother Mehmet Akkaya, who was on leave from military service, were killed in the explosion.

19) Ümit Bayındır, Batman Sason-15.07.98

20) Muzaffer Bayındır, Batman Sason-15.07.98

In Tıra Hamlet of Karameşe Village of Sason, Batman, an explosion took place when some children were toying with the hand grenade that they found in the garbage area on 15 July. Ümit Bayındır (8) died on the spot and his sibling Muzaffer Bayındır (7) died in hospital. Children named Rıdvan Bayındır and Sezgin Bayındır were injured in the explosion.

21) Ali Taş, Batman Gercüş-09.08.98

Ali Taş died when he trod on a mine planted on the road between Hisar and Kömürcü Villages of Gercüş, Batman on 9 August. Two village guards named Emin Öztürk and Şükrü Ay were injured in the explosion.

22) Recep Tekin, Hakkari Yüksekova-24.08.98

A truck driver named Recep Tekin was killed when his truck struck a mine in the vicinity of Kerpel Village of Yüksekova, Hakkari, on 24 August. A person who was in the vehicle and whose name could not be revealed was badly injured in the explosion.

23) Nazım Özaran, Hakkari Yüksekova-26.08.98

Nazım Özaran died when his tractor struck a mine planted in the vicinity of Akkucak Village of Yüksekova, Hakkari, on 26 August. Siblings named İlyas Çirik (16) and Vahdettin Çirik (13), who were on the tractor, were injured in the explosion.

24) Mehmet Sıddık Karagöl, Erzurum-05.09.98

Mehmet Sıddık Karagöl died in the explosion of a hand grenade he found in Yuvaklı Village of Tekman, Erzurum on 5 September. Karagöl's son Devreş Karagöl was injured in the explosion.

25) Mehmet Avcı, Tunceli Pertek-06.09.98

Mehmet Avcı (62) died in the explosion of a hand grenade he found in Mercimek Village of Pertek, Tunceli on 6 September.

26) Behçet Tufan, Hakkari Şemdinli- 01.10.98

A child named Behçet Tufan (12) died when he trod on a mine planted in the vicinity of Kayalar Village of Şemdinli, Hakkari on 1 September. Children named Çetin Tufan (9) and Hamit Tufan (11) were injured in the explosion.

27) Ayşe Enç, Şırnak Uludere-10.11.98

28) Mehmet Enç, Şırnak Uludere-10.11.98

Children named Ayşe Enç and Mehmet Enç died in the explosion of a mortar shell they found in Döne Village of Uludere, Şırnak on 10 November.

Injuries

Resul Çiçek (21), Veysel Elaltun (31) and two unidentified persons were injured when a minibus struck a mine in the vicinity of Bingöl on 2 January.

A shepherd named Ekrem Çelik (13) was injured in the explosion of the hand grenade he found near Kemerli Village of Erüh, Siirt on 27 February.

Ramazan Yürek (23) was injured when he trod on a mine planted in the vicinity of Mazıdağı, Mardin on 3 March.

Remzi Kumral (23), Vedat Cihan (15), Nübahar Viral (17), Recep Viral and an unidentified person were injured when a minibus struck a mine 10 kilometers away from Genç, Bingöl on 10 March.

In Bostaniçi town of Van, villagers named Hamdi İcnaz (35) and Muzaffer İcnaz (15) were injured in the explosion of a hand grenade they found in the fields on 10 April. It was reported that Hamdi İcnaz lost his right hand and Muzaffer İcnaz lost his leg in the explosion.

On April 11, Murat Gedikbaş (19), Necati Gedikbaş (17) and Ahmet Yıldız (17) found a mortar shell in the training area of the 1st Commando Brigade near the Akçakaya Village of Talaş, Kayseri, and took it to their house. The shell exploded in the house and injured the 3 persons. A fire started in the house because of the explosion.

A child named Taner Günbatı (12) was badly injured in the explosion of a bomb he found in the vicinity of Hazro, Diyarbakır on 13 April.

On 25 April, children Serhat Sarıdemir (7), Gökhan Sarıdemir (3,5), Ömer Duman (7) and Osman Duman (8) were injured in the explosion of a rocket shell that they found near a military unit in Erzurum.

Siblings named Şemi Encü (13) and Nurettin Encü (15) were injured when they trod on a mine planted on the road in front of their house in Uludere, Şırnak on 10 May.

A shepherd named Hacı Yetik (33) was injured as a result of an explosion from a mine in Toptepe Village of Şırnak on 10 May.

A shepherd named Şeref, whose surname could not be learnt, was injured in the explosion of a mine he trod on in Adaklı town of Bingöl on 7 July.

On 9 July, a child named Gülsüm Yikit (12) was injured when she was toying with a hand grenade she found in Kelekçi Village of Hani, Diyarbakır.

A vehicle which was going from Akıllı Village of Yüksekova, Hakkari to Yüksekova struck a mine at the exit of Akıllı on 11 July. As a result of the explosion, driver Mehmet Şerif Uğraş and Necmettin Uğraş were injured.

Children Sait Erođlu (11) and Mehmet Daniř (6) were injured in the explosion of a rocket shell they found in Yavuzoymak Village of Eruh, Siirt on 4 August.

A child named Yusuf Tařkan (11) was injured when a hand grenade he found near Gendarme Station in Bayrambařı Village of Silvan, Diyarbakır, exploded on 12 August.

Children Berivan Dayan (10), Sevda Dayan (12), Hacer Dayan (11) and Sacide Özalp (10) were injured in the explosion of a bomb they found while they were playing at the garbage area in akmak Quarter of Siirt on 16 August. Some people living in the neighborhood went to the spot upon the explosion, but they were hindered by police officers, who detained Halil Turan and Hasan (surname could not be learnt). The detainees were released after some time.

On 20 August, a women named Güllü Konuk (55) was injured in the explosion that took place when she was looking inside a bag she found in the cemetery near Yazıcıođlu Houses in Tokat. Konuk reportedly lost her right eye in the explosion.

A child named Mehmet řakir Güze (13) was injured when he trod on a mine while he was picking up wood near Sođuksu Village of aldırın, Van on 20 August.

Shepherds named Mehmet řahin (15), Bünyamin Kılıç (16) and Hasan Bingöl (12) were badly injured in the explosion of a mortar shell they found in Karaburçlu Village of Nurdađı, Antep on 7 September.

A child named Mansur erter (11) was injured as a result of explosion of a bomb that he found in Midyat, Mardin on 13 October. Mansur erter reportedly lost his arm.

A tractor struck a mine planted in the vicinity of Mazıdađı, Mardin on 17 October. Villagers named İhsan Yurt and Rojbin imen were injured in the explosion.

A child named Bahar (8) was injured in the explosion of the bomb she found in the garbage area of Ortaklar Border Gendarme Station in řemdinli, Hakkari on 3 November. Bahar was searching for bread in the garbage area.

On 6 December, a child named Vahat Alan (6) was injured as a result of the explosion of a bomb that he found in řemdinli, Hakkari.

Davut Özgeboz (23) and Tahsin Aycan (27) were injured in the explosion of a bomb that they found in the vicinity of Büyüktepe Village of Siverek, Urfa on 30 December.

5.5

ARMED ORGANIZATIONS AND THE RIGHT TO LIFE

The attacks against and assassinations of public servants such as officials and teachers, political party members, repentant militants, village guards, police officers and some people who were identified as "informers" or "state supporters" also continued in 1998. Many of these attacks were carried out by PKK militants in the State of Emergency Region. 46 people listed below were killed in attacks and assassinations by organizations such as the PKK and DHKP-C, MLKP, TIKKO and İBDA-C and by extreme rightist groups. (In similar attacks, 285 people were killed in 1992, 341 in 1993, 218 in 1994, 99 in 1995, 68 in 1996 and 107 in 1997).

a) People killed as a result of attacks against civilians

The armed or bombed attacks against civilians or defenseless people continued in 1998 even though they decreased when compared to similar attacks in the previous years. As determined by the HRFT, at least **32** people were killed and at least 150 people were injured in all of Turkey as a result of these types of attacks.

However, some incidents were not clarified as having relations to an armed organization despite the statements by the police authorities. The explosion at the historical "Mısır Mall" in Eminönü, İstanbul, which killed 7 people and injured 127 others on 9 July, was one of these suspicious incidents.

The names of the people who died as a result of the explosion of the LPG tubes at a refreshment stall at the entrance of the Mısır Mall around 14.15 are as follows: Ergil Tuncer (3), Engin Tuncer (7), Erdi Karaca (7), İsmail Alver, Fethi Çulpan (43), Osman Burak (60) and Beyhan Sürücü (32). The Minister of Interior Affairs Murat Başesgiöglu stated that the police could not find any sign of explosives during the investigation.

Prof. Dr. Sevil Atasoy, the Director of İstanbul University Forensic Medicine Institute, stated that they had carried out an examination on the spot and taken as evidence the piece of a shirt clung to the ceiling, a piece of wood from the ceiling, a piece of chipboard near the Mall, pieces of glass and many pieces found nearby. Atasoy said that they "found two different organic chemical substances that should not be at the site of the incident" on the wood and chipboard pieces. These substances were mixtures of nitrogen, carbon and oxygen, according to Prof. Atasoy.

The reason of the explosion; whether it was a result of a bomb or not was never clarified in further investigations. However, 3 people were detained in a raid to a house in Esenyurt on 16 July. One of them reportedly carried a forged ID card in the name of "Hakan Öztoprak Alpoğlu." It was claimed that the 3 people had "confessed that they had planted a bomb at Mısır Mall," during their interrogation at the police department.

İstanbul Security Director Hasan Özdemir claimed that the explosion was actually caused by a bomb. Making a press statement on 18 August, Özdemir said that the police had formerly stated that the explosion was caused by LPG tubes to misinform the assailants and to conceal the investigation. He claimed that Pınar Selek (sociologist, the daughter of lawyer Alp Selek) and Abdülmecit Öztürk as well as 17 others were detained on accusations of bombing the "Mısır Mall". Özdemir said that a bomb was also found at the workplace of Pınar Selek, and that the day after the explosion, Pınar Selek had been caught with explosives, but she was put on remand on 18 July on the claim of "possession of an explosive" because it was not confirmed that the explosion at the Mısır Mall was caused by a bomb. Özdemir said that after the investigations the police detained Abdülmecit Öztürk, and he was arrested by İstanbul SSC on 18 August. Hasan Özdemir also claimed that the detainees were responsible for "planting a bomb around Maltepe Coast Military Club on 1 April and planting a time bomb at the 50th Year Park in Küçükyalı İdealtepe District on 4 July."

Meanwhile, the PKK declared that its militants did not have any relation with the explosion. İstanbul SSC, on the other hand, brought a case against Pınar Selek with the request of a sentence up to 22 years 6 months in prison.

In December, İstanbul SSC Prosecutor's Office brought a case against Pınar Selek, Abdülmecit Öztürk, Kübra Sevgi, İsa Kaya and Alaattin Öget, seeking the death penalty for them under Article 125 of the Turkish Penal Code (TPC). The indictment also sought a sentence between 21 to 31 years in prison for

Maşallah Yağan; sentences between 15 to 22 years 6 months for defendants Ercan Alır, Baran Öztürk, Heval Öztürk and Delibaş Arat; and 3 to 5 years for Erkan Öget, Menderes Öget, Rıza Sevgi, Ali Can Öget, Hasan Kılıçdoğan and Suat Kayak. The trial formerly brought against Pınar Selek with the request of a sentence of 22 years 6 months in prison was unified with this trial in January 1999. The trial that started at İstanbul SSC on 14 April 1999 is continuing.

01) Yahya Hasan Can, Antalya-12.03.98

02) Ayça Tuncay, Antalya-12.03.98

In Tünektepe region of Antalya, Yahya Hasan Can and Ayça Tuncay were killed on 12 March. Their car has also been burnt. On 22 March, Vahdet Budak, Fedim Gülmez and Cemal Tekin were detained with the claims that they were "PKK members and responsible for the attack."

03) Mevlüt Liman, Tunceli Çemişgezek-28.04.98

04) Naci Top, Tunceli Çemişgezek-28.04.98

An armed group raided Gülbahçe Village of Gedikliler Sub-district of Çemişgezek, Tunceli on 28 April. The group killed villagers named Mevlüt Liman and Naci Top.

05) Tacettin Aşçı

06) Ahmet Aydın

The HRA Bursa Branch Accountant Tacettin Aşçı and Ahmet Aydın were killed in May. Tacettin Aşçı and Ahmet Aydın disappeared on 13 May. A facsimile message was sent to the HRA Bursa Branch office on 9 June, alleging that they were killed. In the statement by the outlawed Marxist Leninist Communist Party (MLKP) Central Bureau it was reported that Aşçı and Aydın were "punished after having been interrogated on charges of collaborating with the police and they had admitted their offense." The bodies of Aşçı and Aydın have not been found.

07) Satılmış Can, İstanbul-18.05.98

Satılmış Can (31), an executive member of the Nationalist Action Party (MHP) Esenler District Organization and who run a photography studio in Karabayır Quarter of Esenler, İstanbul, was shot dead on 18 May. The assailants reportedly left a note signed by "the MLKP" on the body of Can.

08) Hasan Sezer, İstanbul-03.06.98

09) Ayşe Temur, İstanbul-03.06.98

Two people were killed in the explosion of a bomb placed in a train running between İstanbul and Halkalı, the outskirts of the city on 3 June. The bomb which was placed under a seat in the second car by unidentified persons exploded after the train departed from a station in Yeşilköy at about 17.00. Sezer died on the spot, whereas one of the injured persons, Ayşe Temur (40) died in hospital on 20 July. Eyewitnesses stated that four persons getting on the train at the station in Yenimahalle had left a bag and got out of the train at the station in Bakırköy. Sixteen people were later detained on charges of placing the bomb in the train as well as bombing of a teahouse in Küçükçekmece Altınşehir in the same night.

10) M. Sıddık Pehlivan, Elazığ Karakoçan-17.06.98

11) İhsan Dilek, Elazığ Karakoçan-17.06.98

Unknown assailants held an armed attack against a minibus bearing workers to the construction site of a dam in Özlüce near Karakoçan, Elazığ on 17 June. Workers Sıddık Pehlivan (52) and İhsan Dilek (50)

were shot dead by the assailants, whereas Aziz Can Hakkı Kakiç, İdayet Kaymaz, Tufan Kılıç, Göksel Koçyiğit and Mehmet Ekinci were injured.

12) Bülent Fırat, Bingöl-28.06.98

13) Ahmet Bayer (enlisted man), Bingöl-28.06.98

Unidentified persons stopped a minibus in the vicinity of Balıklıçay Village of Bingöl on 28 June, and killed Bülent Fırat (38) and Ahmet Bayer (20), who was an enlisted man on leave. Bülent Fırat was reportedly working for the Turkish Electricity Distribution Company.

14) Cafer Avcı, Amasya Taşova-08.09.98

A group of armed persons wearing military uniforms raided Çarkılısu Village in Esençay Town of Taşova, Amasya, at night on 8 July. The armed persons opened fire at the house of headman Cafer Avcı (51), killing him and wounding his wife Elmas Avcı and his nephew Ecevit Köksal (16).

15) Haydar İyidoğan, Sivas Zara-09.07.98

Armed people who raided the house of Haydar İyidoğan, the headman of Sancakkale Village of Zara, Sivas on 9 July, and shot him dead.

16) Zeki Boztepe, Sivas Divriği-12.07.98

17) Recep Türkmen, Sivas Divriği-12.07.98

18) Sinan Türkmen, Sivas Divriği-12.07.98

19) Feriha Türkmen, Sivas Divriği-12.07.98

A group of armed assailants raided the Hamoçimen Hamlet of Hamo (Çayözü) Village of Divriği, Sivas, on the night of 12 July, and shot dead Zeki Boztepe (38), Recep Türkmen (16), Sinan Türkmen and Feriha Türkmen.

20) Enver Şahin, Sivas-19.07.98

21) Yusuf Yetişken, Sivas-19.07.98

An armed group waylaid the road near Beydeğirmeni Village in between Suşehri and Akıncılar districts of Sivas on 19 July, and burnt a TIR. The armed people killed Enver Şahin, the driver of the TIR, and an accountant in a bus, Yusuf Yetişken (38). The group members left the region after police officers in the bus opened fire. Gendarmes detained thirteen workers on 21 July on the grounds that "they had assisted the armed persons in erecting barricade on the road."

22) Metin Özer, Tunceli-14.08.98

23) Hıdır Yazır, Tunceli-14.08.98

Metin Özer and Hıdır Yazır (70) were abducted by a group of armed persons who were claimed to be TIKKO militants, were killed. The incident took place as follows: The armed persons abducted Metin Özer from Yolkonak Village of Tunceli in the beginning of August, and Mesin Yeltekin, Hıdır Yeltekin, Hıdır Yabasun, Hıdır Yazır and Hasan Yazır from Demirkapı Village of the town of Çiçekli on 10 August. The armed persons interrogated the villagers outside the village, and killed Hıdır Yazır. It was asserted that Hıdır Yazır accepted the accusations of the armed persons in order to prevent the torture inflicted on his grandson Hasan Yazır. All of the villagers except for Metin Özer were released after the interrogation. The villagers, whose toes were broken due to torture, were hospitalized. After this incident, unidentified people

called the relatives of Metin Özer on 15 August, and informed them that he was killed. Özer's relatives stated that they had gone and found the body in Karyemez village. They added that there was a note on Metin Özer's body that read, "This is the end of the those who betray the people. The ones who trust in the justice of the people will live. If they insist on wickedness, they will die. TKP (ML) TİKKO." Özer was reportedly shot dead with two bullets in the head, and hang from his waist to an electric pole with a rope. His relatives stated that Metin Özer's feet were burst open, there were cuts on his body and cigarette burns on various parts of his arms and body.

24) İdris Meydan, Van Erciş-11.09.98

İdris Meydan (47), the Mayor of Kocapınar town, Erciş, Van, was killed by PKK militants in Soğanlı Plateau near the town on 10 August. One PKK militant was reportedly injured when İdris Meydan opened fire while he was trying to escape before he was killed.

25) Nihat Görün, Ağrı-11.09.98

Unidentified people killed a villager named Nihat Görün in Akdana Village of Cumaçayı Town of Ağrı on 11 September. Villagers Yaşar Görün and Latife Görün were injured in the attack.

26) Musa Ertuğrul, Batman-06.11.98

Armed people stopped a bus that was traveling between Midyat, Mardin and Batman on 6 November, and killed a teacher named Musa Ertuğrul. The armed people also set the bus on fire.

27) Ahmet Demir, Kırkkale-26.11.98

28) İbrahim Varlık, Kırkkale-26.11.98

29) Emine Kavak, Kırkkale-26.11.98

30) Akime Demir, Kırkkale-26.11.98

Persons named Ahmet Demir (65), İbrahim Varlık (40), Emine Kavak and Akime Demir (12) were killed on 26 November due to the explosion of a bomb placed in a bus of Sivas Turk Travels on its way from Sivas to Ankara. Twenty-one people were injured, 6 of whom badly, in the explosion that took place in the vicinity of Kırkkale.

Kırkkale Governor Behiç Çelik, after his examination on the spot, stated that it was determined that the explosion was resulted from a TNT type of a time bomb. The security officers disclosed that the bomb that caused the explosion had been put in the luggage compartment above the passenger entrance door of the bus, and that it had possibly been put there before the departure of the bus.

Subsequently, it was revealed that 14 of the people who were injured in the explosion were relatives of Mehmet Demir, a prisoner in İstanbul Bayrampaşa Prison who was indicted on charges of "membership to the radical Islamic organization of 'Anatolia Federate Islamic State (AFİD)." It was also revealed that Muharrem Kavak, the husband of Emine Kavak who has died in the explosion, was arrested in Metris Prison with the charges of "membership to the AFİD."

The security officials disclosed that they had initially evaluated the presence of the 14 relatives of Mehmet Demir on the bus as a coincidence and that these people were going to İstanbul to visit the AFİD members arrested in Bayrampaşa Prison. They also asserted that the AFİD was divided into four groups and the bomb could have been planted due to the internal conflicts within the organization.

After the bus was brought to Istanbul for repairs, another bomb was found in a bag along with the ID card of Emine Kavak, one of the persons who died in the explosion. It was declared that the bag had been hidden between the back seat and the coachwork, and it was found during the repair of the bus.

31) Duran Ulupınar, Kırıkkale-30.11.98

The body of the truck driver Duran Ulupınar was found near Hacı Ömer Solaklısı Village of Kırıkkale on 30 November. The police officials stated that the 2 people who were detained after the incident had declared that they had hired Duran Ulupınar's truck to take the stuff they had bought from Bursa and Ankara to the DHKP-C in Tokat-Amasya region, and they had killed Ulupınar on the road when he had resisted to them.

32) Osman Akbaş, Van-24.12.98

A child named Osman Akbaş (13) was killed on 24 December when a PKK militant detonated the bomb he carried on outside Van Officers' Club.

Injuries:

Nine people were injured in the explosion of a bomb that was left in a park in İstanbul Sultanahmet around 14.00 on 10 April. The names of the injured are as follows: Fikriye Kaya, Işıl Kaya, Nezahat Obalı, Canan Obalı and Yusuf Ser (soldier), Emin Kol (soldier), New Zealander Kuhintid Hazlet and Indians Yajdi Ejder and Koran Kıhlama. The eyewitnesses stated that a person on a motorcycle had thrown the bomb into the park.

İstanbul Police HQ disclosed that 3 people named Müslüm Özçelik, Özgür Gürbüz and Figen Sayman were detained on 13 April for being responsible for the attack, and Ulaş Tekir, Özgür Şaş, Celal Bayram, Goncagül Gürbüzdal, Ayşegül Sayman and Meryem Alper were later detained. Özgür Gürbüz and Figen Sayman were made to re-enact the crime on 15 April. Meanwhile, a group of MHP adherents attacked them. Out of the detainees, Gürbüz, Özçelik, Sayman and Bayram were arrested by İstanbul SSC on 20 April, whereas Ulaş Tekir was released pending trial. İstanbul SSC Prosecutor's Office filed a case in May, requesting the death penalty for Gürbüz and Özçelik, and sentences up to 4 years 6 months in prison for Tekir, Bayram and Sayman.

In Zürafa Street where brothels are located in Karaköy, İstanbul 12 people were injured in the explosion of a bomb planted in a garbage barrel of a refreshment stall around 13.30 on 16 June. No information was obtained on the identification of the assailants.

A child named Rıdvan Alkan (7) was badly injured in the morning of 8 July in the explosion of a bomb he found in Ehmedî Xani quarter of Doğubeyazıt, Ağrı. It was reported that there were two other bombs in nylon bags at different places in the region.

Unknown persons opened fire on a vehicle with an official license plate on the road between Şırnak and Cizre, Şırnak on 20 July. A PTT (Post-Telephone-Telegraph) engineer Abdullah Erkan was injured in his leg.

The developments regarding the previous incidents

The trial that was brought at İstanbul SSC in connection with the armed attack against businessman Jak Kamhi, the Chairman of 500th Year Foundation founded by the Jews in Turkey, on 29 January 1993, was concluded on 28 December. Out of the defendants who were accused of being members of the "Islamic Movement Process" Can Özbilen, Osman Özdemir and Ali Rıza Bayramçavuş were given life imprisonment whereas Ahmet Burak was acquitted. The defendants had each been sentenced to 15 years' imprisonment and fined TL 46 million for "attempting a premeditated murder" in the original trial; but this verdict had been overturned by the Supreme Court on the grounds that the defendants should be prosecuted on charges of "attempt to change the constitutional order by force." İstanbul SSC had insisted on its original verdict, but the Supreme Court had overturned the verdict for the second time. The case file on Ahmet Burak had been included in this trial after he had been arrested.

Sabancı Murder

The trial on the murders of Özdemir Sabancı (55), a member of Board of Directors of the Sabancı Holding, Haluk Görgün (43), one of the directors of the Holding, and secretary Nilgün Hasefe (40) on 9 January 1996 continued in 1998 as well. Mustafa Duyar, who was indicted on charges of having involved in the attack, surrendered to the Turkish Embassy in Damascus, Syria in December 1996. Later he became a repentant. After he stated that "he received the order from prisoner Ercan Kartal and his lawyers acted as couriers," People's Law Office in İstanbul was raided by the police on 7 January 1997. In the raid which was carried out without a search warrant, lawyers Efan Bolaç and Metin Narin, an intern lawyer Alper Tunga Saray, staff members of the Office Selda Kaya, Safiye Öztürk, Zeynep Ertürk and İbrahim Varol were detained. The houses of lawyers working for the Office were also raided. The detainees except for Metin Narin were released later. Besides, an arrest warrant in absentia was issued for lawyer Ahmet Düzgün Yüksel.

İstanbul SSC Prosecutor's Office filed a case against 11 people in March 1997. The indictment sought the death penalty (TPC 146/1) for repentant Mustafa Duyar,⁴⁷ wanted defendants Fehriye Erdal and İsmail Akkol and Ercan Kartal, who had allegedly given the order for the attack from Bayrampaşa Prison; and sentences from 4 years 6 months to 7 years 6 months in prison for lawyer Metin Narin, Fatma Erdem, Ejder Güngör, Mehmet Gökmen, Ferhan Taş, Melek Akkaya and Nazlı Güngör for "aiding an illegal organization" (TPC 169 and Anti-Terror Law 5). Ejder Güngör and Mehmet Gökmen were released at the hearing held on 25 June, and Fatma Erdem was released at the hearing held on 5 November. The trial is under way.

Mustafa Duyar attempted to commit suicide a few times in Afyon Closed Prison. Duyar, on 24 March, tried to commit suicide by cutting his wrists on the grounds that the prison administration had obstructed his daily visits with the "repentant militant" Semra Polat, whom he had married in the prison. Duyar, who cut his wrists for the same reason on 3 September, was found unconscious in his cell on 7 September. It was discovered that Duyar, who was taken under treatment to Afyon State Hospital Intensive

⁴⁷ Mustafa Duyar was killed and another prisoner, Selçuk Parsadan, who was convicted for swindling the secret funds of the State during the Prime Ministry of DYP Chairwoman Tansu Çiller, was badly injured in an armed attack in Afyon Prison on 15 February 1999. The incident took place as follows: Eight convicts (Ahmet Yaygüden, Abbas Özcan, Yasin Al, Mustafa Ersoy, Ömer Kukul, Serkan Erdemli, Emir Alakaş and Sami Tokur, the members of the 'Karagümruk Gang,' who received public attention with the intimidation against singer Sibel Can) who had been transferred from Eskişehir E Type Prison to Afyon Prison in January, took hostage warder Ahmet Adem Terim while he was distributing bread to the wings around 07.00. Receiving the keys from the guard, the 8 convicts went to the one-person wing where Mustafa Duyar stayed, and killed him. The convicts also fired one shot to Selçuk Parsadan who was staying in the next wing. After the incident, the 8 convicts took 3 warders as hostages. After resisting for about 12 hours, the convicts surrendered. In connection with the incident, Ankara SSC Prosecutor's Office brought a trial against Nuri Ergin and his brother Vedat Ergin with the request of the death penalty, and against members of the gang and Necmettin Ateş, former Director of Afyon Prison.

Care Unit, taken 13 tablets of an antibiotic called Amoklabin and 5 painkillers. At the same time with Duyar's attempt to commit suicide in September, his wife Semra Polat was said to be 4.5 months pregnant.⁴⁸

Lawyer Ahmet Düzgün Yüksel, who went abroad subsequent to the raid against the People's Law Office, was detained in Germany on 18 November. Then-Security Director Necati Bilican said, "This person is on trial at the SSC. He is accused of inciting the attack. While our efforts to issue Red Bulletin for the arrest of Yüksel was continuing, we have informed the whole world regarding this person by issuing a diffusion (a warning document prior to Red Bulletin for the arrest of the people against whom arrest warrants are issued and who have escaped abroad) and wanted his arrest. Finally, the German police have arrested this person in Dortmund with the diffusion that we have issued." Ahmet Düzgün Yüksel was released on 19 November by the Bonn Prosecutor's Office as he was a refugee living in Germany and his extradition to Turkey cannot even be questioned for this reason. The Prosecutor's Office decided that Yüksel would be free in Germany and could not be detained upon Turkey's decision of arrest.

FP Erzincan MP Naci Terzi, in a parliamentary question he addressed to Minister of Interior Affairs Murat Başesgioğlu on 31 March, claimed that Duyar had not gone to the 25th floor where the assassinations had taken place at the time of the incident and he had waited in the Office of the photocopier company at the bottom floor of the building, according to the testimonies of two security officers and a cleaner of the Sabancı Business Center given to the SSC. Terzi requested for answers to these questions:

"Is it certain that Mustafa Duyar is the murderer of Özdemir Sabancı, Haluk Görgün and Nilgün Hasefe? Is it possible that the gunman is someone other than Duyar?"

"Is it true that eyewitnesses from Sabancı Center, security officers Abdullah Özkan and Galip Akbaş, a cleaner Mustafa Gürses and an employee who work in the photocopier company, Kemal Kul had testified to SSC Prosecutor's Office, stating that Mustafa Duyar did not go up to the 25th floor where the murders were committed; went into the photocopier company and waited there? What is the reason for not taking these testimonies into consideration although they indicate that the gunman was not Mustafa Duyar? Does the Ministry has any information or document other than the testimony of Mustafa Duyar to falsify the testimonies of witnesses Abdullah Özkan, Galip Akbaş, Mustafa Gürses and Kemal Kul?"

"If we assume that the testimonies of witnesses are true, then who is the actual assassin? What is the reason for Mustafa Duyar to claim the responsibility for the murder that he did not commit? Is Mustafa Duyar, by supposedly repenting, trying to distort the target? Is the possibility that the actual assassin may not be Mustafa Duyar taken into consideration? Have you carried out an investigation in detail in this respect?"

On 14 January 1996, five days after the assassination, Kadir Durmuş, a superintendent in charge at the Police HQ, had disclosed on a TV program that the fingerprint samples taken from the Sabancı business center did not match with the fingerprint samples of Duyar and İsmail Akkol that were taken at İstanbul Police HQ.

b) Other attacks

Police officers, repentant militants, village guards and other security officers were also killed in attacks and assassinations, other than the armed clashes, in 1998. A substantial part of these attacks was

⁴⁸ Repentant Semra Polat was sentenced to 7 years 6 months in prison at the hearing of İstanbul SSC on 9 June for "being a member of the DHKP-C and for having been involved in the murder of a member of the organization, Ekrem Akkılınç." In the trial, İsmet Sınağ was given the death penalty, whereas Alaattin Gündoğdu and Zeynel Aygün were each sentenced to 3 years 9 months to in prison. The Supreme Court quashed the sentence given to Semra Polat. In the re-trial that was concluded on 17 June 1999, Polat was sentenced to life imprisonment.

carried out by PKK militants in the State of Emergency Region. As a result of the attacks and assassinations by organizations such as the PKK and DHKP-C, MLKP, TİKKO and İBDA-C, at least 6 people were killed (in similar attacks 285 people were killed in 1992, 341 in 1993, 218 in 1994, 99 in 1995, 68 in 1996 and 22 in 1997.)

33) İsmet Yavuz (watchman), Osmaniye-20.05.98

A watchman named İsmet Yavuz was killed in an attack against the television transmitter compound near Akyar Village of Osmaniye on 20 May.

34) Cumali Akkurt (police officer), İstanbul-29.05.98

On 29 May, police officer Cumali Akkurt, who was on guard outside the DSP Şişli (İstanbul) District Organization office, was killed in an armed attack. Two people, who came to the DSP District Center on the 6th floor of a business building opened fire on Cumali Akkurt in front of the door and then they escaped. A person named R. E. (17) was detained some time after the incident when he was trying to throw a bag with a weapon in it at a vacant area. It was claimed that the weapon had been used in the attack. In connection with the attack, Ayhan Mımtaş, Kıymet Kılınc, Aslan Bahar, Ufuk Keskin and Aydın Canoğlu were also detained in the beginning of June. The detainees were arrested on 5 June.

35) Mustafa Eryılmaz (Prison Director), Ordu-06.07.98

Armed people waylaid the road near Özdemir Village which is located between Akkuş, Ordu and Niksar, Tokat on 6 July, and killed Ünye Closed Prison 2nd Director Mustafa Eryılmaz. The armed people, who were said to be wearing military uniforms, also burnt a passenger bus.

36) Erdal Hayır (repentant militant), İstanbul-28.07.98

Repentant PKK militant Erdal Hayır was killed in İstanbul on 28 July. Hayır was claimed to have involved in the murder of DEP Erzincan Provincial Chairman Cemal Akar after he became a repentant. It was also claimed that he had collected money in the name of the PKK in Kartal after he came to İstanbul. An organization named "Revolutionary Patriotic People's Units" claimed the responsibility for the attack.

37) Ali Tokmak, İstanbul-08.08.98

Ali Tokmak was killed in Okmeydanı, İstanbul on 8 August. The DHKP-C claimed the responsibility for the murder of Ali Tokmak. A statement made by the DHKP-C read that Tokmak had joined the DHKP-C in 1995, later surrendered and "was responsible for the killings of 7 DHKP-C militants, including Mete Nezihi Altınay, in a clash that took place in Yukarısarıcık Village of Hafik District in Sivas on 30 January 1996." Hamza Hanoğlu, Muharrem Genç, Fikret Kara, Veli Dikme, Serkan Bulut, Salih Baş, Necdet Dağdelen, Cemal Korkmaz and Erhan Eroğlu were detained in İstanbul, in December on the claims of "being members of the DHKP-C and having involved in the murder of Ali Tokmak."

38) İhsan Demir (village guard), Diyarbakır Bismil-26.11.98

Village guard İhsan Demir (24) was kidnapped by PKK militants in Bismil, Diyarbakır on 26 November, and his body was found hanging on an electric pole near Suçeken Village of Batman after some time.

Injuries

Küçükköy Gendarmerie Station in Gaziosmanpaşa, İstanbul was bombed on 27 February, and 26 soldiers were injured. Three unidentified people reportedly opened fire and threw a bomb on soldiers who assembled at the yard in the morning. The names of the injured soldiers are as follows: Noncommissioned

Officer Hikmet Demiral, the Commander of the Station; NCOs Beytullah Meydan, Ali Esin, Ali Şahin, Hasan Gülmez; enlisted men Ahmet Ortancı, Murat Gümüş, Baki Kayacan, Abdül Hayri Kaya, Seyit Ali Güngör, Hüseyin Mihmak, Hüseyin Tok, Çetin Yalçın, Şahin Büyükhilal, Mehmet Uygun, Burhan Gülser, Aydın Teoman, Aziz Ünal, Necdet Coşkun, Yusuf Aslan, Uğur Küçük, Fatih Üztürk, Yunus Koç, Yusuf Yaşar, Fethi Boyacı and Hüseyin Yiğitalp. Twenty people were detained after the incident.

Police officer Mustafa Köksal (34) and watchman Ahmet Gölge were injured in the armed attack of 3 persons when they wanted to check their IDs in Aksaray, İstanbul on 24 July. One person was detained in connection with the incident.

On 14 August, police officer Vedat Bostan and passers-by, Hakkı Satır (19), Abdullah Aktaş (32), Yılmaz Yeşilarmut (18) were injured in the explosion of a bomb left nearby a police vehicle outside the Faculty of Literature of İstanbul University. Many people were detained after the incident. Two of the detainees attempted to escape when they were taken to Kumkapı Police Station in police vehicles, but one of them was later apprehended. An anonymous person called the newspapers after the explosion, and asserted that the attack had been carried out by the DHKP-C in retaliation of the disappearance of Metin Andaç, Mehmet Mandal, Hasan Aydoğan and Neslihan Uslu in İzmir after 31 March.

Unknown persons, located in an empty storey opposite the building of İstanbul Fatih District Police HQ and Aksaray Police Station, carried out an attack with a lava weapon at about 1.00 p.m. on 19 September. The rocket shell hit the street light pole in outside the building, then "Aksaray Police Station" sign, and created a mild damage to the first 4 floors of the building. The attack resulted in no casualties. Many people were detained immediately after the attack. Besides, upon the instructions by İstanbul Security Director Hasan Özdemir, all police stations in İstanbul were alerted. Searches were carried out in buildings around the security directorates and police stations within a 200 meters perimeter. An anonymous person called the newspapers, and claimed the responsibility for the attack in the name of the DHKP-C. The Political Police Department asserted that İbrahim Ayhan Özgül had carried out the attack as understood from the statements by the eyewitnesses.

Yunus Taşkiran, the 2nd Director of Sakarya E Type Closed Prison, was badly injured in an armed attack by former political convict Abdülkadir Soylu on 28 September. Soylu said that he had shot Taşkiran as he had tortured him during the period he had served in Ümraniye (İstanbul) Prison. He said, "He was torturing political convicts like myself. I have punished the torturer."

A bomb planted in İstanbul Court House in Sultanahmet exploded on 5 November, wounding an employee named Gülümser Çağlar (33). İstanbul Public Chief Prosecutor Çitici disclosed that the explosives had been put in two steel file cabinets near the rooms of two prosecutors.

c) Suicide Attacks

PKK militants carried out suicide attacks during the period when PKK leader Abdullah Öcalan was in Italy (see the chapter "Kurdish Problem and the PKK"). In these attacks, **3** PKK militants who detonated the bombs on them, **1** non-commissioned officer and **1** child died and many people were injured.

A PKK militant named Fatma Özen carried out a suicide attack against a military convoy waiting for transfer in Yüksekova, Hakkari on 17 November. Fatma Özen died in the attack, whereas NCO İrfan Türker and a child named Hüseyin Kanat (13) were badly injured and NCOs Uğur Akyol, Adem Ceylan, Mustafa Duyanlı and village guard İbrahim Dicle were slightly injured. İrfan Türker died in the hospital on 19 November. Yüksekova District Governor Tacettin Özeren disclosed that the woman had approached the

convoy that was waiting outside the District Gendarme Squadron Headquarters around 9.00 a.m., and she had exploded the bomb when non-commissioned officer İrfan Tiğen had attempted to stop her.

A PKK militant named Hüsniye Oruç (22) carried out a suicide attack against a market that was frequented where soldiers on Atatürk Avenue in Lice, Diyarbakır, which was frequented by soldiers, at about 2.00 p.m. on 1 December. Hüsniye Oruç died in the attack, whereas enlisted man Serkan Namlı and 14 people were injured.

A PKK militant named Hamdiye Kapan exploded a bomb she hid on her body outside Van Officers' Club on 24 December. Hamdiye Kapan and a child named Osman Akbaş (13) died in the suicide attack. After the incident, Hamdiye Kapan's mother Zeliha Kapan, her father Ahmet Kapan and her brothers Recep Kapan and Şaban Kapan were detained.

d) Persons Abducted by Armed Organizations

PKK militants abducted 7 villagers while picking up wood in the vicinity of Pervari, Siirt on 18 May. Of these villagers, Rifat Korkmaz, Sait Yiğit, Mehmet Yalçın and Nuri Şimşek were released on the condition of providing food for militants.

A group of 20 militants abducted villagers named Tahir Bilgi, Mustafa, Nevzat, İsmail Bayrakal and Recep Arıcı in Gürkavak Hamlet of Ortaç Village of Yüksekova, Hakkari, on 18 June.

An armed group raided Hoklak Karası plateau of Diyadin, Ağrı on 24 July. The armed people killed about 3,000 sheep of the Sevoi tribe. The militants also abducted 9 shepherds. The names of some of these shepherds are as follows: Ferzende Çelik, M. Şirin Yıldırım, Nihat Baydemir, Ali Kurt, Abdullah Harman, Mehmet Kurt and Celal Akyol. Mehmet Kurt was released later on.

DHKP-C militants waylaid the road in the vicinity of Gülbahçe Village of Pertek, Tunceli, on 25 July, and abducted Hıdır Yadigaroglu, a member of Tunceli Provincial Board (member of CHP), who was returning from a funeral. Yadigaroglu was released on 30 July. Armed people had raided Yadigaroglu's house in 1995 and killed his wife and father. It was claimed that Yadigaroglu's son Akif Yadigaroglu was a "member of the PKK."

PKK militants raided Bazlama Village of Karakoçan, Elazığ, and abducted villagers Mustafa Kocamış, Mizarli Özkan, Süleyman Turhan, Ubudeyullah Bozkurt and Hüseyin Güçlü. The villagers were released on 24 August.

PKK militants waylaid the road between Van and Başkale, and they stopped 8 vehicles on 5 August, including Bahçesaray Mayor Naci Orhan's ⁴⁹ (ANAP) official car. The PKK militants took Naci Orhan, his nephew Halis Orhan, PTT official Nedim Yılmaz, Sadullah Erhan (15), M. Sait Aykut (19) and an unidentified person along with them and left the spot. The PKK militants released all but Naci Orhan within couple of days. Naci Orhan was released in Sîsar region between Gürpınar and Çatak districts on 11 August.

On 18 August, PKK militants abducted village guards Cafer Eraslan, Adil Yavuz and Sadi Tuci near Yapılı Hamlet of Kayaboğazı Village of Van.

⁴⁹ Naci Orhan is the chief of the Miksî tribe that has religious and political power in the region. He was elected Bahçesaray Mayor in 1983. Former MSP (National Salvation Party) supporter Orhan has been a mediator in the conflicts between the state and the tribes in the region and known to resolve the conflicts. He has also been known to establish the village guard system in the region with approximately 8,000 village guards.

In Bingöl, PKK militants raided municipality's asphalt work site and set a truck on fire on 1 November. They abducted watchman Mehmet Tandoğan and Tevfik Batur. Tandoğan and Batur were later released.

e) The attacks by Extreme Rightist Groups

The attacks organized by the extreme rightist groups especially to universities have occurred frequently in 1998. 8 people were killed in the incidents with a knife or a weapon. The MHP supporters and people who gather under the *Ülkü Ocakları*⁵⁰ journal mostly carried out these kind of attacks. The police protected the assailants in many attacks against the university students, leftist people or the Kurds. After the attacks of the people who call themselves "*ülküçü* (idealists)," the public officials treated the people who were attacked and injured as "guilty". The people who were attacked instead of the assailants were detained in many of the instances. According to the information compiled by the HRFT, at least 370 leftist students were detained and at least 200 students were injured in the incidents that occurred only in universities within the year. However, the number of the MHP-supporter students injured during the clashes with stones, clubs and knives did not exceed 40 and those detained after these clashes did not exceed 50.

MHP İstanbul Provincial Chairman Mehmet Gül, in the press conference he held on 7 May, declared that the clashes were "individual fights." Gül claimed that the MHP did not have any connections to the attacks, and said, "We did not invite that guy (Ali Rıza Narin) who took shelter in the *Ülkü Ocağı* Representative Office in Okmeydanı during the incidents of 1 May. He could be saved better. However, he was going to jump. The important thing is that he is saved. We were treated unjustly." Gül, who also mentioned the killing of university student Kenan Mak, claimed that HADEP supporters had exited a bar and attacked with knives. He said, "Did we bring those men to there? Did we tell them to stab? One person was arrested and the rest were released anyway. What is the relation of this incident with the *Ülkü Ocakları*?" Gül also asserted that Bilal Vural, who had been killed by MHP supporters in İstanbul Seyrantepe, had been "a victim of a girl problem."

CHP İçel MP Fikri Sağlar brought these attacks on the Parliamentary agenda by asking a parliamentary question addressed to Prime Minister Mesut Yılmaz on 8 May. Fikri Sağlar, in his question, reminded the murders of Ümit Cihan Tarho, Kenan Mak and Bilal Vural and similar incidents, and said, "These incidents are bringing to mind that the attackers are supported or protected by some forces within the state." Sağlar drew attention to fact that "the increase in attacks, murders and terrorist activities by right-wing people, especially by *Ülkü Ocakları*, had recently worried the public," and said, "The chain of attacks and murders that has started with meat cleavers and firearms at student dormitories and continued with the killings of Ümit Cihan Tarho in Malatya, student Kenan Mak in Bolu and worker Bilal Vural in İstanbul, and many injuries is a serious threat to peace."

The attacks by extreme rightist persons also took place in the Northern Cyprus. On 13 June, a group of right-wing people came to Bostancı Village near Güzeyurt in a convoy of approximately 50 vehicles, and they raided the Uğrak teahouse belonging to Latif Sara in Kars quarter, where Northern Cypriots of Kurdish origin live. The assailants, including Sadık Canlı (the Chairman of the *Ülkü Ocakları* Güzeyurt Branch), beat the people inside with clubs and destroyed the teahouse. The incident turned into a clash when the residents

⁵⁰ Ultra-nationalist youth centers activating in line with the MHP ideology. *Genç Ülküçüler Teşkilatı* (Young Idealists Organization) was established in 1969 as an affiliation of the MHP. It was closed down after 12 March 1970. Later, it was reorganized, using the names *Ülkü Yolu Derneği* (Association of Idealist Path) and *Ülkücü Gençlik Derneği* (Association of Idealist Youths) until mid-70s. After this date, it assumed the status of a journal. The editor-in-chief of the journal was the leader of the Association, and chairmen of the district and provincial organizations of the Association were the representatives of the journal. The journal was closed down with the 12 September 1980 military coup, but ultra-nationalist youths continued to organize under the name *Bizim Ocak* (Our Guild) until January 1994. The name *Ülkü Ocakları* (Idealist Guilds) was reassumed after 1994.

in the neighborhood opened fire in reprisal for the raid. The police ended the clash by opening fire into the air. Güzelyurt Police Directorate disclosed after the raid that 6 people had been detained on the night of 13 June and one person on 14 June. Among the detainees was Sadık Canlı.

The dwellers of Kars quarter disclosed that the Democratic Party (DP) had proposed Aydın Kızılkaya living in Kars quarter as a candidate to Güzelyurt Municipality Council membership in order to receive the votes of people coming from Turkey during the elections, and right-wing people in the DP had reacted to this proposal. Aydın Kızılkaya was reportedly beaten a few days before the attack, and he was threatened for not to be a candidate. Upon this incident, the DP executive members reportedly requested the return of the vehicle allocated to Enver Bahçeciler, the former Chairman of the *Ülkü Ocakları*, and this had further enraged the rightists towards people of Kurdish origin.

The Republican Turkish Party made a statement after the incident, and said, "With this incident shows what may happen when fascist ideology is given an opportunity." Meanwhile, the Nationalist Union Movement Speaker, MP Özker Özgür blamed the coalition partners the National Union Party and Democratic Party: "They have a policy of encouraging the nationalists in order to capture their support."

On 20 October, unidentified people raided the houses of Muharrem Kaya and İbrahim of Kurdish origin in Güzelyurt region. The two persons were reportedly beaten and threatened with death. Muharrem Kaya, in a press conference he held on 23 October, stated that he started to receive threats since August and was threatened twice with letters. Kaya added that he had taken the letters to Güzelyurt Police HQ, where the police officers had told him, "They are idealists; we cannot do anything; take care of yourself." Kaya related what he had gone through as follows: "Three people came to my house at night around 22.30. They first punched me and then directed a gun towards my head. Then they put me in a car while swearing at me. In the car was İbrahim, whom I see occasionally. They had taken him before me and harassed him badly. The beating continued in the car. We were taken from Lefke road to Mevlevi region. They took us to a dairy farm and scratched our backs with their sharp knives. They squeezed our hands with something like a pair of pliers and they slapped and kicked us. They directed guns towards our heads, and said, 'We will not recognize the right to live to the Kurds, Alawites and revolutionists in this country. Why are you here and whom do you have relations with? We will kill you all.' After approximately an hour of torture, they called someone named Hasan from a cellular phone and said 'We are coming to the headquarters'." Kaya stated that he had been able to escape when the car suddenly put on the breaks on the way and İbrahim had also jumped outside after he hit the one next to him.

The information compiled by the HRFT regarding the deaths from the attacks of the extreme rightists is as follows:

39) Ümit Cihan Tarho, Malatya-11.01.1998

İnönü University student Ümit Cihan Tarho (21) died in the hospital on 11 January after he had been stabbed by a group of MHP supporters in Malatya on 7 January. The events that resulted with the death of Tarho developed as follows:

Some MHP supporters harassed and attacked a non-fasting student while he was drinking tea at the canteen of Faculty of Economics and Administrative Sciences on 5 January. Tension continued in the university the next day. On 7 January, a group of students gathered at the canteen of the Faculty of Science and Literature and marched to the Faculty of Economics. Gendarmes detained three students after the rally. After attending the rally, students Ümit Cihan Tarho, Erdal Çıkrık and Rıza Acıpayam took the bus to go to the city center, and about 10 MHP supporters attacked them at the bus stop on Turgut Temelli Avenue. In the attack, Ümit Cihan Tarho was stabbed somewhere close to his heart, Erdal Çıkrık and Rıza Acıpayam were

mildly injured. Ümit Cihan Tarho died at Malatya State Hospital on 11 January. It was stated that there were police officers on the spot during the attack, but they did not stop the assailants.

Erdal Çıkrık and MHP-supporter students Caner Öztürk, Korkut Özalp, Muhammed Şahiner, Mehmet Fatih Gökalp and Mehmet Hanifi Azdikoğlu were detained on 11 January for involving in the attack.⁵¹ The court issued arrest warrant in absentia for the MHP supporters Kadri Kılıç and Bedri Yaylagül, who were then apprehended on 15 January. It was reported that there was a complaint against Kadri Kılıç for raiding a student house in 1996, but he could not be apprehended for 2 years although he was "wanted" and he continuously entered and exited the university. Ümit Cihan Tarho was laid to rest in Malatya after a funeral that 2000 people attended on 11 January.

CHP MP Fikri Sağlar addressed a parliamentary question to Prime Minister Mesut Yılmaz about the murder of Ümit Cihan Tarho. Sağlar requested answers to following questions: "Attacks have become intense recently by the racists and the fundamentalists against students who support the democracy and the republic. It was brought forward as a reason for these attacks that your government has a mentality which can be regarded as the continuation of the policies that are marked with then-Prime Minister's (Süleyman Demirel) words, 'You cannot make me say that the nationalists are committing the crimes,' and accept the fascist attacks as 'operations to aid the state' and name the assailants as 'state supporters.' The reason for such an assumption is that: in connection with the incidents in İstanbul University, your Minister of Interior Affairs has declared that 'the leftist students were responsible for the incidents,' although it was defined by the media that members of the *Nizam-ı Alem Ocakları* (associations activating in line with the ideology of Islamist/nationalist Great Union Party) and *Ülkü Ocakları* were responsible. Does your government agree with the opinion of the Minister of Interior Affairs? If you do not; do you think of denying the statement of the Minister of Interior Affairs?"

Short after the attack, Malatya Public Prosecutor's Office opened a case requesting the punishment of Kadri Kılıç on charges of "intentional murder" (TPC 448), Bedri Yaylagül, Caner Öztürk, Mehmet Fatih Gökalp, Mehmet Hanefi Azdikoğlu and Muhammed Şahiner on charges of "involving in a fight that resulted with a death" (TPC 464/1) and Korkut Özalp on charges of "involving in a fight" (TPC 464/3). The Prosecutor's Office later included persons named Levent Mutlu, Memiş Dünder and İrfan Küçük in the trial with an additional indictment, which accused them of "sheltering criminals and destroying criminal evidence".

The testimonies of the defendants taken in detention at Malatya Police HQ revealed that they had met at the *Ülkü Ocakları* journal's Malatya office after the attack. In his testimony, Mehmet Hanifi Azdikoğlu stated that some high school students had gathered at the office in order to get information about "fasting", and Kadri Kılıç had entered this room wearing a blood stained sweater. Azdikoğlu said, "Kadri took the knife that was on the table, put it in his waist and left the room. He went into the room where the high school students were. I went along with him. Kadri made a speech to the students saying, 'Look at me. My hands, my clothes and my head are all in blood. You should hurry up and finish your school. Then you should come to universities. Let's multiply'."

The trial started at Malatya Criminal Court No. 1 on 12 February. At the hearing, Rıza Acıpayam identified the defendants Kadri Kılıç, Caner Öztürk, Muhammed Şahiner and Bedri Yaylagül. Erdal Çıkrık said that the assailants had waited in a minibus before they had attacked them and that the attack had been a premeditated one. The defendants, who had said in their testimonies taken at the Police HQ and the Prosecutor's Office that Kadri Kılıç had stabbed Ümit Cihan Tarho, changed their testimonies in the hearing,

⁵¹ Erdal Çıkrık was released by Malatya Peace Court No. 1 on 27 January. At the end of January, the administration of İnönü University dismissed Çıkrık from school for 20 days, Mehmet Hanifi Azdikoğlu for 7 days, Korkut Özalp for 15 days and Mehmet Fatih Gökalp for 20 days.

and they asserted that "they had been tortured in detention and the police officers had wanted them to accuse Kadri Kılıç for the murder." The defendants also changed their former testimonies in which they had declared that they had met at the *Ülkü Ocakları* journal's Malatya office after the attack. Caner Öztürk claimed the responsibility for the murder. He said, "I have done it. He has pulled a knife on me and I then took the knife from him and stabbed him." Intervening lawyer Muharrem Kılıç requested from the Court Board to decide on the examination of the knives, Kadri Kılıç's blood-stained sweater and Caner Öztürk's coat by the Forensic Medicine Institute. ÇHD Chairman lawyer Aydın Erdoğan drew attention to the fact that "the defendants had taken shelter at the *Ülkü Ocakları* journal's Malatya office after the attack." Bedri Yaylagül, Korkut Özalp and Mehmet Fatih Gökalp were released at the hearing. Defendants Mehmet Hanifi Azdikoğlu and Muhammed Şahiner were released at the hearing on 15 April.

At the hearing on 11 May, intervening lawyer Aydın Erdoğan said that "Ümit Cihan Tarho was killed in an organized terrorist attack by a militant group at the university who call themselves 'idealists' and who want to bring a racist, ultra-nationalist and fascist order" and stressed that this was confirmed with the death of Kenan Mak in Bolu and Bilal Vural in İstanbul. Lawyer Erdoğan and intervening lawyers requested from the court board to issue a decision of non-jurisdiction and refer the case file to the SSC. The intervening lawyers also reminded that Caner Öztürk, who claimed the responsibility for the attack, had given the name of Salih Bayrak; and that Bayrak had been detained after the attack but released short after without receiving his testimony. They requested from the court board to lodge an official complaint against Bayrak.

At the hearing on 6 July, it was declared that a case had been brought for Kadri Kılıç with the accusations of stealing the knife used in the murder. At the hearing, it was announced that Kılıç had been sentenced to 5 years in prison in connection with a crime he had committed formerly, and the Supreme Court had ratified this sentence. The trial that continued throughout 1998 without any progress.

Protest Demonstrations

Various demonstrations were held in many cities in protest to the murder of Ümit Cihan Tarho. The security officers occasionally intervened in these demonstrations. Doğan Çelik was beaten and detained in Ankara on 12 January when he was hanging up the posters about the press statement to be made in front of the Human Rights Monument. He was released on 13 January.

The police hindered the demonstration that took place in İstanbul Taksim Square on 13 January. Thirteen demonstrators were beaten and detained by the police officers, who also harassed the journalists. The detained students were released afterwards, but a case was opened against them for "holding an unauthorized demonstration."

Twenty-five students were detained at Bursa Uludağ University during the demonstration held on 15 January in protest to the killing of Tarho.

On 19 January, a demonstration was held at Çukurova University's Ceyhan Trade High School to commemorate Tarho. MHP supporters attacked the demonstrating students. A student named Ömer Turhan was injured with a club that had a nail on its tip.

Students at İnönü University disclosed that the oppressions on them had further increased after the death of Ümit Cihan Tarho, and they organized a demonstration on 22 February. The police intervened in the demonstration. Upon this, a group of students gathered outside the Eğitim-Sen trade union's office whereas some others walked towards the bus stop where Tarho had been killed. After the press statement read out at the bus stop, the students started to march by chanting slogans in order to join their friends outside the

Eğitim-Sen office, but they were dispersed by the police. Students named Çetin Kaya, Oğuz Bor, Meftun Yıldırım and İdris Temiz were detained.

40) Hüseyin Cici, Adıyaman Tut-24.02.98

The body of a child named Hüseyin Cici (15) was found in an empty house in Tut, Adıyaman on 24 February. It was revealed that the Family Cici had migrated to Tut District from Çamiçi Village because they were forced to become village guards. The house where the body was found reportedly belonged to Mustafa Uğur, who is known as a MHP supporter.

Hüseyin Cici's father Abdullah Cici claimed that his son had been killed by Mustafa Uğur and his nephews Cem, Önder and Mehmet Polat. Abdullah Cici said, "My son was found hang from the ceiling with his hands tied in the back. My son was definitely murdered. The incident was projected as suicide." Abdullah Cici said that these people had been detained after he had lodged a complaint with the Prosecutor's Office but they had been released short after. He said, "Mut Public Prosecutor Melek Yılmaz was influential in their release, because Prosecutor Yılmaz is living in the home of one of the defendants, Mustafa Uğur."

The report prepared by the police after the body was found mentioned that the distance between the floor and the ceiling was 1.93 meters and the distance between Cici's neck and ceiling that the rope was tied was 44 centimeters. The report indicated that the two hands of the body were tied in the back, the legs were bent forward and the feet were touching the floor. According to the report, the end of the rope that tied Cici's hands from behind reached the floor and it was 90 centimeters long. His relatives stressed that it was impossible for Cici to hang himself because of he was 1.66 meters tall.

41) Kenan Mak, Bolu-02.05.1998

Kenan Mak, a senior student at the Department of Management of Abant İzzet Baysal University Faculty of Economics and Administrative Sciences, was stabbed to death by MHP supporters on 2 May.⁵² The incident took place as follows:

A group leaving the *Ülkü Ocakları* Association on Bolu İzzet Baysal Avenue attacked university students Mustafa Orhan and Kenan Mak around 1.00 a.m. Kenan Mak was stabbed in his heart and lungs, and he died on the way to the hospital. Mustafa Orhan was injured on his head, and he was detained after having been given medical treatment. Some members of the *Ülkü Ocakları* were detained after the attack. A cameramen of the İhlas News Agency who happened to be at the site of the incident recorded the attack, but the police seized the video tapes.

The police also detained Serdar Koçyiğit, who reported the incident to his friends after tending to the treatment of the students in the State Hospital Blood Center, and Ferit who witnessed the attack. The students disclosed that an investigation had been brought against Kenan Mak about one months before regarding the cafeteria boycott at the university, and thus he had become a target of the MHP supporters.

⁵² Following an attack on a student named Burhan Kılavuz, 39 students had reportedly applied to the deans of the Faculty of Economics and Administrative Sciences and the Faculty of Education on 20 November 1997, stating that "they had been threatened by the MHP supporters, sexually harassed by them, and they had no life security." The students emphasized that MHP-supporter students named Fahrettin Tunç, Abdullah Ayan, Soner Gökgül, Kürşat Şahin and Bülent Esabil Bilir had led these attacks. Upon this, a commission was established at the Faculty of Education, which included Prof. Dr. Kadir Karkın, Dr. Kadri Serengil, Hikmet Bayram and Ass. Prof. Salih Tekkol. In their testimonies at the commission, Gökgül, Şahin, Ayan and Tunç rejected the claims against them. The commission prepared it report on 7 January. The report read, "We have listened 22 students and all of them said that the life security is ensured in the school and there has been no obstruction for freedom for education. It seems that the complainants and the ones they complained about have formed two different groups. It seems that the complainants have the intention of expelling the 5 students they had determined from the school. The commission has not come across oppression, harassment or threats within the university. We believe that no one should be punished for this time; and necessary disciplinary actions should be taken later on if there are any further complaints."

After Mak's body was taken to the morgue of Bolu State Hospital, the university students started to assemble outside the hospital. The number of the students reached 500 by the evening and they held a sit-in there. Bolu Security Director Uğur Gür came to the hospital and requested the students to disperse. The students argued with Gür and University Rector Prof. Nihat Bilgen who also came to the hospital, and they said that they were constantly harassed in the dormitories and on campus by the MHP supporters; that they were threatened and the police were ignoring these attacks. The students defended that the attacks to them were planned in Sariçam teahouse near Vocational High School in the last two years.

CHP İstanbul MP Algan Hacaloğlu went to Bolu on 3 May. In a statement he made as to the incident, he declared that the police wanted to show the incident as a "clash." Hacaloğlu said, "How would a clash be 17 people against 2 people? It is being imposed that the student that was murdered owns the knife used in the incident. I have requested from the security officers that I have conversed with to be more careful about the *Ülkü Ocakları*." Hacaloğlu brought the murder of Kenan Mak on the agenda of the Parliament in the session on 5 May.

Mustafa Orhan, the student who was injured in the attack, stated that he had argued with a MHP supporter Abdullah Ayan at the canteen one week before and that Ayan had pointed out them and told his friends, "these are the ones who cause problems". Orhan said, "The nationalist Abdullah Ayan, Kürşat Şahin and Fahrettin Tunç are continuously attacking the democratic students. The nationalists have become fierce because of the silence of the school administration and support they receive from certain places. A while back from this incident, a nationalist student named Galip had threatened the revolutionary democrat students with armed weapons, and this gave the signs of what comes next."

Orhan described the attack as follows: *"We were stopped outside the **Ülkü Ocakları**. After verbal assaults, some 30 or 40 people attacked us with clubs. Kenan died on the way to the hospital. I was detained and kept in a cell for four days. At the court I listed the names of the people who involved in the incident, but all of them except one were released. However, the incident was a premeditated one and many nationalists were involved in."*

Bolu Security Director Uğur Gül disclosed on 5 May that it was discovered that Kenan Mak had been killed by Soner Gökgül. Uğur Gür stated that Serdar Koçyiğit and Ferit Öncel were caught with knives at the site of the incident, and that the assailants had escaped to the *Ülkü Ocakları* building after the incident. Uğur Gür has stated that a pair of scissors, a knife known as "butterfly," a commando knife and a blood stained shirt worn by Erkan Altun had been found during the search at the *Ülkü Ocakları* journal's office. Gür also mentioned that the murder of Kenan Mak was visually recorded. He said, "As a result of examination of these visual recordings and interrogations, it has been determined that a fight arose between Kenan Mak and Mustafa Orhan and persons who got out of the *Ülkü Ocakları*, Fahrettin Tunç, Abdullah Ayan and Kürşat Şahin. Later persons named Serdar Koçyiğit (SES member who took Kenan Mak to the hospital), Ferit Öncel and Sezai Koçyiğit involved in the fight. Some people from the *Ülkü Ocakları* journal also saw the fight and involved in. Kenan Mak was stabbed by defendant Soner Gökgül, and he lost his life at the state hospital where he was taken to."

Out of the 21 detainees, Soner Gökgül who assumed the responsibility for the murder was remanded on 6 May. Serdar Koçyiğit, who wanted to help Mak, Ferit Öncel and Sezai Koçyiğit as well as Özyay Gündüz, Hüseyin Atekinöğlü, Erkan Altun and Fazıl Ali Merdanov were released by the SSC Prosecutor's Office, which also requested the arrest of Mustafa Orhan, Soner Gökgül, Fatih Yıldırım, Resul Güven (the Chairman of the Student Association of the Faculty of Education), Kürşat Şahin, Bülent Eken, Abdullah Ayan, Tuncay Yılmaz, Mustafa Emin Yardak, Kürşat Duygulu, Erhan Bayram, Serkan Karadeniz, Galip Ayıldız and Fahrettin Tunç, but these people were released by the SSC. Şevket Can Özbay, the lawyer of

the MHP supporters, disclosed that the SSC Prosecutor's Office had issued a decision of non-jurisdiction on the case file, and referred it to Bolu Public Prosecutor's Office.

In June, a case was opened for 21 people regarding the incident. The indictment prepared by Bolu Public Prosecutor's Office requested a prison sentence between 24 to 30 years for Soner Gökğül (17) on charges of "intentional murder." The indictment declared that Kenan Mak had also used a knife during the fight. The indictment also sought sentences between 6 months and 6 years 6 months for the MHP-supporter 16 defendants who have been prosecuted without arrest (Fahrettin Tunç, Abdullah Ayan, Kürşat Şahin, Galip Ayyıldız, Fatih Yıldırım, Resul Güven, Bülent Eken, Tuncay Yılmaz, Mustafa Emin Yardak, Kürşat Duygulu, Erhan Bayram, Serkan Karadeniz, Erkan Altun, Özay Gündüz, Hüseyin Aktekinöğlü, Fazıl Ali Merdanov) for "having been involved in a fight." The same charge was also brought for Kenan Mak's friend Mustafa Orhan, Serdar Koçyiğit as well as Sezai Koçyiğit and Ferit Öncel who took Kenan Mak to the hospital.

The Supreme Court, upon the application by Bolu Criminal Court, decided prior to the start of the trial that the trial be held in İzmir for "security" reasons. The trial commenced at İzmir Criminal Court No. 4 on 13 August. The only arrested defendant of the trial Soner Gökğül and other MHP-supporter defendants did not attend the hearing. When the hearing started, lawyer Nedim Değirmenci, the Chairman of the ÇHD İzmir Branch, gave the court board a list of 105 lawyers from İzmir Bar Association who wanted to participate in the trial as intervening lawyers. Twenty lawyers including ÇHD Chairman Aydın Erdoğan attended the hearing on 13 August.⁵³

Mustafa Orhan stated in the hearing that a crowded group had attacked Kenan Mak and himself and he had taken out the scissors he had been carrying in order to protect himself. Orhan added that he had not seen who had stabbed Mak dead as he had lost his consciousness. Defendants Serdar Koçyiğit, Sezai Koçyiğit and Ferit Öncel stated that they did not have any political views, that they had intervened in the fight in order to break it up, and that they did not know Kenan Mak or the other defendants.

Intervening lawyer Aydın Erdoğan said that "a fascist organization that want to bring a racist and fascist order" had carried out attack, and he demanded from the court to issue a decision of non-jurisdiction and refer the case file to Ankara SSC. Soner Gökğül was not brought to the hearing on 11 September as well. The court issued an arrest warrant in absentia against the defendants, which would be lifted if their testimonies were received.⁵⁴

The testimonies of the defendants who were arrested in absentia were received at Bolu Criminal Court. The defendants were released after having testified.

Soner Gökğül was not brought to the hearings on 9 October, 9 November and 7 December. At the hearing on 7 December, İzmir Criminal Court No. 4 decided to communicate with the Ministry of Justice General Directorate of Prisons and Detention Places in order to find out in which prison Gökğül was kept.

⁵³ In connection with a demonstration held outside the Court House upon the call by the ÇHD and HRA İzmir branches, İzmir Public Prosecutor's Office filed a lawsuit against the Chairman of ÇHD İzmir Branch lawyer Nedim Değirmenci, the Chairman of HRA Branch lawyer Ercan Demir, EMEP İzmir Province Chairman Haydar Cenani, EMEP İzmir Branch board member Server Altun, the Chairman of ÖDP İzmir Province Cemal Çakıcı, the board member Ayhan Özkaya, HADEP İzmir Branch Assistant Secretary Necla Şengül, HADEP İzmir Branch board member Ahmet Timurtaş, the Chairman of Narlıdere District Branch Niyazi İletilmiş, Hacay Yılmaz, Cezmi Yalçinkaya, Tüm Maliye-Sen board members Ramis Sağlam and Ecevit Piroğlu. They were put on trial in 1999 for "organizing a demonstration without permission".

⁵⁴ Soner Gökğül was brought to the hearing for the first time on 6 January 1999. He asserted that Kenan Mak had attacked him and he had killed Mak with the knife he had taken from Mak's hand during the fight. The trial was concluded on 8 September 1999. Soner Gökğül was sentenced to 15 years in prison. The remaining MHP supporters were sentenced to prison terms between 3 months and 6 months, which were commuted to fines and then reprieved. The 25-day imprisonment given to Mustafa Orhan was also commuted to a fine and then reprieved. Serdar Koçyiğit, Sezai Koçyiğit and Ferit Öncel were acquitted.

Protest Demonstrations

The murder of Kenan Mak was protested in many cities. MHP supporters attacked the protestors in some of these demonstrations.

About 1,500 students held a demonstration in İstanbul University on 5 May. Some 30 MHP supporters, who assembled at Kaptan-ı Derya Mosque nearby the faculty, attacked with cleavers on the students when they entered the university after the demonstration. The MHP supporters also pelted with stones the Esnaf Hospital that the students took shelter in. An employee of the hospital, Erdinç Selvin was injured in the head when he wanted to stop them, and a student named Cem Bayrak was stabbed.

Incidents also took place during the demonstration held by around 300 students in Ankara University Cebeci Campus on the same day. The left-wing students took shelter in the school when MHP supporters attacked them. The MHP supporters also opened fire on the windows of the Faculty of Law. In the meantime, 3 or 4 people who were claimed to be the "chiefs" of the MHP supporters entered the campus and talked to the police. It was declared that these persons had carried guns. The left-wing students left the school around 5.40 p.m., and escorted by the police they walked to the Mithatpaşa Bridge. The police officers detained left-wing students İlhan Türk, Olcay Kaya, Nurhayat Altaca and Nurdan Bayşahan.

A demonstration was held in the yard of Diyarbakır Dicle University Faculty of Science on 5 May. After the demonstration, at least 120 students were detained in the house raids by the police.

On 11 May, the police obstructed the press statement to be read out by executives of the EMEP, ÖDP, HADEP, SİP and DBP in Ankara Kızılay. The police officers took security precautions around Kızılay Square, and dispersed the people even those were unrelated to the demonstration. About 60 people, including ÖDP statement to the press. The police officers have detained approximately 60 people, including journalist and ÖDP Party Assembly member Temel Demirer.

42) Bilal Vural, İstanbul-04.05.1998

43) Hakim Atik, İstanbul-18.05.1998

Bilal Vural (20), a member of HADEP, was stabbed and shot dead by MHP supporters in İstanbul Seyrantepe on 4 May. Hakim Atik (25) who was injured in the incident died in the hospital. The incident took place as follows:

Bilal Vural, Refik Turaman (15) and Suna Yakışan, who worked in a ready-made clothing factory in Seyrantepe quarter of İstanbul, were stopped by two unidentified persons near Seyrantepe *Ülkü Ocağı*, which was formerly closed down because of certain incidents. The two persons attacked Bilal Vural and his friends with knives. Suna Yakışan succeeded to escape and he asked the help of the people in a teahouse in the vicinity. Thereupon, Hakim Atik and his brother Adil Atik came to the spot. Upon this, the assailants opened fire with the guns and rifles they had hid in the guard shed of a construction site. Bilal Vural died on the same day in hospital and Hakim Atik on 18 May.

Bilal Vural was reportedly shot dead with 2 rifle bullets, which entered his body from the abdomen and exited from his back. His relatives disclosed that Vural had formerly been taken to the Seyrantepe *Ülkü Ocağı* a few times, and beaten and threatened there. Two persons, Doğan Çakmak and Murat Çap, were detained with a gun, a rifle and a knife short after the incident.

In her testimony taken at Sanayi Police Station on the night of the incident, Suna Yakışan reportedly said that she knew the assailants and they were MHP supporters. Adil Atik, who survived the attack without any wound, related the incident as follows: "I was sitting at the teahouse. Suna came. Her coat was ripped. She asked for help. My brother Hakim and I went to the scene. We intervened in and took the children from

their hands. However, they attacked again after a short while. One of them attacked Hakim, and the other one fired a gun in that instance. My brother shouted 'I am shot my brother, help me.' The assailants fired a few more times. They escaped when they ran out of bullets. We have found out that these people were the watch guards for a field on Pazar Street."

Bilal Vural's sister Birsen Vural disclosed that the MHP supporters had forcefully taken her brother to the *Ülkü Ocağı* a few times before, and said, "My brother started to hang out with his friends from the HADEP in order to get rid of them. Afterwards, some members of the *Ülkü Ocağı* threatened him with death."

The investigation into the incident revealed that the rifle used in the attack belonged to Nafiz Başaran, the Chairman of the Sanayi Quarter *Ülkü Ocağı* Representative Office. Başaran reportedly went to Sanayi Quarters Police Station right after the attack, and claimed that his rifle had been stolen a short while ago. It was also stated that he had given testimony to the police officers and then taken his rifle and left the police station.

The police obstructed the funeral of Bilal Vural. His relatives went to the morgue of the Forensic Medicine Institute in order to take his body on 6 May. However, the police officers reportedly "convinced" them "to send the corpse to Elazığ without a funeral procession". The police officers also threatened the executive members of the HADEP İstanbul Provincial Organization and HRA Deputy Chairwoman Eren Keskin.

Hakim Atik's funeral was also obstructed by the police. The body was taken from the hospital to the morgue of the Forensic Medicine Institute for an autopsy. The relatives of Atik and executives and members of the HADEP were harassed and detained by the police when they were waiting outside the morgue in order to take the body. National Press Agency (UBA) reporter İbrahim Güneş was among the detainees. Güneş was released after a short while. Hakim Atik was laid to rest with a funeral with the participation of many people.

In the end of July, İstanbul Public Prosecutor's Office opened a case against Murat Çap (17) and Doğan Çakmak (18) who were remanded to prison after the incident. The indictment prepared by İstanbul Public Prosecutor Fazlı Boztepe claimed that "Vural and Atik had demanded for tributes from and sworn at the defendants, and they had been killed in the fight thereupon." The indictment sought the death penalty for Doğan Çakmak under Article 450/5 of the TPC and a sentence of 2 to 5 years in prison for Murat Çap under Article 464 of the TPC.

The trial started in İstanbul Criminal Court No. 2 on 18 August. Murat Çap said in the hearing that 10 people had come to the construction site belonging to their fathers Mustafa Çakmak and Ahmet Çap; beaten them; upon this he had taken the rifle but he had not fired; whereas Doğan Çakmak had fired with a pistol. Doğan Çakmak confirmed the testimony of Murat Çap. However, Refik Turaman, who was along with Bilal Vural during the incident, said that the defendants had verbally assaulted and slapped them. Refik Turaman said that people in the vicinity had gathered upon the dispute, and at that instance Çakmak had fired with a pistol and Çap with a rifle. Intervening lawyer Fatma Karakaş disclosed in the hearing that the Prosecutor had prepared his indictment solely basing on the testimonies of defendants and without waiting for the report of the ballistic examination of the bullets and the autopsy reports of Bilal Vural and Hakim Atik.

Prior to the hearing on 16 September, police officers prevented the relatives of Vural and Atik to enter the court hall. The police officers beat and detained Bilal Vural's father Yusuf Vural, his mother

Gülümser Vural, Duriye Vural and Oktay Aşan when they objected to them. The detainees were released after two hours.⁵⁵

Suna Yakışan who was along with Bilal Vural during the incident identified the defendants during the hearing. Yakışan said that they were on their way home with Bilal Vural and Refik Turaman, and added, *"Defendant Doğan Çakmak got out of a small shed while we were passing by on the road. He approached us and punched Refik Turaman in the face. Then, Refik told me to call his cousin Adil Atik from a teahouse down the road. Refik and Bilal stayed there. I do not know Hakim Atik. He was not there when Refik was punched. I went to the teahouse and found Adil Atik. I heard the gunshots while I was going to the site of the incident. I saw a hunting rifle in the hands of Murat Çap. The other defendant had a pistol in his hand. I did not see the instant Hakim Atik was shot." When the judge reminded her the testimonies she had given at the police station and the Prosecutor's Office, Yakışan said, "I did not witness the defendants verbally harassed Refik and Bilal. They attacked all of a sudden. My testimonies at the police station and the Prosecutor's Office are not true."*

At the hearing held on 20 November, barber Mehmet Tümbaş who shaved Hakim Atik before the incident said that he had seen defendant Doğan Çakmak firing a pistol. Another witness Gökmen Altınok also said that he had seen Çakmak firing his pistol, and said that he had gone to the spot when Suna Yakışan had called them by saying, "They have attacked Refik and Bilal." Altınok stated that the defendants had also punched him and Doğan Çakmak had fired his pistol in that instant. Altınok said that defendant Murat Çap had been holding a rifle in his hands, and said, "Murat only punched me. He had a rifle but he did not use it and he threw it into the shed used as an office." Intervening lawyer Eren Keskin stressed that the trial was a political one: "The incident is evaluated as an ordinary murder case, but it is indeed a political murder. The victims are Kurds and the defendants are the members of the *Ülkü Ocakları*. Many witnesses are scared because of the fact that the case is political."

In the trial that was concluded on 1 February 1999, Doğan Çakmak was first given the death penalty. The sentence was later commuted to a 25 years of imprisonment and a fine of TL 1,500,000. Murat Çap was sentenced to 1 year 8 months in prison.

44) Hidayet Avcı, Van Erciş-25.05.1998

Hidayet Avcı (15), a student of the Commercial Trade High School in Erciş, Van, was shot dead by Fatih Dikici, a student and a member of the *Ülkü Ocağı*, on 25 May. Fatih Dikici was arrested after the attack. It was reported that Fatih Dikici had told that he had killed Hidayet Avcı as "he had insulted the Turkish flag." Hidayet Avcı's father Kemal Avcı applied to the Prosecutor's Office and declared that Faruk Abak, a teacher at the high school, had incited the murder. Kemal Avcı's brother Cevat Avcı is reportedly a member of the Executive Board of the Democratic People's Party Erciş District Organization.

45) Kadir Yıldız, Ankara-02.06.1998

Kadir Yıldız (49), a mechanical engineer and a member of the Enerji-Yapı Yol Sen (trade union of energy, construction and road-building workers) Ankara Branch No. 2, was stabbed to death on the night of 2 June in Ankara Batıkent by the people who are claimed to MHP supporters. It was reported that the assailants

⁵⁵ After having been released, Duriye Vural disclosed that she had been tortured in detention. Vural stated that her eardrum had been damaged during torture. She said, "They took us to the police station in the Court House. A police officer threatened me saying 'I will pull all your teeth out of your mouth.' Then, he hit me on the head while a woman police officer was holding me." Duriye Vural was diagnosed as suffering from a 'torn left eardrum' in Haseki Hospital and referred to the SSK Okmeydanı Hospital, where she was given a medical report certifying her inability to work for 3 months. Duriye Vural lodged an official complaint against the police officers on 17 September.

had attacked Kadir Yıldız and his friend in the late hours of the night near his house in Batikent. They reportedly chanted slogans, "Communist dogs" and "We will not allow communist to live."

46) Zekai Torun, Van-25.05.1998

Zekai Torun (20), a student at the Faculty of Veterinary of Van 100th Year University, was found dead in the university campus on 21 December. The police authorities stated that they assumed that Zekai Torun had been killed somewhere else and his body had been taken to the campus later on. The autopsy revealed that Zekai Torun had been killed on 18 or 19 December. A friend of Torun, Harun Bağlı was detained on charges of "having killed Zekai Torun due to a dispute on fasting." It was reported that Torun and Bağlı were righthists.

Erdal Yıldırım trial

Keçiören Municipality Police Director Murat Balçık had opened fire and injured a youth named Fatih Gültekin when a group of people had gathered outside the Community House (Halkevi) in Kalaba quarter of Keçiören, Ankara, on 29 August 1997 in commemoration of Erdal Yıldırım, who had been shot dead by MHP supporters on 20 August 1995. The case opened against Murat Balçık and the people who were subjected to the attack continued in 1998. In the trial, a sentence of 3 years 6 months to 8 years 8 months in prison has been sought for Murat Balçık for "injuring with a firearm" and of 5 months to 1 year 6 months has been sought for Hasan Yıldırım, the brother of Erdal Yıldırım and the Chairman of the Community House, for "provoking the incident." In the trial, sentences between 2 months and 6 months have been sought for the Community House members Fatih Gültekin, Hülya Bakın, Cihan Garip and Tibet Sadık Altın.

Around 100 MHP supporters attended the hearing on 25 February at Ankara Court of First Instance No. 15. Some of the MHP carried guns, and they harassed the members of the Community House. The MHP supporters left the Court House all together after the hearing, and they demonstrated while chanting slogans. Tension arose when the members of the Community House responded with slogans.

In the hearing on 6 May, it was disclosed that Keçiören District Administrative Board issued a decision of non-prosecution for Balçık. However, Ankara Regional Administrative Court annulled the decision of non-prosecution in June.⁵⁶ In the hearing on 24 September, the court board decided to cease the prosecution and sent the case file to Keçiören District Administrative Board again, on the grounds that "the former file sent to the Board and for which the Board had issued a decision of non-prosecution did not include the crime of acting in contravention of the Law on Firearms numbered 6136." The trial is under way.

Following are some other incidents that took place in Keçiören: The armed gang named "Team A" which is known to be formed by Keçiören Mayor Turgut Altınok attacked a municipality staff member Özkan Deliktaş on 22 January. Özkan Deliktaş disclosed that he had been subjected to the attacks by the Team A since 1994, but his complaints with the Prosecutor's Office had failed to produce any result. Deliktaş said that he had gone to the police station upon the attacks against him, but he had been tortured in the police station, and that the members of the Team A had threatened him near the police officers.

Armed people raided a building of the Municipality in Kasalar Quarter on the night of 22 March. In the incident that took place around 11.00 p.m., fire opened on the building, the furniture inside was destroyed and the telephone lines were cut. It was reported that the building had been abandoned, but 10 municipality employees who are members of the Tüm Bel Sen trade union had been commissioned in this building for

⁵⁶ On 13 August, Community House member Fatih Gültekin lodged an official complaint against Erdoğan Gürbüz, Keçiören District Governor and the Chairman of the District Administrative Board, and the board members Gülşen Erdem, Necip Yardımcı, Eşref Albayrak and Yılmaz Korkmaz for "abusing the duty and misleading the judicial authorities."

about 2 months. The municipality employees disclosed that their rooms had been damaged, and that they had determined the bullet traces in the windows and walls and informed the police about the attack. However, they continued, the holes on the walls had been covered with paint and windows had been changed upon the instruction by Keçiören Municipality Administrative Director Ziya Akkuzu before the police had come to the building. They added that the police officers had also reported this situation.

MHP supporters attacked the house of Erdal Yıldırım's family on the night of 22 August. The MHP supporters, who were riding in Ovacık quarter in 7 or 8 cars while chanting slogans, fired at the house of Yıldırım family a couple of times while shouting, "Communists, we will not let you live here." The assailants left the scene when the relatives of Yıldırım had also opened fire with their licensed guns. After the incident the family members applied to Esertepe Police Station, but the police officers did not accept their petition. The incident was protested in a demonstration held on 25 August.

A ceremony was held at the cemetery on the 3rd year of the murder of Erdal Yıldırım. A convoy that took the road at noon in order to go to the cemetery was waylaid by a group of MHP supporters in the vicinity of Demetevler quarter. A short clash with stones arose between the MHP supporters and the people who got out the cars. In connection with the incident, Hasan Yıldırım, Fidan Yıldırım, Yeter Yıldırım and Binali Yıldırım were detained at night. The detainees were released later.

Unidentified people fired at the building of Keçiören Kalaba Community House on the night of 3 December. At the end of the soccer game between Galatasaray and Juventus, the armed people came to the Community House, fired at the building and then run away.

Other Attacks, Incidents Involving Students

On 23 January, MHP supporter students Sedat Tozlu and Altay, Özay and Aydın whose surnames could not be revealed threatened the left-wing students named Taylan Saygılı and Taylan Soylu at the canteen of the Faculty of Education in Ankara University. After the left-wing students took the meat cleavers from the hands of the MHP supporters, a group of MHP supporters gathered in the schoolyard and opened fire into the air.

The police attempted to detained around 300 students who were stuck inside the school after the attack, but the Dean of the Faculty did not allow the police to enter the school. Upon this the police surrounded the school. The students could get out of the school thanks to the initiatives by the delegation formed by the HRA, HADEP, ÖDP, ÇHD and SES. Accompanied by the members of the delegation, the students started to march towards Kızılay, but this time an armed group of about 10 people attacked them.

Veli Büyükşahin, an executive member of the SES from the delegation, disclosed that the ones who had carried out the armed attack were students of the faculty, and he said, "They were firing on us while aiming at targets. There were police officers in the back and the armed assailants in the front. When the students started to walk toward the assailants, the police officers responsible for the security of the students started to attack the students."

A group of MHP supporters, who came to a bakery at the 16th Street in Ankara Bahçelievler on the morning of 20 February, beat the owner of the bakery, Rifat Aslan and injured him. Rifat Aslan, who was beaten in the basement of the bakery, had reportedly been forced to give tributes and purchase the publications of Ülkü Ocakları for a while.

Halil Demir (19) and Vehbi Demir (15) were tortured and beaten with truncheons at the Ülkü Ocakları office in Kazım Karabekir quarter of Gaziosmanpaşa, İstanbul on 28 February. The teenagers were given medical reports certifying their inability to work for 10 and 5 days, respectively. They held a press

meeting at Worker's Party İstanbul Provincial Organization on 3 March and related what they had gone through. Halil Demir said, "There was a fight in the quarter on 28 February. They said 'the chief wants you' on the next day. We did not want to go, but when they said that 'he will reconcile you,' the owner of the slipper shop we worked at insisted us to go, and we went to the bakery all together. They sent away our boss and taken us to a small room. They blindfolded us with their flags and beat us with truncheons. Five people took turns to beat us for one and a half hours and we were subjected to falanga. They threatened me with throwing me from the fifth floor."

Halil Demir stated that after having received medical reports they had applied to Küçükköy Police Station, but the police carried out no proceedings against the Ülkü Ocakları.

Thirty-seven students were injured in an attack by MHP supporters in Trakya University Selimiye Student Dormitory on the evening of 11 March. The next day a clash arose between the right-wing and right-wing students in the university. Four MHP supporters were injured in the clash. A left-wing student, Serkan Keskin was beaten with clubs by plainclothes police officers and injured in the head. A leftist student Yalçın Demirpolat stated that no authorities had come to the campus during the fight that lasted 45 minutes, and added, *"The windows were broken and we heard 4 gunshots. After the attack ended and the nationalists run away, the police and the officers of the dormitory arrived. We were about 50 people in the canteen, and almost all of us were injured. They took us to the hospital. We were held in the hospital from 10.00 p.m. until morning. We were taken to the police station in the morning, and kept there for 36 hours. They did not answer when we asked whether we were detained. After 36 hours in the police station, we went to the Prosecutor's Office. Our purpose was to lodge an official complaint, but they wanted to receive our testimonies. Later we learnt that the director of the dormitory had lodged an official complaint against us on the grounds of "damaging the state property." We were free after giving testimonies to the Prosecutor for 5 hours."*

A group of MHP supporters attacked 2 leftist students around 10.30 p.m. on 11 March in Hacettepe University Student Dormitory. Upon this, a fight arose between the two groups. Two MHP supporters and 4 leftist students were injured in the fight. The police detained 16 students who locked themselves into a room during the fight.

MHP supporters attacked left-wing students Öznur Sevdiren, Yücel Hekimoğlu, Gülendam Şam and Kurtuluş Yirdem and injured them on 23 March in the hallway of the classrooms of İstanbul University, the Faculties of Law and Economics. About 50 MHP supporters later went outside the campus under the police escort, and this time they attacked a student named Fatma Şimşek, who reportedly suffered fractures on the head and her left arm. A fight with stones and clubs arose between the two groups the next day. Eight leftists and 4 MHP supporters, and 7 police officers were injured during the fight. Nine leftist students were detained after the fight. It was revealed that Zafer Özbek, who had been prosecuted for shooting and wounding 3 leftist students on 5 December 1996 in İstanbul University Faculty of Law, led the MHP group. Zafer Özbek made a statement after the fight. During this statement, MHP supporters beat Ebru Alacadağ, a reporter for the Kanal E TV. The students who were detained during the incident were released on 25 March.

On 25 March, the leftist students attempted to make a press statement outside the Faculties of Law and Economics in order to protest the attacks. However, about 50 MHP supporters attacked them with stones and clubs. After the MHP group withdrew, the police beat students named İsmail Alkıt, Songül Çatak, Bülent Gölbaşı, Yasemin Genç, Erkan Çiftçi, Hikmet Topal and Özlem Sallandı, and detained a student named İlhan Kırmızı. It was reported that 4 MHP supporters and 3 police officers were also injured during the incidents. The injured left-wing students went to Haseki Hospital after the incident, but they were detained by the police. A doctor was also detained by the police when he attempted to prevent the detention of the students. It was reported that Erkan Çiftçi had suffered 9 fractures in the head, and he needed 30 stitches. Students

named Hacı Murat Bedir, Ersen Geyik and Mustafa, Umut and İnan whose surnames could not be revealed were detained during the incidents.

On 1 April, the students wanted to make a press statement in protest to the biased approach of the police. However, 11 students were detained by the police. Students named Songül Çatak and Yasemin Genç, who were injured during the incidents, lodged an official complaint against İstanbul Governor Kutlu Aktaş, Security Director Hasan Özdemir, police officers on duty, Zafer Özbek, a student at İstanbul University Faculty of Political Sciences, Mehmet Bülent Karataş, the Chairman of İstanbul *Ülkü Ocağı* and against the Chairman of Fatih *Ülkü Ocağı*.

On the night of 4 May, some MHP supporters attacked persons named Dursun Fırat and Murat Türkyılmaz outside İstanbul Gaziosmanpaşa *Ülkü Ocağı*. During the incident, Dursun Fırat shot and injured a MHP supporter named Selçuk Şenol. Murat Türkyılmaz, on the other hand, were beaten and stabbed by the MHP supporters.

MHP supporters carried out an attack against a teahouse in Bağlar quarter of Tarsus, Mersin on 5 May. The MHP supporters broke the windows of the teahouse, opened fire inside and beat the owner of the teahouse, Hacı Altun.

Remzi Çakın, a member of the Executive Board of Kürt-Kav and a journalist, was beaten by MHP supporters in Kadıköy, İstanbul on 6 May. The Forensic Medicine Institute issued a medical report for Remzi Çakın certifying his inability to work for 7 days. Remzi Çakın said, ***"While we were passing by the MHP and BBP buildings on the avenue, 3 people attacked me for singing a Kurdish folk song." Çakın said that the police officer at the control point at the site of the incident did not intervene in. Çakın added that he had gone to Hasanpaşa Police Station after the attack, but the police officers had sent him to the Central Police Station even though he had been injured.***

On 1 June, MHP supporters attacked students after an examination at İstanbul University Central Campus. A student named İlker Kaplan was injured in the neck with a cleaver, and in the head with nailed clubs. Kaplan was hospitalized. The students, including İlker Kaplan who was discharged from the hospital on 2 June, made a press statement in the school. MHP students were standing nearby during the statement. İlker Kaplan pointed out the MHP-supporter students Günhan Caymaz, Osman Uraz, Olcay Yılmaz, Ali Tekerek, Vedat Karabulut as well as Bayram and Tarkan to the police and journalists. Thereupon, the MHP supporters were taken out of the school under the police escort, but no one was detained. A MHP-supporter student Olcay Yılmaz attacked and threatened the newspaper Cumhuriyet reporter Alper Turgut while he was trying to take pictures.

Meanwhile, left-wing students started to protest the police. Upon this, the police officers beat and dispersed them. Left-wing students named Volkan Sarıbaşı, Burçin Dinç and Murat Andaç were detained. The detainees were released after some time.

On 2 June, MHP supporters attacked and injured Ahmet Gürcan and Faik Karaçöl while they were distributing drinking water in Feriköy, İstanbul. Gürcan suffered from a fracture in the head, and he temporarily lost his sight due to the blows to his left eye. Besides, the bottom of his chin was pierced with a screwdriver. Gürcan's relatives stated that the MHP supporters had attacked Gürcan and his friends for they had listened Kurdish music in the car. Gürcan disclosed that police officers at Feriköy Police Station oppressed him in order to avoid an official complaint.

A teahouse in Küçükçekmece, İstanbul was pelted with a hand grenade at night on 3 June. Ramazan Şahin, Kenan Şahin, Ali Kaya, Kazım Demir, Abdülkadir Laleli and Kemal Öztürk were injured in the explosion. Ten minutes after the attack, another hand grenade that the assailants left nearby exploded while

the injured people were being taken out of the teahouse. Certain people were detained in connection with the incident. The name of one of the detainees was reported as İsmail Yıldırım.

On 8 June, MHP supporters including Ali Yıldırım, the Chairman of the *Ülkü Ocağı*, beat and injured students named Demo Derin and Turabi Timur in Birecik, Urfa. A fight arose at Birecik Commercial High School on 9 June. After the fight, left-wing students named Abdulkadir Gökmen, Şeyhmus Çubuk, Seçkin Serin, İbrahim Yılmaz, Ali Durak and Fevzi Bayram were detained by the police.

On 10 June, MHP supporter went to Güzeltepe quarter in İstanbul. They shot and injured a dweller named Özgür Baykal when he had stood against them. It was reported that no proceeding was initiated against the MHP supporter named Necati, who shot Baykal.

A group of MHP supporters raided the summer camp of the Eğitim-Sen trade union in Samsun on 18 July. Around 20 MHP supporters came to the camp with a minibus, they torn the union flag at the entrance of the camp and attacked the teachers. Many teachers and their relatives were injured from various parts of their bodies during the attack. Former Chairman of Eğitim-Sen Bedrettin Önder, Cemalettin Zeren, Metin Şen, Ataman Yılmaz and an unidentified person who were in critical condition were taken to the hospital. Four people were treated as outpatients. It was reported that the nose of Bedrettin Önder had been broken and he suffered from fracture in his ankle and a deep wound in the head. The MHP supporters who were detained after the incident were released for "there was no fatal injury."

On 7 October, a student named Deniz Top was stabbed by a pro-Islamic student named Metin Irmak while he was distributing a leaflet, "What is a Turban Covering?" that criticizes pro-Islamic students wearing headscarves in Bornova Campus of the Ege University. Metin Irmak who was detained after the incident was arrested subsequently and put on trial on charges of "attempt to murder" under Article 448 of the TPC. The trial started at İzmir Criminal Court No. 2 on 2 December. Metin Irmak claimed in the hearing that the persons on the book stand had insulted him. He said, "I could not bear, and took out my knife and waved it around. I did not intend to murder." Deniz Top said in his testimony that the defendant had approached them while shouting "Infidel communist bastards," started to tear the posters, and he had taken out his knife when he had attempted to stop him. Deniz Top said, "I have intervened in order to avoid any further incident, but he stabbed me while I was trying to hold him. Then I fell on the ground. The defendant continued to insult us when he was leaving the scene."

Fahri Ünal, one of the professors of Marmara University, was injured in an armed attack on 7 December. Fahri Ünal was a member of the commission that was formed in the university in order to ensure that students wearing headscarves enter the classes after taking off the headscarves, and the university administration did not make any statement as to the attack. Fahri Ünal disclosed that he had been followed 2 days before the attack, and he said, "When I was going home at around 10.30 p.m., a tall, thin, lightly bearded person with his collar up fired his gun 3 times behind me just a few meters away from my house. One of the bullets had entered from my left ear and advanced towards my brain. The other bullet had entered from my right ear and exited from the neck. The third bullet hit my chest. One week before the attack, a meeting was held at the university with the participation of all of the instructors upon an instruction from Ankara. We were asked to give the names of the student who wear headscarves in our classes. I opposed to this instruction saying that this was against the pedagogy and it would bring the students and their teachers into confrontation. After this meeting two commissions were formed in order to convince the students wearing headscarves. The administration assigned me to one of this commissions against my will. However, I did not have the opportunity to get involved. As a result, this attack has occurred."

A police officer Muammer Özgen, who is a student at the Faculty of Political Sciences of Ankara University, shot a left-wing student named Mehmet Tuğta in the leg on 25 December. Özgen, who entered the canteen with two people, shot Tuğta. It was reported that Özgen had also drawn out his gun to threaten a

student in 1998. It was also reported that the university administration did not start any investigation on Özgen.

Koray Demir, a student of the Faculty of Fine Arts at Gazi University, disclosed that some MHP supporters had tortured him on 25 December. Demir related what he had gone through as follows: "Three nationalists stopped me while I was exiting the Foreign Languages Department of Gazi University. They forcefully took me to the canteen of the Faculty of Education and have cornered me by the stairs. They constantly asked the names of the democrat students in the university and I said that I did not know. They looked inside my case. When they saw the newspapers and journals in it, they said, 'You know who they are. You will tell us their names or your corpse will leave here.' Then they took me to the bathroom of the canteen in the basement of the faculty. They beat me for some time, then a group of about 10 people entered the bathroom and they attacked me as well. They stuck my head in a urinal. They said 'Urinate on his head.' Then I felt a cold liquid was poured over my head. They lifted my head, started to kick me and hit my testicles. Later two groups of about 10 people each came and attacked me as well. They constantly wanted the names during the attack. They also seized everything in my case. They took my ID card, and said, 'We will not see you in any demonstration from now on. The police cameras are taping the demonstrations in any case. If we see you in those tapes, you cannot attend this school. You will talk to the chief in the Painting Department once a week!'"

6. RIGHT TO PERSONAL SECURITY

In 1998 the coalition governments initiated some actions regarding the protection of the right to personal security and the prevention of torture (except for prisons and detention places). After the European Union did not accept Turkey for full membership we have observed an increase in the official statements on "human rights" and "democratization" and more support for the attempts of legal amendments. Ministry of Justice and the Human Rights Coordinating High Council carried out studies that aimed at introduction and implementation of legal amendments to prevent torture. However really practical steps were not taken in these studies in 1998 and the security officers did not abide by the rare amendments.

In 1998 the security officers were not within the jurisdiction of the prosecutors in terms of their official duties. The security officers retained their impunity from prosecution and sanctions when they were accused for torture and ill-treatment of detainees. One of the main obstacles before the prosecution of the perpetrators is the 1913's Law on Prosecution of Civil Servants, which authorizes the local administrative boards to give consent to the investigations that would be brought against security officers. The provision of the Code of Criminal Procedures (TCPC) that entitles the prosecutors directly to make an investigation regarding the crimes committed by the security officers on duty was not observed either by the government or by most of the prosecutors in 1998. Gendarme units in particular were outside the public control. The government officials continued to deny the cases of disappearances, torture and ill-treatment, and inhuman conditions in prisons; they defended the perpetrators and denied the political responsibility in human rights violations. Impunity has almost been institutionalized; the authorities failed to observe the international standards on the right to personal security and they failed to implement the standards that the European Court of Human Rights (ECHR) has mentioned in its judgements. These were the factors that led to the continuation of systematic torture practices uninterruptedly. Regarding the human rights problems in prisons and detention places, the government authorities defended that "the state should exhibit its power to the prisoners" and "the state and its officials should be protected against them." The mainstream media supported this attitude by the National Security Council (NSC) and the government in 1998 as well, and the propaganda in this inclination continued.

As a breach of the right to personal security, at least 11 people went missing in 1998; at least 5 people were killed in detention and at least 28 people died in prisons or detention places.

Some government officials admitted emphatically that torture and ill-treatment posed a serious problem. Nonetheless, they emphasized that torture was not "a government or state policy" nor was it a systematic practice. The defensive attitude towards the criticisms regarding human rights and especially torture remained as an essential obstacle in the way of the prevention of torture. For example, Minister of State responsible for human rights, Hikmet Sami Türk said, "It is true that torture exists in Turkey; however, this is not a state policy," when he addressed to the journalists in New York where he went for an official

visit on 15 June. Minister Türk admitted that there were problems in terms of human rights in Turkey despite the human rights declarations and conventions signed by the government and legal and constitutional provisions against these violations. He continued, "In spite of this, no government will be allowed to use the issue of human rights as a means of an ethnic discrimination against Turkey. I welcome the criticisms or cooperation that will facilitate solving the problems about human rights."

Table 4. Right to Personal Security and Right to Life, 1998⁵⁷

	Disappearances	Deaths in detention	Deaths in prisons
1990	2	10	2
1991	3	19	2
1992	8	17	1
1993	30	28	12
1994	57	31	22
1995	49	18	19
1996	19	19	53
1997	10	14	38
1998	11	15	28
Total	183	169	200

a) Legal Provisions

In January 1998, in the reactionary atmosphere ensuing the rejection of Turkey's full membership to the EU in the Luxembourg Submit in December 1997, the Human Rights Coordinating High Council withdrew its decision of 1997 regarding "the extension of the 4-day detention period by the judge of Peace Court" and "the reestablishment of the office of interrogation judge." Making a statement about this decision, Minister of State Hikmet Sami Türk said, "The evaluations revealed that such an implementation is not feasible, given the present conditions." Minister Türk said that a provision which would stipulate that "in the application with the judge of Peace Court for the extension of the detention period, the prosecutor shall also submit a medical report which is taken from a physician on the same date with the request of extension" would be included in the Regulation on Apprehension, Detention and Interrogation.

The High Council prepared a draft bill that would amend articles 243, 245 and 354 of the Turkish Penal Code for the prevention of torture. The draft bill raised the upper limit of the penalty stipulated in Article 243 regarding the crime of torture from 5 years to 8 years. The scope of the penalty for torture was defined as follows in the draft bill: "(...) to penalize the torture and other cruel, inhuman or degrading treatment on a victim, plaintiff, intervening person in court or a witness in order to prevent them from disclosing the incidents or for the complaint or denunciation they make or the statements they give as witnesses." This provision narrowed the scope of the crime of torture in compliance with the tendency of the judiciary in preferring the penal provisions on ill-treatment in torture cases.

⁵⁷ This table includes the deaths due to the torture, negligence or other causes under custody or in prison.

The draft bill also proposed to increase the upper limit of the penalty stipulated in Article 245 of the TPC on ill-treatment from 3 years to 5 years. The proposal on Article 354, which is on the false documents prepared by the health officials, stipulated that "physicians, pharmacists, health officers and other health personnel shall be sentenced between 6 months and 2 years (currently 3 to 8 months) and fined TL 300 million (currently TL 100 million) if they prepare a false document, which shall be kept and trusted by the government, as a favor." In the draft bill that proposed an amendment to Article 354, "issuing documents for concealing or destroying evidence regarding the crime of torture and other cruel and inhuman treatment became a matter of penalty for the first time. The draft bill was accepted by the Council of Ministers and submitted to the Parliament on 4 September. However, it was not taken on the agenda of the Parliament in 1998.

The regulations on the preliminary investigation by detention or security officers were amended with the Regulation on Apprehension, Detention and Interrogation. This regulation aimed at an improvement in the provisions of law and establishing safeguards against the arbitrary detentions. In 1998, no outstanding work was undertaken on other legal regulations regarding the personal freedom and security.

The Minister of Interior Affairs said, "They fulfilled duties on the behalf of the state"

In response to the parliamentary question by Aydın MP Fatih Atay regarding the police attack at the lawyers and journalists on 21 April, subsequent to the disclosure of the verdict in the trial brought for the killing of Baki Erdoğan in detention, then Minister of Interior Affairs Murat Başesgioğlu gave the following explanation on torture:

"These police officers are prosecuted because of the uniform they wear; that is to say, **for performing on the behalf of the state**. They do not have **anything personal** to do with the Aegean Region representative of the DHKP/C. They work for apprehending the people who have attempted to defy our constitutional order and the indivisible unity of our country and taking them before the judiciary; that's why they have been prosecuted. For this reason, as representing the Parliament and the state we must observe their prosecution closely."

Başesgioğlu said the following on torture at the Parliament's session:

"Especially in the course of ideological trials, city centers and the courts where these trials are heard tend to turn into the venue of a meeting, unfortunately. Even those who don't have anything to do with that particular trial follow the developments in the trial. The relatives of victims can certainly follow these trials. Nevertheless, we cannot allow people who want to retaliate against the state to use the pretext of trials against the police just with an ideological point of view to turn the court halls into an arena. The government cannot allow this happen, and neither can parliament or the security forces. I am afraid, as far as I am concerned, attacks and scenarios are produced with such trials and all being used as a pretext so that some people can retaliate against the state and bring up unsettled conflicts from the past with a motive of revenge. I strongly believe that our Parliament, our state, will definitely be sensitive with regard to this issue."

The regulations concerning the detention and the "preliminary investigation" by the security forces were set forth in the "Regulation on Apprehension, Detention and Interrogation," which aimed at a partial improvement in the legislation and to prevent arbitrary detentions in practice. However, no important step was taken in 1998 regarding other legislative provisions on the right to personal security and freedoms.

The regulation which provides the opportunity for insisting on one's rights in terms of arbitrary detentions and arrests is the "Law on Compensating Persons who are Illegally Apprehended or Arrested" numbered 466 which was adopted in 1964. According to this law, compensation can be demanded by those "who have been apprehended or detained or arrested out of the judiciary conditions and situations specified in the Constitution or other laws; who have not been informed about the reasons for their detention or arrest and the charges against them in written form immediately; who have not been taken to the court within the duration specified in the law; who have been deprived of their freedom without a decision by a judge after the duration specified in the law has expired; whose relatives have not been immediately informed about their detention or arrest; who have been detained or arrested within the scope of the law but who were later issued with decisions of non-prosecution, not opening the final investigation or who were acquitted or issued decisions of non-conviction; who have been convicted but the period they served in prison exceed the punishment or who have only been given fines after they have been arrested."

Despite this provision which covers the outlines of the international standards about personal security and freedoms and the demands by the human rights organizations, the practices identified as crime in this law were turned into a rule in the period following 1980 coup. Especially the amendment to the TCPC in 1992 and the other regulations including the amendment in 1998 entitled the security forces to carry out investigations and interrogations although they do not have any legal formation. No regulation was brought to foresee penal sanctions for the violations of the safeguards listed in the 1964 law.

The Turkish Penal Code includes provisions that bring penal sanctions for violations of the personal rights and freedoms arbitrarily or by abusing duty. Regarding the practices that deprive the individuals of the personal security and freedoms, Article 179 of the TPC provides sentences between 1 year and 5 years in prison in case of "an illegal deed". Sentences between 3 and 8 years are sought if the individuals are deprived of the personal security and freedoms "by being threatened or ill-treated; or deceitfully or for taking revenge; or for religious or national motives; or in pursue of personal benefits or basing on differences of political, ideological or social opinions." This sentence can be applied between 5 and 15 years in case that this offense is committed by a spouse against his/her partner or against a public official (Article 180). However, lesser terms are sought if public officers commit the crimes violating the personal rights and freedoms.

A security officer or another public officer can be put on trial with the demand of a sentence between one year and 3 years in case that s/he deprives an individual of his/her freedom "by abusing his duty or not observing the legal prerequisites or terms." Sentences between 3 and 5 years are sought for the public officers if the individuals are deprived of the personal security and freedoms "by being threatened or ill-treated; or deceitfully or for taking revenge; or for religious or national motives; or in pursue of personal benefits or basing on differences of political, ideological or social opinions" or the crime is committed against a public officer. However, the law does not include a provision for suspending the public officers from duty for this crime.

Article 183 of the TPC provides sentences up to 6 months in prison if the security officers order the body search or carry out the body search without a legal justification. Sentences between 3 months and 3 years can be sought if the search is carried out in a house without authority.

Article 184 of the TPC provides sentences between 6 months and 3 years for the public officers who take an individual to the detention place or a prison without a document by a competent authority or who do not abide by the decision of release. Arbitrary treatment of the convicts and prisoners by warders or gendarmes who are responsible of the outdoor security of the prisons or the use of "illegal force" is a matter of punishment between 1 month and 2 years in prison, according to Article 186 of the TPC. If this crime is committed for specific purposes, this sentence can be increased by one sixth under Article 187 of the TPC.

HFRT could not obtain adequate information with regard to the implementation of legal proceedings in case of arbitrary detention and arrest procedures. The following are some examples regarding the compensation trials:

The case opened by a university student demanding a compensation of TL 2 billion for having been detained during the final exams and thus repeated the class was concluded in February. Gülnaz Adıgüzel, a student at Ankara University Faculty of Language and History-Geography, had been detained on charges of "membership to an illegal organization" on 1 June 1997 and released on 11 June 1997 with a decision of non-prosecution. Adıgüzel had not attended the final exams and thus repeated the class. She opened a case for compensation on 23 September 1997. At the end of the trial, Ankara Criminal Court No. 2 decided that she should be awarded TL 25 million as a compensation. The request of compensation for pecuniary damages was rejected on the grounds that "she could not provide the court with documents that would certify the pecuniary losses she had suffered because of having been deprived of rights and freedoms."

Çelebi Demir, who had been kept in prison for 8 months with the decision of İzmir SSC for "membership of the PKK" and then acquitted in the trial brought against him opened a case on 1 September 1997 with the demand of a compensation under the Law numbered 466. Karşıyaka Criminal Court decided in June that Demir is awarded TL 150 million for pecuniary damages and TL 40 billion for non-pecuniary damages for having been kept in prison unjustly.

Nevzat Pak, who had been kept in prison for 9 years after having been detained by gendarmes on charge of "extortion" after he had left his family's house in Etimesgut, Ankara in 1979, opened a case for compensation after he was acquitted in the trial he was prosecuted. In October, the Court decided that he should be given TL 745.217 for pecuniary damages and TL 5 billion for non-pecuniary damages.

b) Regulation on Apprehension, Detention and Interrogation

In 1998 the most significant legal step in terms of the enforcement of the right to personal security and the prevention of torture was the "Regulation on Apprehension, Detention and Interrogation". The aim of the regulation, which entered into force on 1 October, was stated as "to arrange matters related to the principles and procedures which will be applied by all security officers during legal investigation, which will be carried out in line with the information and orders of the prosecutors, the rights of persons apprehended or in detention and standards of detention center, the training, powers and responsibilities of the personnel as to interrogation procedures." This regulation annulled the provision of the 28 February "Human Rights Circular" issued by Prime Minister Mesut Yılmaz, which vested prosecutors with the authority of constantly conducting inspections at police stations. The regulation provided that prosecutors examine police stations as a prerequisite of their judicial task. The regulation did not include the provision of the circular that provided prosecutors with the right to listen the walkie-talkies of the police and gendarme.

The regulation defined "taking statements" as follows: "Listening to and registration of statements of people who are suspected to have committed a crime, by security forces (...)" Thus, the illegal proceeding that the security forces implemented in practice was worded in the regulation so as to comply with the legislation. The regulation defined "interrogation" as follows: "Interrogation of the accused or the suspect by the judge as a result of a crime." The regulation enabled the security forces to apprehend or take under custody or detain a person "when there is a strong trace, indication, circumstantial evidence and proof that a crime has been committed," which has been criticized as a provision that supported arbitrary detentions and institutionalized the faults in practice. The regulation also read that "persons who do not obey the orders given by the security forces or who do not respect the measures taken" would be apprehended or taken under custody or detained by security forces, which also supported the arbitrary detentions in practice. In a similar

way, another provision that supported the faults in practice was detention of "persons who resist security forces," when we take into consideration that many people have been arbitrary or forcibly detained when they rejected the attitude by security forces or even when they wanted to their official ID cards. The regulation also vested security forces with the authority to detain "a person unable to prove his identity by a document or through witnesses reliable or known to the police, or a person whose documents' authenticity is suspected for a period no longer than 24 hours until his identity is determined or until it is understood that he is not wanted," which is another provision that supported the arbitrary detentions in practice.

In contrast with the implementations in practice, the regulation brought a provision that read "*In cases when apprehension is carried out directly by security forces, the procedure, the name of the person apprehended and the measures taken are immediately communicated to the prosecutor.*" However, the provision regarding the right to inform the relatives of the suspect of his apprehension read "During apprehension, informing immediately the relatives of the detained person will depend whether this information will harm the investigation as to the context and subject," which gave the security forces who did not inform the relatives of the detainees in practice an authority that continued to be used arbitrarily.

A new arrangement brought by the regulation was the record to be held for apprehension and the "Form on Suspect and Accused Rights" that would affirm that the person has been informed of his rights. Some of the detainees in big cities confirmed that they had signed such forms after the regulation entered in force. However, no adequate information could be obtained with regard to the implementation in general.

The provision of the regulation under the section "Health Control" read, "For crimes falling under the jurisdiction of the State Security Courts, in case the detention period is extended, provided the condition that the period between two controls does not exceed 4 days, the apprehended person's health condition will be determined by a medical report." The medical examination control and treatment are carried out free of charge by forensic institutions, official health institutions or municipality doctors, according to this section. The report of the doctor is prepared in 4 copies. After the regulation entered in force, it was observed that some medical reports were prepared properly. "In cases where there is no restriction with regard to the investigation and to security considerations, the doctor and the person will be left alone in the examination room," read the regulation. However, the gendarme and police officers in charge at anti-terror branches did not observe this provision.

The regulation brought restrictions with regard to the apprehension and interrogation of children, and set forth that the prosecutors will carry out the preparatory investigations of minors instead of the security forces. However, as the minors over the age of fifteen are not regarded as children, this rule was not applicable to them.⁵⁸ It was observed that in practice security forces interrogated minors of all ages, as was the case for the children who were detained for crimes falling under the jurisdiction of the SSCs. The regulation set forth the rule of informing a lawyer when minors below the age of fifteen are apprehended. However, this provision was not effective to prevent the torture of the children at detention centers other than the anti-terror units. In 1998, many cases were reported to indicate that especially homeless children and the ones who were detained by gendarmes were subjected to torture.

The most important novelty in the regulation was the provision that read "The apprehended person may meet with the lawyer anytime and in an environment where others will not hear the conversation." However, the right to meet a lawyer was not implemented in practice, thus questions arose about this rule. The same provision read that "in crimes falling under the scope of the SSCs, the apprehended person may meet a lawyer only upon the extension of the custody period by order of the judge," i.e. after 4 days under

⁵⁸ The true number of detained children and the ones whose detention forms were filled in is not known. According to the data of the General Directorate of Judicial Registers and Statistics, a total of 96,631 trials were brought against children who were referred to the prosecutor's offices in 1998.

normal circumstances and after 7 days in the State of Emergency Region.⁵⁹ The regulation noted that "in case the lawyer doesn't arrive, this will be registered in the minutes and the statement procedure will begin," thus provided the legal basis for the cases lawyers are not informed at all. In 1998 many cases were reported for the prevention of lawyers by security forces when they wanted to see their clients.

The regulation did not change the former provisions regarding the lawyer's right to examine the case file: "The lawyer may examine anytime the minutes of the statement of the apprehended person, all the expertise reports and all other preparatory documents and may obtain copies of them from security forces." Other information in the case file may be examined only upon the decision of the prosecutor, continued the regulation casting an obstruction with regard to the right to defense. Lawyers of the defendants prosecuted at the SSCs in particular learnt about the charges against their clients at the first hearing of the trials or from the newspapers beforehand.

The regulation maintained that "Any person, until his guilt is proven by a court decision, is presumed innocent. For this reason, a detainee cannot be shown to the public," and requested from security officers not to mention the names of the detainees in the press statements they make with regard to the apprehension and detention proceedings. However, people were portrayed in the media as guilty, especially in the statements made by anti-terror branches in 1998.

After it entered in force, jurists and human rights defenders criticized the regulation, which aimed at a partial improvement in detention conditions except for the crimes that fall under the jurisdiction of the SSCs.

İstanbul and İzmir Bar Associations and the Turkish Medical Association (TTB) brought cases at the Supreme Administrative Court on 30 November for its abrogation (see the section "Right to Fair Trial"). In its petition, İstanbul Bar Association pointed to Article 4 of the regulation, which defined the process of "information gathering" as "listening to and registration of the statement of the persons who are not yet suspected of having committed a crime, or witnesses, or victims, with a view to determine or clarify a crime." İstanbul Bar criticized this provision: "The definition of 'persons who are not yet suspected of having committed a crime' in this article has brought into being a new legal status that can be called 'candidate for apprehension' and persons who have been defined under such a statute have been deprived of their right to defense until they are apprehended. This provision is against the TCPC and the European Human Rights Convention." The Supreme Administrative Court rejected the demand of halting the implementation. The case opened for annulment of the regulation is under way.

İstanbul Bar Chairman Yücel Sayman made the following statement as to the regulation: *"The point is not issuing circulars but implementation of current regulations. Current rights are not observed at police stations. The detainees should be informed about their right to meet with a lawyer and in case that he wants a lawyer, no proceedings should be started before the lawyer arrives. The detainee should at least be reminded of his right to keep silent until his lawyer arrives. If he want to use his right to keep silent until the lawyer arrives, no proceedings should be carried out such as examinations on the spot of the crime."*

⁵⁹ The amendment made to the TCPC on 12 March 1997 provided that persons who were suspected of crimes other than the ones falling under the jurisdiction of the SSCs "must be interrogated by a judge no later than 24 hours, except the necessary time needed for his transfer to the nearest judge." However, the amendment extended the period of uncontrolled detention to 7 days, reading that "If the investigation is not completed within this period, this period can be extended to 7 days with the request of the prosecutor and decision of the judge." The same law also amended the Law on SSCs, and decreased the period of uncontrolled detention to 48 hours for individual crimes, to 4 days if more than one person have been detained in connection with the crime, and to 7 days in the State of Emergency Region.

c) The Human Rights Commission in the Parliament

Headed by DSP MP Sema Pişkinsüt, members of the Human Rights Commission in the Parliament carried out examinations at prisons, detention places and police stations in the Eastern and Southeastern Anatolia starting from the beginning of the year 1998 onwards. In the statement made by the Commission on 6 April it was announced that instruments of torture were found in certain interrogation centers. The members of the Commission saw detention cells and interrogation rooms that had just been cleaned, painted and furnished with carpets when conducting their inspection in the security directorates. However, having got the carpets removed and the small rooms near the interrogation rooms under stairways opened in line with the accounts of the former detainees, the members of the Commission found the instruments used for torture. According to the statement, members of the Commission discovered electricity wires under the carpets and instruments of torture inside the small rooms and took their photographs. According to the statement, police officers gave the following reasons for the use of such instruments: "Clubs: We use them to clean the toilets. The members of Commission pointed out that the clubs were clean. Truck tires: Old, useless tires of vehicles. When the delegates saw that the tires had been washed, it was accounted for as 'oil'. Pipes for hanger: They were claimed to be water pipes in the interrogation room although they were actually used for hanging the detainees from their arms. When the members of the delegation asked why the pipes did not stretch to the other rooms, it was evaded through the reply 'Really? Aren't they going on to the other rooms? We wonder why?' Electricity apparatus: A small tool used for regulating electricity current was found on a cupboard in one of the interrogation rooms. One of the police officers told the members of the delegation, 'We are using this for secretly listening to the interrogated persons. It is a very costly apparatus.' Nevertheless, the electricity experts in the delegation identified the tool as having been used to give people electric shocks. The authorities replied to the question 'How do you conduct the interrogation?', 'We just sit at tables here and ask people whether they have committed the crime in question in a respectful way in compliance with human rights.'"

Upon the question how they decided on the officers to conduct the interrogation, the authorities answered, "The intelligent, clever and willing ones are assigned." The members of delegation were shocked to hear an official's statement, "Interrogation is an enjoyable task." Upon this another official said right after, "It means solving a crime case is enjoyable."

When the members of the Commission wanted to learn why no female police officers had been assigned for interrogations, the officials said, "No person who has a child can bear these interrogation sessions." The reply given to the question whether a list of those who had been interrogated was kept was that "Only those who were taken to courts were included in the list." When the members of the Commission insisted on seeing the lists, they were shown a series of lists titled "The List of Wanted People" which included thousands of names. It was explained that these lists included the names of people given by the interrogated people. Chairwoman of the Commission Sema Pişkinsüt maintained that listing every name without a proper investigation would mean that "thousands of people had been registered (in police records) unjustly."

A member of the Commission Haşim Haşimi disclosed that the investigations of the Commission had been written in a report form, but the government authorities had prevented them from disclosing the report on the pretext that "it would damage the respect for the state."

Commission Chairwoman Sema Pişkinsüt also disclosed that the Commission had found instruments of torture in the police station in Armutalan quarter of Marmaris, Muğla. Pişkinsüt said, "During out investigation in Muğla we have found tools to be used for torture during a series of inspection in Muğla and we took them."

d) The Prevention of Torture and the Problem of Impunity

The Bus to Stop Torture (STOP), an initiative organized by Niels Steenstrup Zeeberg (Coordinator of International Torture Rehabilitation Center) which went on a world tour to put an end to torture, arrived in İzmir in February. The STOP members, accompanied by Prof. Dr. Veli Lök, İzmir Branch Representative of the HRFT made a press statement at Cumhuriyet Square. The STOP members disclosed that the coach tour had been organized in order to give the message to the nations of the world that torture should be eliminated. Zeeberg said, "Torture has been implemented still in many European countries. People should be educated and media support is necessary for the elimination of torture. Implementation of torture is one of the reasons why Turkey is not accepted for the full membership to the European Union. Turkey is the only country which does not support the European Council's program for the elimination of torture." Zeeberg stressed that torture could not be exposed to light easily and added, "In Turkey, doctors and lawyers are the ones who frequently witness the torture cases. However they do not express the truth." Prof. Dr. Veli Lök stated that torture was systematically applied in Turkey. Prof. Lök said, "Despite all the statements by the Prime Minister, the applications to our centers prove that torture is continuing. In 1997, 500 people applied to our centers for receiving medical treatment. This number was 580 in 1996. Fourteen people, 2 being children, have applied to our center in the first two months of 1998. The most evident case of torture in our country is the trial brought in connection with the torture inflicted on several youths in Manisa. It has been revealed that 7 of these youths are still suffering from psychological and physical effects of the torture they had been subjected to." Prof. Lök stated that the closest witnesses of torture were doctors and they had been oppressed when they attempted to certify the torture cases.

Human rights defenders continued emphasizing the significance of the prosecution and punishment of the perpetrators and suspension of them from duty. The HRA Chairman Akın Birdal disclosed that torture was employed as a method of interrogation, and said that reasons behind it was the intention of concealing the consequences of the economic and social crises that had existed for a long time. Birdal pointed out that the legal regulations for the elimination of torture were insufficient and were not deterrent for the perpetrators. Birdal also said that security officers who were involved in torture cases were almost "awarded." He added that the detention period should be less than 24 hours, the judicial authorities should interrogate the suspect and the detainees should instantly be registered. Akın Birdal pointed out that relatives and the lawyer of the detainee should be informed immediately about the detention, and that the Prime Minister and the Minister of Interior Affairs should constantly declare that they disapproved the practice of torture.

The authorities made statements against the practice of torture but the impunity of the security forces before the judicial bodies was of a remarkable obstacle before the elimination of torture in 1998. The security officers who were accused of implementing torture were promoted also in 1998. For example, superintendent İrfan Demirel⁶⁰ who was prosecuted and convicted for torturing a 12-year old child (H. İ. O.) in İzmir, was promoted to the position of chief superintendent in March. Arif Ali Cangı and Banu Cangı, lawyers of H. İ. O., protested at this promotion. They stated that İrfan Demirel should not have been promoted according to the regulations of the Security General Directorate and in fact he should have been dismissed from profession under Article 8/39 of the Disciplinary Regulation of the Security General Directorate for having been convicted on charges of inflicting torture.

⁶⁰ On 30 October 1996 İzmir Criminal Court No. 2 fined police officers İrfan Demirel and Mustafa Yılmaz TL 750,000 and suspended them from duty for 2 months 15 days for torturing the child H. İ. O. When he had been detained on 27 November 1995. The Supreme Court overturned this verdict. The police officers were put on re-trial, and they were sentenced to 10 months in prison and suspended from duty for 2 months 15 days, and sentences were reprieved. The case file is pending review at the Supreme Court.

Minister of Justice Oltan Sungurlu issued a circular on 6 March concerning the measures to be taken for the just, rapid and effective functioning of the judicial proceedings. The circular aimed at the control of the judicial bodies over the security forces, and requested that the prosecutors should be provided with the technical equipment so that they would listened in to the wireless communication of the police and the gendarme, but the prosecutors were not given such equipment. In his circular, Sungurlu stated that chief prosecutors should be sensitive against the practices in violation of the human rights. Sungurlu also proposed that prosecutors would keep the personnel registers of security directors and gendarme commanders. The Ministry of Interior Affairs opposed to the circular stating that "police officers would be discouraged." (See the chapter "Introduction".)

e) Forensic Medicine

In 1998 the Turkish Medical Association (TTB) and the Association of the Forensic Specialists (ATUD) continued their efforts for maintaining the preparation of the forensic reports in line with the ethical rules of the medical profession as these reports provided the most important evidence in certifying the torture inflicted on victims in the trials brought against the perpetrators. No changes occurred in the Forensic Institute in 1998, and the pressure on the forensic doctors continued. (Turkey Human Rights Report 1997.) Prof. Dr. Şebnem Korur Fincancı, the Chairwoman of the ATUD, made a statement in April and said that Turkey faced serious problems in the field of forensic. Prof. Fincancı said that the reason behind these problems was the statue of the Forensic Institute that is "the official expertise authority". Prof. Fincancı stated that the Institute was subjected to pressure for being an official body, and emphasized that "an independent and alternative body of expertise should be established." Fincancı said, "As long as the Forensic Institute does not have an alternative for expertise examination, it will continue suffering from pressure. The political power will involve in a struggle for the control of this organization. The alternative and independent expertise should be established, and debates should be carried on the basis of alternative reports and different evaluations. The pressure over the Institute shall be revoked when its not the only body for expertise examination." Fincancı added that medical chambers, university department and various experts prepared alternative medical reports in cases of autopsy, torture, and virginity control in Turkey, and that these reports were regarded as valid evidence at the courts.

Prof. Fincancı stated that there were 169 forensic specialists in Turkey. She said that this number was insufficient and for this reason general practitioners carried out most of the work in judicial cases. Fincancı stated that the TTB and ATUD had given forensic medicine education to 500 practitioners in Manisa, Diyarbakır, Samsun, Balıkesir, Eskişehir, Mersin and İstanbul. She added that on their own the forensic specialists could not stand against the pressure they went through regarding their work in the field of human rights.

The Forensic Institute was the topic of the meeting of the Southern Provinces Medical Associations held in June in Adana. Urfa Medical Chamber Chairman Ahmet Hatipoğlu stated that one of the most important problems of the doctors was the pressure they face while preparing forensic reports. Hatipoğlu said that the police and the administration subjected doctors in charge at Forensic Institute to pressures and their work was hindered in especially torture and political cases. Nihat Bulut from Mersin Medical Chamber said, "In cities other than the metropolitans the forensic reports are shaped by the security forces. If they don't like a report they change it somewhere else." Forensic specialists Özkan Özdemir from Mersin delegate said, "The police and the security directorate invite us to issue the reports. It is impossible for us to meet such a demand. When the inability to work and loss of strength is mentioned in the reports the security officers react against this and asserting administrative pressure they can ask another specialist to prepare another report.

We worked for using a separate Forensic room at Mersin State Hospital. We gave importance to maintain that security officers leave the room especially when we issue forensic reports."

The TTB Honorary Board decided that Dr. Nur Birgen, the Chairwoman of the Third Expertise Committee of the Forensic Institute, be suspended from duty for 6 months for "issuing false medical reports which concealed the torture inflicted on certain detainees" (See Turkey Human Rights Report 1997). İstanbul Medical Chamber had decided that Dr. Nur Birgen, who was then in charge at Beyoğlu Forensic Institute, should be suspended from duty as she had issued medical reports asserting that Mahir Karaçam, Bülent Güzel, Barış Arslan, Gülsare Akkuş, Fikret Korkmaz, Tekin İme and Aşur Tavşan, who had been detained on 13 July 1995 and kept in detention for 5 days, 'were in good health', despite the evident traces of blows on their bodies. The decision by the İstanbul Medical Chamber was approved by the TTB on 31 May 1998. The trial brought against Nur Birgen for "negligence in duty" is under way at Penal Court of First Instance No. 9. In the course of the trial, the intervening lawyers accused Presiding Judge İsmail Sasanlar of "taking sides in the trial," and Judge Sasanlar withdrew the trial in March stating that "he lost his objectivity and thus he cannot conclude the case under given conditions."

In 1998 security forces continued to exert pressure on doctors during the medical examination of the detainees, they rejected to leave the examination room and torn out proper reports that accused them, although these were fewer in comparison to the previous years. For example, Eda Güven, a doctor in charge in İncirliova District of Aydın was put on trial after she issued medical reports that certified the torture inflicted on some detainees. Dr. Güven had issued medical reports for 6 detainees who had been brought to the İncirliova Health Center by gendarmes on 23 November 1997, and she was put on trial on charges of "abusing duty" under Article 240 of the TPC. The trial started at İncirliova Penal Court of First Instance on 10 March 1998. It was reported that Eda Güven had not changed the report she had issued despite the pressures by soldiers, and the defendants had later received similar medical reports from Adnan Menderes University Hospital.

In the hearing held on 10 March, Prosecutor Eyüp Baysal claimed that Güven had abused her duty; that she had examined Alberto Ege, Selahattin Ege, Metin Sevinç, Cemal Sevinç, Yalçın Savar and Şaban Sevinç, who had been put on trial on charges of "theft", first in the presence of gendarmes and after the gendarmes left the room and she had convinced the 6 people to lodge a complaint against the gendarmes. On the other hand, Dr. Güven said, "Initially I did not ask the gendarmes to leave the room. I asked the two defendants led into the room by the gendarmes whether they had any complaints. They told me that they did not. I let them out and other two defendants came in. The gendarmes were still in the room. I saw traces of blows on the face of one of them. When I asked that if he had any complaint he did not answer. Then I asked the gendarmes to leave the room. I repeated my question. The defendant seemed to be scared. He said, 'They beat us. They threatened to beat us again if we dare to make a complaint.' The other defendants also said that they had been tortured. After all, I had already identified traces of blows on their faces. As a result, I listed all the traces of torture in the medical report." In the hearing, gendarme privates called Halil Erol, Ahmet Baran and Ahmet Yılmaz were heard as witnesses. Later presiding judge Eray Karınca decided to acquit Güven on the ground of "insufficient evidence."⁶¹ The lawyers of the gendarmes lodged an official complaint against Dr. Güven on the accusation that " she insulted the personality of the judiciary and the state."

⁶¹ A group of about one hundred supporters of the MHP rallied outside the court house before the hearing, and they harassed the members of Aydın Democracy Platform while they were making a press statement. The MHP supporters barred Abdurrahman Saran from completing the press statement, and shouted slogans in favor of the gendarmes until the hearing ended. The MHP supporters also lodged complaints about members of the SES (trade union of health and social workers) who attended the trial in show support with Dr. Güven. Later a disciplinary investigation was opened against the SES members.

Prior to the hearing, a group of nearly one hundred people consisting of MHP advocates gathered before the Court of Law to stage a demonstration against Dr. Güven. The MHP advocates interfered with the press release Aydın Democracy Platform intended to make

On the other hand, the trial against non-commissioned officer Zekeriya Mirik (İncirliova District Gendarme Commander) and 3 enlisted men who exerted pressure on Dr. Eda Güven was concluded at Aydın Criminal Court No. 2 on 17 September. In the trial, the defendants were each sentenced to 2 months 15 days in prison. The sentences were commuted to a fine of TL 1,500,000. In the trial, NCO Suat Özlük was acquitted.

f) Wire-tapping and Registering People

In 1998, the National Security Council (NSC) gave importance to enactment of certain regulations regarding the registration of citizens. "Regulation for Amendment to the Regulation of Implementation of the Law on Notifying Identity" was promulgated on the Official Gazette on 25 January. The regulation provided that the identities of the servants, cooks, baby sitters, watchmen and people who work for similar services permanently or temporarily employed in a residence be written in the "form of identity notification for the employees" and then be notified to the closest security organization by the head of the family or some other member of the family within at least 3 days. It was also decreed that those who reside in an residential unit had to notify the relevant units of their identities within 3 days. The regulation also put forth that guests staying longer than 30 days would be notified to the nearest security organization by the head of the family or some other member of the family within 3 days. In addition, those who migrate seasonally to the plateaus or to winter residences were obliged to notify the change in their situation to the nearest security organization within 3 days.

Lawyer Şenal Sarihan in her critic of the regulation said that it aimed at turning Turkey into a big detention center. She said, "This is not the way to combat crime and criminals. The regulation is completely anti-democratic. A large-scale detention process is underway; people are being forced to notify their guests to the police station. This means you have carried the police station into your own house." Lawyer Sarihan noted that an ordinary citizen is entitled to brought a case for the annulment of the regulation. CHP MP Sabri Ergül stated that similar practices had been introduced in the period following 12 September coup: "The Martial Law administration had obliged people to notify their guests and those staying in hotels. This regulation means that we are governed by continuous Martial Law." Ergül stressed that the Provincial Administration Law that was adopted with the slogan of "revoking the State of Emergency rule" provided the basis for such regulations.

At the end of January İzmir Branch of the Contemporary Lawyers Association (ÇHD) opened a case with the Supreme Administrative Court for the annulment of the Regulation for it was violating the laws, Constitution and international conventions. The case petition read that the Regulation was a breach of personal rights and freedoms and that it aimed at getting all the people recorded. The petition also emphasized the Regulation posed an obstacle before the fundamental human rights and read as follows: "Other than the criminal records kept by judicial organs, the security organization, the General Staff and the MİT also keep security investigation reports in our country. It has been claimed that the security investigation reports that do not have legal basis are kept for 5 million people. These reports actually prevented the utilization of certain fundamental rights. Because of these reports many people were banned from leaving the country or they faced problems such as being dismissed from their jobs. The regulation's provision that obliged the citizens to notify the identity information forms to the security forces will definitely bring along new dimensions to the problems mentioned above." The petition also stated that the Regulation will cast pressure on people and be a source of anxiety: "It is only obvious that the citizens will feel uneasy if the

about the trial. Trying to interfere with Abdurrahman Saran, the Chairperson of the HRA Aydın Branch, who was reading out the press release, the group waited in front of the building until the end of the hearing throwing slogans. Upon the complaint by the MHP supporters, an investigation was brought against the members of the SES who attended the hearings to show support for Dr. Güven.

regulation is put into effect, given the fact that the violent procedures undertaken by the police and gendarme have already ingrained a negative view of security forces and induced fear and anxiety in the average citizen in our country."

In 1998, no legal regulation was made in terms of wire-tapping. While stressing that "the privacy of communication is essential", Article 22 of the Constitution titled "Freedom of communication" specifies the limits of the freedom of communication as follows: "Communication cannot be interfered with and its privacy cannot be violated except for in the cases the laws explicitly specify, unless a judiciary decision is issued in compliance with the legal procedures or an order issued by the authorities specified in the law in the situations where the delay of the official decision would be detrimental. The state institutions and organizations where exceptional procedures will be applied have been specified in the law."

The Turkish Penal Code and the Code of Criminal Procedures do not contain any provision for the wire-tapping. However, decisions can be taken on the basis of the doctrine originating from the German Code of Penal Procedures. The debates on wire-tapping arose after a verdict passed by Ankara SSC. Mehmet Ađar, who has long been on the public agenda in connection with the illegal activities he was involved in during his office as a bureaucrat and a minister, applied to Ankara SSC Chief Prosecutor's Office on 29 December 1994 demanding "an official permission for wire-tapping telephones on a larger scale" during the period when he was the Chief Security Director. As the justification of his demand, Mehmet Ađar argued that there had been an increase in the number of the cases like taking hostages, asking for ransom and kidnapping in various provinces countrywide and that "(the wire-tapping was) essential so as to detect the perpetrators of the organized crime activities such as narcotics trafficking, terrorism and others." SSC Judge Ülkü Coşkun gave the permission the next day. Mehmet Ađar applied to the SSC on 12 January 1995 and received a permission of the listening in on mobile phones. After the decisions were reflected in the agenda of public opinion, Ufuk Uras, the Chairman of the ÖDP applied to the court with the demand of the annulment of the decision on 1 April 1997. Having discussed the demand, Ankara SSC asserted in its judgement on 10 April 1997 that the freedom of communication had been under the guarantee of the constitution: "Doubtlessly, the state will take every measure required to deter all kinds of threats and terror directed to the country and it will struggle seriously; however, it will always take the principles of the state of law into consideration while doing that, meet the requirements of being a state of law and does not interfere with the fundamentals of basic rights. It is always acceptable that the Security Directorate asks for a decision by the court concerning this issue as far as concrete events are involved. However, once special wire-tapping appliances and equipment have been inserted in the telephone operators and such a general authority like all this being recorded has been granted, as specified in the verdict issued by the Ankara SSC, it will be possible to listen in or to record all of the phone calls made by the citizens without the necessity of a particular judicial decision by a judge."

The decision asserts that the pursuit of such an opportunity by the Security Directorate would damage the freedom of communication of the citizens to such a serious extent that the damage would never be possibly made up for and that the court decision regarding the subject of the trial defied the laws and Constitution. The decision also read that Ülkü Coşkun had granted an authority to the Security Directorate which could not possibly be granted even if the Constitution was amended, and revoked the authority given to the Security Directorate.

The most remarkable event concerning the issue of wire-tapping in 1998 came to light when in a press conference it was disclosed that the private phone calls Ertuđrul Özkök, a columnist with the daily Hürriyet, had made with Minister of State Güneş Taner and Sedat Ergin, Ankara Representative of the daily Hürriyet, in order to follow up the financial affairs of the industry group that owned Hürriyet, with the governmental organizations had been wire-tapped upon the instruction by the then-Minister of Interior Affairs Meral Akşener who was also the Deputy Chairwoman of the DYP. The daily Hürriyet had a

publication policy of supporting the DYP until they established a coalition with Welfare Party (RP), and later started to advocate the ANAP while propagating against the DYP.

In the press conference she held in mid-December, Meral Akşener revealed the tape of the phone calls between Ertuğrul Özkök, Güneş Taner, Ahmet Köksal, a member of the Supreme Court, and Doğan Holding executives. The content of the calls was the financial stimulation funds by the government and the news about some topics. When journalists wanted to know how Akşener obtained the tape, Akşener said, "By means of a citizen who loves his country, nation and who believes in democracy." Akşener stressed that who had sent the tape and by which means it had been delivered did not matter and then defended that what should be brought into the agenda of the public opinion was the content of the tape. Upon the journalists asserting that "it was officially regarded a crime to record the calls between individuals", Meral Akşener answered, "If I have committed a crime, I am ready to pay for it."

Akşener Gang's Prominent Ears

Some friends of mine frequently warned me. "Beware. All of your telephones are being listened in."

To be honest, I didn't believe that. I always thought that those people had an obsessive paranoia. Nevertheless, after the former minister of interior distributed the tapes about me, I came to realize that they were not paranoids but that I was the "dumb". Some used to say that I was "an incurable optimistic". I am still optimistic with regard to this society. However, after experiencing what the wire-tapping gang that has sneaked into the state did to me, I am afraid I stopped believing the same for the state. Let me clarify it for those who don't know. This is the problem: Former Minister of Interior Affairs Meral Akşener had established a gang during her office and this gang had wire-tapped and recorded my telephone calls with Minister of State Güneş Taner and Sedat Ergin, Ankara Representative of the daily Hürriyet. Yes, the conversations belong to me. (...)

The former minister of interior affairs could dare to record the telephone calls of mine, a minister's and the other executives' of our holding company through a gang she had established during her office. She makes this reckless move as if she was thumbing her nose at all of us. The colleagues of mine, politicians and businessmen called me yesterday and they all expressed the shock they have had. Now I am addressing to all of the relevant units of the state from here: Is there an application for listening in on my telephone calls and those of Güneş Taner and the other executives of our media group? Is there any court decision dictating this? If not, then see to this former minister who has committed this constitutional crime. Unless you do that, you will lead to a psychological climate that will stain the psychological health of all the citizens in this country setting in. This is one of the heaviest constitutional crimes in any country claiming to be democratic. If what we did was a crime, then capture us. But what they did is a constitutional crime. As long as I live, I will be after those who have committed this crime. Meral Akşener and her gang had also attempted at getting me killed during her office. The highest-ranking authorities reported us that Celal Adan, the Chairperson of the DYP Provincial Organization, who was sitting next to her yesterday, had had the Hürriyet building shot with a gun twice. It dawned on me what a serious hazard I had gone through when I watched the same person get the Flash TV raided. Since then, I have been getting around in armored cars. They failed to deter us.

Ertuğrul Özkök, Hürriyet, 18 December 1998

g) The Rulings of the European Court of Human Rights

One of the judgements that the European Court of Human Rights made in 1998 was about a case of disappearance and the other was about arbitrary detention. The following is the information on these trials:

Case of Kurt v. Turkey

On 25 May 1998, the Court delivered its judgement on the application made by Koçeri Kurt regarding the disappearance of her son Üzeyir Kurt on 25 November 1993. Koçeri Kurt stated in her application that gendarmes and village guards had raided Agilli village of Bismil on 23-25 November 1993, and detained her son on 24 November. The villagers were gathered together by the soldiers in the schoolyard, and Üzeyir Kurt hid him in a house as he was scared. On 25 November Koçeri Kurt saw her son in front of a house surrounded by soldiers. She saw bruises and swelling on his face as though he had been beaten. In addition her house and at least 10 other houses were burnt down during the raid and the villagers were ordered to leave the village in one week's time. The Family Kurt and other villages migrated to Bismil. Soldiers took Üzeyir Kurt along with them.

On 30 November 1993 the applicant applied to the Bismil public prosecutor to find out information on the whereabouts of her son. On the same day, she received a response from the commander of provincial gendarme headquarters stating that it was supposed that Üzeyir had been kidnapped by the PKK. Kurt received the same response for her application in December. Then she applied to the Diyarbakır SSC that replied that he was not in their custody records. Finally, on 24 December 1993 she approached the Diyarbakır HRA for help and applied to the ECHR.

On 28 February 1994 some members of the Family Kurt were taken to the gendarme command in Bismil and questioned about what they knew of "Üzeyir Kurt who was abducted by representatives of the PKK." On 21 March 1994 the Bismil public prosecutor issued a decision of non-jurisdiction on the grounds that the crime had been committed by the PKK.

On 19 November 1994 the applicant was called to give a statement to the Bismil public prosecutor about the statement she made to the Diyarbakır HRA. She denied in her statement to the public prosecutor that the security forces had tortured the villagers. On 9 December 1994 she signed a statement addressed to the Diyarbakır HRA which said that her petitions were written by the PKK terrorist organization and were being used for propaganda purposes. A similar statement was addressed the same day to the Foreign Ministry in Ankara. On 6 January 1995 the applicant was called by the State authorities to go to a notary in Bismil and was accompanied there by a soldier. She did not pay the notary. The statement that was signed indicated that she rejected the application made in her name to the Commission and did not wish to pursue it. On 25 January 1995 her statement was taken by the Chief Prosecutor's Office, as part of a file prepared by the authorities for the purpose of bringing a complaint against the applicant's lawyer Mahmut Şakar. According to the Government, the applicant has been manipulated by the representatives of the Diyarbakır HRA who distorted the information that she gave them.

In the hearing of the Commission in Ankara, Koçeri Kurt maintained that her son is a victim of breaches by the respondent State of Articles 2, 3, 5, 14 and 18 of the Convention and that she herself is a victim of breaches of Articles 3 and 13 of the Convention. The Government, for its part, requested the Court to rule that the case was inadmissible having regard to the absence of a valid application. The Government also maintained that the case should be declared inadmissible on account of the applicant's failure to exhaust domestic remedies.

In its assessment of the case, the Court noted that Mrs. Kurt did everything that could be expected of her to seek redress for the complaint. She contacted the authorities, but at no stage did the authorities take a statement from her although she insisted that her son had been taken into custody. Her petition of 15 December was even more forceful since she stated that she was concerned for his life. The Court also noted that the authorities supposed that Üzeyir Kurt had been kidnapped by the PKK, but no reasons were given to support this hastily reached hypothesis and the public prosecutor did not enquire into its merits: "The applicant's reluctance to accept the official explanation is confirmed by the fact that she persisted with her

request for information on her son's whereabouts by contacting the authorities on two further occasions, maintaining all along that he had been taken into custody. However, no serious consideration was ever given to this assertion, the authorities preferring instead to pursue an unsubstantiated line of enquiry that he had been kidnapped by the PKK. In the absence of any effective investigation by the authorities into her complaint there was no basis for any meaningful recourse by the applicant to the range of remedies described by the Government in their submissions before the Court."

The applicant requested the Court to find on the basis of the facts established by the Commission that the disappearance of her son engaged the responsibility of the respondent State under Articles 2, 3 and 5 of the Convention and that each of those Articles had been violated. She urged the Court, in line with the approach adopted by the Inter-American Court of Human Rights under the American Convention on Human Rights and by the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights to the phenomenon of disappearances, not to confine its consideration of her son's plight to the issues raised under Article 5 of the Convention but to have regard also to those raised under Articles 2 and 3. The Court, on the other hand, did not consider the breach of Article 2. The judgement read, "It is to be observed in this regard that the applicant's case rests entirely on presumptions deduced from the circumstances of her son's initial detention bolstered by more general analyses of an alleged officially tolerated practice of disappearances and associated ill-treatment and extra-judicial killing of detainees in the respondent State. The Court for its part considers that these arguments are not in themselves sufficient to compensate for the absence of more persuasive indications that her son did in fact meet his death in custody. As to the applicant's argument that there exists a practice of violation of, *inter alia*, Article 2, the Court considers that the evidence which she has adduced does not substantiate that claim. Having regard to the above considerations, the Court is of the opinion that the applicant's assertions that the respondent State failed in its obligation to protect her son's life in the circumstances described fall to be assessed from the standpoint of Article 5 of the Convention."

Koçeri Kurt stated that her son's detention was unacknowledged meant that he was deprived of his liberty in an arbitrary manner contrary, and that the official cover-up of his whereabouts and fate placed her son beyond the reach of the law and he was accordingly denied the protection of the guarantees contained in Article 5. The Court emphasized on the fundamental importance of the guarantees contained in Article 5 for securing the right of individuals in a democracy to be free from arbitrary detention at the hands of the authorities. The Court stressed that "any deprivation of liberty must not only have been effected in conformity with the substantive and procedural rules of national law but must equally be in keeping with the very purpose of Article 5, namely to protect the individual from arbitrariness. This insistence on the protection of the individual against any abuse of power is illustrated by the fact that Article 5 § 1 circumscribes the circumstances in which individuals may be lawfully deprived of their liberty, it being stressed that these circumstances must be given a narrow interpretation having regard to the fact that they constitute exceptions to a most basic guarantee of individual freedom. (...) Prompt judicial intervention may lead to the detection and prevention of life-threatening measures or serious ill-treatment which violate the fundamental guarantees contained in Articles 2 and 3 of the Convention."

The Court emphasized that "the unacknowledged detention of an individual is a complete negation of these guarantees and a most grave violation of Article 5. Having assumed control over that individual it is incumbent on the authorities to account for his or her whereabouts. For this reason, Article 5 must be seen as requiring the authorities to take effective measures to safeguard against the risk of disappearance and to conduct a prompt effective investigation into an arguable claim that a person has been taken into custody and has not been seen since."

The assessment of the Court read, "Having regard to these considerations, the Court concludes that the authorities have failed to offer any credible and substantiated explanation for the whereabouts and fate of

the applicant's son after he was detained in the village and that no meaningful investigation was conducted into the applicant's insistence that he was in custody and that she was concerned for his life. They have failed to discharge their responsibility to account for him and it must be accepted that he has been held in unacknowledged detention in the complete absence of the safeguards contained in Article 5. The Court, accordingly, like the Commission, finds that there has been a particularly grave violation of the right to liberty and security of person guaranteed under Article 5 raising serious concerns about the welfare of Üzeyir Kurt."

Koçeri Kurt asserted that she herself was the victim of inhuman and degrading treatment on account of her son's disappearance at the hands of the authorities. She requested the Court to find, like the Commission, that the suffering which she has endured engages the responsibility of the respondent State under Article 3 of the Convention.

The Court noted that ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3, and continued, "she has been left with the anguish of knowing that her son had been detained and that there is a complete absence of official information as to his subsequent fate. This anguish has endured over a prolonged period of time. Having regard to the circumstances described above as well as to the fact that the complainant was the mother of the victim of a human rights violation and herself the victim of the authorities' complacency in the face of her anguish and distress, the Court finds that the respondent State is in breach of Article 3 in respect of the applicant."

Koçeri Kurt also said that the failure of the authorities to conduct an effective investigation into her son's disappearance gave rise to a breach of Article 13 of the Convention. The court concluded that the applicant was denied an effective remedy in respect of her complaint that her son had disappeared in circumstances engaging the responsibility of the authorities, and there was a violation of Article 13.

Koçeri Kurt had complained that the government knowingly allowed a practice of "disappearances" to develop and did not take any measures to bring it to an end. She maintained that the attitude of the authorities in this respect gave rise to a violation of Article 18 of the Convention, The Court concluded that the applicant had not substantiated her allegation.

Koçeri Kurt also declared that she had been subjected to pressure by the authorities to withdraw her application to the Commission in circumstances giving rise to a breach of Article 25. The Court concluded that she was subjected to indirect and improper pressure to make statements in respect of her application to the Commission which interfered with the free exercise of her right of individual petition guaranteed under Article 25. The Court also said, "the moves made by the authorities to institute criminal proceedings against the applicant's lawyer, even though they were not followed up, must be considered an interference with the exercise of the applicant's right of individual petition and incompatible with the respondent State's obligation under Article 25."

Case of Demir and others v. Turkey

Hüseyin Demir, a businessman from İdil, Faik Kaplan, the Chairman of Social Democrat People's Party (SHP) İdil organization, and Şükrü Süsin, a reporter for the daily Hürriyet, applied to the ECHR in connection with their detention in January 1993. The ECHR delivered its judgement in this case on 23 September 1998. The applicants claimed that they had been detained in İdil District of Şırnak upon orders by Diyarbakır SSC prosecutor and they had undergone detention the length of which was incompatible with Article 5 of the Convention.

Hüseyin Demir stated that he had been detained on 22 January 1993, and Faik Kaplan and Şükrü Süsin on 28 January 1993; all by the Anti-Terror Branch. Demir and Süsin were referred to Forensic Institute on 27 January and Kaplan on 30 January, and they were given medical reports which asserted that there were

no marks of blows on their bodies. (According to the Government, Demir and Süsin were placed in police custody on 26 January 1993 and Kaplan on 30 January.) On 12 February 1993 the applicants' lawyer Hasip Kaplan applied to the İdil Prosecutor's Office and he complained of the length of time his clients had spent in police custody and asked for charges to be brought against those responsible. This complaint was dismissed by the Criminal Cases Department of the Ministry of Justice on 2 April 1993. Kaplan, on 15 February 1993, and Demir and Süsin on 18 February, were brought before the single judge of the İdil Criminal Court, who ordered them to be placed in pre-trial detention. Before appearing in court, the applicants were re-examined by the Forensic Medicine. The medical reports drawn up as a result did not mention any marks on their bodies which might have been caused by an assault. On 11 June 1993 Diyarbakır SSC Prosecutor opened a case against the applicants for "membership of the PKK." The applicants appeared before the Diyarbakır SSC on 7 July. Kaplan was granted conditional release on the same day and the other two applicants after the hearing on 3 February 1994. Before the Court, Demir and Süsin retracted the confessions they had made at the security police offices, asserting that these had been extracted from them by duress. Kaplan maintained that he had acted under the fear of reprisals by the PKK. The SSC gave judgment on 14 November 1996. It sentenced Demir and Süsin to 12 years and 6 months' imprisonment for membership of an armed gang; and Kaplan to 3 years and 9 months' imprisonment for lending assistance to an armed gang and harboring known criminals. The Supreme Court upheld the judgement on 2 March 1998.

The Government raised a preliminary objection in two limbs pleading non-exhaustion of domestic remedies. The applicants were at fault because in the domestic courts they had not invoked Article 19 § 8 of the Constitution, whose wording was based on Article 5 § 4 of the Convention. It would also have been possible for the applicants to apply for compensation using the procedure laid down in Law no. 466 for those who had been unlawfully deprived of their liberty or, having been detained in accordance with a procedure prescribed by law, had been acquitted, among other possible outcomes. On the other hand, the applicants maintained that they had exhausted domestic remedies. They referred to the complaint lodged by their lawyer with the İdil prosecuting authorities on 12 February 1993, but the complaint had been fruitless, because the national authorities had found that the measures in issue had been adopted in accordance with Turkish legislation.

The Court concluded that the objection was as to Article 466 irrelevant as "the provision concerned contemplates compensation for unlawful deprivation of liberty – a situation which did not obtain in the present case– and compensation paid to persons who have been lawfully detained but who are subsequently not committed for trial, or are acquitted or discharged after standing trial." The Court noted that "the applicants complained of the excessive length of their detention in police custody, not that they had no legal remedies whereby they could obtain compensation for detention. The applicants' complaint therefore goes to Article 5 § 3 of the Convention, whereas the remedy mentioned by the Government concerns Article 5 § 5 only."

The Court stated that Demir and Süsin were held in police custody for at least 23 days and Kaplan for at least 16 days, during which time none of them appeared before a judge or other judicial officer, and concluded that "the periods of detention concerned failed to satisfy the requirement of promptness laid down by Article 5 § 3."

"The Court has already accepted on a number of occasions that the investigation of terrorist offences undoubtedly presents the authorities with special problems (...) This does not mean, however, that the authorities have *carte blanche* under Article 5 to arrest suspects and detain them in police custody, free from effective control by the domestic courts (...) The requirements of the investigation cannot absolve the authorities from the obligation to bring any person arrested in accordance with Article 5 § 1 (c) 'promptly' before a judge," read the judgement. The Court recalled that "it falls to each Contracting State, with its responsibility for 'the life of [its] nation', to determine whether that life is threatened by a 'public emergency'

and, if so, how far it is necessary to go in attempting to overcome the emergency." However, "It is for the Court to rule whether, *inter alia*, the States have gone beyond the 'extent strictly required by the exigencies' of the crisis."

The applicants argued that at the material time there was no real public emergency which obliged the national authorities to detain them for so long; the Government wrongly sought to prove their membership of the PKK; the police had found no evidence of their participation in any armed action. Even had the accusation that they belonged to the PKK been well-founded, it would not have justified the excessive periods of detention in police custody that they had undergone, without any judicial scrutiny and deprived of all contact with a lawyer or their families.

The Government argued that the Turkish derogation had to be interpreted in the light of its object and purpose, namely to enable the State to return to normality for Convention purposes, and accordingly to rescind the derogation, as quickly as possible. By derogating from its obligations under Article 5 of the Convention, Turkey had sought "on the one hand, to strike a proper balance between the terrorist threat to the integrity of the State and the rights and freedoms of individuals who had become innocent hostages and, on the other, to respect the rights and freedoms of individuals in compliance with its commitments under the Convention". The Government explained that the applicants had been taken into police custody in connection with an investigation conducted by the prosecuting authorities in accordance with the law and had appeared before the judge "as soon as" the investigation was completed. This investigation had been extremely difficult, since it concerned some thirty-five persons accused of belonging to the PKK. Accordingly, "it [had been] necessary to carry out a more thorough and careful police inquiry in order to gather all the evidence and assess it with a view to establishing the facts and identifying the persons who participated". Moreover, "in some cases, it [was] difficult to identify the PKK members who [had] taken part in terrorist activities because they [used] code-names when carrying them out". Moreover, "In the present case the fact that the applicants had been held incommunicado had been counterbalanced by the fact that, despite the seriousness of the suspicions concerning them, they had enjoyed protection against arbitrary treatment and detention."

The Court concluded that "the mere fact that the detention concerned was in accordance with domestic law (...) cannot justify under Article 15 measures derogating from Article 5 § 3. That is also true of the fact that an inquiry or investigation has not been completed, since Article 5 § 3 is intended to apply precisely while inquiries or investigations are in progress; the fact that they have not been completed is therefore not an argument for derogating from it. As to the Government's assertions about the 'thorough' and 'careful' nature of the police investigation that had to be conducted, they do not provide an answer to the central question at issue, namely for what precise reasons relating to the actual facts of the present case would judicial scrutiny of the applicants' detention have prejudiced the progress of the investigation. In respect of such lengthy periods of detention in police custody it is not sufficient to refer in a general way to the difficulties caused by terrorism and the number of people involved in the inquiries." The Court reiterated that the eventual conviction of a suspect can at the most serve to confirm that the suspicions which led to his arrest, "Nor, consequently, can the conviction of a suspect justify, under Article 15, the periods of detention in police custody imposed in the present case."

The Court added that the applicants' legal situation was identical to the one which obtained in the Aksoy case, holding, "the denial of access to a lawyer, doctor, relative or friend and the absence of any realistic possibility of being brought before a court to test the legality of the detention meant that he was left completely at the mercy of those holding him". The Court also mentioned the Government's claim that the applicants had each been examined twice by a forensic center, and declared that it found these arguments unpersuasive: "Firstly, according to the instructions sent by the security police to the forensic center, the center's task was confined to ascertaining whether, at the beginning and the end of their detention in police custody, the applicants' bodies 'showed the marks of blows or violence'. In the Court's opinion, such medical

examinations, separated by periods of sixteen or twenty-three days, are not in themselves safeguards sufficient to justify the excessive length of the applicants' detention. Secondly, the fact that the applicants' lawyer was able to lodge a complaint cannot be regarded as an effective guarantee against arbitrary treatment, especially as, being held incommunicado, the applicants were deprived of all contact with him."

With these reasons, the Court concluded that there was a breach of Article 5 § 3, and the Government should award the applicants compensation.

6.1 ENFORCED DISAPPEARANCES

Cases of enforced disappearances, which began with the coup d'état of 12 September, continued in 1998 as well. However, as in 1996 and 1997, there was a significant decrease in the number of disappearances especially when compared to 1994 when these incidents reached a peak. Throughout 1998, at least **11** people, who according to eyewitnesses or believable evidence had been detained or abducted by security forces or members of the "counter-guerrilla," disappeared. Threats of enforced disappearances continued; people were frightened. (Please see the list of the people who disappeared in the period between the 12 September 1980 military coup and the end of 1997 at the end of this chapter.)⁶²

The whereabouts of the people who had disappeared formerly could not be cleared up either. Reports about the disappearances were not seriously investigated. Such investigations turned out to be attempts at demonstrating that law enforcement officials had no connection with cases of disappearances. No result emerged from the work of the "Office for the Disappeared," which the General Directorate for Security has established.

The guarantees necessary for the elimination of the risk of enforced disappearances were not adopted either (see 1997 Turkey Human Rights Report for the UN declaration on enforced disappearances).

The General Directorate for Security did not accept the existence of any case of disappearance, and in its statements concerning several individual cases of disappearance, did not assume the responsibility regarding its involvement. The gendarme organization did not make any statements at all, and did not assume responsibility. In 1998, the Anti-Terror and Operations Department of the General Directorate for Security published a book titled "The Real Face of the Claims of Disappearance". According to the book, the situation of 271 people listed under the title of "Claims of Disappearance" in monthly reports published by the Human Rights Association (HRA) in 1995, 1996 and 1997 had been investigated: "It was determined that of the so-called missing, 72 people were in prison and 48 people were found and returned to their families. Another 125 cases lacked sufficient or clear information concerning the identity of the people involved, so no criminal record of them could be found. Another 3 people were killed in internal disputes between illegal organizations, 16 people joined illegal organizations, and 7 people were detained for various reasons and then released."

⁶² 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, mostly in the State of Emergency Region. However, as the claims in this respect were impossible to prove, or were not further supported by additional information, these people were not included in the list. The main problem is that the families who report the cases of disappearance do not inform the public when they obtain information on the whereabouts of their relatives or when they learnt that they had not been detained at all. Additionally, those who were missing but then found, dead or alive, were also excluded from the list.

Statements made by the security directorate in "The Real Face of the Claims of Disappearance" illustrate that many people listed in the HRA reports as having disappeared, and whose relatives were anxious about their life, had in fact been arrested and sent to prison, that their families were not informed of their situation, and in certain cases the legal detention period was violated. Families of the disappeared who filed applications were told that the person in question "had not been detained."

An examination of the book in question revealed that some people, who were declared to have disappeared, had been killed by "unknown assailants." In statements concerning people who were found dead after having disappeared, it was alleged that the people in question had not been detained on the dates specified. On the other hand, the HRA was accused of "disseminating biased and deliberately provocative claims" for making statements about the life security of these people before they were found dead.

Baki Işık, for instance, was included under the title of "Claims of Disappearance" in the HRA's October 1995 report. His relatives had applied to the HRA Diyarbakır Branch and stated that he had disappeared and that he might have been killed. According to "The Real Face of the Claims of Disappearance," Işık, however, was recorded as "dead" in the extract of civil register, and therefore the claim that "he had disappeared in detention" was represented as evidence that the "HRA disseminated biased claims." Baki Işık, Ramazan Ayhan (47) and Fehmi Akyürek (21), who had been abducted by unknown persons in Diyarbakır in the last week of October 1995, had been found dead on Diyarbakır-Mardinkapı road on 9 November 1995. It had been determined that they had been strangled after having been tortured. Baki Işık was the maternal uncle of Fahri Kusun and Tevfik Kusun, who had been killed in a similar way. Fahri Kusun had been "kidnapped by people carrying walkie-talkies" in mid-July of 1995 and found dead in the Dicle River on 2 August 1995, and Tevfik Kusun had been found dead on 7 January 1997 after he had been kidnapped by people who claimed to be police officers on 29 November 1996.

Another example was the case of Hasan Ocak, who had been abducted by persons claiming to be police officers in 1995 and who had been found dead later on. "The Real Face of the Claims of Disappearance" did not mention any of the statements by the witnesses, who had declared that they had seen Hasan Ocak in detention (See 1997 Turkey Human Rights Report).

In a statement he made in July, Taner Arda, the Chief of the Public Order Department of the General Directorate for Security, said "There are 3 thousand people in Turkey who left their homes but declared as being missing." He said that some of these people "had been claimed to have disappeared in detention," whereas others were people "who got annoyed about something and left their hometowns after reaching the age of 18." Arda said the following: "A project, POLNET 2000, has been put into implementation recently. Once this project is completed, we will easily determine the whereabouts of the people who are reported to be missing but staying in hotels."

a) Saturday Mothers

The increase in the number of the people who had gone missing after having been detained and of those found dead after disappearing incited public anger towards such cases. A civil initiative consisting of the relatives of the disappeared, artists, and board members of the NGOs started to hold a sit-in protest in front of Galatasaray High School on İstiklal Street in İstanbul on 27 May 1995. This vigil turned into a tradition and was repeated at noon every Saturday.

The weekly vigil of the Saturday Mothers were frequently barred in 1998. The police blockaded the Beyoğlu region and İstiklal Street starting from early morning each Saturday and detained the Saturday Mothers, as well as the Turkish and foreign human rights defenders, members of the political parties, board members of the trade unions and NGOs, who were giving support for the act. The police used force and dragged the demonstrators along the ground while detaining them. Throughout the year at least 400 people

were detained by the police. The police also beat the journalists, broke their cameras, and seized their film-rolls and video cassettes.

Prior to the vigil to be held on 8 May, the police blocked the road in front of Galatasaray High School and İstiklal Street shortly before 12.00, and detained 12 persons after beating them. The demonstrators were referred to Beyoğlu Public Prosecutor's Office, İstanbul, and subsequently released. Tomris Özden, the wife of Colonel Rıdvan Özden, who was killed suspiciously in Southeastern Anatolia, stated that she and Nimet Tanrıkulu, a member of the HRA Commission on the Disappeared in Detention, had been beaten in detention. Özden said that a woman chief superintendent had beaten her: "She knew me from Ankara, where her father, who was an officer, and my husband might perhaps have worked together in the past. She attacked me saying, 'I have something to ask you!' They also beat Nimet Tanrıkulu who tried to stop them." The names of the detainees are as follows: Hanım Tosun, Kıymet Tosun, Ali Ocak, Fatma Morsümbül, Nimet Tanrıkulu, Tomris Özden, Birgül Kutan, Aynur Koçak, Emine Duman, Kıymet Cengiz and Ömer Aydın. Subsequently, Beyoğlu Public Prosecutor's Office opened a case against 11 of the detainees on the accusations of "holding an unauthorized demonstration." The trial is under way at Beyoğlu Penal Court of First Instance No. 5.

Prior to the vigil on 15 August, the police took strict security precautions because of "the anniversary of PKK's launching an armed struggle against the state on 15 August 1984." The police first detained Fatma Morsümbül, a relative of a disappeared person, and then Sabri Cigerli, a French citizen. The names of the other people detained by police while they were supporting the act of the Saturday Mothers are as follows: UBA (National Press Agency) reporter Bülent Ergun, Filiz Karakoç (a board member of the Freedom and Solidarity Party [ÖDP]), Leman Yurtsever (a board member of the HRA), Ferhat Yeğin, Mehmet Şahin, Higel Veronik, and three members of the People's Democracy Party (HADEP) Şişli Youth Commission, Metin Yatak, Şakir Aras and Mehmet Kalaç.

The police intervened in the vigil of the relatives of missing people in front of Galatasaray High School in İstanbul on 22 August and detained members of the HRA, ÖDP and HADEP as well as Nadire Mater, the representative of the Reporters Without Borders (RSF), and Nimet Tanrıkulu, a board member of the HRA İstanbul Branch, under harassment because they wanted to hold the sit-in opposite the usual site after the police occupied the usual site with buses. Then the police surrounded the "Saturday Mothers" in İstiklal Street while they were going to the usual place for the sit-in act and detained some persons under harassment. The police also barred press reporters from taking pictures. The Saturday Mothers who were able to escape made a press statement in the HRA İstanbul Office. After the press statement, the police raided a cafe on the opposite the HRA office and detained 9 people there. The 26 people detained by the police were released on 23 August. The Forensic Medicine Institute issued a medical report for Nimet Tanrıkulu, which certified her inability to work for 5 days because of ecchymoses on her arms and around her armpits. The trial launched against 24 people in connection with this vigil on the accusations of "holding an unauthorized demonstration" is under way at Beyoğlu Penal Court of First Instance No. 8.

On 29 August, the police erected barricades on İstiklal Street in order to prevent the march of the Saturday Mothers, and detained 165 people, including lawyers Eren Keskin (the deputy Chairwoman of the HRA), Mercan Polat, Sedat Yüksel and Osman Baydemir. Some of the detainees were released in the evening of 29 August. Fifty-one of the detainees were referred to the Prosecutor's Office on 2 September, whereas the remaining ones were released by the police. The Prosecutor's Office released the detainees, but 7 were detained by the police again. Four of these people, poet Nevzat Çelik, Ali Haydar Saygılı, Özcan Şanver (a member of the music band Grup Yorum) and Hüseyin Alçı were taken to the Political Police Department. Zahide Konca was referred to the court because of an arrest warrant issued against her. She was released later. Beyoğlu Public Prosecutor's Office opened a case against 163 people on the accusations of

"holding an unauthorized demonstration." The trial at Beyoğlu Penal Court of First Instance No. 3 was not concluded in 1998.

The relatives of the disappeared persons were also barred by the police on 4 September. The police surrounded Beyoğlu early Saturday morning, and detained 26 people after they read a press statement in front of Galatasaray High School. Ali Ocak, Necmiye Aydın, Türkan Dönmez, Özgür Sürmeli, Bedri Vatanserver, Mehmet Aydoğan, Filiz Biçici, Osman Kutay, Sibel Akkaya, Zeynep Yeter, Anıl Dönmez, Senem Göbelek, Volkan Burç and HRA board members Mukaddes Alataş and Ali Nabi Kıran. Beyoğlu Public Prosecutor's Office opened a case against 26 people in connection with this vigil. In the trial, imprisonment terms between 1 year and 3 years were sought for the defendants on the accusations of "holding an unauthorized demonstration."

The vigil was held under police blockade on 12 September. The police detained 8 people after the reading out of a press statement in front of Galatasaray High School. The names of some of the detainees are as follows: Erol Ercan (HRA İstanbul Branch board member), Hüdai Berber (a lawyer of the HRA), Zahide Konca (HRA member), Suna Aras (poet), Yılmaz Odabaşı (poet), Fırat Başkale (artist), Ferhat Yeğın (HADEP İstanbul Provincial Organization board member) and Tomris Özden.

The police intervened in the weekly vigil to be held on 19 September, and detained 22 people when they collected in front of Galatasaray High School. The detainees were harassed and dragged along the ground by the police.

The relatives of the disappeared persons were prevented from assembling in the same place on 26 September, too. The police forcibly dispersed the group who gathered in front of Galatasaray High School in order to read out a press statement. Thirty-one detainees were forcibly taken into police buses. The police beat the detainees inside the police buses, and threw piper gas bombs on them. The 31 people, who were poisoned due to gas and faced the danger of suffocating, were taken to Haseki Hospital, and given medical treatment there. The police officers harassed some journalists who wanted to cover the incidents. The names of some of the detainees are as follows: Filiz Koçali, Sinan Yerdelen, Mesut Ölmez, Mehtap Yurtluk, Semra Polat, Zeynep Çelik, Ferdi Çiloğlu, Atilla Açıcı, Hakan Arslan, Sultan Aksu, Samet Karabulut, Mehmet Demir, Atan Şener, Sevinç Hocaogulları, Ertuğrul Bilir, Serpil Kaplan, Bilge Açıkğöz, Cemal Bozkurt, Gülden Aktaş, Şehriban Yıldız, Necmiye Aydın, Hanım Tosun, Fatma Morsümbül, Hanife Yıldız and Fidel Nacar.

The detainees were released on 28 September. Subsequently, they were put on trial at Beyoğlu Penal Court of First Instance No. 9 on the accusations of "holding an unauthorized demonstration," and at Beyoğlu Penal Court of First Instance No. 6 on the accusations of "damaging state property." Both trials are continuing.

On 10 October the police officers dispersed the group including foreign delegations, and dragged them along the ground and detained Andy Higginsbottom, a representative of the British Section of International Committee for Disappearances in Detention. The police officers also attempted to detain Ewald Groth, a Greens Party MP, who was with the German delegation. The police, who attacked the group while they were marching along İstiklal Street, detained numerous people, including older women. The police also stopped the journalists who were covering the incidents, and beat İlhan Kaya, a reporter for Cihan News Agency, and Hüzün Yücel, a reporter for the journal Öncü. The names of the detainees are as follows: Andy Higginsbottom, Emine Ocak, Ali Ocak, Hanife Yıldız, Necmiye Aydın, HRA members Zahide Konca and Ali Kaplan, Suavi (singer), Ekrem Ataer (poet), Filiz Karakoç, Filiz Koçali, Tomris Özden, Birsen Kaya, Sonat Zelyut, Ömer Aydın, Tercan Atılğan, Adil Yıldırım, Cemile Yalçın and Şehriban Yıldız.

The Saturday Mothers were also barred on 17 October. The police dispersed the group, who wanted to make a press statement in front of Galatasaray High School, and detained 25 people under harassment. A woman named Seher Yeter lost consciousness during the incidents and she was hospitalized. The names of some of the detainees are as follows: Hanım Tosun, Suavi, Filiz Karakoç, Rıza Aydoğmuş (General Secretary of the Pir Sultan Abdal Cultural Association), Fethi Bölügiray (Kadıköy Branch Chairperson of the Pir Sultan Abdal Cultural Association), Saniye Bölügiray, Mercan Gerçek, Evrim Sarısaltıkoğlu, Arzu Aksoy, Esra Arı, Muzaffer Kaya, Ewoud Enkelaar (an artist from the Netherlands), Seher Yeter, Gülsüm Güzel (editor-in-chief of the Emekçi Kadınlar Bulletin).

On 24 October, the police dispersed the group, who wanted to make a press statement at the same place, and detained 19 people under harassment. The names of some of the detainees are as follows: Emine Ocak, Suavi, Neşe Ozan Köker, Levent Önder, Hüsnü Ocak, Ünsal Ocak, Ongun Yücel, Başak Ayana, Esin Karaman, Özkan Çetin, Muteber Yıldırım, Birsen Gülünay, Zeynep Yardımcı, Hilda Özoğul, Cafer Ocak, Sevim Derin, Oya Er, Halil Yıldırım and Wilcoren Herpen. Beyoğlu Public Prosecutor's Office opened a case against 17 of the defendants on the accusation of "holding an unauthorized demonstration." The trial at Beyoğlu Penal Court of First Instance No. 9 is under way.

The vigil was also barred on 31 October, and the police detained 13 people after beating them. On 14 November, 10 of the relatives of the disappeared persons and members of the HRA were detained outside the HRA İstanbul Branch, on their way to Galatasaray High School. The names of the detainees are as follows: Nimet Tanrıku (HRA board member), Hüseyin Aygün, Emine Ocak, Ali Ocak, Hanife Yıldız, Mazide Ocak, Füsün Dokuz, Kadir Baydemir, Niyazi Köse and Cem Durman. Artist Şanar Yurdatapan was detained when he was waiting in front of Galatasaray High School.

The vigil was also stopped on 28 November, the 185th week. The police detained the relatives of the disappeared persons and members of the HRA on their way to Galatasaray High School. The names of the 14 detainees are as follows: Filiz Karakoç, Ali Ocak, ÖDP Beyoğlu District Organization board member Filiz Koçali, Meriç Eyüpoğlu, Zübeyde Tepe, Fadik Bilgetekin, Bedri Vatanserver, Tuncay Aslan, Boran Topçu, Kenan Kaplan, Özgür Yurtcan, Zülfinaz Mert, the journal Alinteri reporter Gamze Erel, and Cemal Kılıç, a staff member of the newspaper Dayanışma.

A statement made by the relatives of the disappeared persons read as follows: "In 16 weeks from 15 August 1998, 380 relatives of the disappeared persons and human rights defenders were detained. These people were kept in detention for a total of 932 days, and the Forensic Medicine Institute gave them medical reports certifying their inability to work for a total of 84 days." The weekly vigil was also barred by the police on 5 December, on the 186th week. The Saturday Mothers were not allowed to assemble on 19 and 26 December either. The police forcibly dispersed the relatives of the disappeared persons when they wanted to read out press statements in front of Galatasaray High School. The mothers left carnations in front of Galatasaray High School before they were dispersed by the police.

Other demonstrations

Similar demonstrations took place in İzmir, Ankara, Adana and Bursa. The Ankara Branch of the HRA began holding a candle-lighting demonstration in front of the Human Rights Monument at the entrance of Yüksel Street in Kızılay on the seventeenth day of every month beginning from 17 June 1996. Periodic demonstrations were also held in Konak Square in İzmir and in Altıyol in İstanbul.

The police intervened in the sit-in act by İzmir Rights and Freedoms Platform at İzmir Konak Square on 10 October, and detained 7 people, including Soran Taşçı, a reporter for the journal Kurtuluş. The detainees were released on the evening of the same day, after testifying to the Prosecutor.

The police dispersed the group during the vigil held at Konak Square on 24 October, and detained 12 people. Out of the detainees, Eylem Dinçer, Hakan Kalaylı, İlhan Ezgi and Hayri Aktaş were remanded. The trial launched against them at İzmir Penal Court of First Instance No. 2 was concluded with their conviction. The trial is under the review of the Supreme Court.

The Human Rights Center within İstanbul Bar Association started a project, "The Project of Murders by Unknown Assailants and Enforced Disappearances" in December. The purposes of the project were listed as follows: "Publishing a scientific report on murders by unknown assailants and enforced disappearances; establishing a Documentation Center in order to secure the information flow; establishing a Legal Assistance Unit for the victims; working for a social consensus for a Constitutional amendment in the long run." Introducing the project in a press meeting held on 16 December, İstanbul Bar Chairman Yücel Sayman disclosed that they aimed at questioning the "sacred state myths" by carrying out another study at the same time with the project with the involvement of all of the bar associations. Prof. Dr. İbrahim Kaboğlu, the Head of the Human Rights Center, said that the of the project was to contribute to the "establishment of the rule of law in Turkey." Prof. Kaboğlu pointed out attention to the continuing murders by unknown assailants and enforced disappearances, and said the following:

"We want to cooperate with all of the authorized and responsible state bodies throughout the project, first and foremost with Parliament. We will use the reports released by the Parliamentary Commission to Investigate Murders by Unknown Assailants and the Prime Ministry Inspection Board's report on the Susurluk incident. The project will continue for about 2 years. In this period, we will meet with the victims, convene the case files of trials and investigations, and hold some panels and symposiums."

Members of foreign organizations or political parties also participated in the weekly vigils almost every week in order to show support with the Saturday Mothers. Amnesty International also supported the sit-ins by the Saturday Mothers. Amnesty International initiated a campaign for solidarity in October 1996, and organized sit-ins in big cities in Europe such as London and Berlin. A number of news and articles on the Saturday Mothers and disappearances in Turkey were published in the foreign press.

Prolonged-Illegal Detentions, Kidnapping People

As a major human rights violation, people were kept in detention without being taken before the judicial authorities for a period much longer than stipulated in the law, and their relatives were not made available the necessary information on the detention. Many cases of enforced disappearances drove people to believe that their relatives would "disappear" when they were "detained" or be abducted by "unknown persons." For this reason, many people who have been reported as being "disappeared" came out short or long time after they went missing. This kind of incidents enabled the authorities to make statements asserting that the "disappearances" were "exaggerated" or "invented" by the human rights defenders.

In 1998, many cases were reported to indicate that the security officers abducted people instead of detaining them (see the section on Torture and Ill-Treatment). The *İlim* wing of the Hezbollah, an alleged counter-guerilla organization, abducted some people (see 1997 Turkey Human Rights Report).

M. Sait İpek, the editor-in-chief of the journal *Hıra* (alleged publication of the *Menzil* wing of the Hezbollah) which was published until 1994, left his house in Yüzyıl Quarter in İstanbul on 12 November, and his whereabouts remained unclear for a long period of time. Mazlum-Der (Organization of Human Rights and Solidarity for Oppressed People) İstanbul Branch Chairman Şadi Çarsancaklı, in a press meeting he held on 24 November, emphasized the fact that former writers with the journal *Hıra*, Gıyasettin Uğur, Cengiz Oruç, Fidan Gür and Ahmet Aydın, had been either abducted or killed. Şadi Çarsancaklı disclosed that he was anxious about the fate of Sait İpek, and said, "In spite of all efforts by his family after the disappearance of Sait İpek, the indifference of the authorities to the issue and their inhumane bureaucratic

attitude should be condemned." Sait İpek was found 17 days after his disappearance, on 28 November. He was reportedly interrogated by unknown persons and then released.

c) Those found dead

Following is the information on the people who were found dead in 1998 after they disappeared:

Fahriye Mordeniz (40), Diyarbakır, 28 November 1996

Mahmut Mordeniz (45), Diyarbakır, 28 November 1996

Out of the 7 people who were detained in Diyarbakır or in its districts in November 1996 by persons who had introduced themselves as "police officers," Fahriye Mordeniz and Mahmut Mordeniz were found dead in the vicinity of Cizre, Şırnak, in November 1998.

Nimet Tanrıkulu, a member of the HRA Commission on Disappearances, held a press conference in the HRA İstanbul Branch on 10 November, and said that police officers had called on the relatives of the Mordeniz Couple on 6 November, shown them some photographs of Fahriye and Mahmut Mordeniz and told them that they had been buried in Cizre when the relatives had identified the persons on the photographs. Nimet Tanrıkulu reported that "the Mordeniz Couple had been tortured and killed with single bullets in their heads, according to the autopsy report." Fahriye Mordeniz had been detained from her house in Diyarbakır and Mahmut Mordeniz from Diyarbakır Animal Market on 28 November 1996.

The delegation formed by the HRA in order to investigate the killings of Mahmut and Fahriye Mordeniz disclosed its report on 14 November. The report of the delegation, which included HRA Deputy Chairman Osman Baydemir, General board member Hanefi Işık and Central board member Metin Kılavuz, emphasized that "all the findings pointed out that the murders had been committed by the counter-guerilla." According to the witnesses, read the report, Mahmut Mordeniz had been detained by 2 persons, one of whom had a hair cut like an officer, whereas the other was a dark, long and slim person with a mustache. Fahriye Mordeniz was detained from her house by the persons coming in a black or almost black Ford car. The report stressed that the relatives of the Mordeniz Couple had repeatedly applied to the authorities, and that no result had emerged from the official complaint lodged with Diyarbakır Public Prosecutor's Office.

According to the report, the 2 corpses had been found on Cizre-Silopi Highway on 3 December 1996, and an autopsy had been performed on the corpses the same day. The autopsy revealed that Mahmut and Fahriye Mordeniz had each been killed with a single bullet in the head after they had been tortured. The report pointed out attention to the fact that no empty cartridges had been found on the spot, and there were no fingerprints on the tape put on the mouths of the Mordeniz Couple. The report also added that the HRA delegation, accompanied by the relatives of the Mordeniz Couple, had gone to Cizre Cemetery in order to identify the corpses but the graves could not be found as there were about 300 graves in which unidentified persons had been buried and no documents had been kept in the cemetery.

The report reminded that there were over 50 security control points between the place the Mordeniz couple had been detained and the place they had been found dead. In the report, it was said that the dead body of another person (Ramazan Yazıcı), aged 35, had been found on the road between Silopi and Cizre on 3 December 1996, that this person had been tied by his hands and killed by a single bullet in the head, and that this person had also been buried in the cemetery for homeless persons in Cizre, Şırnak. According to the ballistic examination, the Mordeniz couple and this person had been killed with the same gun, read the report.

"The Real Face of the Claims of Disappearance" released by the General Directorate for Security alleged the following about Mahmut and Fahriye Mordeniz: " It has been understood that a person named Mahmut Mordeniz was not detained by the security forces, and no persons able to identify him could be found and no detailed examination could be carried out as his identity was not provided. The investigation

about the person named Fahriye Mordeniz revealed that the person had been detained by İstanbul Security Directorate on 06.06.1996 while carrying a forged ID in the name of Emine Akkalu, and she had been released on 07.06.1996 after the necessary investigation had been carried out." The book gave place to a similar statement for Selahatin Gümürçü, one of the 5 persons who had been detained along with the Mordeniz couple, with the one made for Mahmut Mordeniz.

Ramazan Yazıcı, Diyarbakır, 22 November 1996

The ID of Ramazan Yazıcı, who had been killed in the same period when the Mordeniz couple had been killed, was revealed in November. It was revealed that Ramazan Yazıcı, who had been abducted by some persons carrying "weapons and walkie-talkies" in Silvan minibus station at Melikahmet Quarter of Diyarbakır on 22 November 1996, had later been killed and his corpse had been found in the vicinity of Mağara Village of İdil, Diyarbakır, 11 days after he had been abducted. He had been buried in the cemetery for homeless persons in İdil as no documents had been found on him to show his name. The ID of Ramazan Yazıcı could only be determined when the members of the HRA delegation saw the photographs taken before he had been buried when they went to the region for the Mordeniz couple. Amnesty International had issued urgent action calls for Ramazan Yazıcı and Hakkı Kaya in January 1997.

The report prepared by the HRA delegation regarding the Mordeniz couple had mentioned the third person, who was later found to be Ramazan Yazıcı, as follows: "About 1.70 m. in height, aged 35, 80 kg., dark person having brown eyes, slightly gray hair, slightly bald on the fore head, having a black, thick mustache and 10-day beard." The report described his clothes as follows: "Dark brownish green and white pullover, petroleum color shirt, white undershirt, gray pants, black belt, a pair of black shoes without ties."

A delegation headed by HRA Deputy Chairman Osman Baydemir went from Diyarbakır to İdil District of Şırnak on 19 November, and met İdil Public Chief Prosecutor, who first took the testimonies of Nevzat and M. Salih Yazıcı, and then gave a permission to the delegation for the excavation of the grave.

After receiving the permission, the members of the delegation, accompanied by the municipality officer and the imam (religious man) who had washed and then buried the corpse, went to the cemetery. The imam reportedly confirmed that the person on the photograph was Ramazan Yazıcı, and said that that the shoes of Ramazan Yazıcı did not have laces, this being observed when he had been brought in, and that there had been marks on his wrists because of having been tied by the hands. However, he could not remember in which grave Ramazan Yazıcı had been buried, as two years had passed since the incident. The municipality officer Şerif Babat said that they had buried Yazıcı after digging a grave, but he could not be sure about the place of Yazıcı's grave as there were over 20 graves dug for unidentified persons. Subsequently, the delegation prepared a document certifying that the grave could not be determined, and left the district.

In the report prepared by Osman Baydemir, it was stated that 11 people had disappeared in the region in November 1996, and the corpses of 5 of these people had later been found. The report read that Yazıcı, registered in Silvan District of Diyarbakır, had forcibly been put into a red car with the license number 21 DZ 490, in the minibus station to Silvan in Melikahmet Quarter of Diyarbakır at about 09.00 on 22 November 1996. The report added that the relatives of Yazıcı had applied all of the authorized bodies on 25 November 1996, but no result had emerged from these applications.

The report said that it had been determined that Ramazan Yazıcı's fate was the same as the fates of the Mordeniz couple, who had been buried in the cemetery for homeless people after having been killed, and then contact had been maintained with the family of Yazıcı: "Upon this development, an application was made with İdil Public Prosecutor's Office. As a result of this application, the report of the autopsy performed on Yazıcı on the date he had been found dead was received. According to the autopsy report, there were 3

bullet entries in the back of the head of Yazıcı about 3 centimeters behind the right ear, his mouth had been covered with a parcel tape, and his hands had been tied with a piece of cloth which had become tangled up."

The investigation by the members of the delegation revealed out that the Mordeniz couple and Ramazan Yazıcı had been killed with the same gun. Besides, the report drew attention to the fact that Ramazan Yazıcı could have been taken out of Diyarbakır following the routes Çınar-Mardin-Nusaybin-Cizre-Silopi-İdil-Midyat or Diyarbakır-Mardin-Ömerli-Savur-Midyat-İdil-Cizre-Silopi, but the perpetrators should have passed through over 50 security control points in both cases: "The Mordeniz couple and Ramazan Yazıcı had been taken away in the same vehicle. Otherwise, the perpetrators could not have passed through all of the security control points," concluded the report.

The HRA report also added that many repentant militants and members of the counter-guerilla had a huge operation area in the region between Cizre, İdil and Silopi, and that there was a strong belief that this region was one of the main centers of the counter-guerillas. The report stressed that clues about the murderers of Yazıcı could be seen in the testimonies given by repentant militants M.D. and M.İ. in 1997. The following was said in the conclusion of the report:

"We have observed certain concerns about the members of the counter-guerilla who have begun to act in the region again and wander around in groups, and about a possible increase in new disappearances and murders by unknown assailants. If the government is sincere in asserting that the illegal organization within the state would be stopped, the assailants of the murders by unknown assailants and the perpetrators of the disappearances in detention should be found. However, the most evident work of the government in connection with the disappearances in particular was to attack on the Saturday Mothers. The corpse of Yazıcı, whose right to life was violated, should be delivered to his family."

d) The people who disappeared in 1998

Following is the information compiled by the HRFT about the people who disappeared in 1998:

01) Tahir Çakır, Van, 16.03.1998

No information could be received about Tahir Çakır, the imam of Karşıyaka (Hocaali) Mosque in the İstasyon Quarter of Van, after he left the mosque following night prayer on 16 March. The relatives of Çakır applied to the Security Directorate and Public Prosecutor's Office on 18 and 26 March. The prosecutor had told them that Tahir Çakır had made a verbal application to the Prosecutor's Office a while before on the grounds that he had been threatened by persons he had never seen before for "giving religious education to the children." In a statement he made in May, Mazlum-Der Van Branch Chairman Lawyer Abdulbasit Bildirici disclosed that they could receive no information regarding the disappearance or abduction of Tahir Çakır, and that the applications made with the authorities had given no results.

02) Neslihan Uslu, İzmir, 31.03.1998

03) Hasan Aydoğan, İzmir, 31.03.1998

04) Metin Andaç, İzmir, 31.03.1998

05) Mehmet Ali Mandal, İzmir, 31.03.1998

Neslihan Uslu, a staff member of the journal Kurtuluş, Hasan Aydoğan, Metin Andaç and Mehmet Ali Mandal, who were reportedly detained in İzmir on 31 March, disappeared. It was disclosed that arrest

warrants in absentia had been issued against Hasan Aydođan and Metin Andaç. It was also reported that Mehmet Ali Mandal had come from Greece to Turkey for a short period of time.

The Association of Solidarity with Families of Arrested and Convicted Prisoners (TAYAD) made a press statement on 19 April, when Uslu, Aydođan, Andaç and Mandal did not appear and their whereabouts remained unknown. In his statement broadcast live on Çevre Radio, TAYAD Chairman Mustafa Eryüksel said the following: "These friends have been involved in the democracy struggle, and they are persons known by the police. We are worried for this reason." Behiç Aşçı, a lawyer from the People's Law Office, disclosed that the lawyers of the 4 persons had started initiatives when they could receive no information regarding their whereabouts, and the SSC had told them that "the 4 persons had been released after their testimonies had been taken on 6 April." Lawyer Aşçı added that none of the police stations in İzmir accepted that the 4 persons had been detained.

Seeking to trace the whereabouts of Metin Andaç, Neslihan Uslu, Hasan Aydođan and Mehmet Ali Mandal, the lawyers from the People's Law Office applied to the Human Rights Commission in the Parliament, the Prime Ministry, the Ministry of Interior Affairs, the Ministry of Justice, Amnesty International, Human Rights Watch/Helsinki, and the European Council on 20 May. In the applications, the lawyers expressed their concern about the fates of their clients "as they were political characters," and they said the following: "When we take into consideration the high number of cases of enforced disappearances in our country, the involvement of the state officials in these cases as clearly mentioned in the Susurluk Report and the personality of our clients, as they are people known to the police, they received death threats and threats of abduction continuously. As we failed to reach any trace of them at the end of our investigations, we become more and more anxious about the possibility that they might have disappeared."

The lawyers also applied to the Public Prosecutor's Offices in İzmir, Manisa, Aydın, Balıkesir, Kırklareli, İzmit, Adapazarı and İstanbul, and requested that the Forensic Medicine Institute should give them information about the suspicious deaths. They disclosed that they could not find any trace of the 4 persons during their investigations at the Prosecutor's Offices, security directorates, police stations and hospitals in İzmir and the neighboring provinces. They requested the authorities to be aware of the possibility of disappearance.

Hasan Aydođan's brother Ali Aydođan disclosed that his brother had been hiding away in İstanbul because of an arrest warrant issued against him in absentia, and he added that they could receive no result from the applications they made to trace the whereabouts of his brother. Arife Andaç, the wife of Metin Andaç living in Narlıca Village of Bergama, stated that her husband had called her on 26 or 27 April, saying that he was OK, but she had not heard from him since then and she was anxious about his life.

On 21 May, a 3-day hunger strike was staged in Ankara with the participation of some members of the Rights and Freedoms Platform in Ankara, the People's Law Office, the HRA Ankara Branch, ÇHD (Contemporary Lawyers' Association) Ankara Branch, and Genel İş Trade Union Ankara Branch. In the press meeting held before the hunger strike was started, the Rights and Freedoms Platform Representative Betül Gökođlu disclosed that the 4 persons were "dissent to the state," and they had frequently been threatened previously.

During the same period, Mustafa Kul, the CHP MP for Erzincan, brought the cases of the 4 persons on the Parliamentarian agenda with a parliamentary question. Requesting an answer from the Minister of Interior Affairs Murat Başesgiođlu, Kul stated that Uslu, Aydođan, Andaç and Mandal had been detained by the police in İzmir on 31 March, but no information could be received from then since then. Kul asked the following questions: "Were the mentioned persons detained on 31 March? If they were, why did not the police register their detention at the security directorate? The SSC officials are saying that they were released on 6 April, but the officials of the security directorate deny the detention of the 4 persons. What is the reason

for this contradiction between the two offices of the state which are connected to each other? As the Minister of Interior Affairs, will you pay a special effort to trace the whereabouts of these 4 persons?"

On 28 May, 50 intellectuals started a signature campaign, demanding that Metin Andaç, Neslihan Uslu, Mehmet Ali Mandal and Hasan Aydoğan be found.

Making a statement in connection with the campaign, poet Ruhan Mavruk said that no result came out from the applications made with the Human Rights Commission in the Parliament, the Prime Ministry, the Ministry of Interior Affairs, the Ministry of Justice, Amnesty International, Human Rights Watch/Helsinki, the European Council, the Greek Government, and prosecutor's offices in many provinces. Mavruk added that they got concerned because of the many cases of enforced disappearances in Turkey, and said, "We get very anxious when we take into consideration that Metin Andaç had repeatedly been detained for participating in the demonstrations against the Eurogold Company which produces gold using cyanide, and the other 3 persons had repeatedly been threatened before."

06) Konca Kuriş, Mersin, 16.07.1998

Konca Kuriş, who is known as a pro-Islamic feminist writer and who has long attracted reaction in some fundamentalist pro-Islamic circles because of her reformist opinions and her debates with leading names of the Islamic circles in TV programs, was kidnapped by unknown persons in Mersin on the night of 16 July. The police suspected from the Hezbollah militants for the kidnapping, but her whereabouts remained unknown.

Konca Kuriş and her husband Orhan Kuriş were rendered helpless by 3 persons holding guns when they came to their house in the Hamidiye Quarter of Mersin at about 01.00; and these persons, after getting the keys of the minibus of Orhan Kuriş, left the spot with Konca Kuriş. Making a statement after the incident, Orhan Kuriş disclosed that his wife had received hate calls for participating in TV programs. As for Mersin Metropolitan Mayor Halil Kuriş, he said, "Konca occasionally received threats on the phone, but she did not apply to the Prosecutor's Office as she never took these threats seriously."

The minibus used in kidnapping Konca Kuriş was found in the Toroslar Quarter of Mersin on the evening on 17 July. An eye-witness stated that Kuriş had been taken out of the minibus and put in a white car. Meanwhile, 2 persons were detained in the morning of 18 July because of their similarity to the pictures drawn from to description of Orhan Kuriş and the eye-witness. However, these persons were released when Orhan Kuriş could not identify them clearly.

In a TV program broadcast on the local SUN TV on 19 July in order to discuss the disappearance of Kuriş, Mersin Journalists Association Chairman Ali Adaloğlu pointed out attention to the discussion on the appointments in the security directorate, and he said, "After the appointments were made, the illegal activities started to erupt." The other participants in the program drew attention to the fact that the police had come to the spot shortly after the incident, that they knew the license number of the minibus, and they had blockaded all the entrances to the city, but the minibus had been found one day after the incident. The participants also stressed that the minibus had been found in the Osmaniye Quarter, but the police had carried out an operation in the mountain villages.

Fikri Sağlar, an MP for İçel, brought the case of Konca Kuriş on the agenda of the Parliament with parliamentary question.

Subsequent to the kidnapping of Kuriş, many houses in Mersin were raided by the police, and some people were detained. However, no result emerged from these operations. Twenty-five of the raided houses reportedly belonged to people who were registered as "Hezbollah members" by the police. In late July, an anonymous person was detained for being involved in the kidnapping. However, this person was also

released because of "lack of sufficient evidence." Making a statement on 24 August, İçel Security Deputy Director Dürüst Oktay said that they had not found trace of the whereabouts of Kuriş. Oktay said, "We were paying attention to two probabilities: First, Konca Kuriş might have been kidnapped by pro-Islamic organizations, and second, she might have been kidnapped in connection with certain subcontract work as her brother-in-law is the mayor. But if she lives, she will turn back home on her own feet."

07) Abdülkadir Ay, Mardin-Kızıltepe, 08.08.1998

In a press conference he held on 16 August, Mazlum-Der Chairman Yılmaz Ensaroğlu disclosed that Abdülkadir Ay, who was running a market in Kızıltepe District of Mardin, had been detained by members of the JITEM at about 09.00 on 8 August, and no information could be received regarding his whereabouts since then. Ensaroğlu said that certain people in the vicinity had seen the detention of Ay, but the witnesses had changed their testimonies a few hours after the incident had taken place. Ensaroğlu said that they had learnt that Ay had been kept in the Political Police Department for a while, that certain people, known as "informers" in the region, had intervened in order to secure his prompt release, and they had demanded money from the family of Ay. Ensaroğlu added that these persons had threatened the family, saying that "Ay would be remanded on charges of weapons trade or membership to an illegal organization unless they gave the money." He said: "We have learnt from the information provided by some state officials that Ay had been kept at the security organization or within the information of the security officials. When some people appealed with the Security Directorate about Ay, they were told, 'He is not here with us. But don't get involved in this case, stop seeking him.' Kızıltepe Public Prosecutor did not accept the petition given by the members of his family."

Ensaroğlu also said that Kızıltepe Public Prosecutor suggested the relatives of Ay to apply to the police station, and he evaluated this proposal as being "frightening and worth thinking about." Ensaroğlu added that they had applied to the President, the Prime Ministry, General Staff Chief Office, Gendarmerie General HQ, General Directorate for Security, the State of Emergency Region Governor's Office, the Human Rights Commission in the Parliament, some political parties, MPs for Mardin and human rights organizations on 11 August, but they could not get any concrete results regarding the case of Ay. In September, Minister of State Hikmet Sami Türk gave an answer to the application made by the Mazlum-Der, asserting that "the Ministry of Interior Affairs had carried out an investigation, and had come to the result that Ay had not been detained neither by the General Directorate for Security, the security directorates in provinces nor by Mardin Gendarmerie Intelligence Team HQ."

08) Mustafa Kaya, Batman, 10.09.1998

09) Fatih Kaya, Batman, 10.09.1998

10) Ali Gündüz, Batman, 10.09.1998

In Batman, a tradesman named Mustafa Kaya, his son Fatih Kaya (16) and Ali Gündüz, who worked for Kaya, were abducted by unknown persons raiding the house of Mustafa Kaya on 19 September. The car of Mustafa Kaya was found in the vicinity of Kızıltepe District of Mardin on 23 September. It was reported that the car had been damaged, and that the GSM card of Mustafa Kaya had been found in the car. Meanwhile, it was claimed that the members of the Hezbollah had abducted Mustafa Kaya, Fatih Kaya and Ali Gündüz, but no concrete information to support this claim emerged until the end of 1998.

11) Mehmet Mazaca, Tunceli, 22.10.1998

A villager named Mehmet Mazaca (63) disappeared after leaving his house in the Cumhuriyet Quarter of Tunceli in order to go to Kovancılar District of Elazığ on 22 October. Mehmet Mazaca, who was in the wood business in Tunceli, was last seen by his business partner Ahmet Kırık in Kovancılar. Ahmet

Kırık disclosed that Mazaca had taken TL 600 million from him, and he had last seen him while waiting for a vehicle by the highway.

Making a statement on 7 November, Mazaca's daughter Cevahir Canpolat said that some persons, who were known as members of the JITEM, went along with her father on the day he had disappeared, and that they received no effective result from the applications they made with the State of Emergency Region Governor's Office, the Office for the Disappeared within the General Directorate for Security, the Ministry of Interior Affairs and the Human Rights Commission in the Parliament. Canpolat mentioned in the urgent action call made by Amnesty International for her father, and said the following: "My father had been detained and then remanded in 1993, and he had been released in the first hearing of the trial launched against him. Yet he was acquitted at the end of the trial. My father is not guilty of any crime. The way the incident has developed indicates that the incident is not an ordinary one as claimed by the state officials, but has taken place with the information of the state." Canpolat added that her father had been carrying out his business after the permission he had been given by the gendarme station, but he had been interrogated by gendarmes 2 months before he had disappeared on the grounds of "cutting trees without a permission." Cevahir Canpolat also added that they had received certain threats, such as "Never go out of Tunceli in order to search for your father, or we will make Tunceli a lake of blood," after they started initiatives to trace the whereabouts of her father.

In addition, the applications made by the HRA with the Ministry of Interior Affairs and the General Directorate for Security regarding the situation of Mehmet Mazaca remained fruitless.

People disappeared until the end of 1997

Below is the list prepared by the HRFT regarding the people who disappeared between 12 September 1980 and the end of 1997:

- 001) Gazal..., 1980-Mardin**
- 002) Hüseyin Morsümbül, 18.09.80-Bingöl**
- 003) Cemil Kırbayır, 09.10.80-Kars Göle**
- 004) Mahmut Kaya, 25.12.80-Kars**
- 005) Zeki Altınbaş, 00.04.81-Yalova**
- 006) Gürkan Mungan, 00.12.83-Ankara**
- 007) Nurettin Öztürk, 04.04.84-Ankara**
- 008) Ömer Savun, 06.05.89-Siirt**
- 009) Hüseyin Demirtaş, 26.05.89-Siirt**
- 010) Adnan Bağca, 11.06.90-Urfa Siverek**
- 011) Abdullah Kurt, 00.09.90-Hakkari Yüksekova**
- 012) Yusuf Erişti, 00.03.91-İstanbul**
- 013) İbrahim Gündem, 25.09.91-Diyarbakır Hazro**

- 014) Hüseyin Toraman, 27.10.91-İstanbul
- 015) Mehmet Demir, 10.01.92-Siirt
- 016) Durmuş Çaylak, 09.02.92-Muğla Fethiye
- 017) Hüseyin Yaman, 04.05.92-İstanbul
- 018) Soner Gül, 04.05.92-İstanbul
- 019) Hasan Gülünay, 20.07.92-İstanbul
- 020) Mehmet Ertak, 22.08.92-Şırnak
- 021) Ayhan Efeoğlu, 06.10.92-İstanbul
- 022) Namık Erkek, 19.12.92-Mersin
- 023) Ali Kırlangıç, 07.03.93-İstanbul
- 024) İbrahim Akıl, 14.06.93-Şırnak
- 025) Hikmet Şimşek, 14.06.93-Şırnak
- 026) Salih Demirhan, 14.06.93-Şırnak
- 027) Hamdi Şimşek, 14.06.93-Şırnak
- 028) Halit Özdemir, 14.06.93-Şırnak
- 029) Şemdin Culaz, 14.06.93-Şırnak
- 030) İhsan Uygur, 06.07.93-İstanbul
- 031) Yüksel Alptekin, 06.07.93-İstanbul
- 032) Aysel Malkaç, 07.08.93-İstanbul
- 033) Erdoğan Şakar, 13.08.93-İstanbul
- 034) Abdülvahap Timurtaş, 14.08.93-Mardin Silopi
- 035) Serhan Dehmen, 08.09.93-İstanbul
- 036) M. Şah Atala, 09.10.93-Diyarbakır Kulp
- 037) Bahri Şimşek, 09.10.93-Diyarbakır Kulp
- 038) Hasan Avar, 09.10.93-Diyarbakır Kulp
- 039) Şerif Avar, 09.10.93-Diyarbakır Kulp
- 040) Nusrettin Yerlikaya, 09.10.93-Diyarbakır Kulp
- 041) Turan Demir, 09.10.93-Diyarbakır Kulp
- 042) Behçet Tutuş, 09.10.93-Diyarbakır Kulp
- 043) Abdi Yamuk, 09.10.93-Diyarbakır Kulp
- 044) Salih Akdeniz, 09.10.93-Diyarbakır Kulp
- 045) Celil Aydoğdu, 09.10.93-Diyarbakır Kulp

- 046) Ümit Taş, 09.10.93-Diyarbakır Kulp
- 047) Yılmaz Gümüş, 21.10.93-Batman
- 048) Bahri Kağanaslan, 29.10.93-Diyarbakır
- 049) Üzeyir Kurt, 25.11.93-Diyarbakır Bismil
- 050) Ahmet Çakıcı, 28.11.93-Diyarbakır Hazro
- 051) Hüseyin Taşkaya, 06.12.93-Urfa Siverek
- 052) Ahmet Kalpar, 06.12.93-Urfa Siverek
- 053) Ali Efeoğlu, 05.01.94-İstanbul
- 054) Fethi Yıldırım, 05.01.94-Urfa Viranşehir
- 055) Yusuf Tunç, 09.02.94-Mardin Kızıltepe
- 056) Cüneyt Aydınlar, 20.02.94-İstanbul
- 057) Nazım Babaoğlu, 12.03.94-Urfa
- 058) Zeynel Kürsad, 23.03.94-Batman
- 059) Piro Ay, 16.04.94-Mardin Derik
- 060) Muharrem Tanrıverdi, 08.05.94-Diyarbakır Lice
- 061) Mehmet Tanrıverdi, 08.05.94-Diyarbakır Lice
- 062) Kasım Alpsoy, 18.05.94-Adana
- 063) Fahri Bulut, 18.05.94-Diyarbakır Lice
- 064) Mustafa Bulut, 18.05.94-Diyarbakır Lice
- 065) İkrâm İpek, 18.05.94-Diyarbakır Lice
- 066) Servet İpek, 18.05.94-Diyarbakır Lice
- 067) Seyithan Yolur, 18.05.94-Diyarbakır Lice
- 068) Ali İhsan Çiçek, 18.05.94-Diyarbakır Lice
- 069) Tahsin Çiçek, 18.05.94-Diyarbakır Lice
- 070) Çayan Çiçek, 18.05.94-Diyarbakır Lice
- 071) Zeki Ercan Diril, 19.05.94-Şırnak Beytüşşebap
- 072) İlyas Edip Diril, 19.05.94-Şırnak Beytüşşebap
- 073) Hasan Orhan, 24.05.94-Diyarbakır Lice
- 074) Mehmet Selim Orhan, 24.05.94-Diyarbakır Lice
- 075) Cezayir Orhan, 24.05.94-Diyarbakır Lice
- 076) Mehmet Can Aysin, 24.05.94-Diyarbakır Lice
- 077) Sinan Fidan, 06.06.94-Diyarbakır

- 078) Hacı İsa Gök, 12.06.94-Batman
- 079) Recai Aydın, 02.07.94-Diyarbakır Çınar
- 080) Abdülğani Dağ, 23.07.94-Mardin Nusaybin
- 081) Mahmut Demirel, 00.08.94-Batman
- 082) Mehmet Salim Acar, 00.08.94-Diyarbakır Bismil
- 083) Resul Saçan, 09.08.94-Batman
- 084) İbrahim Kartay, 17.08.94-Diyarbakır Hani
- 085) Safura Yıldırım, 31.08.94-Mardin Nusaybin
- 086) Lütfiye Kaçar, 05.09.94-İstanbul
- 087) Kenan Bilgin, 12.09 94-Ankara
- 088) Rıdvan Temiz, 00.10.94-Mardin Derik
- 089) Turgut Yenisoy, 04.10.94-Diyarbakır Bismil
- 090) Hıdır Işık, 00.09.94-Tunceli
- 091) Hatun Işık, 00.09.94-Tunceli
- 092) Elif Işık, 00.09.94-Tunceli
- 093) Düzali Serin, 00.09.94-Tunceli
- 094) Yeter Işık, 00.09.94-Tunceli
- 095) Gülizar Serin, 00.09.94-Tunceli
- 096) Dilek Serin, 00.09.94-Tunceli
- 097) İbrahim Gencer, 00.09.94-Tunceli
- 098) Sabahattin Talayhan, 11.10.94-İstanbul
- 099) Fidan Göngör, 11.10.94-İstanbul
- 100) Nazım Gülmez, 00.10.94-Tunceli Hozat
- 101) Mehmet Ağgün, 00.10.94-Tunceli Hozat
- 102) Ahmet Akbaş, 00.10.94-Tunceli Hozat
- 103) Müslüm Aydın, 00.10.94-Tunceli Hozat
- 104) Vasıf Öztürk, 00.11.94-Diyarbakır Kulp
- 105) Ahmet Yetişen, 14.11.94-Batman
- 106) Ali Tekdağ, 26.11.94-Diyarbakır
- 107) Ender Toğcu, 29.11.94-Diyarbakır
- 108) İsmail Ağaya, 00.12.94-Batman
- 109) Abdullah Efeli, 15.12.94-Şırnak Cizre

- 110) İhsan Haran, 24.12.94-Diyarbakır
- 111) İsmail Bahçeci, 24.12.94-İstanbul
- 112) M. Şirin Mutlu, 00.01.95-Batman Kozluk
- 113) Nihat Aslan, 00.02.95-Mardin Midyat
- 114) Muhittin Olmaz, 00.02.95-Diyarbakır Bismil
- 115) Bedri Algan, 01.02.95-Diyarbakır
- 116) Murat Yıldız, 23.02.95-İzmir
- 117) Tarık Ümit, 02.03.95-İstanbul
- 118) Kemal Birlik, 29.03.95-Mardin Kızıltepe
- 119) A. Baki Birlik, 29.03.95-Mardin Kızıltepe
- 120) Zübeyir Birlik, 29.03.95-Mardin Kızıltepe
- 121) Zeki Alabalık, 29.03.95-Mardin Kızıltepe
- 122) Ali İhsan Dağlı, 14.04.95-Diyarbakır Silvan
- 123) Nezir Tekçi, 28.04.95-Hakkari Yüksekova
- 124) M. Sait Zengin, 06.05.95-Mardin Midyat
- 125) Edip Aksoy, 07.06.95-Diyarbakır
- 126) Ahmet Pehlivan, 04.07.95-İstanbul
- 127) Servet Bayram, 08.07.95-Diyarbakır Hazro
- 128) Selim Acar, 21.07.95-Mardin Midyat
- 129) Mehmet Yıldız, 22.07.95-Diyarbakır
- 130) Ahmet Özdemir, 13.08.95-Şırnak Güçlükonak
- 131) Ahmet Özer, 13.08.95-Şırnak Güçlükonak
- 132) Bahri Esenboğa, 13.08.95-Şırnak Güçlükonak
- 133) Fikri Şen, 13.08.95-Şırnak Güçlükonak
- 134) İlhan İbak, 13.08.95-Şırnak Güçlükonak
- 135) Abdurrahim Demir, 17.08.95-Mardin Kızıltepe
- 136) Osman Buluttekın, 26.08.95-Diyarbakır Kulp
- 137) Reşit Yıldız, 27.08.95-Mardin Nusaybin
- 138) Şehmuz Erođlu, 03.09.95-Batman
- 139) Cemil Çelik, 26.09.95-Mardin Ömerli
- 140) Mehmet Emin Yılmaz, 15.10.95-Van Başkale
- 141) Haydar Yılmaz, 15.10.95-Van Başkale

- 142) Beşir Sayın, 15.10.95-Van Başkale
- 143) Yusuf Ertaş, 15.10.95-Van Başkale
- 144) Kerevan İzmez, 15.10.95-Şırnak Silopi
- 145) Fehmi Tosun, 19.10.95-İstanbul
- 146) Düzgün Tekin, 21.10.95-İstanbul
- 147) Mehmet Emin Aslan, October/November 95-Dargeçit
- 148) Seyhan Doğan, October/November 95-Dargeçit
- 149) Davut Altunkaynak, October/November 95-Dargeçit
- 150) Nedim Akyön, October/November 95-Dargeçit
- 151) Abdurrahman Olcay, October/November 95-Dargeçit
- 152) Abdurrahman Coşkun, October/November 95-Dargeçit
- 153) Abdullah Yağlı, 00.11.95-Mardin Nusaybin
- 154) Şemsettin Yurtseven, 27.11.95-Yüksekova
- 155) Mikdat Özekeken, 27.11.95-Hakkari Yüksekova
- 156) Münir Samtaş, 27.11.95-Hakkari Yüksekova
- 157) Abdüllatif Yağızay, 00.11.95-Mardin Nusaybin
- 158) Ömer Fındık, 31.12.95-Şırnak Silopi
- 159) Mehmet Fındık, 31.12.95-Şırnak Silopi
- 160) Ömer Kartal, 31.12.95-Şırnak Silopi
- 161) Hanifi Yaman, 05.01.96-Diyarbakır Lice
- 162) Ahmet Oğuz, 00.02.96-İstanbul
- 163) Atilla Osmanoğlu, 25.03.96-Diyarbakır
- 164) Talat Türkoğlu, 01.04.96-Edirne
- 165) Hıdır Öztürk, 14.04.96-Diyarbakır Bismil
- 166) İsa Efe, 07.07.96-Mardin Derik
- 167) Ali Haydar Kaya, 00.08.96-Diyarbakır Silvan
- 168) Orhan Yakar, 00.09.96-Bingöl
- 169) Hazım Ünver, 00.09.96-Habur Border Gate
- 170) Halil Birlik, 07.11.96-Habur Border Gate
- 171) Mehmet Bilgiç, 07.11.96-Habur Border Gate
- 172) Şirin Bayram, 01.11.96-Diyarbakır
- 173) Ramazan Tekin, 01.11.96-Diyarbakır

- 174) Hakkı Kaya, 18.11.96-Diyarbakır
175) Selahattin Gümürçü, 25.11.96-Diyarbakır
176) Mehmet Batıl, 20.12.96-between Nusaybin and Derik
177) Fikri Özgen, 27.02.97-Diyarbakır
178) İlyas Eren, 11.03.97-Diyarbakır
179) Bedrettin Topkan, 01.07.97-Batman
180) Ahmet Topkan, 01.07.97-Batman
181) Lokman Karasu, 18.08.97-Şırnak Cizre
182) Yusuf Nergiz, 29.09.97-Diyarbakır Kulp
183) Abdülsemel Çelik, 06.11.97-Diyarbakır
184) Sadık Ulumaskan, 04.12.97-Urfa-D.bakır highway
185) Seyithan Ulumaskan, 04.12.97-Urfa-D.bakır highway
186) Mehmet Özdemir, 26.12.97-Diyarbakır

6. 2

TORTURE AND ILL-TREATMENT

In 1998, many torture cases were revealed thanks to the insistent and systematic efforts by lawyers from the branches of the HRA as well as from İstanbul Bar and Contemporary Lawyers Association, for controlling the implementation of the safeguards against torture and ill-treatment listed in the Code of Criminal Procedures (TCPC), and thanks to the doctors' tendency of issuing medical reports in an increasing number. The safeguards mentioned above, which are not applicable for the offenses within the jurisdiction of the SSCs, were most frequently applied for the children in the course of arbitrary detentions in connection with ordinary crimes. (However, many cases were reported, in which lawyers were harassed when they wanted to meet their clients in line with the provisions of the TCPC during the detention at the police or Gendarmerie centers, or these provisions were not respected at all.) In many cases of torture which were notified or determined by the lawyers, the victims refrained from resorting to legal measures, due to fear. There was a rise in the tendency of the public prosecutors' initiating the legal proceedings in connection with the applications made to them with complaints of torture or ill-treatment but many of other applications were rejected on the pretext that "the assailants were not known."

The HRFT determined that at least 3.853 people were tortured in 1998. Accordingly, the provinces where torture was inflicted most intensively are İstanbul (especially the districts of Avcılar, Bağcılar and Küçükçekmece), Diyarbakır, İzmir, Adana and İçel. It was observed that torture cases were highly intense especially in the places where the people who were forced to migrate lived densely. For example, many cases were reported in Bağlar Quarter of Diyarbakır, Şakirpaşa Quarter of Adana and in Mersin. It was rarely

possible to monitor the torture cases in the State of Emergency Region and in other cities where "internal security operations" were conducted. There were continuous claims reporting severe torture cases in Silvan and Kulp districts of Diyarbakır, Sason and Kozluk districts of Batman, Nusaybin and Kızıltepe districts of Mardin, Erüh and Baykan districts of Siirt, Karlıova district of Bingöl and Doğubeyazıt district of Ağrı, but it was impossible to investigate these cases.

Table 5. Torture in Turkey, 1990-98⁶³

	Torture	Woman	Sexual Torture	Child
1990	329	44	8	7
1991	552	53	9	15
1992	594	93	24	11
1993	827	126	22	29
1994	1128	261	36	24
1995	1232	254	17	72
1996	1404	377	122	107
1997	3344	726	161	197
1998	3853	981	94	209

Despite the fact that at least 3.853 people were tortured in 1998, the General Directorate of Forensic Registers and Statistics reported that a total of 205 trials were launched and concluded in 1998 under Article 243 TPC for charges of torture. 72 of these trials ended with the conviction of the defendants, whereas 104 ended in acquittal. Of 639 trials, which were brought under Article 245 TPC for charges of ill-treatment and which were concluded in 1998, 223 ended in conviction and 264 in acquittal. The HRFT assumes that only a small number of the torture claims were brought to the courts. Besides, it has been observed that the sentences given in the trials launched with the accusations of inflicting torture were either reduced into lesser terms or commuted to fines and reprieved.

The HRA İstanbul Branch publicized its report for the year 1998 in January 1999. Accordingly, 577 people applied to the HRA İstanbul Branch throughout 1998, stating that "they had been tortured in detention." 116 of the applicants were provided with medical reports that certified the torture inflicted on them, whereas 90 lodged official complaints with the Public Prosecutor's Office. 375 of the applicants were male, 189 were women, and 26 were children. Of the 577 applicants, 332 had been detained for ordinary charges whereas 228 for political charges. Reasons for the detention of 17 people could not be determined. As can be seen from this report that only covers İstanbul, torture is widespread among the ordinary detainees, which demonstrates that security officers continued to apply torture as a systematic method of interrogation in Turkey in 1998. Stating that they had been tortured in detention, 77 people had applied to the HRA

⁶³ This table covers the torture cases that could have been determined by the HRFT.

İstanbul Branch in 1993, 145 people in 1994, 362 people in 1995, 942 people in 1996, and 216 people in 1997.

a) Report by the HRFT Treatment and Rehabilitation Centers

In the report by the HRFT Treatment and Rehabilitation Centers for the year 1998, it was stated that out of 110 of the 673 people who applied to the HRFT for medical treatment after having been tortured in detention or in prisons suffered from permanent traces or physical disability due to torture.

According to the report, 706 torture survivors had applied to the Treatment and Rehabilitation Centers of the HRFT in Ankara, İstanbul, İzmir, Adana and Diyarbakır in 1998. According to the report, the total number of the applicants to the HRFT Treatment and Rehabilitation Centers between 1990, the establishment of the HRFT, and 1998 reached 4.010. According to the report, which was published after the evaluations made on the data of 673 of the 706 applicants, 196 women and 477 men applied to the HRFT in 1998. Sixty-three of the applicants were in the 0-18 age group. Out of the applicants, 108 people stated that "they had been tortured in the State of Emergency Region."

Of the applicants to the HRFT, 619 people (92%) had been tortured after having been detained on political grounds, whereas 54 people (8%) had been detained on non-political grounds. The report read, "In comparison with the previous year, there was a significant increase in the number of applicants who had been tortured on non-political grounds. The low ratio of the applicants who had been tortured on non-political grounds is not because the detention conditions for this group are better but mainly because they are reluctant to seek for their rights and they do not know much about the activities of the HRFT."

Regarding the place where the applicants were tortured, read the report, security centers ranked first with 64.8% (436 people), whereas 80 people were tortured at police stations, 20 people at gendarme stations, 39 people at Gendarme centers, 14 people in prisons and 17 people at other detention places. Fifty-eight of the applicants disclosed that they had been tortured at "somewhere else which cannot be regarded as detention place."

According to the report, 229 of the applicants were released without appearing before the prosecutor and without being subject to any legal process. Of the applicants, 207 people were released by the prosecutor, whereas 237 of them (35.2%) were remanded following their detention, which was "the reason of their application to the HRFT."

"The HRFT Treatment and Rehabilitation Centers Report 1998" listed the methods of torture inflicted on the applicants to the HRFT as follows, according to their frequency:

"Insults (97.3%), threats (other than death threats) against the person (89.8%), beating (87.8%), death threat (78.3%), blindfolding (75.9%), restricting food and water (57.5%), forcing the person to wait on cold floor (56.9%), threats against relatives (56.9%), restricting defecation and urination (54.2%), sexual harassment (49.7%), electricity (45.1%), solitary confinement (44.8%), forcing the person to witness (visual, audio) torture (44.4%), stripping the person naked (40.5%), sleep deprivation (38.1%), pressurized/cold water (36.4%), pulling out hair/mustache/beard (34.4%), forcing the person to listen to marches or high volume music (32.8%), suspension by hanging by the arms (30.6%), squeezing testicles (26.1%), forced extreme physical activity (24.6%), suggesting the person serve as an informer (23.9%), other (21.9%), mock execution (16.9%), falanga (16.3%), forcing the person to obey meaningless orders (16.3%), suffocation (10.9%), torturing the person in the presence of relatives (9.3%), burning (4.3%), rape (2.8%)."

The report asserted that one of the important problems was the certification of the torture with medical reports. Accordingly, 289 of the applicants stated that they had not been able to prove with a medical

report that they had been tortured. According to the report, 283 (80.2) of the applicants, who had undergone forensic examination, stated that security forces had not left the examination room, 285 (80.7%) of them said that the medical examination had not been carried out properly, and 256 (72.5%) stated that the medical reports had not been issued in accordance with the findings. Sixty-two of the applicants, who had been given medical reports stating that they had not been tortured, indicated that they had managed to receive medical reports, on their own initiative, certifying that they had been tortured.

According to the report, of the 673 people who applied to the HRFT Treatment and Rehabilitation Centers in 1998, 237 had suffered only physical complaints, 34 had only psychological complaints, and 402 (59.7%) sought medical assistance for both physical and psychological complaints.

The following were stated in the conclusion of the report as to the implementation of torture, prevention of torture, and the treatment and rehabilitation of the torture survivors:

In 1998, as in the previous years, the security forces resorted to violence during social acts such as demonstrations, marches and meetings. The demonstrators have been subjected to violence while being dispersed or detained by the security forces or during detention.

The fact that 53.2% (358 people) of the 673 applicants to the HRFT Treatment and Rehabilitation Centers in 1998 had been tortured in the same year supports their opinion that torture is systematically applied in Turkey.

The fact that 619 (92.0%) of the 673 applicants in 1998 had been tortured on political grounds should not be taken to mean that ordinary prisoners or detainees are not subjected to systematic torture.

It is worth noting that the place of birth of the majority of applicants was the Southeastern and Eastern Anatolia region and 16% of the applicants had applied to the HRFT due to torture inflicted on them in the State of Emergency Region.

Unemployment, a major factor that negatively affects the treatment and rehabilitation efforts, was again at a significant level in 1998. Projects have been developed concerning supplying work and occupation, and social support to torture survivors. The implementation of these projects will affect the success of the treatment and rehabilitation process directly and in a positive way.

Long periods of detention facilitate infliction of torture. 64.8% of the applicants were released before appearing before a Prosecutor's Office, or released by the Prosecutor's Office or the court which should be discussed as an indicator of the arbitrary use of detention.

The applicants' statements reveal that psychological torture methods are prominent, but torture methods such as electric shocks and suspension by the arms are also used systematically. These findings should be taken into account in discussions of prevention of torture and recognition of torture findings in medical reports.

The data on the applicants to the Treatment and Rehabilitation Centers of the HRFT in 1998 clearly show that regulations, laws or circulars for prevention of torture and for punishing the torturers in a deterrent manner should urgently be prepared.

In 1998, many convicted and remanded prisoners requested medical assistance through writing letters about their health problems or through their lawyers. Although most of the complaints were found to be related with torture or ill-treatment, effective medical assistance could not be provided due to the difficulties of communication and providing medical services in prisons.

Hunger strikes are still an important method of seeking rights during detention or in prisons as stated by the applicants. The statements of the applicants point out that the attitude of the physicians and their efforts to treat the hunger strikers are extremely important.

Many prisoners who had vital health problems due to insufficient or incorrect medical treatment they received following the widespread hunger strikes and death fasts in 1996 are still keep in prisons. Attempts should be made including the implementation of Article 399 of the TCPC in order to provide medical treatment to these people.

Despite the many symptoms of applicants related with torture, most of them were not reflected in forensic reports. This fact should be evaluated taking into account the forensic report procedures, Forensic Institute and the responsibility of the physician in the prevention of torture.

b) Deaths in Detention

In 1998, at least **14** people died in detention and in prisons due to torture or under suspicious circumstances. The information compiled by the HRFT regarding the deaths in detention is as follows:

01) Necmettin Çunku, Afyon Şuhut-13.01.98

Necmettin Çunku, who was detained in Şuhut District of Afyon, had been found dead in the detention place of the District Police HQ on 13 January. The police authorities alleged that Çunku had committed suicide by hanging himself with his belt. Subsequent to the official complaint lodged with the Prosecutor's Office, a trial was launched against police officer İsmail Boğaz on 15 January. İsmail Boğaz was acquitted in the hearing held on 21 April.

02) İrfan Kaya, İzmir, 01.02.98

İrfan Kaya (20), a student at İmam Hatip High School who was detained on the allegation of "theft" in İzmir in the evening of 1 February, died at Bayraklı Police Station where he was kept in detention. The police authorities claimed that Kaya had hung himself with his shirt to the balustrades.

Karşıyaka Public Prosecutor's Office, who carried out the investigation, decided that autopsy should be performed on the body of İrfan Kaya because his death was a suspicious case. The statement made by the Public Prosecutor's Office read that Kaya had been detained at around 18.00 on 1 February when it became clear that someone had entered into the house of Hasan Ciritlioğlu and stolen certain things. Kaya had been put in custody in the basement of the police station. It was asserted in the statement that Kaya had gone to toilet at around 01.30 and 20 minutes later, his dead body had been found by the Group Chief of the Police Station during the regular control. Kaya's mother Nazik Kaya said she did not believe the claim of suicide and said that her son had had no reason to commit suicide.

03) Mehmet Yavuz, Adana, 13.03.98

Mehmet Yavuz (23) died under torture on 13 March in Adana Police HQ where he was taken to after having been detained by police raiding his house in Alıpınar, Diyarbakır, on 12 March, on the grounds that "he had been involved in the killing of police officer Ali Çotuklar during a theft in Adana on 8 December 1997." His father Ahmet Yavuz said: "The police stated that Mehmet had died as a result of an heart attack. However, there were traces of blows all over his body. There was fracture in his head and both of his arms were broken. Cigarettes had been stubbed out on his body, and his finger and toe nails had been pulled out. There were bruises all over his body. No parts of the body seemed to remain sound." Mehmet Yavuz's wife Ömür Erkovan asserted that his husband had been killed in revenge for the killing of the police officer.

Making a statement on 17 March, Adana Public Chief Prosecutor Ahmet Ceylani Tuğrul, said the following: "Adana Police (HQ) detains this person at about 01.00 a.m. on 13 March. His health deteriorated at noon on the day of the interrogation and he was taken to the State Hospital. However, he dies. The Prosecutor's Office assigned 3 forensic experts. As a result of the autopsy, it has been determined that the reason for the death is internal bleeding due to the trauma in the abdomen. Upon this incident, the Prosecutor's Office detained 11 police officers." (See the section on "Torture Trials".)

04) Ali Efeer, Bursa, 14.03.98

Ali Efeer was detained in Bursa on 14 March in connection with an arrest warrant issued by Ankara Public Prosecutor's Office. His health deteriorated and he died at the Police HQ. The police authorities asserted that "Efeer had been drunk, that he had died at the entrance floor of the Police HQ where he had been taken for the paper work after having been given medical treatment at the hospital where he had been referred to by the Forensic Institute and that he had not been subjected to ill-treatment."

05) Mehmet Emin Öner, Diyarbakır Lice, 27.03.98

Mehmet Emin Öner (70) died after having been detained by soldiers raiding Yapraklı village, Lice, Diyarbakır, on 27 March. His death was reported as follows: Three soldiers died and 9 were injured when their vehicle struck a mine in the vicinity of the village on 27 March. Afterwards soldiers raided the village and started to beat all in the village. Then they detained many villagers. The detainees, except Ali Üçgül, Sefer Okçu and Salih Başak were released later. After having been released, the villagers related their experiences in the battalion as follows: "We were all blindfolded. Although there were elderly and children among us, they kept us in the yard whole night in the rain. They took us inside one by one, and beat us till we fainted. They asked us who planted the mine on the road, and who aided PKK militants. When we said we didn't know, they tortured us. They insulted women particularly. They were pouring cold water and then hot water on us. They questioned Mehmet Emin Öner more than any of us. They kept him waiting in a separate place. They tortured him more. Then he couldn't bear torture any longer and fell down in the yard of the battalion. The soldiers took his body somewhere else. We heard about his death after we were released."

06) İsmail Aydın, Edirne Enez, 01.04.98

İsmail Aydın (31) died in Enez Police Station, Edirne, after having been detained with the accusations of "breaking into a house," on 1 April. The police authorities claimed that he had committed suicide by hanging himself with the strips of a blanket.

07) Murat Ekli, Hatay Kırıkhan, 24.04.98

Murat Ekli (19), (a friend of Mehmet Yavuz) who was detained by the police on accusations of "theft" in Kırıkhan, Hatay, on 20 April, died at hospital on 24 April. His death was reported as follows: Ekli was interrogated for four days at Kırıkhan Police HQ and was remanded on 24 April. His health deteriorated in Kırıkhan Prison on the same day. The physician in charge of the prison sent him to Antakya State Hospital, and then he was referred to Balcalı Hospital of Faculty of Medicine, Çukurova University, Adana. However, he lost his life at the Intensive Care Unit because of brain hemorrhage. Prosecutors in Adana and Kırıkhan launched two separate investigations as there were bruises on the body of Ekli.

In a statement, Adana Public Chief Prosecutor Ahmet Ceylani Tuğrul said the following: "Ekli has reported to suffer from a kind of blood disease. An autopsy is being performed carefully, taking this disease into consideration. The part taken from the body will be examined at the Pathology Branch of the Medical Faculty, and we will act according on the result."

Murat Ekli's father Zeki Ekli applied to the HRA. Meeting with HRA Deputy Chairperson Lawyer Osman Baydemir, Zeki Ekli asserted that his son had been killed intentionally. Ekli stated that the traces of

blows on the body of his son had been evidence of torture, and said, "We also took the photographs of these traces of blows." Ekli added that Mehmet Yavuz had also been tortured to death in detention and said, "First they killed his friend Mehmet Yavuz, then my son. These two murders are intentional and systematic. The police officers who killed Mehmet Yavuz were remanded, and they took the revenge on my son. The killing of my son under torture has also been certified via the autopsy report. I will lodge an official complaint with Adana Public Prosecutor's Office. But I don't believe that the perpetrators will be punished. Because, the 8 police officers who killed Mehmet Yavuz were released. I will apply to the European Court of Human Rights if the perpetrators are not punished."

The death report, signed by Adana Forensic Group Chief Bülent Savran and Public Prosecutor Şükrü Şekip Küçüktepe, certified that Ekli had died because of torture. It was found out that Ekli had died because of brain hemorrhage, that there were swellings in the brain, bruises around the eyes, swellings in the right back of the head, fractures on the eighth rib bone, bruises around the left eye and internal bleeding in the abdomen.

08) Hasan Yeşilova, Ağrı, 14.05.98

It was claimed that Hasan Yeşilova, a recruited soldier in Patnos District of Ağrı, had died because of torture on 14 May. Hasan Yeşilova had reportedly told his mother Elif and sister Elife on the phone that "he and two other soldiers had been seriously tortured on 8 May on the grounds of not obeying an order by the commander, that then the two soldiers had deserted, and that he had been hospitalized the next day when his health deteriorated." His relatives disclosed that Hasan Yeşilova had been taken to Erzurum Military Hospital on 9 May, and phoned his relatives at noon on 13 May and related what he had gone through.

According to his relatives, Hasan Yeşilova said the following to his mother on the phone from the hospital: "Our superiors beat us to almost death for not obeying an order. We were subjected to serious torture. Two friends deserted and saved their lives. I can hardly stand because of the torture I had gone through. They continuously beat me on the back of my neck with the butts of rifles. I was subjected to falanga. Blood comes from my throat continuously. My abdomen and chest ache. I am in a very bad condition. It feels as if ants are walking inside my head."

According to the account of the relatives of Yeşilova, military authorities phoned them on 14 May, and they said that their son had been ill. Ten minutes later, the military authorities from Patnos phoned the family again, and said, "Your son died because of insufficient respiration. Come and take the body." Another officer phoned 5 minutes later, and said, "Your son has been poisoned."

Mustafa Yıldız, one of his relatives who saw the corpse, stated that "there were swellings on the back of the head, bruises and swellings on the soles of his feet, and the traces on the body had proved that Hasan Yeşilova had been killed under torture."

It has been reported that the family protested to the authorities during the funeral asking why their son was not buried in the military cemetery for martyrs. Upon this, a military officer reportedly said, "He is not a martyr, this was a natural death."

Hasan Yeşilova's father Cezmi Yeşilova applied to the HRA Gaziantep Branch, stating that his son had said on the phone that he had been tortured, and that they did not accept the claim that he had died because of failure in the respiratory system. On 15 May, the family lodged an official complaint with Antep Public Prosecutor's Office. After the official complaint a military officer reportedly threatened the members of the family, saying, "Withdraw the complaint. The state will give you money, and ease your life. Otherwise, you will even have to pay for the hospital expenses of your son." Upon the official complaint, a piece and blood sample taken from the body of Hasan Yeşilova was sent to İstanbul Forensic Institute for the investigation.

09) İsmail Aslan, Van Gürpınar-18.05.98

A construction worker, İsmail Aslan (38), was allegedly arrested and killed under torture. It was asserted earlier that Aslan had been shot dead by soldiers in the vicinity of Beşan village in Gürpınar, Van, on 18 May.

Narınç Aslan, his wife, stated that İsa Aslan, a relative of theirs and the headman of Yeşilöz village in Beytüşşebap, Şırnak, witnessed the detention of her husband. Narınç Aslan said the following: "İsa Aslan who lives in Beytüşşebap phoned me on 18 May. He told me that my husband was detained by soldiers in Gürpınar. The military unit's commander had phoned him and told him that my husband had been arrested. Then the commander had asked whether my husband had been previously convicted or not. The headman had said that as far as he knew he had not. Upon this, commander declared that my husband would be released shortly afterwards. However, I got information about the death of my husband in the evening. He had been buried in his clothes in Gürpınar. We got his corpse and brought him back to Van. There was a deep knife scar on his ribs. It was deep scar, but there was no blood. I assume that the scar had been opened after the death of my husband. If he were injured, then there must have been blood. There was no trace of bullets either. He died because of torture and being dragged on the ground. His right knee and belly were injured. Also there were traces of rope on his arms."

İsmail Aslan, who had migrated to Hacıbekir quarter of Van in 1995 along with his family after the evacuation of Faraşın (Yeşilöz) village of Beytüşşebap, Şırnak, had work in whatever job he could find to keep his family. The day before he had been killed, he had decided to go to the villages to work, as he could not find any jobs in Van. Narınç Aslan relates her husband's decision to go to Gürpınar as follows: "He was trying to keep us by working as a porter, street peddler, shepherd, construction worker, and so on. Occasionally he went to the western provinces in order to find work. However, he did not want to be far away from us. He also went to Gürpınar in order to work. He would work as a construction worker, shepherd, or in any other job he could find. This was our understanding, but he was killed a few days after leaving the home." İsmail Aslan had left 6 children behind, aged between 1 and 7. Narınç Aslan continues: "When he was killed, he was carrying his trowel and other equipment. We had already suffered incalculable loss when our villages were evacuated. I wonder what the murderers of my husband solved. They only left me and our 6 children helpless, nothing else."

Lawyer Abdulmenaf Kıran appealed to the Ministry of Interior Affairs on 4 August, demanding the prosecution of the perpetrators and payment of a compensation of TL 37 billion for the wife and the children of İsmail Aslan. The Ministry rejected to pay the compensation. Upon this, lawyer Kıran brought a trial with the administration court for a compensation in October. The court rejected the case.

10) İsmail Saydam, Bursa, 19.09.98

İsmail Saydam was beaten to death by the police inside a police minibus in Beşyol Quarter of Bursa on 19 September. Sait İnan, the father-in-law of İsmail Saydam, said that İsmail Saydam was detained during a fight he was involved in, and that he had been beaten by 4 police officers. Sait İnan said the following as to the incident: "He was continuously saying, 'please let me go.' When I intervened, a police officer hit me, too. Then they took İsmail to the back seat of the police vehicle, and began to beat him with truncheons. Then they took my son-in-law's dead body out of the vehicle." Testimonies of police officers Taner Kumru, Şevket Asa, Tural Sönmez and Halil İbrahim Özde were taken at Bursa Police HQ Criminal Offenses Branch. The police officers alleged that they did not beat İsmail Saydam, but washed his face as he fainted.

On 24 October, a trial was launched against police officers Tamer Kumru, Turan Sönmez, Halil İbrahim Özmerdivenli and Şevket Asar for beating İsmail Saydam to death. The Forensic Institute stated in the autopsy report that İsmail Saydam had been killed due to "excessive force." In the trial, the 4 police officers are being prosecuted on the demand of a sentence no less than 5 years in prison for "causing one's death using excessive force beyond intention." (See the section on "Torture Trials".)

11) Memik Yazar, Antep, 16.11.98

A youth named Memik Yazar (19), who broke in a house in Gaziantep on 11 November for theft, died in the hospital on 16 November. He was taken to Gaziantep Medical Faculty Hospital because of the torture inflicted on him in detention at Gaziantep Police HQ. A statement made by the Police HQ claimed that Memik Yazar and Gökhan Yılmaz had entered the house of Ömer Bozan in Yeşilevler quarter for theft, that they had been beaten by the house owner and the residents of the quarter and that he had been delivered to the police as injured due to the beating which had caused his death. According to the statement, Yazar had been taken to the hospital three times, on 13, 14 and 16 November, when he stated that he was not well. Memik Yazar's father Şevket Yazar lodged an official complaint with Gaziantep Public Prosecutor's Office, which initiated an investigation as to the incident. Examples taken from the body had been sent to the Forensic Institute for examination to reveal the cause of death.

12) Hamit Çakır, Diyarbakır, 16.11.98

A youth named Hamit Çakır (18), who was detained during the police intervention in the hunger strike staged at the HADEP Diyarbakır Branch office on 16 November, died because of the torture inflicted on him in detention. The autopsy report issued by the Forensic Institute claimed that Hamit Çakır had died due to a heart attack. However, his family stated that there were traces of blows and fractures to the head of Hamit Çakır, and they objected to the autopsy report and applied to the Forensic Institute for another report. The second autopsy was performed in 1999, and an official complaint was lodged against the police officers.

13) Metin Yurtsever, İzmit, 20.11.98

Metin Yurtsever, who was detained during the police intervention in the hunger strike staged at the HADEP Kocaeli Branch office on 20 November, died in hospital. Metin Yurtsever, who was first beaten, along with other HADEP members, for about one hour in a room at the HADEP Kocaeli office during the raid by the police, was badly injured. He was later taken to Political Police Department. Metin Yurtsever, whose ribs were broken because of the torture inflicted on him, was first taken to Kocaeli State Hospital and then to Kocaeli University Medical Faculty Emergency Service. He was operated on, but he lost his life due to the internal bleeding in the stomach. A medical report furnished by a doctor in the Emergency Service, which certified that Metin Yurtsever had died because of torture and blows to the body, was torn into pieces by the police. A doctor in charge at Kocaeli State Hospital Emergency Service issued a medical report stating that Metin Yurtsever had died because of trauma due to torture and blows. Police officers wanted the doctors to prepare another report. In this second report, it was claimed that Metin Yurtsever had died because of arterial occlusion.

14) Hüseyin Uzun, İstanbul, 26.12.98

Hüseyin Uzun, who came on the public agenda because of his confessions regarding drug trafficking, allegedly committed suicide at İstanbul Police HQ on 26 December 1998. It was widespread opinion covered in the press that Hüseyin Uzun had been "silenced" because of his confessions. Dr. İsa Aksoy, who performed the first medical intervention after the incident, said, "There is no negligence in the incident. A police officer on duty and myself went to the scene one minute after Hüseyin Uzun went to the toilet. We could hardly open the door as he hung himself on the back of the door. Indeed he was quite fat." Dr. İsa Aksoy also claimed that Hüseyin Uzun was not subjected to ill-treatment in detention.

15) İsmet Yencilek, İzmir, 31.12.98

In İzmir, İsmet Yencilek (67), who was put in a police car in order to show the place of a person wanted by the police, died in the police car. İsmet Yencilek reportedly suffered from asthma. No traces of blows were reportedly found on the body of İsmet Yencilek, according to the results of the first autopsy performed at Aegean University Medical Faculty on 31 December. Meanwhile, his relatives disclosed that İsmet Yencilek was not an asthma sufferer and that he had been beaten by police officers, and they lodged an official complaint with İzmir Public Prosecutor's Office. On the other hand, İzmir Security Director Hasan Yücesan disclosed that "they believed that İsmet Yencilek had died due to over-emotion."

c) Deaths and Suicides after Torture

According to the determinations by the HRFT, 3 persons committed suicide in 1998 because of the torture they had gone through in detention or the pressure by the police after they were released.

16) Ahmet Özdemir, İstanbul, 05.05.98

Ahmet Özdemir, who was beaten by police and fainted because of the truncheon and other blows to the head during the rally held in İstanbul on the occasion of the May Day, committed suicide on 5 May by jumping from his house in Esenler.

His brother Hüseyin Özdemir related what his brother had gone through as follows: "We took him to the hospital on 2 May as he was beaten in the head on 1 May. After the medical examination, a physician said that there was a shock in the brain, and he would recover soon. After he received blows to the head, he withdrew into his world, and he was continuously saying, 'I have a headache.' Yesterday morning, he was having breakfast with my mother. He suddenly stood up and climbed up to the roof. He jumped down, before we realized what was going on." Ahmet Özdemir, who was seriously injured, died in hospital.

Hüseyin Özdemir added that he had been invited to Dörtüol Central Police Station after the incident, and said the following: "The police officers asked me if my brother had a problem. And I said told them that he had no problems, but he began to suffer from depression after he was beaten by the police on 1 May. Upon this, the police officers said, 'You killed him, by throwing him off the roof.'"

Metin Narin, a lawyer from the People's Law Office, carried out an examination on the spot and in hospital. Lawyer Narin said that Ahmet Özdemir had participated in the 1 May rally held at Abide-i Hürriyet

Square in Şişli, that he had lost consciousness during the incidents on Piyalepaşa Boulevard, and that he had begun to suffer from psychological disturbances after this incident. On the other hand, the police authorities asserted that Özdemir had attempted to commit suicide 3 days before the incident by jumping from Kadıköy Wharf.

17) Nurettin Balkıç, Adana, 02.07.98

Nurettin Balkıç (45), who was detained twice in 1992 and 1994 and began to suffer from lung problems after he was tortured severely, died on 2 July. Balkıç was reportedly detained during the Newroz celebrations in 1992 and his ribs were broken in the torture inflicted on him in detention. After the torture he was diagnosed as having edema in his lungs. After he was held on remand for six months in Adana Kürkçüler Prison, Balkıç had related his experiences in detention as follows: "When I was detained in 1992, police officers showed me a list of torture methods. I fell down on the ground while police officers were hitting me with sandbags. The torture continued while I was lying down. They trampled on my chest. My ribs were

broken. Having being kept in detention for 33 days, I was remanded by the court I was referred to, and put in Kürkçüler Prison in Adana, and then in Malatya Prison. I was released six months later. However, I have not yet got rid of pressures of the police." His wife Fatma Balkıç said that the edema in his lungs had finally caused lung cancer. She stated that her husband had been under medical treatment for one and a half years, and that he had been discharged from the hospital when the doctors in the oncology service in Adana SS Hospital lost hope for his life.

18) Vasfi Karakoç, İzmir Kadifekale, 07.09.98

In İzmir, a person named Vasfi Karakoç set himself on fire on the walls of the Kadifekale Castle on the night of 2 August, because of the torture inflicted on him in detention. Vasfi Karakoç, a taxi driver in İzmir, was detained on the night of 31 August and taken to the İzmir Police HQ Bozyaka Anti-Terror Branch. Vasfi Karakoç was kept in detention for 1 day, on the grounds that he carried an unlicensed gun. His wife Vehbiye Karakoç said the following as to the incident: "When he came back home Tuesday night, he was exhausted and hopeless. He kept holding his head and he was continuously shaking. He said that he had been blindfolded, given electricity, suspended on a hanger, and added that his head had been hit against the walls, his right ear lost the capacity of hearing, and his head ached. The way he was treated was an affront to his dignity, but he could not speak openly, and he kept saying that police officers had exhausted him and denied humanity."

Vasfi Karakoç, who received a medical report from the SSK Tepecik Hospital on 2 September certifying "traces of blows on his body and internal bleeding in his right ear," lodged an official complaint with the Public Prosecutor's Office against the police officers who had tortured him. Thereafter, certain police officers came to the taxi station he worked for, and threatened him saying, "How you dare to complain about us? We will burn you down." Hearing these threats, Vasfi Karakoç poured gasoline on himself and went onto the walls of Kadifekale, and shouted, "I want the police officers who tortured me, Kenan and Bayram, here." Then Vasfi Karakoç set himself on fire. Police officers who came to the spot reportedly did not intervene in the incident.

Vasfi Karakoç died at the SSK Bozyaka Hospital in the night of 7 September. He was laid to rest in Kaynaklar village of Buca, İzmir, on 8 September. The police reportedly warned the family members to avoid any slogans. The relatives of Karakoç lodged an official complaint against the police officers.

d) Torture on Children

At least 209 children were tortured in 1998. Most of the reported cases of tortured children were detained on charges of such crimes as "theft." However, as is known, torture is a widespread practice in detentions for political charges.

A. T. (2.5): Fatma T., who is prosecuted with the demand of the death penalty along with 5 other defendants for PKK membership, disclosed in the hearing held at İstanbul SSC on 12 November 1997 that her 2.5-year old son, A.T., had been tortured in order to take her testimony in detention. Fatma T., who could make a statement on this case one year after the incident, said that she had been detained on 9 December 1996 and kept in detention until 20 December, that her son had been kept along with her in this period of time, and that her son, who was 2.5 years old then, had been tortured at the Political Police Department.

The medical report furnished by the Forensic Institute on 21 April 1998 read that the psychological examinations carried out one year after the incident revealed that "A.T. suffered from post-traumatic stress disorder, which was probably developed after the incident he had allegedly gone through." After the official complaint was lodged, İstanbul Public Prosecutor's Office issued a decision of non-prosecution for the police officers. However, upon the objection raised by the lawyers, the Criminal Court concluded that the

investigation shall continue. The police officers, who are claimed to have tortured A.T., could not be put on trial by the end of 1998 as the investigation did not end.

F. E. (15): F. E., the son of Halil E. who is wanted in İzmir by the police on charges of PKK membership, was detained by the police and threatened with death. The family made an application with the HRA because of the pressure, and they lodged an official complaint against the police officers with İzmir Public Prosecutor's Office on 2 January. However, the Prosecutor's Office issued a decision of non-authorization.

F. E. Stated that his father had been wanted for the last one year and for that reason they had been subjected to pressure, said that he had been detained by plainclothes police officers when he was walking on the street on 26 December 1997. He continued: "They wanted me to show where my father was, or I would be killed. When I said that I didn't know where he was, they took me home, and they insulted my mother. I told them that my father had not come home for the last year, but they punched me. The police officers then said, 'Let's go to your relatives, if you have any.' And I said, 'I have a married brother.' They threatened me saying, 'If your father is not there also, we will kill you.' We went to my brother's house. They did not take me out of the car. They searched the house of my brother. When they could not find my father, they threatened me again, and punched me in the face. The police officers said that when they capture my father, they would take him to the Political Police Department in Bozyaka and torture him there. I was very frightened."

F. E.'s mother Melek E. stated that some plainclothes persons had raided their house, and said, "They went back when they could not find my husband. They did not say anything at their first raid. They came again in the evening of the same day. Yıldız Kanat was my guest. Her 13-year old child had been tortured a while ago. The police officers swore at my guest, threatened her saying that she should not come to my house again, and kicked her in the stomach. They said to Yıldız, 'If we see you here again, we will take you to Bozyaka.' The same police officers raided our house a few days later. They threatened me, saying that I would be taken to the Political Police Department unless I delivered my husband. I was subjected to unbelievable swear words."

E. B. (13), N. B. (13): In Manisa, 13-year-old girls named E. B. and N. B. were tortured and sexually harassed at the Police HQ after they were detained on accusations of "theft."

N. B. disclosed that she had witnessed in detention that a woman named Öznur had also been blindfolded and tortured, she had been stripped naked and tied on a chair, and the police officers had touched her genitals with a truncheon. The mothers of the children applied to the HRA, and then they lodged an official complaint with İzmir Public Prosecutor's Office.

On the other hand, Manisa Security Director Kemal İskender alleged that the children were "pickpockets." İskender asserted that the children had not been tortured, and said the following: "They are pickpockets. If we do not collect them beforehand, people cannot shop comfortably. People from all walks of life come to shop in the marketplace on Thursdays. The police officers know them, and they collect them to release in the evening when the market is over. The claims are not true."

The girls were issued with medical reports by the Forensic Institute, and the torture inflicted on them was certified.

In a meeting held at the HRA İzmir Branch, E. B. and N. B. said that they had gone to Manisa in order to visit their aunt, and they disclosed the following as to the incidents they had gone through:

"We bought a doll and a purse from the market and then we started to walk. It was about 17.00 when two persons approached and attempted to take us away. As they could have been perverts, we were frightened

and began to shout. However, they closed our mouths and said 'we are police officers.' We said that we were going to our aunt, but they replied 'We will take you to somewhere you will enjoy, instead of your aunt.' They took us to a building on which was written Manisa Police HQ. There was a military compound nearby the building. They immediately took us to a room inside, and began to strip us naked. As they did not blindfold us, we could see the ones who stripped us naked. We can identify them if we see them again. After stripping us naked, they touched our genitals with truncheons and sexually harassed us. They were touching our genitals with their fingers, squeezing our breasts, and saying 'your breasts are like stone'."

N. B. said that they were kept in detention until 22.30, and that the police officers who had detained them had told them the following: "Here is Manisa, don't you know? Didn't you watch on the TV? We inserted truncheons inside the a... of the students, didn't you hear about that? We did the same things to the students previously. Nobody did anything to us. Now you are girls, but next time we will send you as women. We will also f... you." N. B. continued: "Then I wanted to take back the doll I bought from the market, the police officers said, 'We will give you a real baby instead of the doll.' They continuously told us not to tell anything to anybody, threatened us and used swear words. After we were put in the detention place, every passer-by police officer harassed us. First the day shift, and then the ones on the night shift."

E. B. said that the police officers who had sexually harassed them had also hit them on the hands and feet with truncheons, and beat them. E. B. said the following: "The male police officers did not allow the women to strip and search us. They were touching me on the back and breasts with truncheons and using swear words. Two of the police officers opened my legs, and touched my genitals with a truncheon. They did not let us to go to the toilet. The police officers said, 'You are not a girl, but a woman. Nothing will happen even if we have sexual intercourse with you. If you come here again, all of the men here will do this thing.' I was screaming when they hit me on the hands and feet with truncheons. They were saying, 'No body will come to your voice even if you scream here!'"

N.B.'s mother Zehra B. said that her daughter could not sleep at nights and had bad dreams because of the torture inflicted on her, and continued: "I phoned Manisa Police HQ. I told to the police officers, 'Don't you have any sense of shame? You torture 13-year old girls, and strip them naked. How dare you do such a thing?' They replied, 'Make a complaint with any place you like. Here is Manisa!'"

S. A. (17): 17-year-old boy, S. A., who works as a worker at Polat Textile Factory in Malatya Industrial Site, disclosed that 4 people, who introduced themselves as police officers, had taken him into a car on 16 January and driven him towards Kayseri. S. A. added that these people asked him particularly about HADEP Party Assembly member Lawyer Hasan Doğan and HADEP Malatya Branch board member Kamber Söylemez, and said the following: "They asked me to go the HADEP frequently, and tell them about what was going on there. They said, 'We know everything, but nothing about the Youth Commission. You will inform us about this commission.' They told me that they would give me TL 25 to 30 million and a private telephone in exchange for the information I would provide for them. They threatened me saying that my life wasn't worth a penny and they would kill me unless I acted as an informer. Plainclothes police officers said, 'You are very young. Indeed, there is a trial against you in connection with 8 March incidents. In case that you do not act as we wish, you will certainly be convicted. You cannot go on living in a shanty house at the age of 17. We will make you live in apartments, in villas.' Then they offered TL 5 million, but I did not take it." S. A. added that the police officers had set out a date before they released him, but he did not go there to see them.

S. A. stated that his head had been kept towards the floor in the car, that only one person had shown his face, and this person was about 1.80 meters, weighing about 70-75 kg., having a round face and wearing a green jacket and jeans. S. A. lodged an official complaint with the Public Prosecutor's Office. He stated that

the prosecutor was reluctant to accept his petition on the grounds that the definition of the persons was not written, and said to him, "These are offering you to work as an informer. They may kidnap you." S. A. also added that he had been dismissed from his job upon the demands by the police.

Ş. K. (16): A child named Ş. K. disclosed that he had been tortured by a police officer, Naşin Nasuh İlhan, who lost his wallet in the tramway he took in İstanbul on 18 January. Ş. K. related the incident as follows: "I took a tramway to go home in Zeytinburnu. When the tramway braked, I hit someone. After a while, a policeman started crying out that his money had been stolen. He started beating me and said, 'you, thief, give me my money!' I said I didn't take his money but he continued beating me. He forcibly took me to his house. He took me down to the basement of his house and handcuffed me. When his wife came down and said, 'release him, it is a pity,' he released me." After the incident, Ş. K.'s father Necmettin K. made a complaint to the police station. Necmettin K. said, "That police officer came to the police station, but they released him."

Police officer Naşin Nasuh İlhan was suspended from duty by Security Director Hasan Özdemir. The family of Ş. K., who was given a medical report by the Forensic Institute that certified his inability to work for 7 days, lodged an official complaint with the Public Prosecutor's Office.

E. A., F. S., S. A. and 3 Children: Six children, 16 years old in the average, were detained by the police and tortured with the accusations of "stealing shampoo" from a market in Esenler, İstanbul, on 5 February. The police officers reportedly beat children while detaining them, and then took them to Esenler Atışalanı Police Station. Ahmet Avşar, the lawyer of 3 of the children, disclosed that the children were tortured at the police station. Lawyer Avşar said he had been invited to the police station on behalf of İstanbul Bar Association as he was on duty that night for monitoring the implementation of the Code of Criminal Procedures (TCPC) in Bağcılar region. Lawyer Avşar said that one of the tortured children, E. A., had been detained at about 10.30, but it had been written in the detention report that he had been detained at 14.30. Of the tortured children, said Lawyer Avşar, only E. A. had talked about the torture he had been subjected to at the police station. Lawyer Avşar continued: "Upon this, I requested his medical examination at the Forensic Institute, where he was given a temporary report certifying traces of blows on the body." Lawyer Avşar made the following statement as to the incident: "I went to the police station as the lawyer of E.A., F.S. and S.A. A grocer, Serkan Akça, was also in custody in the police station. But while the other defendants were kept in the detention place, he was in the same room with the policemen. Two of the children were being kept in a narrow, dark corridor. I started to talk to the children. How they were beaten was evident from their appearances, but only E.A. told me how they were tortured. The other two children, trapped in horror, could not even talk. I went into the next room to obtain the testimonies of the children. At that time, I heard some noises. A policeman whose name I don't know was beating the children." Lawyer Avşar added that E. A. had said that "he had stolen the shampoo in order to wash his head," that he had been beaten by the police and the grocer on the spot, and that he had been tortured by the police at the police station.

E. A. said the following in his testimony: I stole a shampoo from another grocer three months ago. I didn't steal from any other place. But this grocer, thinking that I stole his shampoos, began to beat me. Besides, the police officers also beat me." Lawyer Avşar lodged an official complaint with Bakırköy Public Prosecutor's Office against the police officers in charge at Atışalanı Police Station under Article 243 TPC. However, the Prosecutor's Office issued a decision of non-prosecution.

M. A. (16): High school student M. A., who went to Osmaniye Police Station in order to give his testimony after his house was raided by the police on 18 February with the accusations of "theft," and who was then referred to Mersin Police HQ, was tortured. M. A. was interrogated by the police officers at the Theft Desk of the Public Order Branch for 4 days in connection with the testimonies of İ.A. (13) and Ömer

Ayhan (19), who were detained for "theft." He disclosed that he had to accept the charges because of the torture inflicted on him in detention.

M. A., who was subjected to various torture methods such as "electricity, beating, stubbing out cigarettes on the soles of his feet, and suspension on a hanger," was referred to the Forensic Institute along with the two other detainees on 22 February. Despite the torture he had gone through, Dr. Teoman Uğurlu in charge at the Forensic Institute, issued a medical report asserting, "No signs or traces of blows were observed." M. A. was referred to the Court of First Instance on 23 February, where he was remanded although he declared that he had to accept the charges under torture.

His lawyer Kadir Arıkan demanded a second medical examination. Upon this, M. A. was examined by the doctor of Mersin Prison on 9 March, and he was given a medical report certifying that he had been tortured, although 14 days had passed since the incident. The report issued by Prison Doctor M. Ersel Gerim read, "The physical examination of M. A. revealed that there is a cigarette burn the diameter of 1x1 cm on the sole of his foot. There are 2 or 3 similar scars on his hands. It could not be determined if these scars were the result of electricity or not."

M. A.'s mother Zinnet A. said, "When I went to the prison in order to visit my son, I saw the torture traces on the body and feet of my son. It seemed as if they were burnt with fire. My son told me that he was very bad and blood was coming when he urinated. He had surrendered, but they forced him to accept the charges under torture. Is it possible that a guilty person goes to the police station on his own? Besides, the two other persons declared at the court that they had to testify against my son because they had been under pressure. Despite of all these, my son was remanded. He cannot attend to school as he is in prison. I want to make a complaint against the police officers who inflicted torture."

Upon the official complaint lodged by Lawyer Kadir Arıkan, M. A. was taken to Mersin Public Prosecutor's Office on 15 March, and he identified two of the perpetrators, Rüştü Deryol in charge at Osmaniye Police Station and Osman Mis, Theft Desk Chief. In their testimonies, the police officers did not accept that they had inflicted torture. The Prosecutor's Office launched a trial against the police officers with the accusations of "inflicting torture and ill-treatment in order to force one to accept the charges" under Article 243/1 TPC. Later, a decision of non-authorization was issued in the trial.

R. Y. (17): R. Y. disclosed that he had been detained in İstanbul at noon on 15 March, and beaten by the police officers with truncheons and clubs under a bridge in Eminönü.

R. U. (13), V. U. (13): Siblings named R. U. and V. U. were reportedly tortured after they had been detained by soldiers in Kızıltepe, Mardin, on allegations that they removed scripts, "How Happy I am to be a Turk," written on a hill with white stones in the vicinity of a garrison in Selen region, 4 April.

The two boys were released in the evening after they were beaten in the day. It was reported that R. U.'s nose was bleeding and there were bruises on his body. He was treated at Mardin State Hospital.

K. B. (14): K. B., who was detained in Hürriyet quarter of Adana on 15 April along with two other persons, N. K. (27) and S. Ö. (17), disclosed that he had been tortured. K. B. related what he had gone through as follows: "I was subjected to falanga. They applied electricity, and suspended me on a hanger. They threw me inside the detention place, and told that they would come again. Upon this, I cut my arm with the razor I was carrying on." K. B. added that he was taken to the hospital because of the bleeding, but the doctor did not examine him although he declared that he had been tortured.

After K. B. spoke to a reporter with the daily *Ülkede Gündem*, he was detained by the police once again on 17 April. Lokman Polat (18), Sabahattin Kulu and a person named Halil, who were with him at that moment, were also detained. Kulu said the following as to the incident: "As soon as we got off the minibus, 5

police officers who were having lunch at a restaurant came and started to beat K. While beating him, they were saying, 'Why did you report your detention to the daily *Gündem* and give photographs?' They also took Lokman and Halil, and went to the second floor of the passage where Arzu Cinema is located. They were mostly beating K. They hit in the head with iron bars. All of these took place in front of the shopkeepers. They handcuffed K. He was shouting, 'Free me, my arm is broken.' Along with the police officers was Chief Superintendent Zeki Bal. After he said, 'Throw them down, let them die,' the police officers threw him down from the second floor. Later they took three of them to the Police HQ. I managed to escape."

C. H. A. (14), B. A. A. (14): Mahmut Alınak, former MP from the defunct Democracy Party (DEP), disclosed that his sons C. H. A. and B. A. A., students at Ayrancı High School, Ankara, were kept in detention for a while and beaten by police. In a letter he sent to Prime Minister Mesut Yılmaz, Mahmut Alınak stated that his sons had quarreled with a friend of theirs but had been beaten by police waiting in front of the school.

Y. E., E. G., E. E.: In June, 3 children, Y.E., E.G. and E. E., disclosed that they had been tortured in detention after they had been taken into police custody in Baykan, Siirt, on 18 May, on accusations of "stealing ice-cream cones." They said that they had been detained by police on the complaint of the shopkeeper and released late at night without being referred to a prosecutor. The children stated that they had been beaten by police officers with truncheons while being kept in detention and there were bruises on their bodies. The children and their families stated that they had not made an official complaint against the police officers because they were afraid of them.

A. Y. (7), Y. T. (8), S. T. (6), M. T. (6), İ. Ç. (8): Five children between the ages of six and eight were reported to have been tortured at the Police HQ in Beyoğlu, İstanbul, after they were detained by the police in Kasımpaşa, İstanbul, on 4 June. In a press conference held by their relatives at the HRA İstanbul Branch, the children related their experiences in detention. A. Y., Y. T., S. T., M. T. and İ. Ç. stated that the police officers had cut their hair, applied electricity in their hands, sexually harassed them, stripped them naked and urinated on them, and beat them with a hose. One of the children, M. T., said the following: "They stripped me naked, attached a cable to my hand gave electricity, hosed water on me, and touched inside my legs with the hose and something else, and then urinated on me." Y. T., a relative of Eda T. who had been killed by the police on 7 November 1997 for being a pickpocket, said that all of them had been subjected to similar torture methods, and that the police officers had threatened them with death.

Their lawyer Gürkay Atabay said that the Forensic Institute had issued medical reports certifying their inability to work for 7 days each, and that they had lodged an official complaint with the Public Prosecutor's Office on 7 June. Lawyer Atabay added that the forensic reports only mentioned about the physical torture, but did not give an account of the sexual harassment and psychological torture. A decision of non-prosecution was issued by the Prosecutor's Office.

The relatives of the children stated that they were detained frequently and tortured at Beyoğlu Police HQ Public Order Branch. They said that the police officers had threatened them. The relatives of the tortured children said, "They detain and torture our children, daughters-in-law, and us. They sexually harassed us. All of this was done by Chief Superintendent Eyüp Pınarbaşı, Deputy Superintendent Müslüm, and police officers Kemal, Apo and Aslan."

One of the children, A. Y., stated that he had been tortured by the police at Beyoğlu Police HQ Public Order Branch when he had been detained on 4 June. A. Y.'s lawyer Salih Çelik disclosed that his client had run away from İzmir Şirinyer Children Reformatory 5 months before and that he was being detained in Kağıthane with the accusations of being involved in a car theft, and his left arm was broken because of the torture he had gone through in detention. Lawyer Çelik added that his client was released by the court where he had been referred to on 7 June with the accusations of theft, but sent to Bakırköy Children

Reformatory and Prison because of his former conviction. Lawyer Çelik lodged an official complaint against the police officers with the accusations of "inflicting torture and negligence in duty." However, a decision of non-prosecution was issued at the end of the investigation.

HRA İstanbul Branch Chairman Ercan Kanar stated that the mother of A. Y., H. Y. had also been detained on 4 June, but her detention had been denied despite all applications. Kanar said that H. Y. had been detained from her house in Hacıahmet quarter by a police officer named Kemal and his team who had come with a dark blue car licensed 34 UHK 98, which is used by the Third Section of the Public Order Branch. Kanar added that lawyer Gürkay Atabay from İstanbul Bar and the tortured children had seen H. Y. and two other women at the branch and their hair had been cut and they had been tortured.

İ. S. (12), M. S. (10): It was reported that siblings İ. S. and M. S. were tortured when they were detained in Ceylanpınar, Urfa, in the first week of June. The two boys, whose mother Saadet S. was in Midyat (Mardin) Closed Prison with the accusations of "membership of the PKK," were kept one day in detention and beaten up. In a press release she made in the prison, Saadet S. said that the police officers exerted psychological stress on her children by saying to them "if your mother had been a good person, she would have been with you." She said that one her children, İ. S., could hardly walk and the face of the other, M. S., who paid a visit to her, was covered in bruises.

M. S. (17): M. S. declared that he was tortured after being detained in a raid by the soldiers into his house in Sürgücü town, Savur, Mardin on 13 July. He said the following: "In the night of 13 July, I was beaten severely by the NCO Alper and 15 soldiers between 20.00-02.00 hours. They dragged me and stubbed their cigarettes out on me. I fainted, with all my body parts bleeding." M. S. got a temporary report from Mardin State Hospital, certifying the torture inflicted on him and lodged an official complaint with Mardin Prosecutor's Office. The Prosecutor's Office referred him to the State Hospital once again on the same day. The report issued here read that "there were swellings, echymosis and traces because of beating by truncheons observed on the body." The Prosecutor's Office referred him Diyarbakır State Hospital for a medical examination by an expert, and asking about how many days he would be unable to work. M. S., who was threatened by the soldiers in order to force him to withdraw his complaint demanded the Prosecutor's Office to guarantee his life security. M. S. said, "The soldiers told me to bring a document from the Prosecutor's Office which will read that I withdrew my complaint or they would expel me and my family from the village." A decision of non-prosecution was issued at the end of the investigation.

V. A. (17): V. A. disclosed that two police officers who came to his house in the night of 15 July had beaten him and he had been tortured at the police station he had been taken to. He added that he had been threatened by the police officers in order to avoid any complaints. Seven or eight scars because of the beating by truncheons were observed on the body of V. A., who lodged an official complaint with Şişli Public Prosecutor's Office against the police officers who had tortured him.

D. Ç. (14): A child named D. Ç., who was detained on the claim of "theft" in Şentepe, Ankara, on 29 July, stated that he had been tortured at Batıkent Police Station. D. Ç. related his experiences in detention as follows: "Some policemen who told they were from Batıkent Police Station came to our house in Pamuklar, Şentepe, at around 13.00 on 29 July, and wanted to take me for identification for a tape stolen from a car. They took me and my brother Murat Çelik to the police station. They released my brother after a while. They asked me whether someone called İbrahim gave me the tape he had stolen. I told them I knew İbrahim but I had not taken the tape. Then they blindfolded me and took me downstairs where two police officers beat, kicked and punched me. While beating me they were asking 'Where did you hide the tape you took?' This went on for about two hours. Afterwards they took me to the toilet, stripped me naked and hosed me with water. They asked the same question and beat me again. They threw me into custody. They woke me up at around 02.00 and forced me to sign a document. Afterwards, they dropped me off to my house." D. Ç. also

stated that he had been threatened not to tell what he underwent. He applied to the HRA Ankara Branch and lodged an official complaint. The Forensic Institute issued a medical report certifying his inability to work for 2 days. A decision of non-prosecution was issued at the end of the investigation.

H. K. (11): H. K. disclosed that he had been tortured in Şişli Mecidiyeköy Police Station in İstanbul on 10 August because he wanted money from a plainclothes police officer as payment for shining his shoes. In a press conference held in HRA İstanbul Branch on 13 August, H. K. stated that he shined the shoes of a man in the vicinity of the police station in the morning and wanted money afterwards. However, the man said to him he was a police officer and would not give him money. The man took him to the police station because the boy insisted on having the money. He was put in a cell in the basement of the police station and punched, kicked and beaten up with truncheons until about 22.00. The police officers also stubbed out cigarettes on his arms and on the back, kept him waiting by forcing him to lean against a plate of glass for a long time, poured cold water on him, barred him from going toilet and did not give him water and food. The Forensic Institute issued a report for him certifying his inability to work for 10 days.

H. K. was detained again because he applied to the HRA and lodged a complaint. Lawyer Turgay Kaya, a board member of the HRA İstanbul Branch, stated that H. K. had been detained again by a police team from Karaköy Police Station on 15 August and kept in detention for 60 hours. Turgay Kaya reported H. K.'s statement as follows: "Kızıl told us that he had been taken to a graveyard where the policemen had told him 'We will give you clothes and money, withdraw your complaint. Who took you to the HRA?'"

V. Y. (12), İ. B. (11), B. K. (10), M. K. (11), H. K. (11), M. K. (10): Six children, V. Y., İ. B., B. K., M. K., H. K. and M. K., disclosed that they had been beaten at Osmaniye Police HQ where they had been kept for 6-7 hours after having been detained on the claim that they threw stones at the trains in Osmaniye on 12 August. The children stated that they had been beaten with truncheons on the hand and forced to hit each other. M. K. said, "When I hit slowly, they instruct my friend to hit harshly. When he hit harshly, they tell 'Look, he hit harshly, why don't you hit?'" H. K. stated that the police officers had put them in a room, and said, "Then they came and asked, 'You broke the window, tell us at once or we will beat you.' When we said we didn't, they showed us a truncheon. I was very frightened and could not speak." İ. B. said, "They hit me on the hands with a truncheon. It hurt so much." İ. B.'s mother Ruhsan B. said, "My child is the weakest of all, when I brought him home his hands were swollen and he was shaking with fear." Medine K., the mother of the three children (B. K., M. K. and H. K.), stated that her children had been unable to avoid urination because of fear. V. Y., B. K. and H. K. were reportedly taken by some policemen once again on 14 August. According to their relatives, they were taken by the police for physical examination at Osmaniye State Hospital and furnished with medical reports certifying that they had no health problems.

U. Ö. (14), C. A. (14): In mid-August, two boys, U. Ö. and C. A., disclosed that they had been tortured at the police station in Eski İzmir, İzmir, after they had been detained by the police on allegations that they stabbed a boy (nephew of Erol Kaşıkara, the Chairman of *Ülkü Ocakları* [ultra-nationalist youth organization] Eski İzmir Branch) in Kibar, İzmir. Making a statement in the HRA İzmir Branch, the boys said that they had been detained during a wedding ceremony and taken to the police station where the police officers had tortured them until morning in order to force them to assume the responsibility for the stabbing. U. Ö. said, "At the police station, police officers in uniforms wanted me to produce the knife. They kicked and beat me for about half an hour. When I said that I had no knives, they tried to put the blame on me forcibly, saying 'Don't you have any in your house, bring one of those.' The plainclothes persons came by the midnight. As I did not accept the charges, this time they beat me, swore at me and threatened me until the morning. They were hitting me in the stomach, bending me over, and then hitting me in the back, straightening me up. They held my body tightly and twisted my neck strongly, and then threw me down and continue kicking. They were also uttering unbelievable swear words. They said that they would detain and beat me again unless I would become a member of the MHP (Nationalist Action Party) and hang around with

the nationalist youths." U. Ö. added that they had been faced with the person whom allegedly they had stabbed, and said, "This person, who was around my age and whom I had never seen before, said that I was not the one who injured him. They took him away, and brought him back about half an hour later. This time he declared that I was guilty. But he said at the Prosecutor's Office that I had no connection with the incident. Upon this, I was released." U. Ö. and C. A. also said that the police officers, after torturing them, made them clean the police station and wash dishes early in the morning. U. Ö. and C. A. lodged an official complaint with İzmir Public Prosecutor's Office.

Ö. A. (13): A girl named Ö. A., was reportedly tortured when she had been detained along with her sister Duygu A. (18) by police officers raiding their house in Esenler, İstanbul, on 10 September. Their mother Zeycan Arsu said that her daughters had been detained on the grounds of having participated in the May Day demonstrations. Duygu and Ö. A., who were interrogated at the Political Branch of the Police HQ, made a statement at the HRA İstanbul Branch. Ö. A. said the following: "After having been taken to the Branch, I was blindfolded and tortured. Police officers beat me for 12 hours. They accused me, saying 'You attended the May Day demonstrations'. They threatened me saying I would be charged with certain incidents by unknown assailants. Then they released me, saying, 'You are not the one we are looking for, there is some confusion.' Now I am scared to go out, even to school, fearing that they will come and detain me again." In her statement, Duygu A. said, "We were a total of 12 people in detention, including those who were brought from somewhere else. They did not torture us, but our friends were tortured severely. They hung Fethiye Ok up by her hair. The other friends were subjected to every kind of torture." Meanwhile, Safiye Ok, the sister of Fethiye Ok, stated that roots of her sister's hair were bloodied and she could not be able to use her arms, and said, "Now my sister is bedridden. They had inflicted on her many kinds of torture, including sexual harassment."

e) Sexual Torture

The detainees in Turkey were frequently subjected to certain torture methods which aim at their sexually identity or genitals. It has been observed that sexual torture particularly aimed at young women and boys. In 1998, sexual torture was a common current issue, thus, individuals were more encouraged to make public the sexual torture inflicted on them.

M. F.: M. F. disclosed that she had been detained in 1994 in Diyarbakır when she was a 17-year old, and she had been suspended on a hanger, given electricity, subjected to falanga, beaten, and hosed with pressurized water throughout 8 days in detention. Later, said M. F., she had been taken to a deserted area, where she had been threatened with death. M. F. said that the police officers had raped her there when she told them that she knew nothing. M. F. was later remanded with the accusations of "membership of the PKK," but she did not say anything to anyone about the rape in this period.

After having served about 2.5 years, M. F. had been released but she had been detained İstanbul in January 1997. M. F. said that she had been kept in detention for 11 days and then remanded.

M. F., who was put in Gebze Prison, spoke with the lawyers from the Office of Legal Aid against Sexual Torture and Rape in Detention, who lodged an official complaint with Diyarbakır Public Prosecutor's Office. However, the Prosecutor's Office issued a decision of non-prosecution without even receiving the testimony of M. F. The lawyers appealed to Diyarbakır Criminal Court against the decision of non-prosecution, but the court issued a similar decision.

After serving about one year in prison, M. F. was released in January 1998. However, she was detained at the end of March by the police from the political branch because of the official complaint she had lodged.

M. F. was raped by police officers several times throughout the one week she had been kept in detention, and as a result she became pregnant. She had an abortion, and went abroad. M. F. is reportedly receiving medical treatment at a rehabilitation center abroad.

Temel Putoğlu: Temel Putoğlu, a vendor for the newspaper Atılım who was detained in Okmeydanı, İstanbul on 27 January, disclosed that he had been tortured and raped in detention. In a press meeting he held at HRA İstanbul Branch on 31 January, Temel Putoğlu said that he had been abducted by 5 people who got out of a minibus while he had been selling newspapers in Okmeydanı. Temel Putoğlu related what he had gone through as follows: "After a long ride, they got me inside a basement. Here they inflicted physical torture, gave electricity and suspended me on a hanger. They forced me to make confessions, saying that Atılım was the publication of the Marxist Leninist Communist Party (MLKP). When I rejected these claims, they first told me that I would be killed. Later, one of them raped me." Temel Putoğlu added that he had been released at Feriköy Cemetery in the morning of 29 January.

Temel Putoğlu was forcibly taken into a car by 3 plainclothes police officers in Örnektepe Quarter while he was going to his house at about 21.00 on 7 March, and he had been threatened and beaten until the morning. Semi-conscious, he was released somewhere about Gebze. Putoğlu said that the police officers had threatened him, saying "Do you think you are dignified but we are not? Nothing will make you give up. Let's see, if you will or not." A decision of non-prosecution was issued as a result of the official complaint lodged by Putoğlu.

Hüseyin Kayacı: Hüseyin Kayacı disclosed that he had been detained by the police in Aliğa, İzmir, on 25 October 1997 and he had been given electricity, suspended on a hanger, subjected to cold water, and raped in Bozyaka Political Police Department where he had been kept for six days. Making a statement in mid-June in Bergama Special Type Prison, Kayacı said that he had used his right to keep silent in detention and for that reason he had been remanded. He added that he was suffering from insomnia and extreme nervousness in prison.

In a press meeting held in the HRA İzmir Branch on 30 July, the family of Kayacı and HRA İzmir Branch Chairman Lawyer Ercan Demir stated that Kayacı had suffered from psychological problems for a long period of time. Lawyer Demir said, "Kayacı was remanded and put in Bergama Prison with the accusations of PKK membership. Later, he mentioned about the torture inflicted on him in detention, but he did not talk about the rape for 6 months. Then he related what he had gone through. He said that during 5-6 days he had been kept on the 4th and 5th floor of the Political Police Department in Bozyaka, a police officer had raped him several times by hand wearing a glove. He gave the description of the police officer. He could not talk about the incident for a long period of time, which led to psychological problems."

Lawyer Ercan Demir said that an official complaint had been lodged on 14 May, but Bergama Public Prosecutor's Office had referred Kayacı to Aegean University Forensic Department two months after the complaint. Lawyer Demir said, "If the report to be given by the Forensic Department proves to be a negative one, we will launch a trial against the perpetrators with the alternative reports we will take from the Human Rights Foundation of Turkey and from the Medical Chamber."

Semra Ay, Necla Ateş, Tayyibe Bilir, G. B. (6): Semra Ay, Necla Ateş, Tayyibe Bilir and her 6-year old daughter G. B. were reportedly detained immediately after they were released by Diyarbakır SSC on 3 March, after serving for about 2 years in Batman Prison. Making a statement later, they said that they had been stripped naked and sexually harassed by the police. Semra Ay said: "We were taken back to the prison after SSC decided to release us on 3 March. Our male friends were released immediately because their families were present at the court. However, we, the women defendants in the trial, were kept in prison one more day. The police officers coming to the prison to take us told the prison officials 'give them to us, we will have fun with them till the morning.'" Necla Ateş said that they had been subjected to pressure to give

information about the political prisoners: "They stripped us naked. They told us we were leaking information outside from the prison. They continuously swore at us. After releasing us, they followed us until we left Batman."

Cengiz Süslü (24): Cengiz Süslü, who was detained in İstanbul on 3 May with the accusations of "being a pickpocket," was taken to Şişli Etfal Hospital on 11 May because of the torture inflicted on him in Eyüp Police HQ. He underwent surgery because of the rupture of the large intestine. Besides, there was a big scar on the right shoulder and there were burns on various parts of his body because of the electricity shocks. Süslü reportedly told the staff of the hospital that the police officers had inserted a truncheon to his anus. Police waiting for him at the hospital did not give permission to journalists to meet him. The police officers taking him to hospital reportedly told the officials of the hospital that they had detained him on the same day they had taken him to hospital. Süslü was detained once again on the same day and he was released on 24 May.

The Forensic Institute issued a report certifying his inability to work for 45 days. He had been fitted with a colostomy bag as his bowels had been damaged in the rape. After being released, Süslü was taken to Mecidiyeköy Military Recruitment Office on 26 May for being a draft evader. But he was referred to the military hospital because he had been fitted with a colostomy bag. An additional report was issued for him by the military hospital, which also recommended him a 45-day rest. Later, Süslü gave testimony at İstanbul Public Prosecutor's Office regarding the incidents he had gone through. In his testimony, Süslü said that he had been detained on 3 May with the accusations of being a pickpocket, and he had been kept in Gayrettepe Public Order Branch for 21 days, where he had been suspended on a hanger, and given electricity to the finger tips and genitals. Süslü added that a police officer named "Hidayet" had raped him with truncheon. He also said that he could identify 6 police officers who had tortured him. Cengiz Süslü added that he had witnessed that certain other people had also been tortured throughout 21 days he had been kept in detention and that the police officers had forced him to accept the responsibility for certain theft incidents whose assailants could not be captured. He stated that police officers named Cevdet, İrfan, Mehmet, Ramazan and Hidayet, whose surnames he didn't know, tortured him, and the name of the police officer who raped him with his truncheon was Hidayet: "About two hours after the rape I felt sick at the stomach. I was taken to hospital. However, the police officers took me back into custody though the doctor told them 'he has a problem with the intestines, he will hardly survive if he is taken from hospital.'" Süslü added that he had been tortured until he had been taken to hospital once more 11 May. He also said that a police officer named Müslüm had taken his money.

Meanwhile, the police officers forced Süslü to sign a document stating that he did not want a lawyer. Lawyer Kezban Alan, a member of the HRA Torture Watch Committee, stated that the police officers had tried to make her sign the same document when she had gone to the hospital in order to learn about the condition of Süslü, but she had rejected to sign it. Besides, it was reported that the police officers had convinced Süslü by threatening him, and that they had find a lawyer, known as acting in favor of the police, for him. They also forced him to give a testimony, in which he would say, I had a fight with my friends, and they did it," and that he had been forced to say the same thing to the lawyers who visited him.

Later, a trial was launched against police officers Lokman Yılmaz, Mehmet Şirin Yıldız, Ramazan Bingöl, İrfan Güner and Cevdet Çelik, who are in charge at the Public Order Department, for torturing Cengiz Süslü, under Article 243 TPC with the accusations of "ill-treatment."

Maşallah Tanya (20): Maşallah Tanya disclosed that police officers frequently raided her house after she had been released from Konya Prison, where she had been kept on remand in connection with a PKK trial, in 1996. Tanya said that the last time they came on 14 June, they had threatened her with rape. Tanya said, "They came to the house at 05.00 in the morning. They took me to the other room, and ordered me to

take off my clothes. When I rejected to do so, they said, 'Don't you know, we are not human. We take a man's liver out.' When I didn't take my clothes off, a police officer lifted my shirt up. He showed me to the other police officers, and swore at me. They sexually harassed me. Later, they interrogated my little brother, asking 'With whom does your sister talk, or do they speak, what do they look like?'"

Tanya added that she had been harassed by the police on the streets, and that she could not work in any job because of the pressure by the police. She said, "Plainclothes police officers come to my workplace, and tell the owner of the workplace, 'She is a terrorist. Don't give her a job.' Many of them fired me for simple reasons."

Nazan Seyremene (29), ... (6): A pregnant woman named Nazan Seyremene disclosed that she had been raped in Theft Department of Gayrettepe Public Order Branch when she had been detained along with her 6-year old nephew with the accusations of theft on 30 June.

Nazan Seyremene said that her clothes had been torn out, she had been stripped naked, and she had been sexually harassed by the police officers who squeezed her breasts and touched her genitals. When she said that she was pregnant, one of the police officers had told her, "Have a miscarriage, then make one from me." Some other police officers continued beating her with truncheons. Besides, the police officers broke the arm of the 6-year old child in another room, and he was hospitalized. Nazan Seyremene, naked, was later taken to the toilet through the corridor. She was subjected to pressurized water, and one of the police officers raped her by inserting a hose into her genitals and turning on the water. Without being referred to the physician, Nazan Seyremene was taken to Kartal Public Prosecutor's Office on 1 July, she was remanded by the judge and put into Bakırköy Prison for Women and Juveniles.

E. Ö. (14): A young girl named E. Ö., who was detained along with her 57-year old relative on 30 June with the accusations of theft, disclosed that she had been stripped naked in detention, sexually harassed by the police officers who touched her genitals and breasts, and then forced to have "oral sex" with a police officer. The same police officer urinated on E. Ö. Then E. Ö., as being naked, put in a room where 6-7 men are kept. Later she was taken out of the room and taken to the toilet, where she had been hosed with pressurized water. The police officers inserted the hose into her genitals and turned on the water. E. Ö. had psychological problems after the rape. Without being referred to the physician, E. Ö. was taken to the court house on 1 July. E. Ö. was remanded, as she could not talk about the rape and torture in detention being too ashamed and frightened.

Later, Eren Keskin and Fatma Karakaş, the lawyers of Nazan Seyremene and E. Ö., lodged an official complaint with Şişli Public Prosecutor's Office on 28 July against the police officers and their superiors with the accusations of "torture, inhuman and degrading treatment, harassment, sexual violence, rape and threats of rape." A decision of non-prosecution was issued on 6 December 1999 on the grounds that the victims did not apply for receiving a medical report and the claims were not based on concrete evidence.

Dilşah Acar: A woman named Dilşah Acar, who was detained in İzmir on 17 July and remanded on 23 July, disclosed that she had been tortured. Dilşah Acar, in the statement she made from Buca Prison where she was put in, said the following: "They stripped me naked, and squirted pressurized water on me. Then they gave electricity. They suspended me on a hanger, then raped me with their hands. One inserted something in my mouth, saying that it was his penis. I was blindfolded and I could not see what it was. My genital organ started bleeding after the torture. The doctor in the hospital I was taken to referred me to the general surgery section but instead I was taken to the SSC, and arrested." Dilşah Acar reported that she suffered from difficulties in walking and using her arms.

Ali Pek, Erol Aslan:

Ali Pek and Erol Aslan (workers in textile industry), who were detained for hanging up posters of the Freedom and Solidarity Party (ÖDP) in İstanbul on 12 October, disclosed that they had been tortured in detention. Ali Pek said that they had been taken to Çeliktepe Central Police Station after having been detained, and related the incident as follows: "They stripped us naked at the police station, and began to torture us. They sexually harassed us for a long while with truncheons. Then they threatened me, saying, 'We can rape you. You are married, you also have a child; your life may be utterly destroyed.'" Erol Aslan said that he was also sexually harassed and threatened with rape in detention, and added, "While we were being released, they said 'We did not give electricity to you, but the next time we will.'" Ali Pek and Erol Aslan stated that the police officers had forced them to sign a paper reading that they had not been tortured in detention and they had to sign the paper, and that they had received a medical report from the Forensic Institute, certifying their inability to work for 15 days, each. They lodged an official complaint with the Public Prosecutor's Office.

f) Torture in Raids into Villages and Houses

The systematic torture inflicted on people who are detained during or after the raids into villages in the State of Emergency Region and other cities where "special operations" were conducted continued also in 1998.

Ercan Erbey, Ramazan Akça, Şenol Oduncu: Village guards Ercan Erbey, Ramazan Akça and Şenol Oduncu were detained by soldiers who raided Şimsin (Ormankaya) Village of Hazro, Diyarbakır, on 10 December 1997, and they were remanded by Diyarbakır SSC on 3 January.

The relatives of the villagers disclosed that the 3 people had been tortured in detention. They said, "Twenty-five village guards in the village want to resign because the soldiers conspire against us. They raided our village on 10 December 1997 asserting that they had found a camel loaded with food, and this food had been taken to militants. They selected Ramazan, Ercan and Şenol as victims. During 24 hours they were kept in detention, we applied to Hazro Gendarme HQ and Public Prosecutor's Office several times, but they did not give us any information. They had been brutally tortured in detention. They tried to frighten us by detaining and arresting them."

Tevfik Bayrak, Baki Bayram, Kerem Ülger, İsa Varhan, Aydın Hakan: Village guards from Alan tribe raided Arpêt (Yanıkçay) Village of Gevaş, Van, in July 1997, and they abducted, beat and threatened villagers Tevfik Bayrak, Baki Bayram, Kerem Ülger, İsa Varhan and Aydın Hakan. The villagers lodged an official complaint with Gevaş Public Prosecutor's Office against the village guards.⁶⁴ The villagers disclosed that soldiers had forced them to withdraw their official complaint. They said that they had been invited to Van Gendarme Regiment HQ on 31 December 1997, and they had been released after being forced to sign a document in which they say that they withdrew their complaint. The villagers lodged another official complaint on 2 January 1998.

Abdulahap Eren, Tahir Eren, Abdüllatif Eren, Ahmet Eren, Mehmet Baltacı, Murat Demir, Hıdır Eren, İrfan Kızıldağ, Tacettin Örnek: Villagers named Abdulahap Eren, Tahir Eren, Abdüllatif Eren, Ahmet Eren, Mehmet Baltacı, Murat Demir, Hıdır Eren, İrfan Kızıldağ and Tacettin Örnek were tortured in custody after they were detained in Yüceli Village, Mardin, Kızıltepe, on 4 January. The torture inflicted on them was

⁶⁴ After a clash that broke out in the vicinity of Arpêt Village in July 1997, 60 village guards from Alan tribe in Van had gone to the village. The village guards had collected the villagers in the village square and beat them. Later, they carried out a military operation in the region after taking the aforementioned villagers along with them.

proved by medical reports issued on the 5th, 6th and 8th of January by physicians in charge of the official health center in Mardin. Of the detainees Abdülvahap Eren and Tacettin Örnek were arrested on 8 January with the accusations of "aiding the PKK."

Ahmet Pişkin (19): Ahmet Pişkin stated that he had been tortured after he had been detained by the police in Diyarbakır on 21 March, just before people had started to celebrate the Newroz. As a result of the medical examination at the State Hospital, he was given a medical report certifying the torture inflicted on him. The report read that "there was a scar on the face, there were traces of blows on the back, and a swelling on the knee." He said: "Police officers started to beat me with clubs and truncheons as soon as they took me in custody. I was subjected to torture in the police station for some two hours. Then they put a black plastic bag on my head and put me into a car. They got me out of the car in the vicinity of Akabe on the road to Antep. They put a gun to my head and said, 'Say your last prayer, then we'll kill you.' Later they said to me 'Do not come our way once more,' and released me."

Mehmet Harman (70), Fahri Bilgin (65), Mehmet Demirok, Eşref Yıldız, Arif Yıldız, Rıza Demircan, Yusuf Bilgin: Mehmet Harman (70), who was detained by soldiers raiding the villages Dernek and Kıralan in Lice, Diyarbakır on 12 April, was taken to Lice Health Center on 15 April when he almost lost consciousness because of the torture inflicted on him in detention. His relatives stated that Harman had been taken in detention after the medical treatment although the physicians had insisted on that he should stay in the hospital for medical care. Villagers named Mehmet Demirok, Eşref Yıldız, Arif Yıldız, Rıza Demircan and Yusuf Bilgin, who were detained by the soldiers and released on 15 April, stated that they had beaten and subjected to various torture methods such electric shocks, keeping in hot and cold water. The villagers disclosed that they had been threatened by the soldiers who said, "Why don't you become village guards? Do we disturb the village guards? If you don't agree to become village guards, every day you will be subjected to similar practices. Then we will throw you away, just as we did in Yapraklı Village." The villagers continued: "They were saying that we were Turks and there was no nation called as Kurds. They were also torturing other villagers who were kept in other cells." The villagers also said that a villager named Fahri Bilgin had also been tortured brutally.

Makbule Özbek, Sultan Esen, Bubi Esen, Cihan Özbek, Zuhal Odabaşı, Necmiye Aslanoğlu, Zekiye Aslanoğlu, Gürsel Enver, Naci Çelik, Muzaffer Şahin, Süleyman Şahin, Zeki Şahin, Abdullah Şahin:

Twenty-three people, who were detained in the raids in Bismil, Diyarbakır on 29 September and then remanded, were reportedly tortured in detention. One of the tortured persons, Makbule Özbek, disclosed that she had been tortured again at the Court House, where they had been taken for cross-examination, by a soldier who had taken her down to the basement of the Court House. She said, "We were taken before the prosecutor again, but our faces were all covered with blood. The prosecutor asked us if we accepted the charges, without making any comments on our situation. All of us faced the same ill-treatment." Another detainee, Sultan Esen, said, "I was blindfolded, then they squirted pressurized water on me and beat me. The ones who were brought back after torture could hardly walk. I was confronted with one person, whom I never saw before. When he also said that he did not know me, they released me and my brother." The detainees disclosed that they had applied to Diyarbakır SSC Prosecutor's Office, but no result came out after this application.

Ali Dağ (62), Mehmet Dağ (48): Ali Dağ and Mehmet Dağ, who were detained by soldiers during a road control in Ömerli, Mardin, on 3 October, disclosed that they had been tortured in detention. Ali Dağ and Mehmet Dağ said that they had been taken to Çınarlı Gendarmerie station. Ali Dağ said that they had been threatened with death in detention and that his foot had been broken under torture. Ali Dağ and Mehmet Dağ lodged an official complaint with Mardin Public Prosecutor's Office against the soldiers who had tortured them.

g) Other Cases of Torture and Ill-treatment

Torture and ill-treatment, which were adopted politically as a systematic intimidation method, became widespread also as a professional habit and a method of punishment. It was observed that the security officers had attempted to force the detainees to accept the responsibility for unsolved incidents when they were detained with other charges or incidentally. Torture has become an ordinary way of treatment that everybody living in Turkey may face everywhere at any time, mainly because of the protection of the perpetrators by the authorities and the structuring of the security organization as some sort of local government and judicial organ. It was observed that the class, ethnical and political identities of people were factors which contributed to the threat of torture and ill-treatment. Besides, the ideological beliefs of the security officers were also substantial in many cases of torture and ill-treatment.

Mehmet Ali Demir (35): A taxi driver, Mehmet Ali Demir (35), was beaten by the police officers in Şehremini Police Station, İstanbul, where he was taken into custody on 2 January because he quarreled with a client of his. Demir was released the day after. At Haseki Hospital he was issued with a medical report certifying that his left eardrum was torn, as well as a medical report certifying his inability to work for 15 days by the Forensic Institute.

Orhan Şanlıer: Orhan Şanlıer, a municipal officer in charge of Üsküdar Municipality, stated that he had been tortured in custody after he had been detained in a bus station in Harem, İstanbul, on 3 January. Şanlıer said that he had been beaten for about 45 minutes by some police officers under the head of Üsküdar District Security Deputy Director Nurettin Kartal. He said: "They took me to a room by dragging me on the ground, and locked the door inside. I was handcuffed. They did not show any reason why they were torturing me so cruelly. I was not even asked a single question. Only butts of riffles and guns were going up and down." Şanlıer lodged an official complaint with the Prosecutor's Office. The municipality workers held a press conference on 6 January, and protested about the police.

Murat Şenses: Murat Şenses stated that he had been tortured after he was detained in Adana on 12 January. Making a press statement in the HRA Adana Branch, Şenses said that he had formerly served a prison term about 10 years for ordinary crimes, and had been detained and tortured on some occasions in the past. He said, "The police officers beat me nearly to death. They wanted me to assume the responsibility for some murders by unknown assailants in Adana. They stripped me naked and poured cold water on me, and took pictures of me in this situation." Şenses stated that a superintendent named İlhami, whose surname he did not know, had been one of those who tortured him most in the police station: "While I was in custody there were some women in the next cell. Male police officers were getting in and out that cell. No one heard them when they screamed. These were little girls 13 years of age at most. These children were shouting for the help of the police in the police station. Indeed, the ones who harassed them were police officers. Superintendent İlhami harassed them most." No result came out from the official complaint lodged by Şenses with the Prosecutor's Office.

Ahmet Birge Uzuner: Ahmet Birge Uzuner, a student at the Faculty of Economy, 9 Eylül University in İzmir, who stays in Hacı Ahmet Yesevi Students' Dormitory in Buca, İzmir, stated that he had been beaten by 4 police officers (with the initials İ. G., B. S., G. A. and E. F.) while he was leaving the campus of the faculty. It was reported by Uzuner's lawyer Ali Asker Altan that 2 plainclothes police officers had stopped Uzuner on 14 January, and wanted him to show his ID-card. He asked them why they stopped him. Upon this question some other police officers got out of a car having a license number 35 HH 483, which was waiting outside the gate, and detained him under beating. It was reported that the bones of his face had been broken under the beating there. The police officers threatened him, saying, "If you made a complaint against us, we'll do the same on accusations of 'resisting a police officer.'" Uzuner was released the day after, and a medical report certifying his inability to work for 3 days was given to him by the Forensic Institute. Meanwhile, after

the police officers made an official complaint against him, he lodged an official complaint with the Prosecutor's Office against them on the grounds that they had tortured him.

Mehmet Şahin Karakaya: Mehmet Şahin Karakaya, a worker at Tıbset Company, stated that he had been detained and tortured for two days in Küçükçekmece Police HQ in İstanbul on 21 January. He said that he had gone to the workplace of his sister Bilgin Güler in Sefaköy, İstanbul, on 16 January to take her salary because she had been dismissed from work. However, the owners named Haluk Özer, Levent Özer and Ali Özer attacked them. Karakaya said that during the attack, the owners of the workplace had phoned Sefaköy *Ülkü Ocakları* [ultra-nationalist youth organization], saying, "They are attacking here. Send some men." He added that one of the bosses had said, "Enough, let's stop beating them," but the other replied, "Nothing will happen to him. If he dies, we can throw him to the garbage." Karakaya said that his sister had been injured in the head, and she needed 5 stitches whereas he needed 15. Later they made a complaint with Sefaköy Police Station. Karakaya said that he had been invited to Küçükçekmece Police HQ on 19 January, and he had learnt that there was an official complaint against him on accusations that he raided a workplace along with some 20 friends of his. He said that he had been released on condition that he would bring some of those people to the Police HQ. Karakaya stated that he had been detained in the afternoon on 21 January, and that he had been stripped naked, beaten, subjected to falanga, and threatened throughout 2 days in detention. He said that the police officers had tortured him in order to force him to accept that he was a member of an illegal organization, and he had been threatened when he rejected to accept the charges. He said that the police officers had beaten him on the hands and feet with truncheons, and that he had been forced to jump on the floor in order to avoid any bruises or swelling on the soles of the feet. Karakaya added that he had continuously been threatened when he did not assume the responsibility for the workplace raid and told the police officers that he had been at Petrol-İş Trade Union's office in Aksaray during the raid. The police officers had told him, "We will detain you again even if the prosecutor releases you. We will torture you for 3 or 4 days." The Forensic Institute issued a medical report for him, certifying his inability to work for 3 days, and he lodged an official complaint against the police officers.

Adem Canbulat (22): Adem Canbulat, who was detained on 2 February with the accusations of "theft from the house of his uncle Mustafa Canbulat," disclosed that he had been tortured at the Police HQ. Canbulat said that he had been given electric shocks the whole night on the genitals and toes, and tied on a cross-like plank and kept standing there naked until the morning. He said that police officers Levent and İhsan, who surnames he did not know, had tortured him. He said that police officers had taken him to his house to make a search there, but he had run to the second floor of the house, fearing he would be tortured once more as the police officers had threatened him saying, "We will kill you if you don't show us the stolen goods." But the police officers had caught him there and beaten him with truncheons. He said: "They started to beat me with truncheons. My wife, my children and parents all witnessed what they made to me. As I was trying to stand up from the floor they threw me down by punching me. I am alive now, thanks to the awning of the shop below. My left leg and left eye were covered in bruises when I hit on the awning." Canbulat said that he had regained consciousness at the hospital, that he had wanted to see a prosecutor, but he was told that no prosecutor was there. Canbulat added that the police officers had forced him to sign a document which read, "I myself jumped down from the second floor, the police officers did nothing to me." He said that they had taken him back to the Public Order Branch of Buca Police HQ when he rejected to sign the document, and he had passed the night in detention before the court he was referred to in the morning released him.

The Forensic Institute issued a medical report for him, certifying his inability to work for 25 days, and he lodged an official complaint with İzmir Public Prosecutor's Office on 10 February. Canbulat also applied to the HRA İzmir Branch. He said, "Two of the perpetrators, Levent and İhsan, called my house and threatened me with death in order to avoid any complaint I may lodge."

His wife İstek Canbulat stated that her husband had run to the second floor of the house as he was frightened, and continued, "I saw it, the police officers beat my husband and threw him down." İstek Canbulat added that the theft had taken place about 6 months before, and said, "My husband was in the army doing his military service. It is impossible to accuse my husband of this theft." İstek Canbulat also said that the perpetrators had phoned them and threatened them in order to force them to withdraw their complaint.

Çetin Paydar (43), who was detained on 4 March in Manisa on accusations of killing his father, was released after his father was found alive. It was reported that Paydar had first accepted in his testimony received by the police under torture that he had killed his father. His story was reported as follows: His sister Hatice Bilir informed the police of her father's disappearance. She said to the police "My father has not appeared for two days. Maybe my brother killed him after the disputes about my father's inheritance." Then the police arrested Çetin Paydar, who could not bear torture in police custody any more and had to say to the police "After we disagreed with each other I pushed him to the Gediz River. Because I don't know how to swim I got scared and run away. Perhaps he died in the river." After this testimony Paydar was put on remand by the court he was referred to. After his father was found sitting in a park by his daughter some time later, Paydar was released. It came out that their father had a dispute with his son-in-law and started to live in an hotel in Manisa. Mehmet Paydar said the following in his testimony to the prosecutor: "I have been staying at Ankara Hotel for the last 4 or 5 days. I'm alive, not dead. Now I heard from you that my son had been remanded for killing me." Upon this testimony, Çetin Paydar was released from Manisa Prison. Paydar related his experiences in detention as follows: "Three plainclothes police officers gave me electric shocks and beat me saying to me that I had killed my father. I accepted I killed him. I repeated the same words in the Prosecutor's Office and court because there were police officers just behind me."

Muhittin Köylüoğlu: Muhittin Köylüoğlu, one of the lawyers from İstanbul Bar, was beaten and detained during the police raid against a cafeteria in Fındıkzade, İstanbul, on 7 February. Köylüoğlu disclosed that the police officers had beaten and insulted him after detaining him. He said that the police continuously changed the reason why he had been detained: "They charged me with such claims as 'stealing telephones', 'your brother is wanted', 'you have not your ID-card', 'you swore at the police officers and spat on them,' and so on."

Köylüoğlu launched a trial against the police officers who had beaten him, Yılmaz Erdoğan, Erol Dizdar and Asif Ustabaş, on 13 February with the accusations of "abusing their duty." Köylüoğlu was given a medical report certifying his inability to work for one day. In his application with İstanbul Bar, Köylüoğlu said that he had been stripped naked in Gayrettepe Police HQ 2nd Branch, that he had been interrogated about the whereabouts of his brother, and that the police officers had told him that the reason of the detention was his brother. Besides, he was accused of being a terrorist because of attending the trials launched against the police officers. The police officers also threatened him saying that they would shoot him and tell that he was shot whilst running away from the police when he was caught with heroin.

The case opened against Köylüoğlu with the accusations of "insulting an officer on duty," ended with acquittal at Fatih Penal Court of First Instance No. 2 on 15 May. In their testimonies, the police officers claimed that they did not torture Köylüoğlu, and that he was drunk when the incident took place.

Mehmet Uzlum: Mehmet Uzlum disclosed that he had been tortured after he had been detained in Antalya on 17 February. Uzlum was reportedly taken to the hospital by two police officers on 18 February, and he was unable to speak when he was taken under medical treatment at the General Surgery Service. His brother İbrahim Uzlum related the incident as follows: "My brothers Mehmet and Paşa and two friends of theirs were driving home at night in a minibus belonging to the restaurant for which they work. The driver braked abruptly just behind a police vehicle at Cumhuriyet Square, last night (17 February). Some

plainclothes police officers then get out of the police vehicle and start to argue with them by saying, 'Are you blind?' The policemen took my brothers to Şarmpol Police Station. One of my brothers had been beaten during the night and then taken to hospital." İbrahim Uzlum added that he had lodged a complaint with the Governor of Antalya.

Ulaş Devrim Yurdabal, Bülent Demirel, Mehmet Zeki Değirmenci: Two university students at Çanakkale University, Ulaş Devrim Yurdabal and Bülent Demirel, and a person named Mehmet Zeki Değirmenci made a press statement in the HRA Çanakkale Branch on 23 February, and disclosed that they had been detained by police officers from the political branch on 20 February because they had not stopped when the national anthem was sung by students of a secondary school and they had been tortured for 6 hours. Being released by the Prosecutor's Office, they stated that they would lodge an official complaint against the perpetrators.

Bahattin Solhan: A PKK militant named Bahattin Solhan, who was injured and caught by the security forces in an armed clash in the vicinity of Pervari, Siirt, on 24 August 1997, stated that he had been tortured in detention, in prison and in the hospital he was taken to later. Solhan said that he had been caught by village guards and repentant militants, and related what he had gone through as follows: "Some of them attempted to kill me but others stopped them. I was brought to Diyarbakır and had an operation. They had taken a bone from my head. Later, I was tortured for many days at the Gendarme Intelligence and Anti-Terror Unit (JİTEM). They sent me to Siirt Prison and put me in the wing of the repentant militants. After staying in this wing for one month, I had myself transferred to the wing for political prisoners. After a while I was transferred to Diyarbakır Prison."

In the course of the case opened against him with the accusations of "membership of an illegal organization," Diyarbakır SSC decided to refer him to a psychiatric hospital in Elazığ to learn whether the wound in his head had an effect on his mental state. Therefore, he was taken to Elazığ E Type Prison on 5 February. When he entered the prison, Solhan was beaten for a long period of time with clubs and hoses upon the orders of the chief warder named Yılmaz. Solhan said that the warders particularly beat him in the head, and after the beating he had been put in an isolation cell.

Solhan said that he had been taken to the psychiatric hospital for medical examination on 8 February, and he had been tortured for 15 days. He said, "Only my blood pressure was examined at hospital. Then they delivered me to soldiers, who took me to the gendarme station next to the hospital. They put me in a cell when they learnt that I was a PKK militant. I was systematically tortured by gendarmes headed by the commander of the gendarme station, named Necati of Thrace for 15 days. They tried all methods of torture on me. They wanted me to say I was healthy at the court. On 23 February, they sent me back to the prison."

Solhan started to stage a hunger strike on 23 February, in protest against the torture inflicted on him and demanding his transfer to the wing of the political prisoners. But he was also tortured because of this hunger strike. Solhan said: "I had to start a hunger strike in order to be put in a wing where political prisoners were held. On the third day of the hunger strike I lost consciousness because of epilepsy. I was trembling, my mouth was full of foam. On the pretext of taking me to the hospital, they took me to the gendarme station again on 26 February, and tortured me. They told me I had to give up the hunger strike or they would kill me otherwise. They took me to the prison again the next day. Nevertheless, I continued the hunger strike."

Solhan said that he had applied to the prison director several times during the hunger strike, but none of his petitions were paid attention and that his family had not been given permission to visit him. After his family applied to the HRA Elazığ Branch, the authorities asserted that he had not been tortured.

Solhan said the following about his release from the cell which he referred as "hell": "Nobody knew about my isolation in the cell as my petitions were not taken into consideration. My family had figured the

situation when they came to visit me in Elazığ on the tenth day of the hunger strike. Then they had applied to the HRA on 9 March. The staff of the HRA had called the prosecutor on 9 March and informed him about the situation. Upon this, the prosecutor had instructed the prison prosecutor and director to put an end to this situation. I ended the hunger strike when they told me that they would take me to Diyarbakır. On 20 March, they took me out of that hell as having been exhausted and sent me to Diyarbakır."

Abdülkadir Uçar, Hasan Uçar (26), Mustafa Uçar (24): Abdülkadir Uçar and his sons Hasan and Mustafa were tortured in police custody after they were detained by the police in Urfa on 4 March. Abdülkadir Uçar related his experiences in detention as follows: "I was sitting in my shop in Beykapısı at noon. Some police officers came and summoned me to the police station. They took me to the Police HQ in Yenişehir. They asked me if a telephone number was mine. I told them it was. Saying that someone calls the wife of a police officer from that telephone and disturbs her, they started to beat me. They also took my sons into custody and beat them when they came to the Police HQ to ask my whereabouts." Uçar and his sons were released later after the police officers took them to the state hospital and got a medical report asserting that they were in good health. It was reported that Hasan Uçar was suffering from his ears and could not walk and there were bruises on the bodies of Abdülkadir and Mustafa Uçar. Abdülkadir Uçar stated that he had made an official complaint against the police officers. The reports given by the Forensic Institute read that Hasan Uçar suffered from "hyperemia on the right ear, the back and the left knee, and bruising in the diameter of 0.5 cm on the left knee," and Mustafa Uçar suffered from "bruising on the outer part of the left knee, outer part of the left foot, under the left thigh, under the right knee,." Abdülkadir Uçar stated that after they had lodged an official complaint, plainclothes police officers came to their house and instructed that he should withdraw his complaint.

Cihan Altınbaş (23): Cihan Altınbaş (23) stated that he had been tortured in Beyoğlu Central Police Station, İstanbul, and political branch of the Police HQ after he had been detained by the police during the public demonstration held in Taksim Square, İstanbul, on the occasion of the Women's Day on 8 March. Making a press statement at the HRA İstanbul Branch, Altınbaş said that he had been tortured along with other 13 detainees at the police station in Beyoğlu, and they had been subjected to falanga. He stated that in the political branch of the Police HQ where they had been taken to afterwards, he had been beaten again along with many detainees by the police, and they had been subjected to torture methods such as forcing to stand for a long time, exposure to loud music, beating and insult. He said that the police officers had threatened him not to speak to anyone about his experiences in custody when they took him to Haseki Hospital. At Haseki Hospital on 9 March he was given a medical report certifying the torture inflicted on him. However, the same hospital gave him another medical report on 13 March, but this time, claiming that he had nothing wrong with him.

Kadriye Şaşin (29): A pregnant woman named Kadriye Şaşin (29) was beaten and insulted by police officers at the Hürriyet Police Station where she had been taken after having been detained in Hürriyet Quarter of Adana on 9 April on the grounds that "she had been carrying a copy of the newspaper Azadiya Welat. Şaşin said she had been released one hour later. Şaşin said that the police officers had harassed and beat her, and she had jumped into a chair in order not to fall on the floor. "I would have had a miscarriage if I had fallen on the ground," she said. Şaşin said that she would give birth to the child soon, and added, "I was afraid of any blow to the abdomen region. They kept me waiting in the police station for one hour, and they wished me a crippled baby when they were releasing me."

Yıldız Çakar, Servet Özkan, Ülkü Albayrak: Yıldız Çakar, a reporter for the daily Gündem, and two board members of the Mesopotamian Culture Center (MKM), Servet Özkan and Ülkü Albayrak, were detained by the police in Mersin on 21 April. The detainees were released the next day. After being released Çakar stated that she had been detained in the office of the Republican People's Party (CHP) where they had paid a visit to its board members because a group of children who have been carrying out activities with the

MKM had not been given permission to participate in the celebrations of the Children's Day on 23 April. She said that police officers at the Police HQ had started to beat her as soon as they got into the elevator: "A police chief named Ahmet, whom I know, grasped my hair and hit my head against the wall for five or six times. I fell down. They kicked me for a while. They were making threats saying 'if we see you in that newspaper again, we'll rape and kill you.' Then I was sent to the Political Branch. I was also threatened by the police officers there." Yıldız Çakar said that Servet Özkan and Ülkü Albayrak had also been beaten by the police officers.

Kadirhan Demir (36): Kadirhan Demir disclosed that he had been tortured at Adana Public Order Department after having been detained by the police on 23 April with the accusations of threatening his relative Esat Özbilen. Demir said that Esat Özbilen had owed money to him. He had asked for this money but he had been summoned to Yarbaşı Police Station on 23 April on allegations that he had tried to take money from his relative by threat. Demir said that he had gone to the police station accompanied by his lawyer, and the police officers had accused him of threatening his relative for money. Demir said that later he had been taken to Adana Police HQ and then to the hospital when he told the police officers that he was suffering from cardiac disease. The physician at the hospital furnished him with a medical report. However, he was taken back to the Murder Desk of the Police HQ. The police officer in charge at the Murder Desk said, "I won't take him here. He has cardiac problems. I will be in trouble if he dies here." Upon this, he was taken to the Public Order Department. Demir related his experience in detention as follows: "While waiting in a police car outside the Police HQ, the director of the Public Order Department, Ahmet Kaplan, ordered the police officers to bring me to his room. A police officer took me there. When we entered the room, Katlan stood up and came near me. First he asked why I had threatened that man and then he began to kick and punch me. Using all his strength he hit me all over my body. When I fell down, he kicked me on the head and back. I could hardly get out of the room."

Kadirhan Demir stated that he had later been referred to the court house where he was released and he had been given a medical report from the Forensic Institute certifying his inability to work one day. The report read that "there were bruises on the left side of the back and the abdomen region, he complained of pain and he had difficulty in breathing." Demir disclosed that he had lodged an official complaint with Adana Public Prosecutor's Office against Ahmet Kaplan on 24 February.

Servet Yalçın, Esin Dal, Aylin Gündoğan: Two actors, Servet Yalçın and Esin Dal, and a ballerina, Aylin Gündoğan, stated that they had been tortured after having been detained during the police raid on the Genç Ekin Cultural Center on 28 April. Making a press statement at the HRA İstanbul Branch on 2 May, they related their experiences in police custody. Servet Yalçın stated that he had been kept in an unhealthy and airless cell for four days, though he had shown police officers a medical report stating that he had had medical surgery for an illness in his lungs. Aylin Gündoğan said that she had been beaten by police though she had told them that she had asthma.

Doğan Tolu (37), Nurettin Kalkan, Birol Deniz: Doğan Tolu, a reporter with the daily Türkmen, a local newspaper published in Osmaniye, disclosed that he had been tortured after he had been detained along with several people during the burial ceremony for the DHKP-C militant Zeynep Korkmaz who died in a clash that broke out in Söğütlü village of Kilis, Antep, on 20 May. Tolu reported that he had been detained alongside many others in Zeynep Korkmaz's house on 2 June and he had been beaten up with a rifle by a plainclothes NCO. Doğan Tolu was taken to Adana Balcalı Hospital Brain Surgery Department because of the brain injury due to the torture and kept at Intensive Care Unit for 5 days.

He was discharged from the hospital on 8 June. Tolu related his experience in detention as follows: "We were sitting at the house of the Korkmaz Family. The police raided the house and detained all of us. We were first taken to Polateli Gendarme station and then to Kilis Central Gendarme HQ. Three people were

injured. We delivered them to the gendarmes for medical treatment. Then I felt a problem in the stomach and I thought that they would take me to the hospital. But I was taken to somewhere else in the HQ. Nurettin Aslan, who had been detained previously, was also there. A plainclothes NCO threatened us, saying, 'We will kill you. You won't get out of here alive.' The NCO continuously beat me on the head with the heel of his shoe. When he could not see any wound on my head, he took off his shoe and hit more harshly. From time to time they were also beating Nurettin. The NCO wanted a soldier to bring him a G-3 rifle. Then he hit me brutally on the head and on the nose with the butt and the barrel of the rifle." Tolu said that they had been taken to Kilis State Hospital after the torture, and added, "We ordered us to jump out of the car, but we didn't. There were plainclothes police officers and gendarmes at the hospital. When the physician wanted to learn what had happened, the gendarmes said that the people had beaten us."

Tolu stated that they were later taken to Antep State Hospital by ambulance but the soldiers had threatened the physicians there, saying that they should not give us any treatment.

His wife Ferdane Tolu said that she collected her husband from the hospital and brought him home and added, "We took him to Balcalı Hospital when his health deteriorated in the night . The physicians told us that his brain membrane was destroyed and there was a leakage in the spinal cord. They kept him in the Intensive Care Unit of the Brain Surgery Department. They said that he had faced the danger of meningitis but the treatment was effective. They wanted him to come for examination after having a rest in the house for one month. Now his nose is broken."

Nurettin Kalkan disclosed that the police officers had attempted to strangle him at Adana State Hospital. He said, "They wanted to take my testimony. I said them that I could not give testimony as I was injured. But they got angry at this reply, and attempted to strangle me. They gave up when the physician came." Kalkan added that the physicians and the nurses did not take care of him. Birol Deniz, whose health also deteriorated because of the torture had a nose operation. A trial was launched against the soldiers upon the official complaint lodged by Tolu.

Sıdıka Göleli: Sıdıka Göleli disclosed that police officers had raided her house in Örnektepe, İstanbul, in the night of 21 May, that they had entered the house by breaking the door and that they had scattered all the furniture all over the house. Sıdıka Göleli said that the police officers had raided her house on the pretext that her son Orhan Gazi Göleli (17) was wanted. The police officers told her, "Deliver your son to us. Otherwise we will kill him whenever we see him, then we will say that he had died in a clash. We can also crush you under our feet." Sıdıka Göleli said that the police officers had been disturbing them for the last 25 years.

Çeşminaz Ağdoğan: Çeşminaz Ağdoğan, the mother of Ali Rıza Ağdoğan who had been killed under torture at Beyoğlu Police HQ on 16 February 1991, held a press meeting in the HD İstanbul Branch on 27 May, and said that police officers had raided her house at midnight on 22 May, and threatened her daughter with death. Ağdoğan stressed that the police officers forcibly broke into the house without any search warrants, and said, "There is a denunciation against your daughter. You will either deliver her or we will kill her wherever we see her." Ağdoğan said that she was not satisfied with the result of the trial in connection with the killing of her son: "I do not assume the convictions as enough. I will make an appeal to the European Court of Human Rights. They killed one of my children, and now they want to kill the other." Mother Ağdoğan lodged an official complaint with Beyoğlu Public Prosecutor's Office on 25 May.

Deniz Uğurlu (21): Mustafa Uğurlu stated that two police officers in charge at the police station in Küçükcesat, Ankara, had raided his house in Seyranbağları, Ankara, on the night of 11 June without a search warrant, and that they had beaten his wife and son, Deniz Uğurlu (21). He said that he had not been at home during the raid, and that he had heard the raid from his wife calling him by phone: "My wife and son told me the police officers had no search warrant and that they had harassed my wife and beaten my son after

breaking into my home." Deniz Uğurlu said that he had been tortured in Çankaya Police HQ. He stated that police officers had stripped him naked, hosed water, beaten him unceasingly and broke a glass on his hand.

Oktay Berke: Oktay Berke, who was detained by police in Yeşilyurt, İzmir, on 17 June, stated that the police officers had offered him to be an informer and tortured him at Bozyaka Political Police Department because he had refused their proposal. He said, "While I was expecting to be set free, they took me blindfolded to a swamp area by the river Menderes. There, four of the seven police officers beat me with truncheons. I recognized the voice of a police chief, Can Gökalp, in charge at the unit for theft, who took me in custody formerly. I asked to him respectfully if he was Mr. Gökalp. But he swore at me. He said, 'Son of a bitch! Didn't I tell you to leave İzmir. You'll work with us. There are many stiffes we threw in this swamp. If you don't work with us you will be one of them.'" Berke said he lost consciousness under torture and the police officers had left him there. He was taken, by a farmer passing by with his tractor, to Menderes Gendarme HQ. Later, the Forensic Institute issued a medical report for him, certifying his inability to work for 7 days. Berke lodged an official complaint with İzmir Public Prosecutor's Office against the police officers.

Mustafa Çoban, Hayati Ersoy: Non-commissioned officers named Mustafa Çoban and Hayati Ersoy were reportedly tortured at Mağazalar Police Station after they were detained by the police with the accusations that they had resisted the police officers during an ID check in Mersin on 29 June. The NCOs were released the next day. Upon their complaint, Security Director on Duty, Mümtaz Ceylan, Deputy Superintendent Kadir Parmaksız, and police officers İbrahim Kurul and Mehmet Şen were suspended from duty. Çoban and Ersoy were given medical reports certifying their inability to work for 7 and 4 days, respectively. The case opened against the police officers is continuing.

Ramazan Özgür, Ahmet Özgür, Selami Aydemir: Ramazan Özgür, Ahmet Özgür and Selami Aydemir stated that they were tortured in police custody after they were detained in Gürsel, Çağlayan, İstanbul, on 3 August. Ramazan Özgür said that a car had passed by them without signaling to turn while they were walking in the street, and that they had shouted at the people in car, "What are you doing? Light your signal lamp or sound the horn. You would have crushed us." Then they were taken to the police station in Çağlayan by three plainclothes police officers getting out of the car with a license plate 34 UN 850. He said that they had been kept in the police station for one and a half hours: "They took us to the bathroom floor. We were beaten up there. Two of them hit my ears at the same time and my eardrums were torn for this reason." Ahmet Özgür stated that parts of his neck and head were swollen because of the beating. Ramazan Özgür stated that by Şişli Etfal Hospital issued a medical report for him, certifying that both of his eardrums were torn.

Cahit Akmaz: Cahit Akmaz, a house-painter who was detained in Salihli District of Manisa on 7 September, stated that he had been tortured in detention. Cahit Akmaz, who was detained by a plainclothes police officer, namely "Gürkan", upon a complaint raised by Mustafa Tekin, stated that he had lost consciousness due to beating at the police station he had been taken to. Cahit Akmaz, who declared when he gained consciousness that he wanted to see a doctor, was threatened by the police officers saying, "If you complain about us you won't be able to live hereabouts any more. We won't have mercy on you or your family." Akmaz, who later saw the Security Director, repeated his demand to see a doctor but he was beaten again. Cahit Akmaz said that he was frightened by the threats, so he could not give a true statement at the Prosecutor's Office where he was taken to on 8 September. On 9 September, Cahit Akmaz lodged an official complaint with Salihli Public Prosecutor's Office against the police officers who had tortured him. Cahit Akmaz received a medical report certifying his inability to work for 5 days from the Forensic Institute. On 14 September, a trial was launched against police officer Gürkan Acar with the accusations of harassing and threatening Akmaz. The court issued a decision of non-authorization in the hearing held on 26 October.

Mehmet Gün: Mehmet Gün, who was detained in İzmir on 8 September, disclosed that he had been tortured in detention and shot in his hipbone region. Mehmet Gün said that he had been detained by police officers in charge at Şirinyer Police Station for he had stabbed a person named Selahattin Sarıkaya in Akıncılar Quarter on 6 August, and that he had been beaten by 4 police officers. Mehmet Gün said, "I was punched and laid on the ground. They crashed my right foot, kicking continuously on it. I threw myself out of the door of the police station to save my life. At that moment a police officer launched fire behind me. I opened my eyes in the hospital." Mehmet Gün stated that police officers had taken him to the SSK Bozyaka Hospital where he was operated on and that the bullet which entered in the hipbone region had been taken out from the abdomen. He said that he had been taken to Yeşilyurt Hospital later on, where he had been tied to the bed by his legs with handcuffs until the following day when the handcuffs had been released upon the objections of nurses. He added that the police officer staying with him at the hospital had told him, "You are very lucky. I would have shot you in the forehead." Mehmet Gün said that he had gone to the police station, after having been discharged from the hospital, in order to get his car which had been seized by the police, back and that the police officers had threatened him not to lodge a complaint. Mehmet Gün lodged an official complaint with İzmir Public Prosecutor's Office on 25 September. On the other hand, the police officers lodged a complaint against him, claiming that he had attacked them with a knife in the police station.

Sait Aslan: Sait Aslan was reportedly tortured in Van. His father Ebuzevit Aslan said that he and his son had been detained by the police who raided against house in the evening of 8 September. Ebuzevit Aslan said the following: "My son had recently come back from the village where he had worked as a day laborer for 4 months. Police officers wanted to take my son, claiming that there were militants in my house. We tried to explain the situation, but they did not listen to us. Besides, they attacked the women in the house with butts of their rifles. In detention, my son had been beaten and subjected to pressurized water. His ribs were hurt and he is unable to walk due to the torture inflicted on him." Ebuzevit Aslan stated that they had received a medical report from Van State Hospital, certifying the torture inflicted on Sait Aslan, but the report had been seized by police officers. Ebuzevit Aslan added that the doctors were reluctant to give another report when they went to the hospital for the second time.

Bülent Dusak, Mehmet Dusak: Bülent Dusak and Mehmet Dusak, who were detained in Urfa on 14 September, disclosed that they had been tortured in detention. Bülent Dusak said that he was unable to use his arm due to the torture inflicted on him. He added that they had been threatened by police officers and soldiers because of the trial they had launched after the killing of their uncle, Ömer Dusak, who had been detained on 1 May and then found dead on 7 May. Bülent Dusak also said that the police officers had taken them to Urfa State Hospital before releasing them, and that they had been given medical reports stating that they were not tortured. (See the section titled "Other Incidents" in the chapter on Extra-Judicial Executions.)

Metin Çağlayan: Metin Çağlayan disclosed that he had been tortured after having been detained in İstanbul on 14 September. Mentally handicapped Metin Çağlayan and his mother, Pekire Çağlayan, made a press statement at the HRA Association İstanbul Branch. Metin Çağlayan said that he had been detained when he was making jokes with some children on the street. He added, "They took me to the police station. There two police officers beat me with truncheons. A police officer came by while they were beating me. He said to the police officers, 'Break every bone on his body, except the head.' All the police officers know me, but they beat me anyway. They put a gun into my mouth, and said, 'We will kill you'." Metin Çağlayan, who suffered from bloody urine due to the torture inflicted on him, received a medical report from the Forensic Institute certifying the torture.

Cengiz Azak, Fesih Azak, Suat Azak: Three brothers, Cengiz Azak, Fesih Azak and Suat Azak, who were detained in Mersin on 5 October, disclosed that they had been tortured in detention. They stated that they had been tortured in order to tell the whereabouts of their brother, Fehmi Azak, who was sentenced by Konya SSC to 19 months in prison with the accusation of "aiding the PKK." Suat Azak said the following:

"They confined each of us in separate cells. First they beat me, then ordered me to take off my clothes. When I did not do so, they stripped me naked, squeezed my testicles for a while, and threatened me with rape with a truncheon." Suat Azak added that he had later been put in another detention place and then his brothers had been tortured, and said, "They inflicted the same torture methods until the morning. Then they took us to the Forensic Institute. Prior to the medical examination, they threatened us saying, 'You will say you are alright when the doctor asks. Otherwise, we will torture you again but insert truncheons into your anus now.' As we were frightened, we did not say anything about the torture during the medical examination. Later they took us back to the Police HQ and without referring us to the prosecutor, they released us after signing a document. Before releasing us, they threatened us, instructing us to bring Fehmi there by 16 October, or they would torture us at Anti-Terror Branch and then they would kill us." Besides, they said that they would also detain Fehmi's wife Münaver Azak and torture her, too.

Orhan Demir, Nuriye Demir: Orhan Demir disclosed that he had been tortured along with his wife, who went to the police station in Üreğil Quarter of Ankara in order to learn about the fate of her brother who had been detained on 15 October. Orhan Demir said the following: "I rushed to the police station when I heard about the incident, and saw that my wife was being dragged by her hair and beaten with the handle of a pickaxe in the yard of the police station. I attempted to intervene, but the police officers began to hit me with the handle of the pickaxe and with the butts of their rifles. We were beaten for hours in front of the residents. When I asked "'Why do you beat us? What have we done?' They replied, 'An order by the Minister of the Police'. They beat us till we lost consciousness, and swore at us. I opened my eyes in the police station, then thrown out along with my wife, who was badly injured." Orhan Demir, who received a medical report from the Forensic Institute certifying his inability to work for 3 days, launched an official complaint against the police officers in charge at the Hüseyin Gazi Police Station.

Çetin Güneş: Çetin Güneş, who was sentenced to 1 year and 4 months imprisonment by İstanbul SSC for one of his articles published in the journal *Alternatif*, was reportedly tortured in detention in Gaziantep. A statement made by the *Alternatif* read that Güneş had been given electric shocks, hosed water and suspended on a hanger at the Police HQ in Gaziantep, though he suffers from chronic heart disease due to the unhealthy conditions of the prisons where he had been held on remand before and to his participation in long-term hunger strikes.

Mücahit Özel (26), Ayhan Dinler (26), Remzi Sayın (28): Mücahit Özel, Ayhan Dinler and Remzi Sayın, who were detained in Beyoğlu, İstanbul, on 15 October for looking suspicious, disclosed that they had been tortured in detention. Ayhan Dinler related what they had gone through as follows: "When we asked what was our crime and begged them to release us, they first said, 'You are suspicious people.' When they took us to the police station, they said, 'You are Kurds. You will leave İstanbul.' They put us in cells. Five police officers, one of whom was a superintendent, began to hit us with long clubs." Ayhan Dinler and Remzi Sayın reportedly lost consciousness twice because of the torture inflicted on them.

Remzi Sayın stated that they had been deprived of food throughout 3 days in detention, and that pressurized water had been squirted on him after he had lost consciousness. Sayın said that he had been tortured although he had told the police officers that he had had an open cardiac operation previously: "I said 'don't do it; I have been operated on, but they did not listen. We were covered in blood. They squirted pressurized water. Whenever they got bored, they came and beat us with clubs." Mücahit Özel said that the torture was unbearable, but it continued although they begged the police officers to stop it. He said, "I said to them, 'I will complain about you to ministers and MPs,' but they replied, 'F... the mothers of ministers and MPs, do complain to wherever you want!'"

They said that they begged to the police officers saying, "We cannot bear it, please stop," but they replied, "Cut yourself with a razor, it will end." Upon this, Özel cut himself on the neck, Dinler on the

abdomen and on the neck, and Sayın on the left arm and on the head with a razor. Sayın needed 20 stitches for the wounds. The youths were then handcuffed and this led to infection 3 days later.

Mücahit Özel, Ayhan Dinler and Remzi Sayın, who were taken to Taksim First Aid Hospital on 16 October, were taken back to the police station without receiving medical treatment and were released at midnight on 17 October. They applied to the HRA İstanbul Branch, after having been released, and they stated that they would lodge an official complaint against the police officers.

Ersin Uslu: Lawyer Ersin Uslu (a board member of the CHP Muğla District Branch) disclosed that he had been detained at Milas (Muğla) Airport on 24 October and tortured in detention. Lawyer Uslu was stripped naked, beaten and kept waiting for 18 hours, naked, by 3 police officers in charge at the airport. In addition, a police officer threw a typewriter on his back. After having been released by the prosecutor, Lawyer Uslu received a medical report from Muğla State Hospital certifying his inability to work for 20 days. When the incident was heard in Muğla, a group of lawyers visited Governor Cemil Serhatlı. During the meeting, Serhatlı accused Uslu of being blind drunk. The lawyers from Muğla Bar Association laid a black wreath on the Atatürk Monument on 27 October. Upon the official complaint lodged by Lawyer Ersin Uslu, an investigation was launched against the police officers. However, Muğla Provincial Administrative Board issued a decision of non-prosecution for the police officers on 22 April 1999.

h) Cases of Abduction and Forcing to be Informers

The practices by the police of abducting by force certain people to unknown places instead of detaining them and releasing them after threatening, oppressing and even torturing them, continued in 1998. In particular, the university and high school students and migrant Kurds were targets of such practices. In general, the abducted people were forced to become "informers." Besides, police officers in the provinces which receive extensive migration, assumed the Kurds to be potential criminals and oppressed them.

For instance, it has been claimed that the police in Adana provided the youths with drugs in many quarters, first and foremost in Hürriyet quarter, and they forced them to become informers for the police after they became addicted to drugs. A group of youths, residing in Hürriyet Quarter who wish to remain anonymous, disclosed that plainclothes police officers from the Political Police Department had found them drugs in exchange of information regarding the "suspicious" people living in the quarter.

A youth named Ö. O. (17) disclosed that some of his friends had become drug addicts and they acted in line with the demands by the police. Ö. O. stated that the police officers demanded bribes from the coffee houses in the quarter, and they did not take notice of the computer game saloons which were attended by children between 5 and 18 years of age, and they even encouraged small children to attend these saloons. Whereas K. B. (14) said, "After detaining us, they ask if we were Kurds or not, then they torture. They threatened me after detaining me, and cut my hair. They gave electricity to my genitals." The youths added that they were under medical treatment as they had been given electricity, suspended on a hanger, stripped naked and hosed with pressurized water, and tortured with ropes tied on the belly in detention. K. B. and Ö. O. disclosed that the police officers waited in the back streets after they were unable to find the assailants in a crime, detained everybody passing by and forced them to accept responsibility for thefts. They also said that their hair and eyebrows were cut by the police under torture, in order to make them easily recognizable by other police officers when they were released. The youths added that the police officers first took them to the hospital and they received medical reports which asserted that they had not been tortured, and then they tortured them, and said to them, "Go to your hometown. What are you doing here? You Kurds are of Armenian origin."

K. B. (18) disclosed that some of the Kurdish youth had been involved thefts within the information of the police, and added, "They do not say anything at first but abuse this later. And they try to seduce us

with drugs and try to use us against our own people. They threatened many shopkeepers and youths in the quarter in this way. They raid the coffee houses, and seize money by coercion."

Necip Ercan: A construction worker named Necip Ercan stated that he had been threatened with death to be an informer when he had been detained in Ankara on 11 February. Ercan held a press conference together with Yıldız Temürtürkan, the Chairwoman of the HRA Ankara Branch, on 16 February, and stated that on 11 February he had come across at Sıhhiye Bridge with one of the plainclothes police officers who had detained him on 1 May 1996, during when he had been offered to turn informer. He said that some police had started to follow him and detained him when he had left his workplace. He stated that he had been forced to get into a car and had been driven to a remote area in the vicinity of Gölbaşı Lake where the police officers had asked him questions about the people having relations with the journal Kızıl Bayrak, and offered him to work as an informer for the police until his military service in 1999. He reported that a police officer, called Serdar, had told him, "You either accept our proposal or we tie a stone to your feet and throw you into the lake. Anyway, nobody saw you except for 3 dustmen who don't know anything about you while we were detaining you." Ercan said that the police officers had set a meeting place outside Dikimevi Post Office on 13 February, that he had to accept this, but he had applied to the HRA instead of attending the meeting. He said that he had also lodged an official complaint with the Public Prosecutor's Office.

Yıldız Temürtürkan stated that Necip Ercan had been abducted by the security officers, that he had been interrogated at a place other than the official detention centers, and that no reports had been kept regarding his detention. Temürtürkan said, "These kind of illegal detentions, the reports of which are not kept, are the basis of extra-judicial executions and disappearances in detention." She added that 37 people had recently applied to the HRA due to similar "illegal and unreported detentions," and that these detentions had demonstrated that this was a systematic practice by the security officers. Temürtürkan also said that not all the people who were abducted in this way had applied to the HRA, and this meant that the real number of the illegal detentions was much higher.

Temürtürkan stated that the political police had applied to this practice of illegal detention and that the victims had been threatened in various ways. She drew attention to the fact that these were threats which could only be uttered by the security officers. She said that certain proposals were made in exchange for becoming an informer, such as "help to pass the class, finding jobs or giving money," which all demonstrated that the ones who made these proposals represented an authority.

Temürtürkan also said that the persons who were forced to become informers and their relatives were continuously threatened by phone, that the victims were disturbed on the streets, at the exit of their works or schools, and that they were occasionally detained. She also drew attention to the fact that the victims were chosen among the adherents of the left-wing political parties, members of the democratic mass organizations, and readers of the left-wing political parties. She also said that this implementation not only aimed at obtaining information but aimed at intimidating the victims, who suffered from psychological disorders because of the death or torture treats, who complained about sleep disturbances and behavior disorders and said that they could not walk alone on the street. Temürtürkan stated that no result had been obtained from the official complaints they had lodged with the Prosecutor's Offices in the last two years.

Hamit Doğan (19): Hamit Doğan, a worker with İzmir Fair Services Company, was abducted by plainclothes police officers after he left his workplace in the night of 19 January. He said that the police officers had blindfolded him and drove him for about 45 minutes. Later, he added, they took him to the basement of a building, and tortured him there. He was released in the morning. Hamit Doğan lodged an official complaint with İzmir Public Prosecutor's Office on 21 January.

Hamit Doğan relates what he had gone through:

"Later they took me out of the cell, and said, 'Will you tell us say what we want to learn, or shall we treat you in a different way?' I said that there was nothing to say. Upon this, they started kicking me. A police officer called 'commander' said, 'Now you will beg me.' He took me to another room, and stripped me naked. They gave electricity shocks with wires they attached to my genitals and small toe of my right foot. Later they put a club between my belly and my handcuffed hands, and suspended me in a way that my feet were 10 m. above the floor. The torture continued this way for half an hour. I was screaming, but they continued. I was put in the cell again but 20 minutes later they took me to another room, where the commander said that they would solve all my financial problems if I accepted to become an informer. The same person wanted me to continue working at the HADEP, and inform him about whatever goes on there and about the members of the PKK. While I was blindfolded, they forced me to sign a document. They put TL 3 million into my pocket, and said, 'If you show that we can trust you, we will give you a phone number in order to receive information.' Then, as I was blindfolded, they threw me out of the car somewhere around my house, and left the scene speedily."

Bülent Taşkın, Mahir Karadağ, Sema Yardımcı, Kanber Çolak, Zeynep Özen: University students Bülent Taşkın, Mahir Karadağ, Sema Yardımcı and Kanber Çolak applied to the HRA İzmir Branch in mid-January and stated that the police had forced them to become informers.

Zeynep Özen, a friend of Ali Serkan Eroğlu, who was found dead in a toilet in the Faculty of Communication, the Aegean University, İzmir, on 24 December 1997, stated that she had applied to the Rector for the guarantee of her life-security, and said the following: "When Serkan was killed, Deputy Rector Ali Rıza Karacan said 'We didn't know about the pressure on Serkan Eroğlu, for he did not make any application to us.' However, when I brought a petition in which I stated that I was being followed, the Deputy Rector, a woman, was reluctant to take the petition, asserting that I was in depression and there was no need for such a petition. I left my petition forcibly."

Hakkı Efetürk: Hakkı Efetürk, a newsboy for the newspaper Gündem, was beaten by the police after he was detained in Şakırpaşa, Adana, on 21 January. Efetürk related the story as follows: "A red car had followed me at around 08.30. After a while, a team of three people with radios blocked my way in a back street and asked me 'What is that in your hand? You won't sell that newspaper.' Then they began to hit my face and got me into the car forcibly. They continued beating me all the way long." Efetürk whose nose was broken as a result of the beating received a medical report and lodged an official complaint. A decision of "non-prosecution due to lack of sufficient evidence" was issued at the end of the investigation.

Necla K.: It was reported that the police frequently raided the house of Mustafa K., who died in a bomb explosion in Dağlıoğlu Quarter of Adana on 18 March 1995, along with his relatives' houses and forced his relatives to become informers for the police. The plainclothes police officers raided the house of Remzi K., in Anadolu Quarter on 8 and 9 February. His wife Necla K. disclosed that the police officers had threatened them, saying, "You will be informers for us. If you don't cooperate, we will kill you." She added that they had also harassed her children who were 4 and 7 years old. She said that V. K. (16), the son of Mustafa K. who was remanded after the death of his father, had frequently been detained after having been released, and added: "They detained V. and me in January. They said to V., 'Your father was a terrorist. He would have been executed if we had captured him alive. You will all burn in the fire that killed him.' After the death of my brother-in-law, they began to raid the house of my father-in-law, Hüseyin K., for a couple of times every month. For this reason, they have to leave that house. The family has been shattered."

Fırat Ergün: Fırat Ergün applied to the HRA Kayseri Branch on 14 February, stating that he had been abducted by the police and forced to become an informer. Ergün said that he had been forcibly taken into a blue car and abducted at Cumhuriyet Square on 11 February. He said that the police officers had asked questions about the people who frequent the office of the newspaper Halkın Günü: "In exchange, they said, they would give me TL 20 million, and they forced me to become an informer. When I refuse, they beat and threatened me."

Taylan Genç: Taylan Genç stated that he had been detained by the police after a rally held by the KESK in Ankara on 4 March, and threatened with death to be an informer. He said that he had been driven in police vehicle for about an hour and interrogated by three plainclothes police officers. After he was taken to an empty field, the police officers had forced him to be an informer and beat him. Genç said, "They said that they would give me money and meet the school expenses if I accept to become an informer, but I would be responsible for my fate if I don't accept the proposal. They even set a meeting for Wednesday." Genç added that he had been blindfolded again, taken into the car and left somewhere around Kurtuluş Park. Genç added that the police officers did not have contact with him later.

Kadir Soysal: Kadir Soysal, the Chairperson of the HADEP Gazıemir Youth Commission, İzmir, stated that he had been detained on 1 March during a rally held on the occasion of the Women's Day. In his statement, Soysal said that a woman had shouted during the rally, 'Anyone who touches the police will be hurt,' and in reply he had said, 'Nobody's touching the police' and he had been detained by plainclothes police officers for this reason. He had been taken to the Political Police Department where he had been subjected to psychological torture methods in detention. Soysal said, "They asked me who I was working for the HADEP instead of any other political party, and then they forced me to become an informer."

Ahmet Güven: Ahmet Güven, a university student in İzmir, stated that he had been abducted by the police for four times and forced to be an informer since he was detained for a while in November 1997. In a press conference he held at the HRA İzmir Branch, Güven said that the police officers kidnapping him had blindfolded and insulted him. He said that they had offered him money to give them information about the HADEP and the Mesopotamian Culture Center (MKM).

Selahattin Ünay (25): In a written statement she made, HRA Ankara Branch Chairwoman Yıldız Temürtürkan disclosed that Selahattin Ünay, a member of the Eğitim Sen (trade union of teachers and employers working for education) and a relative of a prisoner, had applied to the HRA stating that he had been disturbed by the police for the last 4 months and forced to become an informer for the police. Temürtürkan said that the police officers had forced Ünay, who works as a watchman at a school, to give information about the school, and that he had been detained in Yenimahalle on 19 March when he had rejected this proposal. The police officers had also demanded from Ünay, whose brother is on remand in Çankırı Prison, to bring information from the prison, and they had offered money in exchange of this information.

Nurettin Kalkan (18): A high school student named Nurettin Kalkan, disclosed that he had been forcibly taken in a car by two plainclothes persons, that he had been blindfolded and beaten at a construction site in the night of 24 March. Kalkan said, "There was wireless sound in the car. They started beating me in the car. After riding for about 10-15 minutes, they stopped, took me out and walked me. There was sand under my feet, thus I assumed that we were in a construction site. Because of the voices I heard, I understood that there were some other people here."

Kalkan said that he had been beaten, and the police officers had forced him to sign a document, which they claimed was a voucher, amounting TL 10 million. Kalkan said, "I did not think that that was a voucher. My father has been under arrest in Ceyhan Prison in connection with a DHKP-C trial, thus I thought that this was a plot by the police. For that reason, I did not sign it." Kalkan added that he had been tied to a

pillar, and said, "They were beating me on the lower and upper parts of the body with an iron bar, and they forcing me to sign the document which they claimed to be a voucher." Kalkan said that the persons who tortured him had said to him, "We are Mafia. We are powerful," and asserted that they had promised him to maintain the release of his father should he sign the document. Nurettin Kalkan said that he heard wireless sounds during the torture, and added, "They untied the rope they had tied on my hands and neck. They also released me from the pillar. I was blindfolded. They put the document in my hand, and wanted me to sign this document. I refused again. This time they lit something with a match or lighter. Everywhere was smoke. Later they stripped me naked. At that moment, one of the police officer seared my arm with a red-hot iron bar while the others stubbed out their cigarettes inside my hand. I was screaming. They were also sexually harassing me by touching my genitals, and they were swearing at me. Later they put on my clothes. They put me in the car, saying 'Now we are taking you to the place we will kill you.' They drove for a while, then they kicked me out of the car on the road. The car did not have any license number. They had left me near my home."

Kalkan said that he had applied to Adana SSK Hospital after having been released, and he had been given a medical report certifying his inability to work for one week. When his condition deteriorated, he had gone to the hospital for the second time, and this time he had been given a report for 5 days. Kalkan added that he was under medical treatment.

Kalkan lodged an official complaint with the Public Prosecutor's Office, but a decision of non-prosecution was issued at the end of the investigation.

Yusuf Metin Poyraz: Yusuf Metin Poyraz, who was released from Gebze Prison on 14 April and went to his family's house, disclosed that 3-4 people in plainclothes had taken him to Yamanlar Police Station on 26 April. Poyraz stated that he had been interrogated in the police station and forced to become a repentant and an informer. He said that he had been offered money and a gun in exchange. Poyraz was released after signing the search warrant and a document which read that he had been released from the prison recently. However, he was detained by plainclothes persons who came to his house 6 hours after having been released, and he had first been taken to Yamanlar Police Station and then to Bozyaka Political Police Department, where he had been interrogated about the organizational status of the arrested and convicted prisoners, about their leaders, representatives, and organizational activities in Gebze Special Type Prison. Poyraz added that he had been followed by plainclothes police officers, and that he had lodged an official complaint with İzmir Public Prosecutor's Office.

Ayşe Karagülle (22): Ayşe Karagülle was reportedly put in a civilian car and abducted by plainclothes police officers around Kestel Crossroad in Bursa in the end of April and had been forced to become an informer. Karagülle was kept about two hours in the car, and she was released around İnegöl after she had been threatened with rape, beaten, and psychologically tortured in order to force her to be an informer. Her father Ali Karagülle disclosed that his daughter suffered from psychological problems after having been abducted and that the police officers were frequently disturbing them on the phone.

Elham Çoban: A worker, Elham Çoban, who was detained by the police in Aliağa, İzmir, on 8 June, stated that he had been threatened by police to be an informer. Çoban said that he had been detained upon a letter, which alleged that "he had involved in terrorist activities," sent to the Political Police Department of Aliağa Police HQ by a NCO, Önal Yamaç, who had harassed him for being an Alawite while Çoban had been serving for the army in Balıkesir. He said that police officers had taken him to the political branch and wanted him to give information about the Limter-İş (trade union of workers of harbor) and his workplace: "When I refused to be an informer they accused me of being a terrorist. When I told them I had a job and would not become an informer, a police chief named Yusuf threatened me 'to give electric shocks on the genital organs.'" Çoban added that the police officers had released him after setting an appointment at Uğur

Mumcu Park in Aliğa on 10 June. He said: "When I went to the place of the appointment, the police officers wanted to learn about what was going on at the Limter-İş and at my workplace. Besides, they wanted to know who had bought the left-wing journals at the workplace, and they offered money in exchange for this information. They gave TL 1 million as a start, but I refused it. They said, 'Walk towards Narlıdere in front of Konak Wharf on 14 June, we will pick you, and you will tell what has happened.' I did not attend the appointment. I applied to the HRA İzmir Branch, and lodged an official complaint."

Abdüselam İnan: Abdüselam İnan, the Chairman of the HADEP Ümraniye District Youth Commission, was forcibly put in a car and detained by plainclothes police officers outside the HADEP Ümraniye District Branch office on 11 August. İnan disclosed that he had been tortured during in detention. He said the following: "After abducting me, they blindfolded me. I was given electricity, hosed water, suspended on a hanger, beaten and subjected to psychological torture throughout 5 days in detention. They put a gun to my head, and threatened me to stop me from working at the HADEP." İnan said that he had later been taken to Edirne in a car and released there.

Ergun Köse: Ergun Köse disclosed that he had been abducted by plainclothes police officers in Kartal, İstanbul, on 12 September, and forced to be an informer for the police. He said, "First they beat me. Then they stabbed my arm with a sharp pointed object and poured some liquid on the wound, which really hurt. I was taken to a place where I heard sounds of walkie-talkies all around. There, they asked me once again to be a police informer and said that they would kill me if I didn't accept. They forced me to sign a document, the contents of which I did not see." He added that he had been abducted 9 times since 1997. Köse lodged an official complaint Kartal Public Prosecutor's Office against the police officers who tortured him.

Hasan Koca: Hasan Koca disclosed that he had been tortured after having been detained in Bursa on 23 September. Hasan Koca said that he had been abducted near his house by some plainclothes police officers, who got him into a car and took him to a lodge in the woods. Koca stated that the police officers had put him into a hole and thrown soil on him and then he had been taken to Bursa Police HQ. Koca said that he had been tortured at the Police HQ, and added that he had been released 12 hours after having been detained. The case opened against the police officers for torturing Koca is continuing.

Ulusoy Dağdelen: Ulusoy Dağdelen, who was detained in the police raid against the Rainbow Cultural Center in İstanbul on 4 November, disclosed that he had been forced to work with the police as an informer. In the press statement he made at the HRA İstanbul Branch on 8 November, Dağdelen said that the police had detained 11 people, including himself, during the raid, that he had been subjected to psychological pressure, and forced to become an informer in detention.

i) Torture Trials

Following is the information regarding some of the trials which have been launched on charges of torture and ill-treatment and which continued or ended in 1998:

The case opened against 6 police officers in connection with the death of *Ali Rıza Ağdoğan* who was thrown down from the third floor of Beyoğlu Police HQ, İstanbul, on 13 February 1991 and lost his life in hospital four days later, ended at Beyoğlu Criminal Court No. 1 on 6 February. Police officers Feyzullah Ardiç, Ramazan Kılıç, Hüseyin Yılmaz and Mustafa Şahinoğlu were acquitted, whereas Seydi Yapıcı and Recep Uçar were each sentenced to 5 years and 6 months and 20 days in prison. The Supreme Court overturned the verdict in March 1999.

The case opened at Beyoğlu (İstanbul) Criminal Court No. 2 against 7 police officers for killing *Yücel Özen* under torture on 24 November 1991 after he was taken into custody on 9 November 1991 on

accusations of "theft," continued in 1998. on 8 July. Police officers Ahmet Güngör, Abdullah Süzer, Hasan Kirman, Yavuzhan Boran, Nafiz Aktaş, Ünal Canlı and Veysel Atasü are prosecuted in the trial.

The Supreme Court overturned the sentence given to a superintendent, İrfan Demirel, and a police officer, Mustafa Yılmaz, who were each fined TL 750,000 (approximately 3 US dollars) on 30 October 1996 because they tortured a 12-year-old boy named *H. İ. O.* when he was detained on 27 November 1995 in İzmir on accusations of "stealing money." The Supreme Court decided that the police officers should have been put on trial for the crime of torture. Upon the decision of the Supreme Court, the police officers were put on trial at İzmir Criminal Court No. 2. In the hearing held on 26 February, the court decided unanimously to agree with the decision of the Supreme Court, sentenced the accused police officers to one year in prison, commuted this prison term to 10 months and suspended it.

Another case opened against İrfan Demirel ended in acquittal at Bornova Penal Court of First Instance No. 2, İzmir, on 2 March on the grounds of "insufficient evidence." In this trial he was accused of torturing *Mehmet Sargın* and *Hüseyin Sargın* by raiding their house on allegations of "theft," and of beating the persons in the house as well as torturing Hüseyin Sargın in the police station.

The case opened against 10 police officers for torturing 14 youths, including high school students, who were detained in Manisa in late 1995, continued at the Manisa Criminal Court on 21 January. In the hearing, one of the torture victims, Mahir Gökteş identified the police officers who tortured him by their photographs. In the trial, a prison term of 5 years for torturing each of the 14 people was sought for each of the accused police officers under Article 243 TPC. That comes up to a total of 70 years in prison for each defendant. The names of the police officers on trial are as follows: Chief superintendent Halil Emir, superintendent Atilla Gürbüz, police officers Levent Özvez, Turgut Demirel, Engin Erdoğan, Fevzi Aydoğ, Musa Gencer, Mehmet Tan, Turgut Özcan and Ramazan Kolak.

In the hearing on 23 February, the accused police officers were heard by the court board for the first time. Prosecutor Necmettin Karahacıoğlu stated his opinion as to the accusations. He requested the court to sentence 8 of the police officers to prison terms between 3 months and 3 years for "ill-treatment." The prosecutor requested the court board to acquit Mehmet Tan but he forgot to state his opinion about another defendant, Musa Geçer. Prosecutor Karahacıoğlu claimed that the medical reports certifying the torture inflicted on the youths had not been taken from an official health center, and therefore they must not be considered valid. When talking about the illness of *Ayşe Mine Balkanlı*, *Sema Taşar* and *Fulya Apaydın*, who were diagnosed as having tuberculosis by a state hospital, the prosecutor said, "The grief of the offense they committed might lead them to this illness." He requested the court to give the prison term to accused police officer Ramazan Kolat for three times, to Fevzi Aydoğ, Turgut Demirel and Halil Emir for two times and to Engin Erdoğan, Atilla Gürbüz, Levent Özvez and Turgut Özcan for one time because they committed crime prohibited by Article 245 TPC, which is related to torture and ill-treatment.

Chief superintendent Halil Emir, superintendent Atilla Gürbüz, police officers Levent Özvez, Turgut Demirel, Engin Erdoğan, Fevzi Aydoğ, Musa Gencer, Mehmet Tan, Turgut Özcan and Ramazan Kolak were all acquitted in the hearing held on 11 March, despite Sabri Ergül, an MP from the CHP, witnessed and medical reports given by İzmir Medical Chamber certified the torture inflicted on the youths. Many spectators including foreign diplomats participated in the hearing. Presiding Judge Mehmet Yılmaz gave an adjournment, which took about 45 minutes, shortly after the session started. Then he declared the verdict after only the defendants and lawyers of both sides were called to the courtroom: "Since definitive and convincing evidence for the torture accusations could not be found, the suspects were acquitted." Then the accused police officers were quickly taken from the Court House by their friends in charge of protecting them, while intervening lawyer Pelin Erda (sister of *Emrah Sait Erda*, who was one of the youths tortured)

shouted at them "will you sleep easily tonight!" Sabri Ergül tried to calm the spectators who protested against the verdict by shouting slogans.

Sabri Ergül stated in his comment as to the verdict as follows: "This is not a verdict expected by someone having a human heart. The decisions of courts have to satisfy the public conscience. However, this has not been the case in Manisa. We trust judiciary despite the decision of this judge and this prosecutor. I believe the Supreme Court will decide what must be done." Lawyer Ercan Demir, the Chairman of the HRA İzmir Branch, said: "We want a fair trial. However, one cannot talk about fair and independent trials, considering what we have just witnessed."

Three police officers were each sentenced to 6 months in prison by Bergama Penal Court of First Instance for torturing *Metin Andaç* (see the chapter "Disappearances") in custody when he was detained in Narlıca village, Bergama, İzmir, in February 1997. The prison terms given to police officers Atilla Gürbüz, Engin Erdoğan and Sedat Akdağ were reprieved on the grounds that this was their first offense. However, the police officers who are in charge of the political branch at Manisa Police HQ were reported to have been authorized by Manisa Governor's Office to hold operations "outside the provincial borders of Manisa" under the Law on Provincial Administration despite the fact that they were on trial on charges of torture. Gürbüz and Erdoğan were also prosecuted at Manisa Criminal Court for torturing the youths who were detained in Manisa in late 1995. Meanwhile, it has been reported that the police officers who are on trial for torturing *Esat Uçkan* when he was detained in İzmir on 27 March 1997 were among the police officers on trial for torturing the mentioned youths.

The case opened against 2 police officers who were alleged to have raped an Ukrainian woman named *V. R.*, cheating her to get into a police car to "take her to the police station for passport control," started at Bakırköy Criminal Court No. 4, İstanbul, on 27 January. Prison terms up to 26 years were sought for the police officers Özen Kandaş and Sezgin Cenikli. In the hearing, *V.R.* identified the accused police officers.

Ankara Penal Court of First Instance No. 6 issued a decision of non-jurisdiction for deputy superintendent Ayhan Akgül and police officer Hidayet Doğan who were on trial for torturing *Kemal Koç*, a Danish citizen, when he was detained in Esenboğa Airport, Ankara, while entering Turkey in 1995. In the hearing on 11 February, Koç's lawyer Yusuf Alataş said to the court that Koç's testimony had been received under torture and that the case had to be heard at a criminal court. The court board agreed with him and decided to send the case files to the Heavy Penal Court, which did not issue a decision on the case file in 1998.

The case opened against Captain Musa Çitil, former Commander of Derik Gendarmerie Battalion, with the demand of up to 20 years in prison for raping *Şükran Aydın* when she was in detention in Derik, Mardin, on 29 June 1993, continued at Mardin Criminal Court No. 1 on 26 February. In the hearing, Çitil's written defense, which was sent to the court, was read. In his defense, Çitil claimed that "a repentant PKK militant, Harun Aça says that she had laid with PKK militants, and she became pregnant by them and had to abort the baby." Refusing Aydın's claim that he had raped her, Çitil claimed that they had not detained her husband Seydo Aydın and Ferrah Diba Aydın. Having failed to obtain any result from the courts in Turkey, Şükran Aydın had appealed to the European Court of Human Rights, which decided on 24 September 1997 that Aydın should be given a compensation of 25.000 Sterling and her lawyers to be paid 9.000 Sterling.

In the hearing on 20 April, Çitil's lawyer Fatih Mehmet Yoğurtçu claimed that the complaining party had appealed to the European Commission on Human Rights before exhausting the domestic remedies, and said that there was no concrete evidence. Aydın's lawyer Eren Keskin, the Deputy Chairwoman of the HRA, stated that the court was treating Şükran Aydın as if she were defendant: "There is crime of rape which was certified by the decision of the European Court of Human Rights. Turkey, as one of the parties that signed the European Convention on Human Rights, must comply with the decision of the relevant court. There is an

attempt to mislead the court with some other evidence." Osman Baydemir, another intervening lawyer, stated that the court decision not to arrest Musa Çitil, though he had not attended the hearings, harmed a "fair trial." The court decided to refer Aydın to the Forensic Institute and to hear a village guard, Musa Çelik, as a witness.

In the hearing on 18 June, the intervening lawyers requested the court to take the "Torture Report" of the Human Rights Commission in the Parliament into the case file and to arrest Musa Çitil because there is sufficient evidence to keep him under arrest. However, the court rejected the lawyers' request. The trial did not end in 1998.

The case opened against 8 police officers, Bülent Duramanoğlu, Bayram Kartal, Sedat Selim Ay, Yusuf Öz, Erdoğan Oğuz, Zülfikar Özdemir, Şaban Toz and Necip Tükenmez, for torturing 19 people, Bayram Namaz, the editor-in-chief of the journal Özgür Atılım, its reporters Sedat Şenoğul and Sultan Seçik (a board member of the Progressive Journalists Association [ÇGD] İstanbul Branch) and Arif Çelebi, Necati Abay (trade unionist), Zabit İltemur (journalist), Erdoğan Ber, Hasan Ozan, Mukaddes Çelik (writer) and Süleyman Yeter (trade unionist) and raping Atılım reporter Asiye Güzel Zeybek, continued at İstanbul Criminal Court No. 7 on 27 February. Only two police officers, Bülent Duramanoğlu and Bayram Kartal, attended the hearing. Mukaddes Çelik disclosed that she worked for Atılım, and said the following: "The police kept me sitting on a chair for 10 days in the political branch. They forced me to listen to radio and television at high volume. I was unceasingly insulted and sexually molested." Süleyman Yeter, who worked for Atılım, said to the court: "I was detained with Mukaddes Çelik. They also kept me sitting on a chair for 11 days while I was blindfolded. I was tortured a lot and for this reason I was not able to use my arms for 6 months." Yeter added that the two police officers in the hearing had tortured him.

The trial continued on 2 October. Asiye Güzel Zeybek, who was heard in the hearing, said that she had been suspended on a hanger, and that she had been raped by police officers by order of Bayram Kartal, whom she was able to identify when she heard his voice because she had been blindfolded in detention. Asiye Güzel Zeybek lost consciousness when she was reciting the torture inflicted on her. The trial was postponed to a further date.

The case opened against police officers Hayati Akça, Osman Menteşe, Rıza Temir, Fikri Vidinli, Kadri Tuncel, Ali Tosun and Remzi Ekçi with the demand of prison terms of no less than 5 years under Article 243 TPC for torturing Behzat Örs when he had been detained in Ankara in 1996, continued at Ankara Criminal Court No. 9 on 5 March. Yücel Volkan Mungan who was heard as a witness in the trial stated that he also had been tortured in detention and had seen Behzat Örs having great difficulty in walking. Mungan added that the physicians at the Forensic Institute had told him that "Behzat Örs had been severely harassed and that they could testify for him." The court board decided to hear the physicians named İhsan Avan and Kadir Özağ.

The trial continued on 16 July. In the hearing, Kadir Özağ, a physician at the Forensic Institute, stated that he had examined Behzat Örs, and detected incisions on his testicles. He said that after examining he had referred him to the urology unit to find out if his testicles were damaged. He stated that the police officers beside Örs had wanted him to furnish a report claiming that he was injured because he had fallen down but he had refused.

The case opened against police officer Mahir Güney for torturing 13-year-old A. S. in detention in 1994 continued Şişli Penal Court of First Instance No. 1, İstanbul, on 9 March. The court decided that Güney would testify at the Prosecutor's Office in Gümüşhane, where he is currently in charge. Güney had first been convicted by the court. However, the Supreme Court overturned the original verdict in June 1997.

The case opened against police officers Erdoğan İnal, Veysi Aslan, Hasan Çetinkaya, Nazif Yazar, M. Faruk Uzel, Zihni Derin and Mehmet Karamehmetoğlu for killing *Sinan Demirbaş*, a student at Uludağ University, under torture continued at Elazığ Criminal Court on 10 March. The defendant police officers did not attend the hearing, during which the second medical report about Demirbaş, issued by the Forensic Institute, was read out at the court. The report clearly states that "Demirbaş died of brain hemorrhage due to a blow on his head." In the hearing, the lawyer of the accused police officers and Chairman of the True Path Party (DYP) Elazığ Branch Orhan Pekel stated that he had no objection to the medical report and declared his withdrawal from the case: "I've decided to withdraw from the case in accordance with my beliefs and my own conscientious will." Defendant Bünyamin Gök stated that he did not have any objection to the medical report and that Demirbaş had been taken under interrogation four days before he died. Gök claimed that Demirbaş had attacked chief police officer Erdoğan İnal and related the incident as follows: "When I saw him attacking İnal, I hit him on the head with the two way radio. That blow might be the cause of his death. I admit my offense."

In the hearing on 18 May, defendant police officer Erdoğan İnal claimed that Sinan Demirbaş had killed himself by "hitting himself against walls and doors." Another defendant, Veysi Aslan, claimed that "Demirbaş attacked chief officer Erdoğan İnal. Had not Bünyamin Gök been present there, the chief might have died. Bünyamin Gök related this. Sinan Demirbaş was not normal. He was doing abnormal things. He himself created the atmosphere which led to his death."

The trial ended on 30 November. One of the defendant police officers, Bünyamin Gök, was sentenced to 14 years in prison under Articles 243/2 and 452/1 TPC. Other police officers on trial, Erdoğan İnal, Veysi Aslan, Hasan Çetinkaya, Nazif Yazar, M. Faruk Uzel, Zihni Derin and Mehmet Karamehmetoğlu were acquitted on the grounds that "there was no sufficient, clear and convincing evidence against them." Demirbaş had been detained in Elazığ on 14 July 1995 on allegations of "being a member of the Workers' and Peasants' Liberation Army of Turkey (TİKKO) and being an absentee from military service," and died in custody because of the torture inflicted on him. His dead body had been given to his family and they had been told that he had fallen from the stairs.

The case opened against police officer Nurettin Öztürk for torturing *Vakkas Dost* to death after he had been detained in Kumkapı, İstanbul, at night on 28 May 1993 on the grounds of "drinking alcohol in the street," ended at İstanbul Criminal Court No. 3 on 18 June. The court first sentenced the police officer to 8 years in prison under Article 452/2 TPC for "causing death by using excessive force." The court increased this prison term to 10 years and 8 months because he committed crime while he was on duty. However, the court decided to decrease the prison term to 6 years and 8 months on the grounds that he committed crime under "slight incite," as well as taking his "good conduct" into consideration.

An official complaint was lodged against Cemalettin Turan, the Chief of the Public Order Branch of Beyoğlu Police HQ, with the accusations of torturing Ö. Ö. in detention. Ö. Ö. had been detained with the accusations of theft in İstanbul on 20 July 1997, and he had been tortured throughout 3 days in detention in Beyoğlu Police HQ. Cemalettin Turan had previously been convicted with the accusations of torturing Yelda Özcan, a member of the HRA, in detention.⁶⁵

Ö. Ö. testified at İstanbul Juvenile Court on 8 May regarding the torture inflicted on him in detention. He said that he had been subjected to pressurized water and given electricity. He said that

⁶⁵ Cemalettin Turan had tortured HRA member Yelda Özcan when she had been detained on 4 July 1994, and damaged her eardrum. Upon the official complaint lodged by lawyer Cevriye Aydın, who is also the lawyer of Ö. Ö., Turan had been put on trial at Beyoğlu Penal Court of First Instance No. 1. In the trial that ended on 26 December 1996, Turan had been given 3 months' imprisonment and suspended from duty for 3 months. The Court commuted the imprisonment into TL 450.000 fine, which amounts to some one and a half US dollars. The Supreme Court upheld the verdict.

Cemalettin Turan had given electricity and inflicted the other torture methods, and added that he could not see the faces of the other police officers as he had been blindfolded, but these police officers could be the ones who were mentioned in the minutes. Ö. Ö. added that he had also been threatened in detention, and demanded from the court to punish the perpetrators.

Cevriye Aydın, the lawyer of Ö. Ö., stated that her client had been kept in the police station illegally as he was a minor, and she lodged an official complaint with Beyoğlu Public Prosecutor's Office against Cemalettin Turan and other police officers. In her petition, Lawyer Aydın accused the police officers of "inflicting torture in order to receive confessions," and "keeping a minor in detention." Lawyer added in her petition that Cemalettin Turan had previously been convicted twice for torturing the detainees and these convictions had been upheld by the Supreme Court, and stressed that "he had assumed the crime of torture as a habit." Lawyer Aydın requested an investigation regarding the torture inflicted on Ö. Ö. and the previous cases in which Turan had involved, and demanded that Cemalettin Turan and other perpetrators be convicted.

The case opened against 7 police officers with the accusations of torturing *Ahmet Özçil* when he was detained in Eskişehir on 26 December 1994 ended at Eskişehir Criminal Court on 23 March. The court sentenced two of the police officers, Hasan Aydın and Şahabettin Toğru, to 2 years and 2 months in prison. Police officers Abdullah Ateş, Mehmet Akif Sonel, İsmail Hakkı Doğan, Sedat Baş and Ali Hikmet Sakarya were acquitted in the trial.

Adana Public Chief Prosecutor launched a trial against 11 police officers who were arrested for killing *Mehmet Yavuz* (18) under torture in Adana Police HQ on 13 March. The indictment sought a prison term of 10 years and 6 months for superintendent Murat Günduş, deputy superintendent Uğur Özdoğanoglu, and police officers Veysi Boztepe, Caner Arman, Fethi Çevik, Halil Kılıç, Ahmet Mut, Bülent Karaca, Mehmet Sindan, Mesut Sülü and Vahap Şahin with the accusations of "causing death under torture" under Article 243/2 TPC.

In the first hearing held at Adana Criminal Court No. 3 on 28 April, the court board decided to release deputy superintendent Uğur Özdoğanoglu and police officers Caner Arman, Fethi Çevik, Halil Kılıç, Ahmet Mut, Bülent Karaca, Mehmet Sindan and Mesut Sülü.

The case opened against 11 policemen (3 of them on remand) continued on 28 May. Intervening lawyers submitted a second report by the Forensic Institute, which read that the bruises on Yavuz's body had been formed 24 hours before his death.

In the hearing on 23 June, the court decided to release defendant Veysi Boztepe. Yavuz's mother Sultan Yavuz testified as a witness at the court. Intervening lawyers requested the court to ask the Police HQ if there was any video tape including images of the interrogation of the accused police officers and to demand some reports about torture incidents in Turkey from the Human Rights Commission in the Parliament, the HRFT and the HRA.

In the hearing on 24 July, intervening lawyer Mustafa Çinkılıç submitted to the court the "Treatment and Rehabilitation Centers Report 1997" issued by the HRFT. In the hearing on 5 November, arrested defendant Vahap Şahin was also released. The trial at Adana Criminal Court No. 3 ended on 23 November. Ten of the 11 police officers on trial were acquitted because of "insufficient evidence." The only defendant on remand, Murat Günduş, was given 10 years of imprisonment with the accusation of "causing death by using excessive force," but the sentence was commuted to 1 year 8 months imprisonment on the grounds that "he had had to protect himself." He was released taking into consideration the period he served in prison.

The case opened against 6 police officers for torturing *Baki Erdoğan* to death in detention on 21 August 1993, 10 days after he was detained in Söke District of Aydın, ended at Aydın Criminal Court No. 1 on 21 April. Aydın Deputy Security Director İbrahim Türedi, Political Police Department Director Necmettin

Aydın Kaya and police officers named Abdurrahman Çetinkaya, Cahit Sandıkçı, Ali Kumral and Ayhan Erdal were each given a prison term of 5 years 6 months 20 days under Article 452 for "causing death by using excessive force." Before declaring the verdict, presiding Judge Turgut Yıldırım made a speech calming the police officers. However, just after the verdict was read out, "they are provoking us" shouted a police officer and some 60 plainclothes police officers in the courtroom, as well as the defendant police officers, began to attack journalists, spectators and lawyers. The court board did not pay attention to the words of the journalists and lawyers requesting them not to leave the courtroom without taking necessary measures for their own security. Nevertheless, the police officers forming a corridor from the courtroom to the exit of the Court House beat anyone running towards the exit. (See the section "Right to Defense" in the chapter "The Right to Fair Trial".)

The Prosecutor's Office started the legal proceeding against the police officers who attacked the journalists and lawyers during the hearing on 21 April. However, a decision of non-prosecution was issued. Aydın Provincial Administrative Board issued a decision of non-authorization for superintendents Hami Çimendağ and Sebahattin Budak and police officer Servet Mutlu because they were not in charge on that day, and a decision of non-prosecution for the police officers Birol Tetik, Yaşar Kırca, Olcay Ünal, Musa Kazım Atalay, Murat Alparlan, Abdullah Yeğin, Erdem Gülmüş, Ertan Sağlam, Murat Önder and Sadettin Kılıçaslan on allegations of "insufficient evidence."

The case opened against superintendent Abdurrahman Kadir Çelik and police officers Zahit Kabak and Haşim Düzel for torturing *Sait Oral Uyan*, *Nezahat Turan*, *Ayhan Aydın*, *Erol Gültekin* and *Kazım Gündoğan*⁶⁶ after they were detained with the accusation of "membership of the TİKKO" on 19 April 1996, continued at İstanbul Criminal Court No. 4 on 30 March. The prosecutor disclosed his opinion as to the accusations, and requested the court to acquit Zahit Kabak, and sentence Abdurrahman Kadir Çelik and Haşim Düzel under Article 245 of TPC which is related to "ill-treatment." At first the police officers were indicted for "torture," which refers to Article 243 TPC.

The case opened against police officers Sedat Semih Ay, Erol Erbaş, Şaban Toz and Yusuf Öz, in charge at the Political Police Department of the Police HQ, for torturing *Ali Haydar* in detention, in İstanbul, in December 1996, continued at İstanbul Criminal Court No. 5 on 30 March. The trial was not concluded until the end of 1998.

The case opened against 6 police officers, Adil Hoşgör, Ahmet Avcı, Göksel Çaputçu, Fatih Şimşek, Durmuş Ateş and Osman Yeltekin, for torturing *Hasan Baştaş* in detention in 1994 continued at Fatih Penal Court of First Instance No. 4, on 10 February. Hasan Baştaş stated in the hearing that he had found a wallet on the street and given it to its owner. He said someone else had claimed that the wallet was his and had called the police. He was detained upon this complaint and kept in detention for 2 days during when the police officers beat him for 8 hours and gave him electric shocks. Baştaş stated that the police officers had kept his family waiting in the next room while they had been torturing him and that a police officer named Ahmet Avcı had blindfolded him and given him electric shocks after receiving his testimony.

The case opened against police officers Erdoğan Abacıoğlu, Hakan İçöz, Adnan Koşan and Zati Kavak for torturing *Erdal Yıldız* and *Türkan Yavuz* when they were detained in İstanbul on 17 May 1997 continued at İstanbul Criminal Court No. 7 on 21 April. Yıldız and Yavuz identified the police officers, Erdoğan Abacıoğlu and Hakan İçöz who attended the hearing. Erdal Yıldız said, "They suspended me on a hanger. They submerged me into water while I was naked. They forced me to listen to the screams of Türkan Yavuz while they were torturing her. They showed her to me naked. Then they threatened me by saying

⁶⁶ In the trial that ended on 7 July, Sait Oral Uyan was given life imprisonment, Kazım Gündoğan and Nezahat Turan were each sentenced to 12 years 6 months in prison, whereas Erol Gültekin was sentenced to 3 years 4 months in prison. Ayhan Aydın and Veli Aydın were acquitted.

'We'll take your wife and 2-year-old child here and do the same thing to them!.' Yavuz, who identified Hakan İçöz and Zati Kavak in a previous hearing, also identified Erdoğan Abacıoğlu in this hearing. The trial did not end in 1998.

The case opened against Deniz Gökçetin, former Deputy Security Director of İstanbul, Sedat Demir, former Security Director of the Public Order Branch, Turan Yılmaz, the Security Director of the Anti-fraud Desk, and Osman Çakmak, a police officer in charge at the Murder Desk, for ill-treating *Kadir Doğan* and *Hüseyin Çoban* while they were in detention in İstanbul continued at İstanbul Penal Court of First Instance No. 2 on 22 April. In the hearing, Deniz Gökçetin and Sedat Demir rejected the accusations. Kadir Doğan said that he had been subjected to psychological pressures. The trial is continuing.

The case opened against police officers Ejder Terlikçi, Ekrem Aslıpek, Nihat Özturan, Muhittin Uymaz and Serdar Aytekin for beating *Kubilay Kızılkaya* in Şakirpaşa, Adana, on 8 September 1995, started at Adana Penal Court of First Instance No. 6 on 1 May. Prison terms between 3 months and 3 years were sought for the accused police officer under Article 245 TPC for "ill-treatment." In the hearing on 22 June, the trial was postponed to receive the testimony of one of the defendant police officers, Nihat Özturan, in Çorum on proxy. Of the police officers, Ejder Terlikçi and Muhittin Uymaz were formerly put on trial for extra-judicial execution during a house raid in Küçükdikili, Adana on 8 August 1996 (five persons including a 3-year-old child and a baby of one and a half years old were killed). The two police officers were acquitted at the end of the trial.

The case opened against superintendent Ahmet Şengül, the former Chief of Gazi Police Station, and police officers Abdullah Çavuşoğlu, Halit Ak, Mevlüt Salgar, Ahmet Aşçiel, Ayhan Köşger and İsmail Usman for killing *Bayram Duran* in Gazi Police Station in Gaziosmanpaşa, İstanbul, on 16 October 1994, continued at Denizli Criminal Court on 6 May. Defendant police officers did not attend the hearing, during which the court board decided to issue an arrest warrant in absentia against Ahmet Aşçiel because he did not testify in court. Prison terms up to 6 years are sought for the police officers under Article 452 (2) TPC for "causing death by using excessive force." The arrest warrant in absentia issued for Ahmet Taşçı was later revoked without informing the intervening lawyers about the decision.

On 24 October, a trial was launched against police officers Tamer Kumru, Turan Sönmez, Halil İbrahim Özmerdivenli and Şevket Asar for beating to death *İsmail Saydam* inside a police vehicle on 19 September in Beşyol Quarter of Bursa, on the demand of imprisonment terms under Article 452 TPC for "causing one's death with an act beyond intention." In the hearing on 10 December, the defendant police officers rejected the accusations. However, eyewitnesses stated that Taner Kumru had beaten İsmail Saydam with a truncheon and he had punched him, and that they had taken him inside the police minibus and the beating had continued there.

The autopsy performed on Saydam revealed that the reason of the death was a heart attack. The report prepared by İstanbul Forensic Institute on 12 March 1999 read, "There is a relation with the incident and death, as stress because of the incident and the efforts of the victim had activated a cardiac problem, when taking into consideration that the condition of the person, who was lively before the incident deteriorated and he died in a short time after the incident."

The case opened against 5 police officers for torturing *Gülderen Baran* continued at İstanbul Criminal Court No. 6 on 7 May. Being heard by the court as an eyewitness, Ayfer Ercan said that she did not know Gülderen Baran but they had been kept in detention during the same period. She stated that she had been able to see her in the interrogation room, looking at her under the blindfold: "Of the police officers, Mustafa Taner Paylaşan and Mustafa Sara were talking to each other. One of them said to the other, 'This girl's arms are injured. What can we do? We cannot get information out of her!' I heard the other responded

to him saying 'Nothing can harm that pig.' There were no suspects in the interrogation room other than the two of us. I concluded that the tortured girl was Gülderen Baran." The trial is continuing.

Police officer Suat Tunç, who killed a boy named *Çetin Karakoyun* when he had been detained on accusations of "theft" in Mersin on 8 January 1996, at Mağazalar Police Station, was fined TL 7,430,000 (about 30 US dollars). In the hearing of the trial at Mersin Criminal Court on 8 May, Suat Tunç was first sentenced to 2 years in prison and fined TL 130,000. Afterwards the prison sentence was commuted to a fine which amounted to TL 7,430,000. It had been stated that Suat Tunç had shot dead *Çetin Karakoyun* accidentally while he was testifying. The trial had been launched on the claim of "killing because of negligence and carelessness" under Article 455 TPC. A prison term from 2 to 5 years and a fine up to TL 150,000 had been sought for Tunç. The trial had started at Mersin Penal Court of First Instance No. 2 in March 1996 and Tunç had been released. When the court decided non-authorization, the case was referred to the Criminal Court.

A trial was launched against 15 police officers upon an official complaint lodged by the members of the Human Rights Commission in the Parliament with the accusations that they had tortured *Suphi Dildaş*. It was found out during the examination of the members of the Commission in Urfa Prison that *Suphi Dildaş* had been tortured in detention. *Dildaş* was examined by a doctor from the Commission. Upon the official complaint lodged by the members of the Commission, Urfa Public Prosecutor's Office launched a trial against police officers Enver Tolu, Haydar Deniz, Ziya Özgür, Ali Ceylan, Cihat Yılmaz, Hüseyin Yalçın, Yusuf Ziya Toplu, Mehmet Nur Şenay, İsmail Çiçek, Zekeriya Demir, İbrahim Akkuş, Kemal Bal, İsmail Yıldız, Necati Ertürk and Şükrü Kaya, and a watchman, Mehmet Şeker. The indictment accused the defendants of "blindfolding *Dildaş*, giving him electric shocks and stripping him naked," when he was taken to Urfa Police HQ from the Court House where he given himself up to the prosecutors when he learnt that he had been wanted by the police. The indictment also read that *Dildaş* had been injured in a way that he was unable to work for 7 days, and requested imprisonment terms for the police officers under Article 243 TPC. The trial against the 15 police officers started on 18 June. The defendants rejected the charges, and claimed that *Suphi Dildaş* was lying.

The case opened against 5 police officers in charge at the Political Branch at İstanbul Police HQ for torturing *21 people* after they were detained in March 1996 on accusations of being "members of the Turkish Communist Labor Party-Leninist (TKEP-L)," continued at İstanbul Criminal Court No. 6 on 21 May. Lawyer Gülizar Tuncer requested the court to lodge an official complaint with Fatih Public Prosecutor's Office against police officers for torturing Özgür Öktem, İsmail Altun and Ebru Karahancı. Lawyer Tuncer stated that she had formerly lodged an official complaint but it was not accepted by the Prosecutor's Office, which decided non-prosecution. The presiding judge accepted her request. The trial was postponed in order to receive the testimony of one of the defendant police officers, Mustafa Sarı. In the trial, prison terms up to 5 years are sought for the police officers Mustafa Taner Paylaşan, Ahmet Bereket, Fatih Berkup, Mehmet Atilla Çavdar and Yakup Doğan under Article 243 TPC.

On 6 June, Küçükçekmece Public Prosecutor launched a trial against police officers İhsan Özdemir, Hasan Güner and Turgut Tüder for torturing two children, *Y. E.* (13) and *Ö. Y.* (12). The children had been detained on the grounds of "theft" in Yenidoğan neighborhood of Küçükçekmece, İstanbul on 3 March 1997, and tortured at Küçükçekmece Police HQ. The indictment requested punishment of the 3 police officers under Article 245 TPC. The children had been beaten up, forced to lie on human excrement, subjected to pressurized water and sexual harassment in detention. *Ö. Y.*'s mother had disclosed that the police had distorted his son's ID by changing the date of birth as 1981 although he was born in 1985. The indictment did not request any punishment for this issue as an offence.

6.3 HUMAN RIGHTS IN PRISONS

Human rights violations in prisons continued in 1998. Both political and ordinary prisoners were systematically subjected to inhuman methods of punishment. Rebellions arising due to awful conditions of living were suppressed.

According to the data provided by the Ministry of Justice, there were 62.386 prisoners serving in 564 prisons at the end of 1998. Of these prisoners, 37.445 (36.265 men and 1.180 women) were convicts, whereas 24.939 (23.872 men and 1.067 women) were on remand. Of these prisoners, about 10 thousand were in prison for political charges.

According to the figures listed in the 1998 budget of the Ministry of Justice, 300 physicians and 192 health officers were working in the prisons. However, the distribution of the health personnel was inadequate. As reported by the Turkish Medical Association (TTB), no health personnel were working in 17 prisons.

According to the figures given in the 1999 budget of the Ministry of Finance, the total amount of money allocated for the Ministry of Justice for 1998 was TL 147 trillion. Of this amount, TL 41.4 trillion (32.38%) was spent on prisons, including personnel expenses, which amounted to TL 28.4 trillion. In 1998, the daily allowance for each prisoner for meals was TL 165.000. Because of this highly insufficient amount, the quality of food was poor; yet the food brought by the relatives of the prisoners and convicts was not allowed in or was wrecked. In certain prisons, the prisoners were not provided with the opportunity to prepare their own meals.

According to the reports by the human rights defenders, the authorities and the prison officials deemed the living conditions in the prisons as an additional punishment process, in addition to limiting the personal liberties. This was a factor that aggravated the problems in the prisons.

The practice of implementing "special provisions of execution" for the crimes allegedly "committed against the sovereignty of the state," continued in 1998. Different to ordinary prisoners, the political prisoners were limited in the number of visits by the families and in social activities. The political prisoners were frequently tortured, and they were deprived of their rights. In 1998, the visitors of the convicted or remand prisoners were subjected to ill-treatment, the goods and the food they brought to the prison were wrecked. As in previous years, one of the methods of oppression of political prisoners was the ban on open visiting. While the ordinary prisoners were allowed to have open meeting on special days such as feasts and New Year's Day, prisoners convicted or remanded on political charges were deprived of such rights.

Although it is a legal requirement that the prisoners should be taken to the courts, the transfers were impeded by gendarmes. Torture and ill-treatment by the gendarmes during the transfers to the courts were frequently witnessed in 1998, too.

Prisoners who were referred to hospitals were not allowed to see the physician in privacy. Many prisoners were attacked by the officials during their transfers to and from the courts or hospitals. When they were first brought to prison after their interrogation in custody, the remand prisoners were forced to become "repentants," especially in the prisons in the State of Emergency Region, and they were interrogated once again by the prison administration or the gendarme. Those who accepted to become repentants and gave

testimonies against other people were frequently taken out from the prisons and forced to participate in special operations.

Hunger strikes affected the health of the prisoners and caused permanent illnesses. The prisoners who were physically or mentally crippled after the death strike of 1996 were not provided with necessary medical treatment in 1998. Physicians reported that some of the prisoners were even unable to recognize that they had been imprisoned, but these prisoners were not released in 1998. The HRFT made "Urgent Action Calls" regarding the health conditions of the prisoners, but these calls were ineffective, although the authorities responded to these calls. Some of these prisoners were released in 1999 and were given medical treatment. However, no real information could be obtained regarding the health conditions of many prisoners which was of concern to the HRFT.

Many prisoners ran away from open prisons in 1998. Corruption in the prisons and the provision of security by "members of the mafia" became usual especially in the prisons where members of the gangs were detained.

The media continued to increase the tension in the prisons by publishing stories on prisons and they carried out a campaign that contributed to the oppression in 1998 as in the previous years.

The ministers of Interior Affairs and Justice frequently made such statements as "the state could not dominate the prisons, the prisons turned into training camps of militants." This propaganda was regarded as attempts at creating a public support for oppressive practices and especially for establishing isolation cells in the prisons.

In 1998, it was observed that the people who were released from the prisons were also subjected to pressures. The houses of those released from the prisons were raided and they were forced to go to the police stations and to sign papers; when these people were not found, their families were oppressed.

In 1998, one of the main implementations that contributed to the tension in the prisons where political prisoners are kept was the construction of "F-type" prisons," which have been regarded as the most dreadful implementation of the isolation policy. Prisoners complained about the awful conditions of the prisons, especially the overcrowded wings and they protested the construction of these prisons, as they regarded them a threat against life security. Human rights defenders also expressed their anxiety in this respect. They also emphasized the psychological problems that the prisoners may develop.

Members of the Human Rights Commission in the Parliament made an inspection in the prisons in Diyarbakır, Batman, Mardin and Urfa in April. After the inspection, the members of the delegation, which consisted of Sema Pişkinsüt, an MP from the Democratic Left Party (DSP), Haşim Haşimi, an MP from the Virtue Party (FP), Ferit Bora, an MP from the Democratic Turkey Party (DTP) and Prof. Dr. İoanna Kuçuradi, the Director of the Hacettepe University Human Rights Center, held a press conference in Diyarbakır on 2 April. The members of the delegation stated that torture was widespread in the prisons, and that they had seen signs of torture on the bodies of the prisoners. They said that the prisoners had been stripped naked and searched on their arrival in the prison. Haşim Haşimi stressed that nobody had told them in the prisons that they had not been tortured, and that here were people who had been on remand for 5 years although they did not know the nature of the crime.

A prisoner named Sefer Saydın was reportedly put in a cell in Urfa Central Closed Prison for giving information to the Human Rights Commission in the Parliament during the inspection at the prison. Sefer Saydın suffers from cancer of the stomach and was reportedly referred to hospital by the Ministry of Justice General Directorate of Prisons. The report prepared by the delegation was not published by the end of 1998. Haşim Haşimi disclosed that the publication of the report had been hindered by the government on the grounds that "it might devastate respect for the state."

a) Deaths in Prisons

In 1998, at least **28** people died in prisons or after release, because of lack of life security, lacking necessary medical treatment or during protest acts. The HRFT determined that 9 of the deaths took place because of lack of or delaying medical treatment.

Deaths Because of Torture and Health Problems

01) Serpil Yılmaz, Sakarya-05.01.98

Serpil Yılmaz (25), who was on remand in Sakarya Prison, died at Şişli Etfal Hospital Brain Surgery Emergency Unit early in the morning on 5 January. Yılmaz was taken to hospital on 29 December as she suffered a brain hemorrhage due to intense torture inflicted on her in Sakarya Prison. In hospital she was diagnosed as having aneurysm in the cerebral veins. Yılmaz had been detained on 29 August 1996 when she was about to stay hospital for a medical treatment and was given a life-sentence by İstanbul SSC on accusations of "being a member of the PKK."

02) Crehesi Cyracuz, Bayrampaşa-14.02.98

A prisoner named Crehesi Cyracuz, a Nigerian citizen, died at Bayrampaşa Prison, İstanbul, on 14 February. Cyracuz had been arrested five months before on the claim of being involved in drug-traffic and he was reportedly under medical treatment in the infirmary of the prison for asthma. The revolt attempt of the prisoners who held the prison administration responsible for the death of Cyracuz was suppressed. Meanwhile, a prisoner named Osman Çavuşoğlu was injured.

03) Durmuş Kılınc, Karaman Ermenek-26.04.98

Durmuş Kılınc, a prisoner at Ermenek Special Type Prison, Konya, died on 26 April. The prisoners at Ermenek Special Type Prison made a statement disclosing that Durmuş Kılınc's health had deteriorated on 26 April and he had been taken to hospital as there was no physician in charge at the prison. But he had been brought back without any medical treatment and died on the same day.

04) Hakan Altinkaya, Adana Karaisalı-18.06.98

Hakan Altinkaya (26), a political prisoner in Karaisalı Prison, Adana, died on 18 June. It was claimed that Altinkaya had a heart attack in the morning while playing sports. However, his father Abdülhekim Altinkaya stated that he had seen bruises and traces of blows on his son's body and he didn't believe the claim that his death was a result of a heart attack. It was reported that Hakan Altinkaya had been remanded in 1997 with the accusations of "aiding the DHKP-C and sheltering its members," and that he had been kept in a cell for 10 months in Konya Prison.

05) Halit Yıldırım, Burdur-21.06.98

A remand prisoner named Halit Yıldırım died in Burdur Prison on 21 June. Yıldırım, who was under arrest for a public offense was reportedly put in a cell on the claim of "disobedience," and allegedly committed suicide. The officials of the prison asserted that Yıldırım had hanged himself in the cell.

06) Halil Gice, Adana Kürkcüler-25.06.98

An ordinary prisoner named Halil Gice died in Adana Kürkcüler Prison on 25 June because of gastric hemorrhage. His relatives asserted that they had not been able to see him for two months and he had not been given medical treatment though the prison administration knew he was sick.

07) Abdi Aktaş, Ceyhan-18.09.98

Abdi Aktaş, an ordinary prisoner in Ceyhan Special Type Prison, died due to a heart attack on the night of 18 September. The political prisoners in the prison disclosed that Aktaş had not been provided with the necessary medical treatment although he suffered from cardiac problems, and he had been kept in a cell.

08) Mirza Çubukçu, Batman-27.11.98

Mirza Çubukçu, a remand prisoner in Batman E Type Prison, died of a heart attack on 27 November. Çubukçu, who had been on hunger strike as of 15 November, had been referred to Dicle University Medical Faculty for medical treatment, and he had been sent back to Batman without receiving the necessary medical treatment during the 2-month period he had been kept in Diyarbakır Prison.

09) İsmet Direk, Edirne-21.12.98

İsmet Direk, a prisoner in Edirne İpsala Prison, died on the way to the hospital on 21 December. The cause of death of Direk was not revealed.

Deaths in Protest Acts

10) Fikri Baygeldi, Çanakkale-26.03.98

Fikri Baygeldi (24), who set himself on fire using cologne in Çanakkale E Type Prison on 25 March, died at the hospital of Uludağ University, Bursa, on 26 March. It was reported that Baygeldi had been sentenced to 12 years and 6 months on the accusation of "being a member of the PKK" and the prison term had been upheld by the Supreme Court.

11) Sema Yüce, Çanakkale-17.06.98

Sema Yüce, who set herself on fire by using cologne in Çanakkale Prison on the night of 21 March in protest to "the pressure on the Kurdish people," died at Cerrahpaşa Medical Faculty Hospital on 17 June. After burning herself, Yüce had first been taken to Çanakkale State Hospital and then to the Emergency Service of the Cerrahpaşa Hospital. Yüce had been caught by security forces after a clash in Ağrı in December 1992 and given a prison term of 22 years and 6 months.

12) Halit Oral, Maraş-08.10.98

Halit Oral, a prisoner in Maraş E Type Prison who had been sentenced to 12 years 6 months' imprisonment in a PKK case, set himself on fire after wrapping blankets around his body and pouring on cologne water on the night of 8 October in order to protest against the pressure in the prison. Halit Oral died in hospital.

13) Mehmet Gül, Amasya-19.10.98

Mehmet Gül (25), a prisoner in Amasya Prison, set himself on fire on 19 October, and died in Ankara Numune Hospital on 29 October.

14) Ali Aydın, Bartın-20.10.98

Ali Aydın (24), a prisoner in the Bartın Prison, set himself alight using cologne on the night of 20 October. Ali Aydın died on the way to the hospital.

15) Bülent Bayram, Adıyaman-21.10.98

Bülent Bayram (25), a prisoner in Adıyaman E Type Prison, died after he set himself on fire on the night of 21 October. It was reported that Bayram had first been taken to Adıyaman State Hospital after setting fire to himself, then he had been sent to Antep State Hospital, and then he had been taken back to Adana, to Balcalı Hospital. Bayram was reportedly sent from Balcalı Hospital to Adana State Hospital again on the grounds that there were no beds available for him. It was asserted that he died because of late intervention.

16) Selamet Menteş, Mardin Midyat-22.10.98

17) Aynur Artan, Mardin Midyat-23.10.98

Aynur Artan and Selamet Menteş, prisoners in Midyat Prison who were convicted in PKK trials, set themselves on fire on 22 and 23 October in protest to the assassin attempt against the PKK leader Abdullah Öcalan. Artan and Menteş, who set themselves on fire by wrapping blankets around their bodies and using cologne died on the way to the hospital.

18) Mirza Sevimli, Erzurum 27.10.98

Mirza Sevimli, Kenan Karahasanoğlu and Hüsni Çobanoğlu, prisoners in Erzurum E Type Prison, set themselves on fire on 27 October in order to protest the assassin attempt against the PKK leader Abdullah Öcalan. Mirza Sevimli died. Kenan Karahasanoğlu and Hüsni Çobanoğlu were badly injured.

19) Mehmet Aydın, Çanakkale-14.11.98

Mehmet Aydın, a remand prisoner in Çanakkale E Type Prison, set himself on fire on 14 November in protest to the arrest of the PKK leader Abdullah Öcalan in Italy. Mehmet Aydın died in hospital.

20) Kadri İlhan, Siirt-17.11.98

Kadri İlhan, a prisoner in Siirt E Type Prison who set himself on fire in order to show support for Abdullah Öcalan when he was in Italy seeking political asylum, died on 23 November.

Other Deaths

21) Mehmet İşcan, Bayrampaşa-31.03.98

Mehmet İşcan, a prisoner in Bayrampaşa Prison, was shot dead by another prisoner, Fatih Bayata, on 31 March. İşcan was reportedly an associate of Nurullah Tevfik Ağansoy, a mafia boss who was killed in İstanbul, on 28 August 1996. Disguised as a lawyer, Bayata tried to kill Ağansoy during a hearing and was caught by the police.

22) Ecevit Yıldız, Ankara-29.04.98

A prisoner, Ecevit Yıldız, was stabbed to death in Ankara Central Closed Prison on 29 April. Yıldız was reportedly "a follower of Kasım Gençyılmaz, a notorious name in the underworld." A prisoner, A. A. (17), was reportedly interrogated for the murder.

23) Recep Selefoğlu, Bayrampaşa-07.07.98

Recep Selefoğlu, a prisoner in In Bayrampaşa Prison in İstanbul, was shot dead by another prisoner Cafer Güney on the night of 7 July. Selefoğlu was reportedly a former police officer and imprisoned for smuggling firearms and was killed because he was an informer.

24) Yıldırım Kezer, Isparta Atabey-08.08.98

An ordinary prisoner named Yıldırım Kezer was shot dead in the prison in Atabey, Isparta, by gendarmes on the night of 8 July. The officials alleged that Kezer was trying to escape though gendarmes fired into the air to warn him, and then they had to shoot him because he did not stop.

25) İlhan Kabak, Bayrampaşa-13.08.98

An ordinary prisoner named İlhan Kabak was shot dead by another ordinary prisoner, Metin Çekmez, in Bayrampaşa Prison in İstanbul on 13 July. It was reported that the reason for the attack was that Kabak had given information to the police when he was questioned in connection with a trial.

26) Ayhan Yılmaz, Bingöl-31.08.98

Ayhan Yılmaz, who was on trial on accusations of killing Hişar Ağaoğlu on 27 December 1997 while Ağaoğlu was carrying out organizational activities of the HADEP in Genç, Bingöl, was found dead in his cell in Bingöl Prison. Ayhan Yılmaz, who was kept under medical surveillance at Elazığ Hospital for Mental Diseases for 3 months in order to reveal whether he was to be immune from punishment, was brought to Bingöl B Type Prison on 29 August. He was found hanged in his cell at about 04.00 on 31 August. It was claimed that he hanged himself with a belt. Autopsy was performed at Malatya Forensic Institute.

27) Erhan Akkurt, Zonguldak Beycuma-14.09.98

A prisoner named Erhan Akkurt was killed in an incident that broke out in Beycuma Special Type Closed Prison in Zonguldak on 14 September. The reason for the incident remained obscure.

28) Mehmet Çakar, Bursa-19.09.98

A convicted prisoner in Bursa Special Type Prison, Mehmet Çakar, was stabled to death on the night of 19 September by his friends prosecuted in the same case, on the grounds that "he betrayed the organization". Mehmet Çakar had been prosecuted in a "Workers' and Peasants' Liberation Army of Turkey (TİKKO)" case and sentenced to 12 years 6 months in prison.

b) Health Problems in the Prisons

The policy of preventing the medical treatment of convicted and remand prisoners "who committed offences against the state" in particular, continued also in 1998 as systematic violation of the right to life. This practice which became more systematic and intensive after 12 September 1980 included the indefiniteness of the rights and authorities.

The authorities remained indifferent towards the health problems that stemmed from the awful conditions of the prisons and from the practices violating the human rights of prisoners, especially from attacks and torture. The necessary steps were not taken to alleviate these problems. Prisoners were also subjected to attacks and pressure during their transfers to the hospital. Empowered by the Constitution with the authority to grant pardon in cases of "chronic illness or senility" (Article 104), the President granted pardons for some convicted prisoners. Moreover, Article 399 of the TCPC provides reprieve of execution of the sentence in the case of mental illness or in case the execution risks the life of the convicted prisoner. As there is no regulation regarding the situation of the remand prisoners, the courts did not release the ill prisoners, even the ones who were unable to attend the hearings and the prosecution lasted for years. The prisoners were not referred to the health centers when urgent intervention was needed.

No precautions were taken in the prisons despite many reports that read that communicable diseases and unhealthy conditions prevailed in many prisons. The TTB applied for a medical survey in the prisons but this was rejected. The Human Rights Coordination Supreme Board, headed by Minister of Justice Hikmet

Sami Türk, convened on 19 December, and decided that regular medical checkups should be conducted in prisons, and treatment of ill prisoners should be carried out without delay. However, the Ministry of Justice did nothing to this effect in 1998.

Remzi Altun, a remand prisoner in Ceyhan Prison, reportedly lost his ability to speak because of the torture inflicted, and he was taken to the Psychiatry Service of Adana Mental Diseases Hospital. His lawyer Filiz Feyman Aksoy said that Altun had been subjected to intense torture methods in detention and intentionally deprived of medical treatment in the prison. She stated that in his hearing at Adana SSC on 24 February her client had given answers to the court by nodding just in the form of "yes-or-no" because he was not able to speak. "However," she said, "Altun is not deaf and dumb by birth, and the court did not take into consideration the fact that he is unable to speak as a result of torture inflicted on him."

As another example, it was reported that Mürşit Aslan, an inmate in Antep Special Type Prison who had been injured and captured in a clash and paralyzed due to the torture inflicted on him, had not been provided with the necessary treatment. His brother Mehdi Aslan stated that Mürşit Aslan had been transferred first from Diyarbakır Prison to Ceyhan Prison and then to Antep Special Type Prison, and added, "My brother was confined in prison without receiving any medical treatment, and his shinbone and hipbone region already decayed as he remained motionless. He can't even sit on a wheelchair anymore. He is not able to look after himself on his own anymore."

It was reported that a political prisoner, Hasan Ürün, in Aydın Prison, was not given the necessary medical treatment although he suffered from osteoporosis. Hasan Ürün, who was caught injured in a clash in Hakkari in October 1996 and sentenced to 12 years and 6 months' imprisonment, was sent to Aydın Prison after he served in the prisons in Hakkari, Van, Diyarbakır and Ordu. His brother Muhyettin Ürün said: "We applied to the Ministry of Justice and to Ordu Public Prosecutor's Office for him to be treated. He was taken to the state hospital in Ordu, but he was then transferred to Samsun since his situation was critical. Hasan rejected the medical treatment because of the attacks by the gendarmes each time on the way between Ordu and Samsun. But this illness has become fatal." He emphasized that Hasan Ürün had become 7 cm shorter due to the illness, and that he had psychological problems originating from the torture inflicted on him in detention.

The convicted and remand prisoners were also ill-treated when they refused to receive medical treatment because their handcuffs were not taken off during the medical examination and they wanted the gendarmes to leave the examination room. Many cases were reported, stating that the gendarmes did not take off the handcuffs during the medical examination, that they beat many persons when they wanted them to leave the examination room, and that they chained the prisoners to the beds in hospitals.

Veysel Kurt (16), a remand prisoner in Ankara Central Closed Prison, was reportedly sent back to the prison from Numune Hospital on 24 February by a medical technician, Hatice Mahmut, who also scolded him when he refused to be examined being handcuffed. In a statement made by the prisoners, it was said that Mahmut had furnished a report on which she had written "He was not provided with the prosthesis since he did not accept to be examined in handcuffs," while adding a note "Please, do not bring the patient to the hospital again!" It was reported that Veysel Kurt had been injured in one of his eyes in an armed clash in Bingöl in the winter of 1997.

Sultan Öner, a remand prisoner in Uşak E Type Prison, was reportedly beaten by gendarmes when she refused to be examined while being handcuffed at Uşak State Hospital where she was taken to on 7 August. There were reportedly injuries to her head, shoulders and arms because of the beating.

It was reported that Çetin Güneş, a prisoner in Araban (Antep) Prison who was suffering from a cardiac problem, was not sent to Ankara, although he had received a medical report from Antep Medical

Faculty reading that his treatment in Antep was impossible and he should be referred to a hospital in Ankara. Çetin Güneş had been sentenced to 1 year 4 months in prison by İstanbul SSC under 8 of the Anti-Terror Law on the claims of "disseminating separatist propaganda" in an article published in the journal Alternatif, and had been detained and put in Araban Prison on 5 July.

It was reported that Fatma Sido, a woman prisoner in Muş Prison, was not provided with the necessary medical treatment, although a platinum wire implanted in her leg should have been removed by operation. Fatma Sido was reportedly taken back to the prison without receiving medical treatment on 14 September. She was handcuffed and soldiers were present during the medical examination.

It was reported that Ahmet Polat (50), a prisoner in Ümraniye Prison, was not provided with the necessary medical treatment although he had been partially paralyzed as blood flow to the brain decreased due to coagulopathy. Ahmet Polat, who was referred to Haydarpaşa Numune Hospital, was given a medical report stating that he should be brought to the hospital every day. Despite this report, Polat was not taken to the hospital on the pretext that "security could not be maintained."

Mualla Gürbüz, a prisoner in Nevşehir Prison, was reportedly beaten and injured in the face when she objected to being handcuffed during medical examination in Nevşehir State Hospital and to the presence of soldiers in the examination room.

The TTB applied to the Ministries of Justice, Health and Interior Affairs on 12 July, demanding that the handcuffs of the prisoners be taken off during medical examination. In the statement she made, Dr. Füsün Sayek, the Chairwoman of the TTB Central Council, requested an end to the degrading treatment which also hindered medical treatment. Dr. Sayek said that there were important problems regarding the medical treatment of the prisoners in Turkey, and added that the physicians in charge at the hospitals where there were wards for the prisoners faced difficulties. Dr. Sayek reminded the fact that there were a limited number of hospitals which provide medical treatment for the prisoners, and in these hospitals the prisoners were handcuffed, and tied to the beds by their hands or legs on the pretext that they might run away, and that the prisoners were only allowed to use the toilet under the surveillance of the gendarmes. Dr. Sayek emphasized that the prisoners should not be handcuffed or chained to the bed during medical examination. She said, "It is impossible to accept the implementation of keeping the prisoners tied to the bed through medical treatment. This treatment is degrading, which is also hindering the medical treatment and which is against international standards."

Dr. Sayek drew attention to the fact that the Ministries of Interior Affairs, Justice and Health should cooperate in the revision or an improvement in the current implementation and added that the TTB had made an application to the ministry upon the complaints they had received. Dr. Sayek defined the problem as a chronic one, and said, "No improvement has been made despite all our applications. We cannot reach any result. There is no mechanism to control the implementation. Our complaints remain fruitless. It has been claimed that removing the handcuffs and not tying the prisoners on the beds are in favor of the prisoners. However, there are certain other measures that the state can take in this respect. The implementations abroad demonstrate that this is possible." Dr. Sayek recalled that the prisoners in Adana Prison demanded their transfer to other prisons following the quake that hit Adana. She said, "The prisoners were very anxious after the quake. They were transferred to another prison. The first thing demanded during the transfer was 480 pairs of handcuffs. Apart from the negative conditions arising from the quake, it was a pity that the prisoners were all transferred in handcuffs."

Then-Minister of Justice Oltan Sungurlu, in his reply to the parliamentary question by Ercan Karakaş, İstanbul Deputy for the CHP, who asked about the health problems of the convicted and remand prisoners, disclosed that 25.149 prisoners were receiving medical treatment as of 23 December 1997. Minister Sungurlu said that President Süleyman Demirel, utilizing the authority given by the Constitution,

had granted pardons for 35 convicted prisoners between 1 January 1996 and 31 December 1997, whereas the applications made by 85 prisoners had been rejected in line with the medical reports furnished by the Forensic Institute. Minister Sungurlu added that the proceedings regarding 42 convicted prisoners were continuing, and he asserted that "there was no healthy statistics which showed the number of the convicted prisoners whose health conditions deteriorated due to the hunger strikes in the past and who were listed among the prisoners who were unable to serve sentences in prisons due to health problems."

III Prisoners

In 1998, the HRFT carried out a survey about the prisoners who had participated in the hunger strike that continued for 69 days between May and July 1996 and ended in the deaths of 12 prisoners. As a result of this survey, urgent calls were made regarding the conditions of 8 of these convicts and remand prisoners. In addition, in line with the applications made with the HRFT, appeals were made with the demand of release of 2 convicted prisoners named Reşit Kayran and Leyla Büyükdag Bütüner, and their medical treatment in hospitals where urgent medical intervention was possible. Some of the appeals were replied in 1999, and convicted prisoners Cafer Gürbüz, Çiğdem Kazan, Delil İldan, Ali Ekber Akkaya, Mehmet Ali Çelebi, İbrahim Doğan, Yıldız Uygun and Muharrem Gündüz were released.

01) Reşit Kayran

Reşit Kayran, a prisoner on remand in Ankara Central Closed Prison, was not released by the prosecution authorities despite the fact that he suffered from colon cancer. Kayran had two surgical operations after 1994 and a great part of his intestines was removed. He caught Hepatitis C because of the unsterile surgery and unsanitary conditions of the prison. Kayran's condition got worse because of the prison conditions. The necessary treatment of both diseases at the same time added a renal disorder and some other neuralgic implications to his sufferings.

The Central Council of the TTB, in a report dated 14 January 1997, had commented that Kayran had needed chemotherapy treatment, that this had been impossible under the prison conditions, that and that he should have immediately been taken under treatment in a hospital under Article 399 of Turkish Penal Code.

In the medical report, issued by Ankara Oncology Hospital on May 1997, it was said that Hepatitis C might lead to cirrhosis and the treatment for that illness required him to be discharged from prison. The medical report recommended that the execution of the prison term given to him should be suspended for a year. However, another report issued by Ankara Numune Hospital alleged that "he may stay in a prison having the proper means for health care."

Reşit Kayran appealed to President Süleyman Demirel and requested his release. However, he received no reply.

02) Ergün Bütüner

Ergün Bütüner participated in the hunger strike that lasted 69 days between May and July 1996. Like many prisoners who survived the hunger strike, Bütüner was diagnosed as having Wernicke-Korsakoff syndrome by the state hospital in Bayrampaşa in September-October 1996. He has not yet been released although the authorities know very well to hold him in prison means to put his life in danger.

After the symptoms of the disease had begun to increase, he was referred by the prosecutors to the Hospital for Mental Illnesses in Bakırköy, İstanbul, where he was to receive treatment for psychotic symptoms. Nevertheless, he has not recovered from Wernicke-Korsakoff syndrome. A medical report furnished for him by the Forensic Council of the hospital in Bakırköy on 16 March 1998 recommended the

judicial authorities that he was unable to recognize the purpose of the punishment given to him by law. The report also stated that the prison conditions might cause fatal complications in his already poor condition because he had brain damage caused by malnutrition, and from progressive amnesia as well as from physical sequels. The Forensic Council concluded its report with unanimous vote, "the execution of the prison term given to him should be suspended."

After this report Ergün Bütüner was referred by the prosecutors to the Forensic Institute because the psychoses as well as the symptoms of Wernicke-Korsakoff syndrome had increased within four months.

He was examined once more by the neurology service of İstanbul University Medical Faculty. The medical report furnished by the neurology service on 1 June states that Bütüner has serious conditions as a sequel to an improperly recovered form of secondary Wernicke-Korsakoff. Taking into consideration the period from the time he was first examined, the report emphasizes that his present condition is permanent. Bütüner had been sentenced to 15 years' imprisonment by the SSC in 1995 on the accusation of "membership to an illegal organization" (TPC 168/2).

03) Mehmet Ali Çelebi

It was impossible to reach Mehmet Ali Çelebi at İstanbul University Medical Faculty Emergency Clinic of Internal Medicine where he was taken to on 28 July 1996, after the hunger strikes ended. Çelebi was later referred to the Neurology Department on 1 August 1996, where he was diagnosed as suffering from Wernicke-Korsakoff syndrome. The Neurology Department reported findings caused by protein-energy malnutrition and vitamin deficiency but he recovered to a great extent through medical treatment. However, according to the report, Çelebi became unable to continue his daily life on his own because of the symptoms of Wernicke-Korsakoff as well as nystagmus, ataxia on trunk and extremities, an amnesic state and disinhibition. Çelebi was discharged from the hospital on 20 August 1996, although he was unable to survive alone, but under medical control once a month.

Within the first month after he was discharged from the hospital, symptoms of Wernicke-Korsakoff reportedly turned into a deep depression with psychotic symptoms and gradually into schizophreniform paranoid psychoses as of 1997. It was observed that during his medical control in December 1997 that his state of consciousness was not stable and that he, because of the megalomaniac delusion, was continuously frightened that he would be killed. The report emphasizes that there is no expectation for a recovery in his health, that he would not be able to continue living without the assistance of someone, and that he needed an urgent and permanent psychiatric observation and treatment. Mehmet Ali Çelebi, who was under arrest since 1993, was released in 1999.

04) Çiğdem Kazan

When the hunger strike ended, Çiğdem Kazan was examined at İstanbul University Medical Faculty Neurology Department on 11 September 1996. Later, she was followed up by a neurologist at Bayrampaşa State Hospital, where she was diagnosed as suffering from Wernicke-Korsakoff syndrome. A report furnished for Kazan on 17 December 1997 reads that Kazan was dependent on others to continue her daily life because of the symptoms of Wernicke-Korsakoff, as well as nystagmus, ataxia on trunk and extremities, an amnesic state and amnesia, and she was discharged pending treatment at Bayrampaşa State Hospital.

It was observed during her treatment at Bayrampaşa State Hospital that she began to suffer from dysarthria and difficulty in standing up due to lack of balance. According to the results of neuropsychological evaluation held at the end of the first year of her treatment, she suffered from a slight loss of memory, and she was unable to record and remember new experiences in her daily life. A medical report furnished by the hospital reads that the symptoms, which were observed during the 16-month period are permanent for her

lifetime. The report also emphasizes that no recovery is expected in her health, and that an intensive cognitive and physical therapy is necessary for her adaptation to life. Çiğdem Kazan was released in 1999.

05) Cafer Gürbüz

Cafer Gürbüz was taken to İstanbul University Medical Faculty Emergency Clinic when the hunger strikes ended. Later, he was referred to Neurology Department, where he was diagnosed as suffering from Wernicke-Korsakoff syndrome. The report furnished by that department reads that Gürbüz was unable to continue his daily life on his own because of the symptoms of Wernicke-Korsakoff, as well as oftalmoparesis, nystagmus, ataxia on trunk and extremities, amnesiac case and paranoid delusions. Gürbüz was discharged from hospital pending treatment at the Psychiatry Department of Bakırköy Mental Hospital. A medical report furnished by the hospital reads that the symptoms, which were observed during the 16-month period are permanent. Another report, furnished after the medical examination at İstanbul University Medical Faculty on 18 June 1998, reads that no recovery is expected in his health state and that an intensive cognitive and physical therapy is necessary for his adaptation to life.

Cafer Gürbüz was remanded on 9 January 1996 on charges of "being a member of the Revolutionary Communists' Union of Turkey" (TPC 168). He was released in 1999. He was put on trial on the demand of an imprisonment term of 12 years 6 months but he was unable to participate in the hearings of the trial launched against him as his mental health deteriorated.

06) Ali Ekber Akkaya

Ali Ekber Akkaya was taken to İstanbul University Medical Faculty Emergency Clinic on 28 July 1996, after the hunger strikes ended. Akkaya was later referred to Neurology Department on 1 August 1996, where he was diagnosed as suffering from Wernicke-Korsakoff syndrome. The report furnished by the Neurology Department reads that symptoms caused by protein-energy malnutrition had been ameliorated to a great extent through treatment. However, according to the report, Akkaya was unable to continue his daily life alone because of the symptoms of Wernicke-Korsakoff, as well as oftalmoparesis, nystagmus, ataxia on trunk and extremities, amnesic state and apathy.

Ali Ekber Akkaya was discharged from the hospital on 20 August 1996 and then he was medically controlled in prison once in each month. The symptoms of Wernicke-Korsakoff syndrome, which were first observed in January 1997, increased by April 1997. The report foresaw that the symptoms of the illness were permanent. The doctor in charge at Bayrampaşa Prison, who examined Akkaya on 10 December 1997, furnished a medical report stating that "he suffered from loss in his hearing, amnesia, apathy, and difficulty of standing on his feet," and that "he, as having these symptoms, would not be able to continue daily life alone but needed the assistance of another person."

Ali Ekber Akkaya was referred to the Forensic Institute when the symptoms of his illness recurred more severe in nature. He was examined on 9 January 1998, and it was stated that "Akkaya suffered from Wernicke-Korsakoff syndrome." On 6 February 1998, the Forensic Institute furnished another medical report, stating that he did not have Wernicke-Korsakoff syndrome when he committed the offence ascribed to him, thus there was no reason for releasing him on the basis of this health problems. Ali Ekber Akkaya, who served about 6 years in prison, was released in 1999.

07) Leyla Büyükdağ Bütüner

The report furnished for Leyla Büyükdağ Bütüner after her medical examination at Haseki Hospital, İstanbul, on 6 April 1996, read that she was diagnosed as having "myopic retinal degeneration." On 13 February 1998, İstanbul University Cerrahpaşa Medical Faculty issued a medical report recommending that she had to be under medical observation constantly because she might lose her sight at any time. The

physicians said her that she would have a chance if she was operated immediately (in two or three hours) in the case that she lost her sight.

Her file was referred to the Forensic Institute on 6 July 1998, but she was not referred to the Institute for the medical examination.

She was urgently referred to Cerrahpaşa Medical Faculty on 21 July 1998 when her vision blurred, her eyes bled and she increasingly suffered from other effects of the illness such as nausea, dizziness and poor vision. The physicians stated after examining her that the retinal layer was stretched too much and her sight distance decreased relatively while her sight increasingly deteriorated. The medical examination also revealed that the sight ability of her left eye, through which she could see relatively better, was about 3%, after decreasing by 5%.

The application she made with the Forensic Institute for the demand of the suspension of her sentence, was rejected. The Institute asserted that her illness did not require the suspension of her sentence for the purposes of treatment on 17 September. The Committee that furnished this report was headed by Dr. Nur Birgen, who was suspended from duty for 6 months by the Honorary Board of the TTB for furnishing false medical reports for 7 people, who had been detained in detention, on 13 July 1995, during the period she had been in charge at Beyoğlu Forensic Institute. Besides, there was no eye specialist in the Committee.

Leyla Büyükdag Bütüner had been detained several times in İzmir between 1987-90. Physicians diagnosed "myopic retinal degeneration" in her eyes because of the torture inflicted on her in detention. She had been detained once more on 22 June 1993 when she had been about to leave abroad for treatment, and tortured again in police stations in Edirne and İstanbul. She was given 12 years 6 months' imprisonment on allegations of "being member of an illegal organization" (TPC 168).

In addition to the cases listed above, it was observed in 1998 that the people who survived after they set themselves on fire in prisons or outside in protest to the assassin attempt against PKK leader Abdullah Öcalan on 9 October and during the period Öcalan left Syria and went to Italy, were also not given the necessary medical treatment. In this period, 39 people set themselves on fire in the prisons. Nine of these people died, whereas most of the remaining ones were crippled because of the lack of necessary medical treatment.

For example, Murat Kaya (25), a prisoner in Bartın Prison who set fire to himself in October 1998, was sent back to Bartın Prison without receiving the necessary medical treatment. A statement made by the prisoners in Bartın Prison read that Kaya had been discharged from the hospital although he suffered from burns on both of his arms and on the head. The statement added that Kaya had been discharged by Dr. Abdullah Çıngı and this report had been approved by Dr. Murat Topaloğlu, the physician in charge at Ankara Ulucanlar Hospital. Upon this report, Kaya was sent back to Bartın Prison. The statement read, "It is certain that Kaya still needs medical treatment. Our friend had been harassed during the transfers, and he was chained by his hands and arms." After having been sent back to Bartın Prison, Murat Kaya, who was not given the necessary medical treatment throughout 3 months he was kept in Ankara Numune Hospital, lodged an official complaint in January, regarding the pressure he had gone through in the hospital. In his petition, Kaya stressed that "he had been subjected psychological pressure and even pressure at an extent of physical attack as well as lack of care." Kaya disclosed that not a single doctor or health officer had appeared throughout 10 days he had been kept at Numune Hospital, and that his wounds had been bandaged by another ill prisoner. He said, "As I was left alone for weeks, and as the dressings were not changed, the scars turned into pus. The pus later leaked in to my nose, which collated due to fire, in my ears, my mouth and my eye." Kaya added that a doctor in charge at the Fourth Surgical Clinic of Numune Hospital, Abdullah Çıngı, had sent him to Ankara Central Closed Prison, and from there he had been sent back to Bartın Special Type Prison. Şafak Yıldız, the lawyer of Kaya, said that Kaya had been referred from Bartın Prison to İstanbul

Haydarpaşa Numune Hospital on 18 February, but he had been referred to Bayrampaşa Prison Hospital on the grounds that "there were no rooms allocated for the prisoners in the hospital." And from this hospital, he had been sent back to Bartın on the grounds that "there no empty beds." Lawyer Yıldız added that the life of Murat Kaya was in danger, and that it was quite probable that he would go blind and his eyes would close because of contraction of skin. Lawyer Yıldız said, "My client, who has been left to death, should be given the necessary medical treatment and he should be released under Article 399 of the TCPC."

Cennet Güneş, who set herself on fire on the night of 23 October in Antep Special Type Prison in order to protest the assassin attempt against PKK leader Abdullah Öcalan, was reportedly tortured in Kürkçüler (Adana) Prison, where she was later transferred. Making a statement on 2 December, Lawyer Eren Keskin, the HRA İstanbul Branch Chairwoman, disclosed that they had received information indicating that Cennet Güneş had been stripped naked, kept waiting and beaten with a hosepipe, and that they went to Adana in order to investigate the case. Keskin said that Cennet Güneş had been operated at Adana Numune Hospital on 30 November, about one and a half month after she had set herself on fire. Keskin stated that Güneş had been kept in the wing allocated for prisoners at the hospital after the operation while she was supposed to receive treatment under hygienic conditions.

c) General conditions and pressures in the prisons

In prisons, the pressures, inhuman practices and awful conditions which arose as a consequence of the attitude by the Ministry of Justice, did not change also in 1998. Although it was known that the conditions in the prisons and the wings where the ordinary convicts and prisoners were kept were worse and that such convicts and prisoners were subjected to more intensive inhuman treatment, it was possible to collect more information about the political convicts and prisoners. Therefore, this section dominantly contains information about the conditions of the political convicts and prisoners.

As a major problem especially in the prisons where defendants prosecuted for membership to the PKK were kept, the prisoners were forced to become repentants. The prisoners kept in the prisons within the State of Emergency Region frequently came on the public agenda because of the complaints they raised or the protests they staged in connection with the implementations such as forcing the prisoners to become repentants or putting the political prisoners in the wings of the repentant militants or the ordinary prisoners who were incited against them. Forcing the prisoners to become repentants and attempts to collectively transfer the prisoners who did not accept to become repentants, led to long-lasting hunger strikes in 1998.

Midyat (Mardin) Prison

The prisoners in Midyat Special Type Prison staged a hunger strike on 2 January in protest to the bad conditions in the prison. The statement made by the prisoners read that communication between the wings was not allowed, visitors were threatened, the prisoners were stripped naked and beaten on arrival at the prison, the repentants threw stones especially at the wings of the women prisoners, and the ill prisoners were deprived of the necessary medical treatment. Ten of the prisoners on the hunger strike started to stage an indefinite and non-alternate hunger strike as of 7 February. Meanwhile, prisoners in Trabzon Prison started to stage a hunger strike in support of the prisoners in Midyat as of 12 February. It was reported that the health of Nebi Yavuz, Agit Yıldırım, Ömer Evsen, Herdem Kızılkaya, Gülazer Akın and Besiye Özer had deteriorated seriously. A delegation including Cemil Aydoğan, the Chairman the HRA Mardin Branch, Nezir Gülcan, the spokesman of the Democracy Platform, Ali Altınkaynak, the spokesman of the Confederation of the Public Labor Unions (KESK) Mardin Platform, and Aslan Başboğa, an board member of the HRA Mardin Branch, met İsmail Yalçın, Midyat Public Prosecutor, prison officials and prisoners on 3 March.

Aydođan, making a press statement afterwards, said that the prosecutor and prison officials were unwilling to accept the demands of the prisoners.

Meanwhile, the families of the prisoners started to stage a hunger strike in Diyarbakır office of the Labor's Party (EMEP). The office was raided by the police and special team members on the night of 9 March. The police took EMEP Chairman Őukrő Abay from his office to the party office, and forced him to open the door. The relatives of prisoners Besna Kızılkaya, Őaide Yıldırım, Keziban Őner, Hanım Karakuő and Zozan Ayaz, and Mehmet Budak, a member of the EMEP, were detained. Abay was released on 10 March.

On the other hand, the Ministry of Justice accepted the demand of the Solidarity Association with Relatives of Prisoners (THYD-DER) to visit Midyat Prison in order to end the hunger strike. The hunger strike ended on 14 March as a result of the negotiations between members of the delegation and the prison administration. In the statement they made after the negotiations, the members of the delegation disclosed that the prisoners were taken under medical control.

In Midyat Prison, Sait Karakuő started to stage a hunger strike on 31 July in protest to the pressures in the prison. His wife Hanım Karakuő stated that his health had deteriorated because he had not been given medical treatment. After having a talk with him in the prison, two lawyers, Bőlent Gőleç and Cemal Zőlfőkar, stated that 8 of the 12 wings in the prison had already been turned into cells, and that the prisoners as well as their relatives were under pressure. The lawyers said that in July the warders of the prison marched in the prison while provoking the prisoners with nationalist slogans and saying, "Shall we or the soldiers beat you?" Making a statement on 21 August, Karakuő said that the prison administration barred the prisoners from communicating with the outside and harassed their relatives. He stated that his health deteriorated and he suffered from aches in the back and chest, and from difficulties in sight, speaking, breathing and diarrhea, and he lost consciousness frequently.

Sait Karakuő reportedly had an internal bleeding and began to suffer from sight loss on the 44th day of the hunger strike. Eighty other prisoners staged an alternating hunger strike when the negotiations between the prison administration and Sait Karakuő deadlocked on the 55th day of the hunger strike (11 September). His lawyers and representatives of NGOs went to the prison on 16 September in order to find a solution to end the hunger strike, but talks ended in vain. The hunger strike ended in agreement on 24 September, on the 60th day. The hunger strike staged by other prisoners in support of Sait Karakuő also ended. All of the demands of the prisoners were accepted in the meeting held on 24 September between Midyat Prison administration and a delegation consisting of lawyers and representatives of NGOs.

Giresun Prison

Eighteen prisoners in Giresun E Type Prison started to stage a hunger strike on 7 January with the demand for improvement in the prison conditions. When the hunger strike was continuing, the prisoners disclosed that Ali Altan, Arif Altan, Hayrettin Atlıđ, Adnan Aslan, Seyfettin Aktaő, Hacı Kaplan and Murat Kargı had begun to vomit blood, suffered from exhaustion, urinating blood and memory loss. The prisoners also said that the bathrooms in the prison were transformed into cells, the soldiers had insulted the prisoners when they had broken into the wings on the pretext of search. They demanded that the prisoners should not be handcuffed during their transfers to hospital, that legal publications should be allowed in the prison, that their relatives should not be harassed during visits, and that the meals should be improved.

On 4 February, a delegation consisting of lawyer Medeni Ayhan, the Chairman of the Solidarity Association with Relatives of Prisoners (THYD-DER), and representatives of the Prison Watch Committee of İstanbul Bar, the Contemporary Lawyers' Association (ÇHD) Ankara Branch, Human Rights Department

of the KESK, Health Laborers' Union (SES) and the HRA Ankara Branch, applied to the Ministry of Justice in order to end the hunger strike, however, the ministry refused their application. Meanwhile, relatives of the prisoners started to stage a hunger strike in the HRA Ankara Branch in support of the hunger strike staged by the prisoners.

The hunger strike in Giresun Prison ended in an agreement on 25 February, on the 49th day. The representatives of some trade unions and NGOs had a talk with Turgay Yücel, the General Director of Prisons of the Ministry of Justice, and went to Giresun afterwards on 24 February. In the talks with the prison officials in Giresun on 25 February, the great majority of the demands of the prisoners were accepted by the prison administration. Prisoners named Ali Altan, Mehmet Güngörmüş, Resul Çağan, Sedat Çayır, Muhittin Altun, Hayrettin Atlıg, Adnan Aslan and Muhittin Özcan, whose health deteriorated, were examined by the physicians in the delegation.

Soldiers and prison warders attacked the prisoners in Giresun Prison on 16 September. Thirty-six prisoners were injured in the attack, one, Abdülsamet Yiğit, severely. The names of some of the injured prisoners are as follows: Hayrettin Adlıg, Nedim İpek, Murat Aslan, Murat Sözen, Muhittin Altun, Özcan Altun, Resul Çağan, Halil Dursun, Ahmet Doğan, Mustafa Sarıkaya, Sedat Çayır, Mehmet Ali Yılmaz, Murat Kargı, Ali Şanlı, Ahmet Zenger, Naif Özkılıç, Seyithan Akdeniz, Metin Altındağ, Mehmet Gencet, Mesut Seydaoğulları, Ali Çelik, Durak Karalı, Recep Nurengiz, Saim Koçlardan, Ahmet Zenyer, Aydın Kaynak, İhsan Topuz and Haluk Belin. Prisoners, who were injured in the attack, were not given the necessary medical treatment and the drugs brought by their relatives were not taken in the prison. Lawyer Ahmet Avşar, who went to Giresun Prison after the attack, disclosed his examinations in a report form. Lawyer Avşar stated that 25 of the prisoners had been severely injured. Lawyer Avşar added that a prisoner named Murat Arduş had attempted to commit suicide after the attack, on 17 September, by hitting his head on the walls, but other prisoners had stopped him.

Sivas Prison

Prison warders in Sivas E Type Prison attacked the women prisoners on 28 April, after a prisoner named Sabiha Sunar set herself on fire on 25 April. These prisoners started to stage a 3-day alternate hunger strike on 2 May. The problems that led the prisoners to stage a hunger strike were listed as follows: "Lack of water in the prison, consciously mixing the food brought by the families and making it uneatable, entering of the male warders inside the wings during searches, not providing the ill-prisoners with the necessary medical treatment, harassing and beating the prisoners during transfers to hospitals and courts, not allowing newspapers and journals inside the prison, not providing suitable circumstances during visits by lawyers, not transferring the prisoners to the most convenient prisons for themselves and for their families."

The hunger strike of 120 women prisoners was turned into an indefinite one starting from 27 May. The Ministry of Justice did not give permission to a delegation consisting of the representatives of some NGOs to make an investigation in the prison on 7 July. The lawyers in the delegation could not see their clients on 18 July, although it was the date for the visits, because of an instruction by the General Directorate of Prisons of the Ministry of Justice, which ordered that the members of the delegation should not be allowed in the prison. On 22 July, Figen Ekti, Aygül Kapçak and Hatice Ata, who became ill during the hunger strike, were reportedly assaulted by soldiers while they were being taken to the hospital. The members of the delegation, who went to Sivas on 23 July, were again denied entrance to the prison. The delegation had a meeting with the Directorate of the Prison, but they could not visit the prisoners. Lawyer Hatice Korkut's request to visit her clients was only accepted after long disputes. Hatice Korkut disclosed that medical condition of the prisoners was critical. Thanks to the initiatives of the members of the delegation, the hunger strike ended on 27 August, on the 118th day.

Elazığ Prison

Leşker Acar, a prisoner transferred from Diyarbakır E Type Prison to Elazığ Prison, was reportedly tortured on the way to Elazığ and in Elazığ. Acar, who was confined in a cell in Elazığ Prison, might reportedly lose his sense of hearing. Lawyer Kenan Sidar stated that he had met with Leşker Acar on 7 October, and made the following statement: "He had been beaten with clubs and chains. His clothes had been torn including even his underwear. They had constantly oppressed him to become an informer. He had been beaten at certain intervals. There are bruises inside and outside of both of his ears, and also bleeding and loss of hearing. His left eye is closed because of swelling, there are also swellings on the left side of his face. There are scabs on his hands and wounds on his ankles due to the beating. Various parts of his body are bruised. I observed that he was not able to walk properly." Meanwhile, it was claimed that some of the prison warders who tortured Leşker Acar were among those who are on trial for beating to death 10 prisoners in Diyarbakır E Type Prison on 24 September 1996. Leşker Acar was referred to State Hospital on 12 October, upon the instructions by Elazığ Public Prosecutor's Office, and received a medical report from the Forensic Service of the hospital, indicating that he had been tortured. The report read the following: "There are yellowish bruises below both eyes. There is loss of hearing in the right ear due to a blow. Left ear is bleeding. There are 5-cm scabs on both shanks. Echymosis was seen on both soles." Acar, who started to stage a hunger strike with the demand of his transfer to another prison, was transferred to Mardin Prison on 17 October.

Six of the ordinary prisoners in Elazığ E Type Prison started an indefinite/non-alternate hunger strike in order to protest the pressure in the prison. Prisoners named Kadri Tan, Mahsum Aydın, Özer Turhan, Mehmet Ataş, Mevlüt Fırat and Erkan İşleyen, who applied to the HRA Elazığ Branch on 30 September, stated that they had several attempts to commit suicide because of the pressure in the prison. Out of the prisoners, Mahsum Aydın stated that he had been confined in a cell for 70 days and he had been tortured, and said, "I had attempted to commit suicide twice as I could no longer bear the torture. Then I cut myself with a razor as I could not stand the torture. They put salt on the wounds, and they subjected me to falanga." Another prisoner, Özer Turhan, mentioned on the pressure of the prison administration, and he said that he had attempted to commit suicide three times. Kadri Tan also said that he had been kept in a cell for one month, that he had staged a hunger strike for 14 days, and that he had attempted to commit suicide as he could not bear the torture. Kadri Tan added that he had been tortured once again after his attempt to commit suicide by taking pills, and then he had cut himself with a razor. He said, "They put salt on the cuts." As for Mehmet Ata, he said, "I was kept in a cell by a group called A Team for 70 days. I attempted to commit suicide three times because of the torture inflicted on me. I cut myself with a razor as the pressure did not end. They said, 'It is no good, cut yourself in the aorta'." It was reported that the pressure on these prisoners ended when the newspapers printed the stories of these incidents.

Bakırköy Prison for Women and Juveniles

A group of children in Bakırköy Prison for Women and Juveniles, İstanbul, disclosed that they had been tortured by the prison officials with the information of Prison Director Özen Korkmaz. Four children (reported with the initials M. A., F. G., M. T. and S. Y.) who were on trial at Bakırköy Criminal Court No. 3 on the claim of "raping juvenile prisoners," showed the bruises and scars on their bodies to the court board. They said that the warders of the prison had threatened them not to disclose what they had gone through. However, the court board did not made an official complaint against the prison administration. Besides, in a press statement made by the children in the prison, it was said that the meals given to them were very bad, that the director and warders were calling them to come together in the refectory and insulting them because they made noise in the wings, and that they often subjected them to falanga. The children said that a nail of a friend of theirs had dropped off because of the falanga. It was said in the statement that the right-wing

prisoners were staying in a different wing with some privileges and the rich prisoners gave bribes to the warders.

After the torture inflicted in the prison was covered by the media, Berat Berberoğlu, a reporter for a TV program, Team A, broadcast on private TV channel, entered the prison with U. İ.'s mother Gülçin İpek, saying that he was a "relative of a prisoner." Berberoğlu related the incident in the prison as follows: "Gülçin İpek lost consciousness by my side. Seven or eight warders were beating a child with clubs."

Subsequently, the board members of the HRA İstanbul Branch lodged an official complaint with Bakırköy Public Prosecutor's Office against Prison Director Özen Korkmaz and Chief Warder İslam Özbek. The human rights advocates and Gülçin İpek made a press statement in front of the prison on 10 February and they said that Korkmaz and Özbek were abusing their duties, and torturing and ill-treating the children.

The Human Rights Commission in the Parliament made an inspection in Bakırköy Prison for Women and Juveniles after the torture inflicted on juvenile prisoners was covered by the media. Sabri Ergül, the spokesman of the commission and an MP from the Republican People's Party (CHP), stated that they had carried out an inspection in 31 wings (19 for juveniles, 12 for women), and said of the situation as "horrifying." According to Ergül, there is no physician nor a psychologist in the prison, and the prisoners are not taken to the court for months on the pretext that there is no vehicle. He said that a prisoner, who was brought from Elazığ, was forgotten in the prison though she should have been taken back to Elazığ. He made the following statement: "The male prisoners between 12 and 18 years of ages are confined together in the same wings, as a result, children are sexually abused. We saw deep wounds on their bodies, and traces of falanga on their feet. The physician working in the National Assembly too witnessed the torment in the prison. The prisoners said they were always beaten by warders, and that the newcomers to the prison were beaten up in the quarantine room for the first three days of their arrival. The heaters do not work. The prisoners have slept in cold rooms for a month."

On 4 March, a trial was launched against Prison Director Özen Korkmaz, Deputy Director Kemal Eryaman, and 14 warders for "torture and impropriety." The indictment prepared by Bakırköy Public Prosecutor's Office accused them of "taking bribes from prisoners by threatening them, favoring prisoners who give bribes and beating newcomers to the prison." In the trial, a prison term up to 7 years is sought for Özen Korkmaz, to 3 years for Kemal Eryaman and prison terms between 3 and 18 years are sought for the warders. The trial was not concluded by the end of 1998.

Buca Prison

The prisoners in Buca (İzmir) Prison held a ceremony in commemoration of the 26th anniversary of the murder of 10 leaders of the People's Liberation Party-Front of Turkey (THKP-C) by soldiers in Kızıldere Village, Niksar, Tokat, on 30 March 1972. However, the prison warders intervened in the ceremony. After a quarrel between the warders and the prisoners, the prison administration decided to transfer 10 prisoners, who were claimed to have led the prisoners, to some other prisons. Of the prisoners who were on trial on accusations of being members of the DHKP-C, Murat Karakuş and Murat Enginkan were transferred to Nevşehir, Yusuf Sarp, Enis Aras, Mesut Avcı and Barış Kaya to Amasya, Kenan Tarlı and Levent Göktaş to Yozgat, Ulaş Göktaş and Metin Köse to Burdur. The prisoners in the 4th wing erected barricades behind the doors in the morning on 31 March. It was claimed that the prisoners set to fire the wing. It was reported that some prisoners had been injured by soldiers intervening in the wings at about 09.00 after the prisoners in other wings started protests as well. Prisoners in the prisons in Ümraniye (İstanbul), Çanakkale, Sakarya, Çankırı, Bergama (İzmir), Bursa and Ankara, too, start action by preventing roll-calls and taking warders and prison officials as hostage and erecting barricades behind the doors of the wings. In Ankara Central Closed Prison, the prisoners prevented roll-call in the morning on 31 March, and took hostage Halis Orhan, deputy

director of the prison, and warders named Hamdi Açıkgöz, Mehmet Orhan and Bekir Etyemez. In Ümraniye Prison, the prisoners prevented roll call, and took hostage Nedim Doğan, the 2nd director of the prison and ten warders. In Çanakkale E Type Prison, the prisoners got out of the wings and had control of the passages while setting up barricades. In Bergama Prison, the prisoners took 12 warders hostage. In Çankırı E Type Prison, 7 warders and Hasan Eren, the 2nd director of the prison, were taken hostage by the prisoners. In Bursa Special Type Prison, 11 warders were taken hostage. It was reported that a chief warder, Selahattin Keskin, was released at midnight because he felt sick. In Sakarya E Type Prison 6 warders were taken hostage. Prison Prosecutor İsmail Alkan stated that the prisoners demanded nothing but only wanted to send fax messages to the media in order to show support to the prisoners in Buca.

The resistance of the prisoners ended in agreement at about 19.30 on 1 April. The prison officials taken hostage were released. İstanbul Public Chief Prosecutor Ferzan Çitici had talks, on behalf of the Ministry of Justice, with the representatives of the prisoners in Ümraniye Prison, İstanbul, and their lawyers. Then Çitici gave promise to transfer 3 of the 10 prisoners back to Bursa Prison, and the 7 to Aydın Prison. At first they were transferred to four different prisons. He stated that hereafter prisoners would be put in the prisons in the close vicinity of the regions where their families were living. Upon this statement the prisoners in other prisons were informed about the agreement and the disturbances ended. After having talks with the prisoners in Buca Prison, Lawyer Behiç Aşçı stated that the Ministry of Justice would launch an investigation against the administration of Buca Prison, and no disciplinary investigation would be launched against the prisoners.

Uşak Prison

Warders in Uşak Prison attacked about 40 women prisoners on 12 January. Lawyer Tuncer Fırat stated that the warders beat the prisoners with clubs and truncheons and squirted pressurized water on them. He said that Uşak Public Chief Prosecutor Metin Adaloğlu and Prison Prosecutor Hüseyin Avni Özcan had been in the prison during the incident. Lawyer Fırat said that he had been informed about the attack during his visit to his clients in the prison. The attack was carried out at about 10.30 on 12 January. Lawyer Fırat said, "The warders closed the door of the passage connecting the wing of the women prisoners with the bathroom, so they attempted to prevent them from using the bathroom. They also seized the desk and the blackboard in the wing during the search. They also attempted to seize the wardrobes and the food of the prisoners." The prisoners who were injured in the attack were reportedly not given the necessary medical treatment and they were denied of visits by their relatives. The relatives of the prisoners disclosed that the foods they brought to the prisoners were spoiled and not let in the prison. Upon the attack, Kemal Bilgiç, Çetin Bingölbali and Gül Kireçkaya, lawyers from İzmir Bar, carried out an investigation in Uşak Prison on 16 January. The lawyers disclosed that the warders had used iron clubs and bars during the attack, and all prisoners had been injured, 17 severely. They added that the prisoners were not given the necessary medical treatment.

According to the report prepared by the lawyers, the health condition of the prisoners named Gülşen Adet, Nişmiye Sunar, Hanım Çeşme, Türkan Çetin, Saliha Şimşek, Zeynep Yüksel and Semra Doğan, Yurdağül Işık, Ayten Yıldırım, Güler Korkufu, Sevgi Erdoğan, Nurşen Koşar, Dilek Dalgıç, Gülcan Öztürk, Necla Çomak, Asiye Güden and Ayça Taşkaya was serious.

Ankara Central Closed Prison

About 150 ordinary prisoners were transferred to other prisons on the night of 5 September. Subsequent to the transfers, the prisoners in the prison prevented the roll-call. Upon this, special team members and gendarmes raided the prison. During the raid, the wings of the ordinary prisoners were

searched. After the raid, about 15 prisoners were transferred to prisons in Eskişehir, Niğde, Aksaray, Beypazarı, Şereflikoçhisar and Antalya. Many of the prisoners were reportedly injured during the transfers. Later, tension arose in the prison when the political prisoners also prevented the roll-call. The political prisoners erected barricades inside the wings, and started to resist. HRA Ankara Branch Chairwoman Yıldız Temürtürkan, ÇHD Ankara Branch Chairman Hüseyin Yıldız and some lawyers as well as representatives of some NGOs applied to the Ministry of Justice in order to send mediators to end the tension in the prison but the Ministry rejected this demand. Meanwhile, the relatives of the prisoners who were waiting outside the prison were dispersed by the police in the midnight on 7 September. The resistance, which continued for 5 days, ended as a result of the negotiations between Minister of Justice Hasan Denizkurdu and HRA Secretary General Nazmi Gür, Deputy Secretary General Lütfü Demirkapı and HRA Ankara Branch Chairwoman Yıldız Temürtürkan on 9 and 10 September. According to the agreement between the prison administration and the prisoners, "Wings of the ordinary prisoners shall be searched by the gendarmes whereas those of the political prisoners by the prison administration; lawyers and relatives of the prisoners will be allowed to visit the prisoners after the searches are concluded."

Ceyhan Prison

An incident broke out in Ceyhan Prison on 19 October, when the prison administration decided to transfer the prisoners to another prison after discovering a tunnel in the prison on 8 October. Fourteen prisoners, 2 prison warders and 1 gendarme, who were seriously injured in the incident, were hospitalized. Meanwhile, Lawyer Mustafa Çinkılıç, Adana Representative of the HRFT, went to the prison in order to investigate the case, but he was detained upon the instructions by Ceyhan Chief Public Prosecutor. Mustafa Çinkılıç was released at about 01.00 in the night. It was reported that prisoners named Şemsettin Kalkan, Demirel Yiğitalp, Yunus Oyu, Şevki Çetinkaya, Ömer Kaya and Feridun Demir, 7 gendarmes, 7 prison warders and 5 service personnel were injured in the incidents in Ceyhan Prison.

A delegation consisting of Ziya Yergök, the Chairman of Adana Bar, and some members of the Bar met with Ceyhan Chief Public Prosecutor İbrahim Erdoğan in connection with the incidents in Ceyhan Prison. Ziya Yergök, who visited the prison upon the permission given by the Public Prosecutor, met with the prison doctor. Ziya Yergök said the following: "There were scars and traces of blows on everybody. Among the injured were soldiers, prison warders and prisoners. When I spoke to the prison doctor, he told me that the medical treatment of the injured persons was continuing. I also spoke with a injured prisoner. He told me that there were traces of blows on his friends' bodies." Meanwhile, some relatives of the prisoners, who met with their relatives in the prison after receiving permission by the Public Prosecutor, alleged that gas grenades had been used during the incident in the prison. The relatives of the prisoners said that a prisoner named Hıdır Durmaz had been confined in a cell, and that the prisoners had begun to stage a hunger strike. The relatives of the prisoners also declared that they would stage a sit-in act in front of the prison until their relatives receive medical treatment. However, they were forcibly dispersed by soldiers and plainclothes police officers. The prisoners also started to stage a hunger strike. The hunger strike was ended on 6 November.

The incidents in Ceyhan Prison and failure to provide the necessary medical treatment for the prisoners led to protests in other prisons. The prisoners in Bergama Prison occupied the passage connecting the wings on 19 October in protest to the incidents in Ceyhan Prison. This act ended on 22 October. Meanwhile, the relatives of the prisoners started to stage a hunger strike in the ÖDP Ceyhan District Organization office on 22 October. In the statement they made, the relatives of the prisoners disclosed that the injured prisoners had been put in cells and had not been provided with the necessary medical treatment, and that the prisoners had been banned from visits and communication for 3 months. Prisoners in Ümraniye, Bayrampaşa, Buca, Çanakkale, Bursa, Ankara and Çankırı prisons prevented roll-calls on 23 October and took 50 wardens and 2 prison directors as hostages in order to protest the situation of prisoners in Ceyhan

Prison, who were injured during incidents and later put in cells and not provided with the necessary medical treatment. The acts ended in agreement on 24 October, after the lawyers negotiated with the Central Prison Coordination of the prisoners. The hostages were released following the agreement. Lawyer Muharrem Çöpür disclosed that the agreement included items such as ending the implementation of isolating the prisoners in cells, providing medical treatment for the injured prisoners, and impunity for the act.

Erzurum E and Special Type Prisons

Mirza Sevimli, Kenan Karahasanoğlu and Hüsnü Çobanoğlu, prisoners in Erzurum E Type Prison, set themselves on fire on 27 October in order to protest the assassin attempt against PKK leader Abdullah Öcalan. Mirza Sevimli died, whereas Kenan Karahasanoğlu and Hüsnü Çobanoğlu were badly injured. Meanwhile, Mehmet Gül, who set himself on fire on 19 October in Amasya Prison, died on 29 October at Ankara Numune Hospital where he was under medical treatment. After the prisoners burnt themselves, wings in Erzurum E Type Prison were raided by security officers on 28 October, and prisoners were beaten. Twenty-six prisoners were injured. The names of the injured prisoners are: Celal Topçu, Mehmet Çelebi, Hasan Gülen, Abdullah Cihan Öz, Mehmet Emin Çiçek, Necmettin İlicik, Yusuf Yıldız, Bülent Güneş, Morbey Ayten, Haydar Eren, Cengi Çelik, Cengiz Eker, Haydar İkiz, Battal Savar, Turgut Koyuncu, Halit Kurban, Görgün Ekin, Nuri Malaz, Ahmet Özbay, Ferit Piltay, Mehmet Avcı, Mahduh Savaş, Mustafa Okçul, Medeni Tarla and Kemal Birtek. Meanwhile, a delegation headed by HRA Deputy Chairman Osman Baydemir, who went to Erzurum in order to carry out an investigation in the prison, met with Hasan Erdil, Erzurum Public Chief Prosecutor, and the prisoners on 30 October. The results of the investigation was publicized on 3 November. The report, which was prepared by Lawyer Osman Baydemir, Lawyer Bedia Duran and Lawyer Türkan Aslan, read that the beaten prisoners did not receive the necessary medical treatment. The delegation concluded that they were anxious about a possible attack against the prisoners and for the life security of the prisoners.

Of the 56 prisoners, who were staging an indefinite hunger strike at Erzurum E Type Prison, 42 ended the hunger strike on 4 November. Fourteen prisoners disclosed that they would continue striking until the problems in the prison were solved. Meanwhile, the official complaint lodged by the Association for Solidarity with Arrested and Convicted Prisoners (TUHAD-DER) with Erzurum Public Prosecutor's Office was reportedly rejected, and 30 relatives of the prisoners were detained. However, the prison administration did not keep any of the promises they had given to the prisoners in order to end the hunger strike. Osman Baydemir disclosed that the prison administration and the chief prosecutor did not have any further meeting with the prisoners. Aydemir added that none of the prisoners were given the medical treatment after the hunger strike was ended.

Sakarya Closed Prison

Ordinary prisoners in Sakarya Closed Prison, who are supporters of the Nationalist Action Party (MHP), attacked political prisoners on 13 December. In the incident, during which 15 prison warders were taken as hostages, the foot of İrfan Gültekin, the Second Director of the Prison, was broken and prison warder Kemal Sarı was slightly injured when they wanted to intervene. Prisoners named Sertaç Özişlek, Kemal Hakikatlioğlu and Ahmet Vanalioğlu were reportedly badly injured in the incident, during which knives were used. A non-commissioned officer, İrfan Bardakçı, and enlisted men Sebep Muhsin and Hasan Temel were also injured. Directly after the incident in Sakarya Prison, in which 350 political and 250 ordinary prisoners are kept, Sakarya Deputy Chief Prosecutor Şehabettin Yavuzaslan and Sakarya Gendarmerie Regiment Commander Hıdır Tanyeri went to the prison to negotiate with the prisoners. The prison warders were released after the negotiations.

Following the incidents, some 2,000 supporters of the MHP attacked the relatives of the political prisoners while they were waiting outside the prison on 14 December. The MHP adherents attempted to lynch the relatives of political prisoners but the police intervened. The relatives of political prisoners were taken to the bus station by the police in order to leave the city and go to İstanbul and İzmit. However, the bus companies would not sell them tickets on the grounds that "they were PKK sympathizers." The police opened fire into the air in order to quell the MHP supporters, who also attacked the police and the journalists. Five journalists were injured in the incident. The relatives of the prisoners were later transferred to İstanbul and İzmit in police buses.

d) Trials in connection with the attacks in the prisons

Diyarbakır Prison

The trial launched against 72 defendants, including 1 physician, 6 prison warders, 36 police officers and 29 soldiers, in connection with the massacre in Diyarbakır E Type Prison on 24 September 1996,⁶⁷ during which 10 prisoners were brutally killed under beating, was not concluded in 1998.⁶⁸ Inhuman treatment and oppression continued in Diyarbakır Prison in 1998.

In the hearing on 13 March, a repentant militant named Mahmut Kanat was heard as an eye-witness. Though the intervening lawyers objected his being an eye-witness, the court did not take this into account. Kanat asserted that the incident arose because prisoners attacked the warders. In the hearing on 5 June, Şerafettin Çamur, the second director of the prison, was heard. He said that he had no information about the incidents in the prison because he had been at the main gate of the prison on that day. Çamur responded to the judge's question if the prisoners who died on that day were killed or lost their lives in an affray, with the answer that they had died in the affray. However, intervening lawyers pointed out that Çamur had stated on 18 December 1996 when he testified to the prosecutor that he had seen the incident. The court decided to issue an arrest warrant in absentia against Muhammed Özdil, one of the soldiers in charge on that day, and to receive the testimonies of the soldiers who finished military service at local courts on proxy.

The defendants attended very few hearings. Taking the floor at the court on 10 July, defense lawyer Can Özbay claimed that the PKK had incited the uprising in the prison: "The court have recently decided that some photographs of the defendants, showing them as they were wearing the same uniforms as they did on the day of incidents should be sent to the court. However, this is practically impossible since some of the defendants will not be found by the police for years while some others have already finished their military service. And this will also prolong the trial. On the other hand, we have expected this trial would have already ended in acquittal before today. Because state officials did what they had to do in the struggle against terrorism. The court must acquit them so as not to diminish their enthusiasm. As for the rebels, you should refer them to a state security court to be tried there." These words raised the tension in the court room. Özbay

⁶⁷ Erhan Hakan Perişan, Cemal Çam, Hakkı Tekin, Ahmet Çelik, Edip Derikçe, Mehmet Nimet Çakmak, Rıdvan Bulut, Mehmet Kadri Gümüş, Kadri Demir and Mehmet Aslan were killed in the massacre. (See Turkey Human Rights Report 1996)

⁶⁸ The defendants on trial are: Dr. Serdar Gök; prison warders Mahmut Çaça, Aziz Gürer, Halil Uygun, Fethi Ahmet Onat, Şakir Tanrısever, Recep Alaca; soldiers Major Vedat Çolak, Erol Demir, Burhan Altaş, Hamza Görgülü, Mehmet Oğraş, Solmaz Karaoğlan, Bayram Ali Koca, Mahir Öztürk, Refik Günan, İrfan Çalı, Tuğrul Lak, Muharrem Yeni, Mehmet Çakmak, Mehmet Hanca, Erdal Güneş, Üzeyir Bozan, Zafer Kardeş, Kartal Filikat, Mehmet Evirgentürk, Adem Çadır, Abdullah Altın, Yaşar Can, Bahri Keser, Halit Kılavuz, Muhittin Şahin, Muhammed Özdil, Hasan Aral, Ali Kütük, Erdiñç Bostan; police officers Muammer Kaya, Hamza Altıntaş, Harun Drama, Nesimi Özbaş, Sami Bozdemir, Sedat Orakçı, Cavit Er, Mehmet Karpuz, Oktay Acun, Bülent Özcan, Murat Ateş, İbrahim Ergün, Seyfullah Türkmen, Metin Kutlu, Mesut Dağlı, Seydi Ünlü, Mehmet Güngörmez, Coşkun Ekinci, Ayhan Gül, Ünver Avcı, Ahmet Yılmaz, Mahmut Kızışar, Cemil Ünsal, Ömer Soner, Duran Çoban, İsa Özdemir, Alper Özdemir, Osman Yılmaz, Ahmet Özavcı, Yunus Demir, Murat Tural, Nail Yılmaz, Salim Şahin, Nurettin Avcı, Çetin Şahin, Namık Bozalar.

added: "In this trial the intervening party is the PKK, as the plaintiffs are themselves are terrorists and their lawyers are those of illegal organizations. The illegal organization tries through its lawyers to identify my clients, who did their duty by killing terrorists." Surrounding the Court House, the police did not give permission to the plaintiffs and representatives of some NGOs to attend the hearing. HRA Deputy Chairwoman Lawyer Eren Keskin and other intervening lawyers made an official complaint against the police for this implementation. In the hearing, intervening lawyer Sezgin Tanrikulu requested that 23 plaintiffs, who were injured in the attack and who were kept in certain other prisons, be brought to Diyarakır in order to participate in the hearings, but the court board rejected this demand.

In the hearing on 16 October, the prison warders were heard as witnesses. In their testimonies, the prison warders said that they were not able to remember anything due to the blows they received in the attack. Yet, the prison warders stated that they did not see any prisoners carrying iron bars or clubs during the incident. In the hearing, the intervening lawyers lodged a complaint against the prosecutor, who had conducted the investigation, on the grounds that he had not been impartial while carrying out the investigation, but this complaint was rejected by the court board. In the hearing on 27 November, prison warders were heard as witnesses. They said that they had been on duty during the incidents but they had not got involved in the incidents. They said, "When we went to the spot, we did not see any prisoner handling any sharp pointed objects. Nor did they get such an object from other wings. We did not see anybody dead or injured. While getting out, we saw some injured people who were under medical surveillance of doctors."

In the trial, imprisonment terms up to 1 year were sought for the defendants on charges of "abusing duty" (TPC 230) and also imprisonment terms no less than 15 years on charges of "causing death unintentionally" (TPC 452/1). The Prosecutor demanded that in case the defendants were found guilty, the sentences should be reprieved taking into consideration the provisions which read "in case the assailants cannot be determined, the sentence is discounted down to 10 years," and "the sentences passed on those who exceed the limits of laws and necessity in the performance of the duty should be diminished down by 5/6."

On the other hand, some of the prisoners who were injured in the attack, namely Remzi Tanrikulu, Cemal Taş, Ali Yerme, Nusret Yelboğa, Şehmuz Kaya, Abdulvahap Uyanık, Ali Kaya, İrfan Korkar, Mehmet Pehlivan, Yavuz Eren, Halil Süren, Muharrem Doğan, Ahmet Sever, Muhlis Altun, Ramazan Nazlier, Ramazan Korkar, Emin Irza, Abdullah Eflatun, Mehmet Batıge, Kenan Acar, İskan Usal, Rasim Alevcan, Hakkı Bozkır and Bedri Bozkır, were put on trial at Diyarbakır Penal Court of First Instance No. 4 on the accusations of "damaging state property and resisting officials."

Metris Prison

The trial launched against 235 prisoners and prison warders in connection with the incidents in Metris Prison, which resulted in the deaths of 6 prisoners on 7 and 8 July 1997, did not end in 1998. In the trial at Bakırköy Criminal Court No. 2, the death penalty is sought for 116 defendants for 906 times, and sentences between 3 and 36 years in prison are sought for the other defendants.⁶⁹

⁶⁹ A prisoner named Ali Demirkıran was killed a group of prisoners in Block D-8 where ordinary prisoners kept in İstanbul Metris Prison at night on 7 July 1997. It was claimed that Ali Demirkıran was under arrest in connection with rape. Following the death of Ali Demirkıran, the prisoners who heard "they would be transferred to some other prisons," started to revolt in blocks "D" and "C," in protest at pressures in the prison. They took hostage a prison warder and Yaşar Öz, a defendant in Susurluk trial, and they reportedly set fires in the wings. Yaşar Öz served as a mediator in the rebellion, and were subjugated by soldiers and police in the morning of 9 July. As a result the prisoners who were taken out the wings were brutally beaten by soldiers and the police. During the operation, prisoners named Feyzullah Özmen (37), Muhammet Demir (22), Şemsaddin Demir (32), Kubilay Dikiçiler and Sedat Demiröz were killed. Yüksel Şengül, Osman Altay, Fehmi Mehmet, Erol Oymak, Muammer Özdemir were beaten by gendarmes and the police.

Bakırköy Prison for Women and Juveniles

The trial launched against 57 children in connection with the incidents in Bakırköy Prison for Women and Juveniles on 3 March 1997 on the accusations of "rebellion and damaging state property" with the demand of imprisonment terms between 5 years and 23 years, continued in 1998.

e) Debates on a general amnesty

Rahşan Ecevit, the Deputy Chairwoman of the Democratic Left Party (DSP), proposed a general amnesty on the occasion of the 75th anniversary of the establishment of the republic during the Party Assembly meeting of the DSP on 18 July. The proposal was accepted unanimously and it was referred to the Parliamentary Group of the DSP. The amnesty proposal stimulated a debate especially among the jurists and the politicians. It was frequently expressed that this proposal, which was brought out without the consent of then-Minister of Justice Oltan Sungurlu, was a strategy aiming at success in the elections. Some dissent political parties and some NGOs and human rights organizations proposed campaigns for a "general amnesty without any discrimination." There was great public protest against the exclusion of thousands of political prisoners convicted by the SSCs in the amnesty proposal, especially after the verdict of the European Court of Human Rights, which ruled that the SSCs were not independent. HRA Secretary General Nazmi Gür stated that the HRA would support a proposal for a general amnesty which would only exclude those who were responsible for torture, forced disappearances and other human rights violations. The HRA wants no discrimination between political and ordinary prisoners. However, said Nazmi Gür, they deemed Rahşan Ecevit as being insincere in her proposal, which seemed as an effort to gain success in the early general elections. After the proposal was made, the Prisons Watch Commission of the HRA İstanbul Branch started a signature campaign for a general amnesty for the maintenance of the peace.

The scope of the amnesty outlined in the proposal was limited considerably by the DSP subsequent to the public protests. In the proposal sent to the political parties, the DSP limited the scope of the amnesty in a way to exclude the crimes that are excluded by the Constitution (crimes that fall in the jurisdiction of the SSCs) as well as the following crimes: "embezzling, corruption, bribe, abusing duty, torture, establishing gangs to commit crimes, malice in official adjudication, preparing false documents, drug production and trade, arms trade, rape, seducing minors and sexual assaults, murder, fraud, abusing trust, failure in giving true property account, crimes included in the Bill against Bribe and Fraud, tax offenses, and the criminals who benefited from previous amnesties but committed crimes afterwards." The proposal requested the commutation of the death penalty into 30 years' imprisonment, and of life imprisonment into 24 years' imprisonment, pardoning 12 years of other sentences given for the crimes that fall into the scope of the proposal, and also including the secondary punishments and fines within the scope of the amnesty. The proposal requested the suspension of the trials launched against and reprieve of the sentences given for the offences committed via the media, an amnesty for the disciplinary punishments given to the civil servants, and a chance to enter in the examinations for the students who have been dismissed from their schools. The amnesty proposal, which incited public protests, was later forgotten.

7.

THE RIGHT TO FAIR TRIAL

Legal regulations, judicial structures and practices that posed an obstacle to the right to fair trial and restricted the means of one's seeking his/her rights against violations played an important role regarding human rights situation in Turkey throughout the year 1998. Some judicial institutions, particularly the State Security Courts produced violations themselves, approved of violations or did not provide protection against violations. It was observed that the judicial institutions, which are supposed to be the essential warrant to stand against the violations, also remained ineffective in developing the necessary structure and judicial attitude to fight violations. In judicial decisions and practices it was rarely observed that human rights norms, including the ones that are defined in international conventions and are part of the Turkish Constitutional law, were taken into consideration. In the public sphere no discernable support towards forming the required structures and developing the necessary attitudes was observed. Yet, there were attempts made in this direction, and some judges made judicial comments that set positive examples. Nevertheless, these remained exceptional or inconclusive events rather than a prevalent tendency towards the development of a lawful atmosphere suitable for the protection of human rights.

The facts that the assumption of the defendant's innocence was often ignored by the security forces and especially by SSCs, that prosecutions were conducted and defendants convicted on the basis of the statements extracted under torture, that decisions against the defendants were taken on the grounds of suspicious or insufficient evidence and that the individuals were kept under arrest regardless of the evidence at hand were practices impeding the right to fair trial in 1998, too. Such practices, which were common in trials held at SSCs, were also witnessed in ordinary trials.

7.1.

INDEPENDENCE OF THE JUDICIARY

The basic obstacles to the independence of the judiciary are the regulations concerning the professional rights of judges and prosecutors designed in such a way that allowed political pressure. Political and administrative pressures exerted on judges and prosecutors continued. Other obstacles to fair trials are the structure of SSCs, which have been set up to judge on "crimes against the abstract personality of the state", the position of the defense at these courts and the attitude of the judges and prosecutors in charge at these courts against the defendants. The problem that the judiciary based its ideological independence and decisions on "the policies of the state" and other ideological preferences instead of referring to the principles

of human rights, justice and legal norms was widely noted especially in the trials held at SSCs in 1998. The National Security Council and the General Staff Chief Office continued relying on the judicial organs as protectors of “the policies of the state”. Hardly any attempts were made towards including the universal ethics of the profession and human rights in the training of judges and prosecutors.

The need for strengthening the independence of the judiciary and rearranging the legal system was voiced on various occasions in 1998 as well. In his speech at the General Assembly of İstanbul Bar Association in October, Hasan Denizkurdu, the Minister of Justice at the time, argued that the regulation of the Higher Board of the Judges and Prosecutors must be altered and that this board must conduct the procedures of appointments and discipline autonomously. Denizkurdu reported that the draft bill proposing the constitutional amendment regarding this issue had been finalized and that it would be submitted to the Turkish Parliament after being presented to the leaders of the political parties. No developments about this occurred in 1998.

The problems relating to the independence of the judiciary were also voiced by authorities of various ranks within the judiciary itself. During the opening ceremony of the judicial year, Mehmet Uygun, the Chairman of the Supreme Court, stated that no judicial system existed which granted full independence and security. Uygun expressed his opinion in the opening speech as follows: “A judicial system of absolute independence, whose judges are utterly secure and which is capable of serving all of its functions effectively and completely, is essential to democracies. The state must be democratic, the state must adhere to law, and the supremacy of the laws must be absolutely and indisputably abided by the state. If the Turkish judiciary is viewed from the perspective of these principles, can we claim that we have a judicial system of absolute independence and with judges who are granted absolute security? No, we can’t. Are our judicial organs given the opportunities of fulfilling their duties efficiently and completely? No, they aren’t”.

Yücel Sayman, the Chairman of İstanbul Bar Association, who made a press release on behalf of the bar associations in Aydın, Balıkesir, Bursa, Çanakkale, Denizli, Edirne, İzmir, Kırklareli, Kocaeli, Manisa, Sakarya, Tekirdağ, Yalova on the occasion of the beginning of the judicial year, urged that SSCs be rearranged and that the ongoing legal proceedings be stopped. Sayman announced that the bar associations all shared the belief that the judiciary was not independent and that the right to defense was under threat.

During his visit in May to Mesut Yılmaz, the Prime Minister at the time, the Chairman of TBB Eralp Özgen said that the judiciary was not independent and that “the gangs organized within the state were threatening the state”. Yılmaz replied with the argument that the problem was engendered by “the fact that the prosecutors did not exert the authority granted to them”. The view that the effectiveness of the judicial system was solely the duty of the prosecutors and judges was the main subject in some of the circulars issued by the Ministry of Justice.

One of the structural factors hindering the autonomy of the judiciary is that the Minister of Justice and his undersecretary are also members of the Higher Board of Judges and Prosecutors (HBJP), which determines the appointments of the judges, and that this organization, which does not have an autonomous secretariat, convenes only for the purpose of making decisions. The Board is supposed to make decisions on the basis of the information in the case files prepared by the personnel directorate of the Ministry of Justice or proposals for appointments submitted by the ministry. By an amendment to the regulation of appointments and transfers for public prosecutors and judges which was introduced in May, it was decided that the judges and the prosecutors “who do not meet the requirements of their position” could be appointed elsewhere regardless of whether they had completed the actual period of duty. Further it provided that the Ministry of Justice determines whether prosecutors and judges meet the requirements of their duty.

A SSC prosecutor Mete Göktürk, who had been put on trial because of criticizing the judiciary in 1997, was penalized by HBJP in 1998. Having been tried for saying “the judiciary is not independent” in one

of his articles and in a television program, and acquitted on 15 December 1997, İstanbul SSC prosecutor Mete Göktürk was given the penalty of losing one level of promotion by HBJP at the end of December. He objected against the penalty with HBJP Chief Office, and stated that “as a result of the trial it became apparent that these acts did not involve an element of crime and that they were only words referring to the judiciary system”. In the petition, he noted that it had been stated in the verdict of the 9th Chamber of the Supreme Court that his statements could be judged to be only personal acts, having nothing to do with his official duty. Göktürk said, “the Supreme Court has ruled that voicing an opinion on the judicial system is no different from expressing an idea on soil erosion, love of animals, air pollution or traffic issues and that it cannot be counted as an act related to duty”. Göktürk stated that it was unacceptable that HBJP had conducted an investigation and issued a disciplinary penalty about an opinion not related to the duty and which is not regarded as a crime. Having said “Above this, the punishment of expressing an opinion is a practice that none of the civilized societies and democratic states of law would approve of and that was rejected in international conventions as well”, Göktürk added that it was “utterly curious and alarming” that a board such as HBJP, composed of men of law selected from the highest-ranking judicial organs, could penalize the articulation of personal opinions, which had been already decided not to be a crime by court’s verdict. In the reply sent by Ahmet Kahraman, the Deputy Director of HBJP, it was stated that Mete Göktürk’s objection to the penalty of losing one level of promotion had been rejected unanimously.

The insufficiency of the budget allocated for the judicial organs and the overload of work taken over by these institutions remained one of the factors implicitly impeding the right to a fair trial. According to the data provided by the General Directorate for Judicial Records and Statistics the average time span of the trials launched at SSCs was 127 days in 1986 and this increased to 341 days in 1996. For trials at juvenile courts the average time span was 104 days in 1988, which was the year when the juvenile courts had been introduced. This figure increased to 478 days in 1996. At the beginning of 1998 it was reported that the Supreme Court had to examine 32,707 case files and the Supreme Administrative Court 60,419 case files, which had not been completed in 1997. It was also reported that of the 136,129 case files that were referred to the penal chambers of the Supreme Court in 1997, 70,806 had been confirmed whereas 37,620 had been quashed. In addition, it was noted that the General Council of Law had dealt with 268,288 case files in 1997, and that while it had confirmed 136,233 verdicts, it overruled 41,398 verdicts.

Having reported that the number of cases against Turkey at the European Court of Human Rights (ECHR) had reached 2,400, Hasan Denizkurdu, the Minister of Justice at the time, pointed out that if 70 percent of these trials were lost, Turkey would have to pay a compensation of 7 billion dollars. Denizkurdu added, “The Turkish government, which is rather tight-fisted towards its own judicial institutions, will have to pay several times the amount of money it deprives its own judicial institutions of, when these cases are completed”.

The ideological objectivity of the judiciary remained to be a serious problem not only at SSCs in 1998. On 11 August the Chief Office for Education in the Ministry of Justice issued a circular for a training program for prosecutors and judges as well as for court staff, prison staff and executives. In the circular, under the heading of issues to be dealt with at the conference, it was stressed that the judicial staff should observe the essential principle of “solidarity, unity, brotherhood and the spirit of being a Turk”. In the introductory part of the circular, it was stated that it was being published “in order to fight internal and external centers which pose a threat and in order to make their psychological activities ineffective”. The following are the topics the conference was to cover as determined by the Ministry: “There are not peoples but only one people in Turkey, which is the Turkish people; the communist dictatorships were overthrown one by one all over the world, and communism has gone bankrupt; the laborers, farmers and civil servants should not be tempted and cheated by separatists and anarchists; what will enlighten and inspire us are Atatürk’s principles and revolutions; those who disregard another’s rights and freedoms and those whose sole

occupation is to produce separatist and anarchist ideas are not counted as prisoners of conscience; solidarity, unity, brotherhood and the spirit of being a Turk is essential; in today's world, even the communist countries have come to believe that democratic regimes are very good: nevertheless, because their leaders are thinking about their personal benefits, they do not let their peoples and adherents know about these actual thoughts of theirs".

In the circular, the Minister of Justice requested that some terms and words be avoided "on the grounds that their voicing would do harm and generate negative effects". Here are some of the ideas asked not to be used: "Ideas that there are other peoples in Turkey and that these peoples should be free to enhance their own languages and cultures; thoughts that Turkish intellectuals and human rights supporters are leftists; such terms that indicate discrimination between social classes as labor class, civil servants' sector, farmer class, leftist-rightist, institutions of labors and civil servants; such concepts as revolution, corrupt war, freedom, brotherhood of peoples, emancipation of peoples, ethnic structure, federal state, laborers' rights, the exploitation of labor, laborers' festival, education free of charge, equal jobs and payment for everyone, censorship".

The Chief Office for Education in the Ministry of Justice sent out a circular with the same content to the courts in December. In the circular the terms to be used and not to be used in the hearings were identified. In the confidential notice submitted to SSC chief prosecutors, chief public prosecutors and the chief offices of local administration courts it was insisted that such terms as "revolution, corrupt war, censor or freedom" not be used and it was also stressed that the statement "the Turkish State is a republic" be particularly voiced. İstanbul Bar Association announced that the practice did damage to the independence of the judiciary. Yücel Sayman, the Chairman of İstanbul Bar Association, sent a petition to İstanbul Local Administrative Court and demanded that the circular by the Ministry of Justice be annulled. The petition was turned down. While it was stated in the circular that the prosecutors' and judges' use of the terms mentioned would be "dangerous" and "produce harmful effects", it was also announced that they were to be subjected to an education program regarding the desired statements.

Activities to increase the independence of the judiciary from the security forces remained fruitless. In the notice submitted to the Minister of the Interior, Murat Başesgioğlu, and the Minister of Justice, Oltan Sungurlu, signed by Prime Minister Mesut Yılmaz on 4 March, it was urged that some actions be taken so as to enable fair, fast and effective trials and other judicial services, so as to protect human rights and not to allow practices in contravention to human rights to occur. Here are some of the recommendations: "required legal arrangements be made so that licenses for the security forces, the civilian, professional and military chiefs whose licenses have expired can only be issued on written opinion of the related Chief Public Prosecution Office about the competence and success in their judicial positions; that along with the officials of the relevant security forces, the public prosecutors have authority and take charge in the regularly-conducted inspections made in prisons; that the public prosecutors be equipped with the technical apparatus that will enable them to follow the police and gendarme's walkie-talkies for all channels on the same frequencies; that legal arrangements be made so that the gendarme's duty of guarding the outside of prisons is not regarded to be a civilian but a judicial duty; that the detained individuals be made to fill in a form both when captured and when released and that a copy of that form be submitted to the chief public prosecution office; and finally, that a unit should be formed consisting of a number of carefully selected members to be determined by the local chief prosecution office in order to provide a faster contact and communication between the prosecution office and the security forces in judicial activities". Nevertheless, no progress concerning the mentioned issues was noted in 1998.

In the press release he made in March, lawyer Hasan Kemal Elban, chairman of the Human Rights Commission of İstanbul Bar Association, stated that the prosecutors in Turkey were subjected to intense pressure and that as the prosecutors did not assume objectivity towards torture, ill-treatment or similar cases

they were confronted with, systematic torture could by no means be prevented. Elban said, “The prosecutors are supposed to respond with an inquisitive and assertive attitude when confronted with a case of torture or ill-treatment. During the visit of the European Committee for the Prevention of Torture in 1996, it was noted that within the last 7 years, there had been a great number of claims in which the detainees had complained about ill-treatment they were subjected to by the police when they were testifying before a prosecutor, whereby the prosecutors remained indifferent and passive to those complaints. As a result of their interviews with the prosecutors, the committee identified a tendency towards protecting the police rather than demonstrating an objective attitude. Having stated that the problem with the Turkish judicial system was not only the absence of an independent judiciary, Elban added that the objectivity of the judiciary was also an issue of great importance.

The fact that the security forces misled the judiciary by producing fake evidence or concealing the evidence that was in favor of the defendants, and thus ensured that the trials were concluded in conformity with “the security policies” was the most serious problem that resulted in the prevention of a fair trial in penal cases, especially in the trials at SSCs. The allegations by the security forces were often included word by word in the indictments. The allegations specified as information about the “captured persons” by the security directorates or the gendarme headquarters to the press often showed up in the judicial verdicts.

a) State Security Courts

SSCs remained the most essential obstacle to the right to a fair trial, affecting a large number of people in 1998. SSCs are the judicial institutions composed of one military and two civilian judges, which were founded according to the constitution in order to “deal with crimes concerning directly the safety of the state, committed against the Republic, the independent democratic order and its characteristics, the indivisible unity of country, nation and the state”. The regulations regarding their foundation do not provide that SSCs should be independent institutions of legal procedures; instead, it assigns them the task of protecting the “state” against the citizens and the official ideology against different opinions.⁷⁰ The judicial authority of SSCs involves “the Law to Fight Terrorism” (the so-called Anti-Terror Law; ATL) and “the SSC Law”, which provide that those who are prosecuted for the crimes against “the abstract personality of the state” and for the crimes basically of this kind be entitled to personal security and that those defendants be subjected to a special legal proceeding and penal regime. Some restrictions to the rights to personal security and to a fair trial for those charged within the jurisdiction of the SSC Law and this judicial authority were introduced. Here are some of the “defendant’s rights” acknowledged in Code of Criminal Procedures that are not applied to the crimes within the jurisdiction of SSCs: the regulations regarding the procedure of the defendant’s arrest, the rule that an intervening lawyer can be present during the decision on remand, the regulation concerning the reasonable period of remand, the means of objection to the reasonable period of remand and the remand procedure itself, reminding the defendant of his rights, the style of statement and interrogation, the right to keep the intervening lawyer present at every phase of the investigation, the

⁷⁰ The following is the reasoning for Article 143 of the 1982 Constitution providing the establishment of SSCs: “There are such acts threatening the existence and continuity of the state that if they are conducted, specific expertise is required to take the fastest and the most reasonable decision. In such cases, it is crucial that State Security Courts exist. According to the principle our Constitution is based upon, a special court for a particular crime cannot be founded after that crime has been committed. For this reason, the foundation of State Security Courts is provided in our constitution so that the crimes mentioned can appropriately be dealt with. They cannot possibly be regarded as being founded after the crimes mentioned have been committed since the special provisions they are to execute have been identified beforehand and since the courts have been established before the acts take place.” With regards to the location of the SSCs, “considering the possibility of the mentioned courts being converted into Martial Law Courts in the future for the sake of the defence of the country and the pursuit of the domestic security, the jurisdiction areas of these courts and the provinces subordinated to them have been determined in such a way to conform to the regulations announced in notice No. 3084-82 of the General Staff dated 18 November 1982.” (SSC Law Article 1).

obligation to appointing a lawyer for those under the age of 18, the deaf and the dumb, the rules regarding the defense when the number of the detained persons and defendants is more than one, the lawyer's authority to examine and receive a copy of the case file, the rule that the detainee and the defendant's meeting with his lawyer cannot be scrutinized, and the regulation about the appointment of a lawyer by the bar association and his payment.

As far as the SSC trials are concerned, when objections are raised against one of the SSC judges by the defense, the authority to evaluate the objection is again a panel in which the judge being objected to is part of. The verdict to be made by the panel is binding, and it is not allowed to file an urgent objection against the verdict. The chairperson of the court is entitled to ban defendant and his lawyer from one or all hearings on the grounds that they disrupted the hearing (ATL, Article 23).

If a lawyer is alleged to have committed a crime within the jurisdiction of SSC, the provisions of the Lawyership Law that aim at protecting the lawyers against arbitrary procedures are not valid. For instance, an allegation that if during a meeting of a lawyer and his defendant on trial at the SSC a crime was committed, this would not be seen in connection with his duty and would lead to the abolishment of the lawyer's professional immunity. Crimes within the jurisdiction of SSCs are crimes "that cannot be committed while being on duty". The persecution of crimes committed when one is on duty or which stem from that duty is conducted directly by SSC prosecution offices. Even though charged with a crime specified in TPC, the defendants tried at SSCs will have to serve one and a half times the term proscribed in the relevant article. As said by the Human Rights Center of İzmir Bar Association, "in this case, the weight of the penalty is not determined according to the crime but by the quality of the court which passes the sentence, which is a breach of 'equality in penalizing'". Furthermore, as far as the persons on trial on the basis of ordinary provisions except for Article 8 of ATL, which refers to propaganda offenses, are concerned, it is impossible to commute the sentence passed by SSC to a fine or to suspend it.

Another practice in the proceedings at SSCs supported by the legal arrangements is that a very close contact between SSC prosecutors and the political police ("Anti-Terror Branch") maintained. The SSC prosecutors prepared indictments on the basis of the data collected by the political police officers (the data almost entirely consisting of subjective suspicions or allegations by members of the security forces or statements of defendants or "repentant militants"). Those prosecuted on the basis of these data have been on trial for years. Allegations and evidence that those statements, on which the indictments were based, were extracted under torture, were hardly ever taken into consideration. Therefore it could be observed that more than one trial was launched against different individuals on charges relating to the same offence. To illustrate, while Volkan Kartal and Hüseyin Kırılancı, alleged members of the "Resistance Movement", were on trial at İstanbul SSC No. 4 on charges of having thrown a "molotov cocktail" at the election office of Bağcılar Nationalist Action Party (MHP), Erbil Kızıllı, who was alleged to be a member of TKEP/L, was on trial at İstanbul SSC No. 5 on charges of having conducted the same act by a "bomb," and Erdal Aslan, Önder Dağdelen, Erbil Kızıllı and Ergül Çiçekler were being tried at İstanbul SSC No. 2 on the accusations of "being members of TKEP/L and having burned down the building with fuel oil". This situation was revealed when it was turned out that lawyer Gülizar Tuncer and the policeman witness called Ali Metin were testifying against the defendants in different court cases. The defendants, who were tried with the demand of the death penalty in all the three trials had "confessed the crime" during interrogations conducted by the security forces. (see Turkey Human Rights Report 1997)

State Security Courts Are Not Independent

In contemporary democracies and states of law, the maintenance of peace is the responsibility of the law enforcement organs. Penal proceedings have one objective: “to find out the material truth”. A penalty has the general function of deterring crimes in the society, and this, being the result of the executed penal policy, is not the duty of the courts. The fact that the courts called “security courts” were founded to maintain the domestic and the external security of the state means that the judiciary is directly posed under the orders of the law enforcement institutions.

“The state of law” which respects the supremacy of law and thus, basic rights and freedoms, is the one that furnishes its citizens with legal security. The following are the basic conditions for this:

- basic rights being safeguarded in the constitution,
- conformity of the laws and constitution,
- commitment to law in the administration,
- implementation of the conditions to secure independence and reliability of the judicial institutions.

In the supervision of both the conformity of the laws with the constitution and of the commitment to law in the administration as well as in the implementation of all the laws, the independence of the judicial organs plays a crucial role. Independence of the judiciary would increase reliability of the judicial organs in the eye of the citizens.

The conditions required for the implementation of independence and reliability of judicial institutions can only be met if the state has trust in its own judicial system in the first place. If the state does not rely on the general judicial system and does not believe in its efficiency when its own security is at stake, and therefore, it feels the necessity to establish emergency courts, then it is obvious that the goal of “the conditions required for the implementation of independence and reliability of the judicial institutions” is perverted.

Human Rights Center of İzmir Bar Association, “State Security Courts”, 1999

During a trial launched against 9 people, most of them students, on charges of “being TİKKO members, hanging placards, conducting a bomb-attack and an armed attack against the police officer Havva Bayar and her sister Hatice Bayar,” it was disclosed that those claimed to have witnessed the event had said during the confrontation at the directorate for the security that they did not recognize the suspected students. Yet, the police had hidden the minutes of the confrontation.

In September 1997 Ankara SSC launched a trial against 9 people said to have burned down a public bus. The bus driver Sait Günel testified in the hearing on 4 May and said that the bus had been burned down, but not by the youngsters on trial. Subsequently, the lawyers stated that the youths had been confronted with the witnesses at the police station, but the witnesses had not identified them. The lawyers asked for the minutes of the confrontation arguing that the police had preferred not to submit the minutes to the court when the youngsters had not been identified. The lawyers demanded that the students be released, given the fact that they had been kept under remand for more than 8 months. The demand for release was turned down.

It was discovered that a defendant called Sinan Yavuz, tried under the demand of the death penalty on charges of “having murdered a man on behalf of an illegal organization” had been in prison on the date of

the crime, but had been put on a list of wanted people by an arrest warrant issued in absentia. In his lawyer's petition he presented to the court on 19 August it was stated that Yavuz, on trial at İstanbul SSC No. 1, had already been arrested. In his petition lawyer Cemal Yücel said that the only so-called evidence on the political murder leading to Yavuz's arrest warrant consisted of the statements two people had given under torture and that these two people had denied these statements in court.

In the first minutes dated 11 July concerning the detention of sociologist Pınar Selek tried in the so-called "Mısır Bazaar case", it was argued that Pınar Selek had been detained around 6 pm with explosives in her bag; however, in the second minutes dated 12 July it was claimed that bombs and other equipment had been found in the work place Selek was working for; and in the third minutes that were taken 22 hours before the search at the workshop and 11 hours before Selek was detained, it was stated that the police had to take the evidence which was at "the bomb squad office of the anti-terror branch". Despite these minutes that showed Selek in connection with the explosion at the "Mısır Bazaar", it was discovered that Selek had not been asked any questions regarding the explosion at "Mısır Bazaar" during the interrogations by the security forces and the prosecution. After the explosion that took place on 9 July, data indicating that the explosion had been an accident was published and the act was not attributed to the PKK. Moreover, the other defendant of the "Mısır Bazaar case" called Abdülmecit Öztürk denied being involved in the explosion at "Mısır Bazaar" in the testimony he gave in the prosecution office. He was handed over back to the police and when, after 15 to 20 minutes later he was again confronted by the prosecutor Öztürk admitted to the charges and accused Selek. Although Selek had said in her statement extracted under torture that the explosives in the work place had been brought by a man under the code name "Heval", Öztürk was not questioned about this subject.

It was observed that even though the judges might have considered the possibility that the statements had been extracted under torture, they preferred not to let this affect the trial. In 1998 statements extracted under torture were rarely disregarded as evidence during trials and when reaching a verdict (see Torture and Ill-treatment).

Furthermore, it was often noted that judges and prosecutors regarded the defendants and their lawyers as "enemies". The procedures at SSCs contributed to the fact that judges and prosecutors lost their independence in terms of ideology. This happened independent of whether judges and prosecutors belonged to the military or civilian judicial system; whether judges and prosecutors were soldiers or civilians did not have a decisive influence on their attitude towards the defendants in the trials.

Another basic characteristic of the trials held at SSCs was the length of the remand periods. This did not change, even in cases with insufficient evidence against the defendants such as mere suspicion by the security forces or only statements extracted under torture or accusations of "repentant militants". Arbitrary arrests and detentions in cases heard at SSCs were often voiced by members of the legal profession. To illustrate, the chairman of HADEP Gaziosmanpaşa district organization Mecit Aygün, who had been detained on 1 May on charges of "having aided the PKK", was kept in detention for 12 days and then released by İstanbul SSC Prosecution Office. On the same day his lawyer Fatma Karakaş filed an official complaint about the detention period that had extended the legally acceptable period with İstanbul SSC No. 4. Not being informed about the fact that Aygün had been released, the court decided on 13 May that "the defendant's detention be continued" turning down the objection against the unlawfully extended detention period. As the reason for this decision it was said, "the investigation was still in progress and objections against detentions cannot be filed".

Another main factor that made fair trials at SSCs impossible was the fact that the charges and verdicts were based on statements of so-called "repentant militants", who testified in order to benefit from the "Repentance Law" and later testified within the framework of their activities as members of the security

forces or gangs. The people detained on the basis of the repentants' statements were almost always remanded and were rarely seen to be acquitted. This practice, widely applied in the state of emergency region, was observed in other cities as well. For instance, the only available evidences apart from his statement extracted under torture against a student of law called Barbaros Hayrettin Yılmaz, who had been remanded in 1996 on the charge of being a member of the Revolutionary Party of Turkey (TDP) and put in Ankara Central Prison were the statements two repentants had given and photographs they claimed to be the evidence that Yılmaz was a militant. It was proved that the person on the photo was not Yılmaz. Yılmaz's lawyers objected to the repentants' statements being regarded as evidence on the grounds that repentants were supposed to provide "useful" information in order to benefit from the privileges of being a repentant. In the trial that concluded at Ankara SSC No. 2 on 16 April 1998, Yılmaz was sentenced to imprisonment of 13 years and 6 months for "being a member of an illegal organization". Having protested against the verdict, Yılmaz was taken out of the court hall under beatings by gendarmes. His lawyers Hasan Erdoğan and Ender Büyükçulha, protesting against the attack by the gendarmes, were also taken out of the court hall by the police. The Supreme Court ratified the decision on 1 December. The repentants were released.

"The Repentance Law" regulating the position of "repentants" was discussed by the National Security Council and the government in 1998 as well. A draft bill pending in the Parliament provided that death sentences for those who "had joined an illegal organization and then repented, making confessions about their organization" and who surrendered within one month from the date when the law was put into effect, be commuted to 9 years prison term. Life imprisonment should be commuted to a prison term of 6 years and the other sentences were to be commuted by the ratio of one out of seven.

Because the practice of "repentance" had continued without legal provisions, it was intended to include an additional article so that those who "could play an important role in giving a great blow to the organization" could benefit from the law as long as they had been detained or surrendered after 8 July 1995. In an official statement made in January, the Ministry of the Interior reported that 2,505 people had benefited from "repentance laws" issued at various times.

It was also observed that repentants tried along with other "members of illegal organizations" had not been given any sentence. The Supreme Court ruled that repentants had not to be sentenced if "they had not undertaken any acts on the behalf of the organization". Diyarbakır SSC, in a verdict on three defendants who had been charged with "undertaking acts towards separating some parts of or the whole territory under the sovereignty of the state from the rule of the state" (Article 125 TPC), ruled that one be sentenced to imprisonment of 10 years for "being a member of an armed gang" whereas the other two defendants should not be sentenced in compliance with the Article 170 TPC.⁷¹ Having dealt with the appeal of the verdict the 9th Chamber of the Supreme Court stated in its verdict reached in May, "In order to execute Article 170 TPC, a defendant should not have committed or attempted to commit any crimes according to the goals of the organization; likewise, considering the organization the defendants were members of and the acts they committed, it is against the law to reach a written verdict on Abdurrahman and Fevzi instead of delivering sentences in compliance with Article 168/2 TPC".

SSCs rarely took account of the defendants' and lawyers' objections to the statements extracted under torture and their demands that legal measures be taken against the torturers. For example, Vedat Gül, Oğuzhan Yurthan, Dursun Armutlu, Tuncay Yıldırım (under remand) and Uğraş Güzel (without remand), who had been detained in November 1997 and remanded on charges of "having aided the MLKP" were tried

⁷¹ Article 170 TPC reads: "No sentences are passed on those who break up the organization/gang before or after a warning has been issued by the government or who have given up committing the crime which is the aim of founding the organization/gang, or those who have abandoned and handed over their guns when leaving the organization/gang if they have not participated in the foundation of the organization/gang or those who have no power to command before or after a warning has been issued by governmental officials or officers."

at Adana SSC. During the hearing on 11 June, their lawyer Mustafa Çinkılıç stated that his clients had been subjected to intense torture while in detention. He presented medical reports for Dursun Armutlu and Tuncay Yıldırım issued by the Forensic Institute. While Tuncay Yıldırım was sentenced to 12 years 6 months in prison, Vedat Gül was acquitted. Dursun Armutlu, Oğuzhan Yurthan and Uğraş Güzel were sentenced to 3 years 9 months in prison.

SSCs were also often criticized in 1998. The measures for having SSCs closed down formed the basis of efforts aimed at installing independence of the judiciary and the right to a fair trial.

The political prisoners tried at SSCs and their lawyers decided to boycott the hearings permanently from 5 September onwards on the grounds that the proceedings were “politically motivated and arbitrary”. The defendants and their lawyers did not participate in the hearings until 3 January 1999. A number of defendants under or without remand were sentenced in absentia.

The students who had opened a placard reading “No to education fees” in the Turkish Parliament in protest to the fees and for equality of opportunities in education and who had been sentenced to a total of a 96-year prison term demanded that the trial against them pending at Ankara SSC be cancelled. After the verdict against them had been quashed by the Supreme Court due to “incomplete investigation” Mahmut Yılmaz, Bülent Karakaş, Özgür Tüfekçi, Ahmet Aşgın Doğan, Metin Murat Kalyoncugil and Ulaş Doğu Atlı, sent a letter titled “We are voicing our demand for justice and freedom once more” to the chairperson and members of the Constitutional Court, the Executive Board of the Supreme Court, the Chief Public Prosecution Office of the Supreme Court, the Executive Boards of the Penal Chambers at the Supreme Court and the executive boards of bar associations. Having stated that they had been on trial at Ankara SSC for about 3 years, the students explained that the European Court of Human Rights had ruled in June that SSCs were not unbiased and independent and, therefore, they had not been attending the hearings. But the court had continued with the trial and was about to announce its verdict. The students’ letter went on saying: “On 21 September 1998 we refused to attend the illegitimate hearings at the SSC, having demanded that the trial at the SSC be stopped and instead being taken over by an independent and unbiased court. We did not participate in the hearing of such an illegitimate court. But the SSC in turning down our demand ignored the justified objections by supranational judicial organs, circles of law and public opinion. The SSC carried on with our trial in our absence and announced that they were to pass the verdict on us on 9 November. We urge all people with dignity, who want freedom and justice, to take an action against this unlawful practice that under no circumstances can be regarded as fair. We insist that the proceedings at the SSC be brought to an end, SSCs be closed down and that the right to a fair trial be applied to everyone under all conditions”.

In a speech in the forum entitled “SSC trials in the light of verdicts by the European Court of Human Rights” held by the Contemporary Lawyers’ Association (ÇHD) and TOHAV on 22 November Murat Çelik, the chairman of the İstanbul branch of the ÇHD said, “In order that trials be fair, SSCs must be abolished completely. Moreover, unless the prevalent antidemocratic judicial system is reformed nothing will change dramatically even if SSCs are abolished. We can say that the trials serve a political purpose in Turkey. SSCs work as an organ within the chain of order and command. That this is not in contravention to the constitution has been specified in the constitution”.

The trial launched against the lawyer Bilgütay Hakkı Durna, İstanbul Branch Secretary of ÇHD on charges of “deliberately insulting and caricaturing the abstract personality of the judiciary” with the demand of 1 to 6 years’ imprisonment for having said in a petition, “SSCs are unlawful” ended in acquittal in the first hearing. In the hearing conducted at İstanbul Criminal Court No. 4. on 3 July, Durna reiterated his view that SSCs were unlawful and pointed out that “launching such a trial is an attack to the freedom of defense”.

b) The Rulings of the European Court of Human Rights (ECHR)

CASE OF İNCAL v. TURKEY

On 9 June 1998 the ECHR made a decision on the İncal case that was to have a great impact on the discussion on the independence of SSC and also the debate on freedom of expression in Turkey.

İbrahim İncal, a lawyer in İzmir, at the time was a member of the executive committee of the İzmir section of the People's Labor Party (HEP). HEP, which was represented in the Parliament, was dissolved by the Constitutional Court on 14 July 1993. On 1 July 1992 the executive committee decided to distribute in the İzmir constituency a leaflet criticizing the measures taken by the local authorities, in particular against small-scale illegal trading and the sprawl of squatters' camps around the city. The leaflet, in itself a reaction to an anonymous leaflet signed by "patriotic inhabitants of İzmir" calling on the citizens "Don't give employment or housing to the Kurds. Don't speak to them, don't let your daughters marry them and don't marry one yourself. Smash the Kurds" carried the title "To all democratic patriots!"

By a letter of 2 July 1992, accompanied by a copy of the leaflet in question, the president of HEP informed the İzmir prefecture of the executive committee's decision and asked for permission to implement it. The İzmir police, to whom this request had been referred, considered that the leaflet contained separatist propaganda capable of inciting the people to resist the government and commit criminal offences.

On 3 July 1992 they asked the İzmir SSC prosecutor to state his opinion as to whether the contents of the leaflet violated the law. On the same day, at the request of the public prosecutor's office, a substitute judge of SSC issued an injunction ordering the seizure of the leaflets and prohibiting their distribution. The police searched HEP's premises in İzmir, first at the headquarters, where the party leaders handed over, without demur, nine thousand copies of the leaflet which were still parceled up, and then at the Buca district office, where the thousand remaining copies were seized.

Still on 3 July 1992 the public prosecutor's office opened a criminal investigation against HEP's local leaders and the members of its executive committee, including the applicant. On 27 July 1992 the public prosecutor instituted criminal proceedings at SSC against the applicant and the other eight members of the HEP committee who had taken part in the decision of 1 July 1992. Citing the text of the leaflet, he accused them of attempting to incite hatred and hostility through racist words and asked the court to apply Articles 312 §§ 2 and 3 of the Penal Code, section 5 of the Anti-Terror Law (Law No. 3713) and additional section 4 of the Press Act (Law No. 5680).

On 9 February 1993 SSC, composed of three judges, one of whom was a member of the Military Legal Service, found the applicant guilty of the offences charged and sentenced him to six months and twenty days' imprisonment and given a fine of TL 55,555. It also ordered the confiscation of the leaflets and disqualified him from driving for 15 days. In its interpretation of the wording of the leaflet, SSC accepted the public prosecutor's oral submissions entirely, except for that part which related to the applicability of the Anti-Terror Law. It noted in particular that the leaflet suggested recourse to resistance against the police and the establishment of "neighborhood committees", which it held to be illegal forms of protest. It further held that the offence had been intentionally committed, since the accused had not contested either the existence or wording of the text on which the charge was based.

On 9 March 1993 the applicant and the other convicted persons appealed to the Supreme Court. In their notice of appeal they asked for a public hearing to be held and challenged the SSC's interpretation of the leaflet and its refusal to commute the prison sentence to a fine. On 20 May the Supreme Court prosecutor submitted the case file together with an opinion couched in a standard form of words -which was not communicated to Mr İncal- asking the court to uphold the judgment. In a judgment of 6 July 1993 the

Supreme Court upheld all the operative provisions of the impugned judgment, observing that with regard to the nature and length of the sentence imposed at first instance it was not necessary to hold a hearing.

PROCEDURE

The case was referred to the Court by the European Commission of Human Rights on 16 April 1997. It originated in an application (No. 22678/93) against the Republic of Turkey lodged with the Commission under Article 25 by Mr Ibrahim İncal on 7 September 1993. The object of the Commission's request was to obtain a decision as to whether the facts of the case disclosed a breach by the respondent State of its obligations under Articles 6 § 1 and 10 of the Convention.

In accordance with the ECHR President's decision, a hearing took place in Strasbourg on 25 February 1998, during which all parties could express their views on the case. The Court held a preparatory meeting beforehand.

The Verdict

The verdict of 9 June contained the following arguments:

Concerning Article 10 of the Convention the ECHR ruled that the conviction of Mr. İncal was an interference with the applicant's freedom of expression. This was a unanimous decision. While confirming the prevention of disorder a "legitimate aim" of the State, the court also ruled that it was necessary in a democratic society that the freedom of expression was particularly important for political parties and their active members. It also stated that the leaflet in question contained virulent remarks about government's policy and called on the population of Kurdish origin, among others, to band themselves together to raise certain political demands, but it did not contain any incitement to violence, hostility or hatred.

Concerning Article 6 of the Convention the main question referred to the independence and impartiality of SSCs. Having stated that SSCs were set up pursuant to the Constitution to deal with offences affecting Turkey's territorial integrity and national unity, its democratic regime and its State security in particular - they sit as three-judge benches, of whom one member is a regular officer belonging to the Military Legal Service. Having said that the status of military judges provides certain guarantees of independence and impartiality placing them in a similar position to their civilian counterparts, it was stressed that during their term of office (four years, renewable) they continue to belong to the army, are subject to military discipline and have assessment reports compiled on them by the army, which, with the administrative authorities, plays an important role in decisions pertaining to their appointment.

By a majority of twelve to eight votes the court attached a significant importance to the fact that a civilian had to appear before a court partly composed of members of the armed forces and ruled that the presence of a military judge as a member of the SSC could cause a legitimate fear that the court would allow itself to be unduly influenced by considerations that had nothing to do with the case. This alone raised legitimate doubts as to the court's independence and impartiality.

The trial of İncal and other petitions challenging the conduct of trials at SSCs led to a debate on these courts by governmental bodies. In January, Oltan Sungurlu, the Minister of Justice at the time, announced that they had been working on recommendations to enable SSCs to gain a "civilian appearance". In a formal letter to the Ministries of the Interior and for Defense, the Ministry of Justice requested their opinion as to whether military judges should no longer be a part SSCs. Minister of Justice Oltan Sungurlu said that they had started an initiative relating to the verdict of the ECHR about the military judges at SSCs. Sungurlu said, "We have no complaints about the military judges. After all, the military judges are subjected to the same education as the civilian judges. Regardless of the presence of the military judges, the conduct of the SSC would not alter".

After the announcement of the verdict ECHR made on the İncal case, some lawyers demanded that the trials held at SSCs be stopped due to this decision. These demands were not met. For example, the lawyers Metin Narin and Behiç Aşçı demanded that the sentences passed on Filiz Gencer and 7 people by İstanbul SSC No. 2 and upheld by the Supreme Court on 27 April be cancelled and that the trial be heard again. The lawyers demanded that their clients be tried again in a court constituted in conformity with the required procedures and the principle of a fair trial according to the verdict of ECHR citing Article 32/5 of the Code of Criminal Procedures (CMUK) providing that “it is possible to rehear a trial in case of later developments”. The request was turned down.

In the press statement he made on behalf of 14 bar associations in September, Yücel Sayman, the chairman of İstanbul Bar Association, commented referring to the verdict, “it is already apparent that when SSC verdicts are referred to the ECHR, Turkey will be convicted. This verdict on SSCs questions the legitimacy of SSCs. It is high time to bring about the legal and constitutional amendments, to take necessary actions to reform the judicial system and the SSC judges stop acting. As long as the bar associations say that ‘it is impossible to maintain the supremacy of law in a country where the judiciary is not independent’, new methods must be developed for the independence of the bar associations and the judiciary. The judiciary is in a dilemma”.

Commenting on the verdict of ECHR, Minister of Justice Oltan Sungurlu stated that ECHR was “absolutely insistent on” the military judges not being part of SSCs and added, “I know that the military judges and prosecutors at SSCs graduate from the same law faculties, receive the same structural advice, pass the same examination and show the same flexibility. Nevertheless, ECHR is very sensitive to this. We have to think this over and make an evaluation. We definitely have to resolve this problem. Such changes are requirements of international agreements we have signed rather than our own domestic problems”.

7.2.

RIGHT TO DEFENSE

Other significant obstacles to the conduct of fair trials in Turkey are laws and applications of law that do not recognize the defense sharing an equal position as the prosecution. Especially in trials held at SSCs, prosecutors and judges perceive the defense as “the enemy of the state”. Lawyers acting as the defense in these trials could be subjected to ill-treatment by the security forces; lawyers visiting their clients in prisons were often accused of “being couriers of illegal organizations” and sometimes were put on trial on such charges. The lawyers acting as intervening parties or plaintiffs in trials of human rights violations were often subjected to ill-treatment by the security forces and sometimes to discriminative attitudes by prosecutors or judges. Lawyers acting on behalf of members of the security forces in trial for violations of human rights resorted to verbal and even physical harassment towards the victims, their lawyers and families. No legal proceedings were initiated against such lawyers.

In SSC trials, while the lawyers received information on the allegations against their clients from the media and were not allowed complete access to the files, the restrictions on visits of the lawyers to the detainees or prisoners continued unchanged for those people detained within the jurisdiction of SSCs.

The Regulation On Apprehension, Police Custody And Interrogation, which was prepared jointly by the Ministries of the Interior and Justice and put into effect on 1 October rearranged the restrictions regarding defense. Article 21 of the regulation entitled “The Inspection of the Case File by the Defendant’s Lawyer” provides the following: “The defender is always allowed to look through the minutes involving the detainees statement, expertise reports and minutes on procedures that allowed for the presence of the detainees as part

of the preparatory file located at the security forces and is also allowed to receive a copy of all these documents from the security forces. The accessibility to the remaining content of the files depends on a decision to be made by the public prosecutor". The Union of Bar Associations along with İstanbul and İzmir Bar Associations applied to the Supreme Administrative Court demanding the abolishment of the Article 21. Lawyer Çetin Turan, the chairman of İzmir Bar Association reported that CMUK entitled the lawyers to the examination and duplicating of the entire case file, but the new regulation was restricting this right. So far the court of administration has not made a decision on the subject.

In their application to stop the effects of the regulation submitted to the court of administration on 30 November, İstanbul Bar Association based their demand on the following arguments: "The regulation provides norms that could only be introduced by the Parliament, violates the principle of 'the distinction between powers' of the Ministries, involves provisions in breach of international conventions signed by Turkey and the law in general; Article 21 of the regulation violates the right to a fair trial by furnishing the public prosecutor with absolute power during the preliminary investigation; Article 19 of the regulation provides, 'except for crimes within the jurisdiction of SSCs, if the detainee is not capable of appointing a lawyer with his consent, a lawyer will be provided by the bar association.' Because a basic human right has been restricted at this point by the exclusion of crimes within the jurisdiction of SSC, Article 22 of the regulation reads 'a reasonable time span will be allowed for the defense to arrive, and if s/he does not turn up, this situation will be recorded in the minutes and the interrogation will start.' There is no time limit for waiting for the defense specified in CMUK and because this situation restricts the right to defense it has to be abolished".

In the press statement he made in January, Yücel Sayman, the chairman of İstanbul Bar Association, stated, "there is resistance in the police stations to implement CMUK and the suspect is prevented from calling a lawyer by the police". Having pointed out that the police would take the suspect to the place of crime and confrontation, but did not remind the suspect of calling a lawyer until the time for signing, Sayman said that the practice should not be left to the discretion of the police. He continued by saying that the number of requests was so low because lawyers were called at the last moment and, "80 percent of the demands the bar associations receive come from those under the age of 18 for whom a defense is mandatory. In the police stations the defendants are subjected to threats and pressure not to call a lawyer". Having stated that according to a statement of General Directorate for Security until October 1997 around 26,000 people had been detained in İstanbul, while the number of those who asked for a lawyer in compliance with CMUK was around 6,000, the chairman of İstanbul Bar Association commented, "This means 20,000 detainees did not ask for a lawyer. This may have two reasons: The first is that these 20,000 people did not want a lawyer, the second would be that they are prevented from calling a lawyer. Looking at the statistics, it is curious that no demands come from certain police stations".

The right to defense was also restricted because lawyers are not entitled to collect evidence. Moreover, lawyers are required to get the permission of the presiding judge before they may ask the defendants questions during a hearing. In the courts and especially in SSCs, it was often noted that the judges removed defendants or their lawyers from the hearing hall and carried on with the proceedings without them.

In 1998 the security forces, who were granted the privilege to conduct the preliminary investigation of the case against the detainee despite the fact that they did not receive a formal education on law, went on exposing detainees to the press presenting the allegations against them as facts and thus ignoring the premise that a person is assumed to be innocent until proven guilty. During procedures conducted at the command of SSCs' prosecutors or demands for arrest either the defendants were not allowed to meet their lawyers or the lawyers were not allowed to be present during procedures of search and detention. To illustrate, in Ankara the police raided the HADEP Headquarters and its offices of Ankara and Altındağ District on 10 February. The chairman of İHD, Akın Birdal and İHD executives, lawyer Aydın Erdoğan, chairman of the

Contemporary Lawyers' Association, and some other lawyers, who had turned up in front of the headquarters of HADEP during the raid, were not allowed in.

Mihri Belli, the founder of the Freedom and Democracy Party, was detained after joining a broadcast on the private TV channel "Kanal 6" on 6 February. Belli was not allowed to meet his lawyer, Sera Kaya. Having been taken to Ankara, Mihri Belli was reported to have been detained because of an arrest warrant in absentia issued in 1993. Belli was released on 8 February.

Cengiz Süslü, who had been detained in İstanbul on charges of "pickpocketing" on 3 May had to be taken to Şişli Etfal Hospital on 11 May, because of torture inflicted upon him at Eyüp District Police HQ. He received a medical report confirming the torture allegations. When the story appeared in the press he was abducted from the hospital by the police and threatened. Lawyer Kezban Alan, a member of the Torture Observation Commission of İHD, revealed that the police had forced Süslü to sign a statement that he did not want a lawyer and that she as a lawyer had been asked to sign a similar document.

Problems such as defendants under remand not being taken to the hearings, not being allowed to meet their lawyers and/or being subjected to ill-treatment after the hearings continued in 1998. For example, Sultan Öner, a person under remand at Uşak E Type Prison, was beaten by soldiers for having spoken to her lawyer after the hearing held at İzmir SSC on 10 March.

Further obstacles to the right to a fair trial were the prevention of proper defense especially in SSC trials and pressures on lawyers and human rights defenders assigned to work on these trials. In SSC trials lawyers learned about the allegations against their clients or the evidence available either from the press or during the first hearing. The lawyers faced obstacles in their attempts to meet their clients or even joining the hearings, as well as sporadic ill-treatment. Some of the attempts to prevent them from entering the prisons or SSCs and allegations of ill-treatment by the political police and gendarme resulted in investigations against the persecuted lawyers on charges of "showing resistance to the police" or "ill-treating officers". For example, the trial launched against the lawyers Gülizar Tuncer, Şafak Yıldız, Kamber Soypak, Ümit Yavuz and Filiz Köstak, who had been subjected to ill-treatment by the gendarme in the prison they had visited on 13 August 1997 after an attempted escape from İstanbul Ümraniye Prison commenced on 15 June. In the hearing held at Üsküdar Criminal Court, the lawyers defended themselves by saying that there were only 14 cards to be given to the lawyers who had come to the prison for a visit, although there were thousands of prisoners. They said that when they had approached the officer on duty at the entrance of the prison, gendarmes had insulted and attacked them. The lawyers stressed that the official complaint they filed about the gendarmes did not produce and result. In the hearing, journalists were prevented from taking photographs upon orders by the prosecutor. The camera of the reporter of "Gündem" was confiscated until the end of the hearing. At the end of the trial, the lawyers were acquitted from the charges to have "insulted and resisted the soldiers on duty".

Some prosecutors and judges did not even hide the fact that they saw the defendants' lawyers as their enemy. To exemplify, in the trial launched against 244 people in connection with the 1 May Labor Day celebrations in İstanbul a hearing was held at Şişli Penal Court No. 1 on 10 September. When the presiding judge İrfan Hacı Evliyagil asked the defendants, younger than 18, named Dilek Erdoğan and Filiz Çavuş to defend themselves, lawyer Muhittin Köylüoğlu took the stage and said, "You cannot ask those under 18 to defend themselves. Law is being slaughtered here. We are going to file an official complaint against you". Subsequently, the judge got the police to remove Köylüoğlu from the court room by force. The trial was adjourned. Muhittin Köylüoğlu and the other lawyers filed an official complaint against the judge İrfan Hacı Evliyagil. The situation was even worse in SSC trials; it has turned into a routine to penalize lawyers for "drinking water" or "showing a reaction when defendants are being ill-treated".

The security forces attacked the victims' families and lawyers in particular in trials launched against them or their colleagues. The most striking example for this happened in 1998 during the final hearing on 21 April of the trial initiated against 6 police officers in relation to the death (21 August 1993) of Baki Erdoğan, who had been detained by the police in Söke district of Aydın on 11 August 1993. In the hearing held at Aydın Criminal Court No. 1, when the final defense had been made, the Deputy Director of Aydın Police HQ, İbrahim Türedi, the Political Branch Director Necmettin Aydın Kaya and the police officers called Abdurrahman Çetinkaya, Cahit Sandıkçı, Ali Kumral and Ayhan Erdal were sentenced to 5 years', 6 months' and 20 days' imprisonment for "killing a person beyond intention" (Article 452 TPC). During the announcement of the verdict a police officer shouted "they are provoking us" and thereupon the defendants and plainclothes policemen in the hall attacked the audience, journalists and lawyers. Uniformed policemen who had entered the hall while the assault was going on took part in the attack. The plea of the lawyers and journalists "do not ask us to leave before our safety is guaranteed" was ignored by the court. The police battered the audience, journalists and lawyers by lining up in the corridor up to the exit. During the assault, the Chairman of EMEP Aydın Provincial Organization Hüseyin Saran had a heart attack. Ahmet Şık, reporter of the daily "Radikal", who had been trampled upon when falling over, and Mert İlkkutluğ, reporter of the daily "Milliyet" who had been hit with a hard object on the head, were hospitalized after being kept in the police station for 45 minutes. When Dr. Türkcan Baykal, employed at the İzmir Branch of HRFT, was searched at the entrance of the hall, reports belonging to Baki Erdoğan were spotted in her bag. Subsequently, Türkcan Baykal and Zeki Gül, board member of İzmir Medical Association, were held in custody for a while. During the investigation of the assault, Aydın Public Prosecutor Emin Özler took the testimonies of Olcay Ünal, Abdullah Yeğil, Birol Tetik, Murat Alpaslar, Erden Gümüş and Musa Kasım Atalay, who were employed at Aydın Anti-Riot Police, and Murat Çelik, lawyer with the İstanbul Bar Association, the chairman of EMEP Aydın Provincial Organization, Hüseyin Saran, Celal Başlangıç and Ahmet Şık, reporters of the daily "Radikal", Mert Mustafa İlkkutluğ and Hacer Meltem of the daily "Milliyet", who had been beaten by the police. Mert Mustafa İlkkutluğ pointed out that he had been beaten even more severely when he stated that he was a journalist. A retired teacher Hatice Sirkeci, who had been beaten by the police during the hearing was hospitalized with the diagnosis of "internal bleedings", while Yusuf Doğru (55) had to receive treatment at İzmir Aegean University Hospital due to the blows on his liver. The investigation opened against the policemen who had assaulted the lawyers and journalists ended with a decision against prosecution. The Provincial Administrative Council of Aydın made a decision not to be "the competent venue of jurisdiction" over the cases of the chief commissioners Hami Çimendağ and Sebahattin Budak as well as the police officer Servet Usta "since they had not been on duty that day"; and a decision of nonsuit for the police officers called Birol Tetik, Yaşar Kırcaş, Olcay Ünal, Musa Kasım Atalay, Murat Alparslan, Abdullah Yegin, Erdem Gülmüş, Ertan Sağlam, Murat Önder and Sadettin Kılıçaslan due to "lack of adequate evidence"

Terror in Aydın

Dear MPs, in a province of ours, Aydın, a terrible event occurred on 21 April 1998. The state displayed terror in Aydın Court House and its surroundings for about 2 hours... In Aydın Court House all members of civilian institutions and the victim's relatives who were present to observe the hearing were subjected to psychological torture by the security forces on 21 April 1998. The police surrounded the Aydın Court House; all people there were threatened and searched. This may sound natural; however, two doctors were taken to the Central Police Station on the grounds that they had leaflets on them. They were kept in custody for hours. The so-called leaflets turned out to be an alternative medical report. This was verified by Aydın Police HQ. The chief of Aydın Police had gone to Aydın Central Police Station after these two doctors were detained and watched the hearing from there minute by minute... The court announced its verdict, that

immediately met a great noise of protest. All the security forces in the courtroom assaulted and hit the journalists as well as formally dressed lawyers. Filling the corridor in double rows up to the exit of the court house, the police battered and hit everyone who would pass and those who had come to watch the hearing.

Dear MPs, the presiding judge of the Criminal Court, its members and the prosecutors at the court demonstrated an exemplary behavior that evokes human feelings. The prosecutor of the Criminal Court intervened in order to pretext the people being beaten, but to our dismay, he got his own share by being punched twice by the security forces. Despite the seriousness of the incident, the policemen responded to the prosecutor with insulting remarks when he ordered them to get the chief of police.

The presiding judge and members of Aydın Criminal Court were unable to leave their offices for hours fearing for their safety. The prosecutor had to accompany the people to the bus terminal. And because he deemed the situation there not to be safe either, he took them back intending to let them enter the building of Aydın Governorate. However, the governor rejected that. This incident was reported to me the moment it occurred; I could not reach Aydın Governor despite my constant efforts whereas I got immediate contact to the councilor of the Ministry of the Interior within 10 seconds. I strongly believe that Aydın Governor and the chief of police did not act very sensitively in this matter.

Aydın MP Fatih Atay, from his speech at the Parliament

On 22 January the police and some MHP members attacked lawyers and spectators who had come to Kayseri in order to attend the hearing of the trial launched against 22 policemen including İbrahim Şahin (the former vice chairman of the rapid deployment force at the General Directorate for Security) and İstanbul deputy chief of police, Reşat Altay, who were accused of having killed Sabahat Karataş, Taşkın Usta and Eda Yüksel in İstanbul Çiftelavuzlar quarter on the night of 16-17 April 1992. 13 people including Behiç Aşçı, Nevra Akpınarlı and Zeki Rüzgar, intervening lawyers, were detained outside the court house. MHP members attacked on others while they were trying to get into the busses to protect themselves from the assault. The detainees were released when the hearing was over. In his press statement after his release, lawyer Behiç Aşçı stated that he was not able to enter the hearing hall due to the assault and added, "I spoke to Kayseri Public Prosecutor with regards to the assault, but he condoned what happened replying 'This event has got nothing to do with me'". For this event it was particularly noted that the police restrained from protecting the lawyers from the attacks of MHP followers and that no legal steps were taken against the assailants.

After a hearing held at İstanbul SSC on 20 January, where the defendants were charged with "having killed MHP Maltepe District Organization President Nihat Uygun on 2 February 1997 and being members of TİKB", the defending lawyers and journalists were attacked by a group of 50 to 60 MHP followers when they were leaving the building. During the attack, lawyer Muharrem Çöpür was injured in the leg. Cumhuriyet newspaper reporter Hülya Topçu was thrown to the ground and kicked. The flash of the camera of Gündem newspaper reporter Faruk Arhan was broken. After the hearing on 10 July, the lawyers leaving the SSC building were attacked by nearly 10 MHP followers. During the attack, lawyer Zeynel Polat was stabbed in his leg with a knife and lawyer Saadet Yalçın was battered. Their first treatment was done at İstanbul SSC Forensic Ward. The lawyers were later referred to Şişli Etfal Hospital. The substitutional prosecutor Müfrit Büyükçolpan gave the lawyer Osman Ergin an account of the incident and said, "This does not belong to my area of jurisdiction"

“Defending the Police of the State”

In the past few days, some alarming incidents at Aydın Court House have occurred. They were reflected in the press, thus the public opinion, and none of us can approve of them. These are events that to our dismay, we have recently often witnessed not only in Aydın but also in other court houses especially in the big cities.

Similar to other cases, a report was prepared by police inspectors giving an account of the event and the provocations that led to it. A passage of this report reads, “In the hearing at the Criminal Court, there was utter silence in the room following the announcement of the verdict; the defendants had listened to the verdict quietly and calmly without resorting to any verbal or physical protest whereas just when the presiding judge had said “the announcement of the verdict”, a person whose name was revealed to be Hüseyin Saran, the President of Labor’s Party Aydın Provincial Organization, shouted, “this penalty - is not enough for - beg my pardon - these dogs” by pointing at the defendants. Subsequently, when İlhami Çimendağ, chief commissioner at Aydın Police HQ sitting in the front row as a spectator, said to Milliyet newspaper reporter Mustafa İlkutlu, “don’t take any pictures”, Ahmet Şık, reporter with the daily Radikal, standing on the back seats, punched the chief commissioner İlhami Çimendağ in his face with his right fist and then slapped him in his face with the reverse of his hand. All these things have been obviously witnessed”. In ideological trials in particular, unfortunately, the cities and the court buildings where these trials are held have been turned into venues for demonstrations. Anyone without any connection to the trial is attending the hearings. It is only natural that the defendants’ relatives want to be present in the hearings; but we cannot allow that people use the trials against police officers as an arena for revenge against the state and use the court corridors for ideological purposes. Parliament cannot allow this, the Government cannot permit this, neither can the security forces. My personal impression is that to my dismay, scenarios of conspiracy and plans for attacks are being produced in order to take revenge from the state in Turkey, to settle unresolved conflicts of the past, by using these trials as a pretext. I strongly believe that in this respect our state, parliament will be absolutely sensitive.

Moreover, these policemen are on trial because of the uniforms on them, that is because of having been assigned a duty by the state. They have no personal problems with this representative of the DHKP/C organization for the Aegean region. They have the duty to capture people, who work against our constitution and the indivisible unity of our country, and to hand them over to the judicial organs, and this is why they have been put on trial. Therefore, we, as the Parliament, the state itself, must feel compelled to watch the trials and prosecutions of these people very closely.

Minister of the Interior, Murat Başesgioğlu, Turkish Parliament General Assembly

Having stated his position as, “The lawyers insulted me. To me, there is no difference between an attack on a street vendor or a lawyer”, İstanbul SSC Chairman Şerafettin İste refused to start legal proceedings. Yücel Sayman, Chairman of İstanbul Bar Association pointed out that the two lawyers had been knifed before the eyes of the policemen. Sayman stressed that there was an obvious support by the police. Stating that the court was subjected to pressure, Sayman said, “There is not a single fair trial going on. Even the judges fear for their life’s security. Defendants can be lynched the moment they are acquitted. More serious incidents than that in Aydın are likely to happen”.

İstanbul Bar Association filed an official complaint with İstanbul Chief Public Prosecution on 17 July demanding that the aggressors of the attack on the defense lawyers on 10 July 1998 be identified and tried. In the press statement he made before filing the complaint, Yücel Sayman, chairman of İstanbul Bar Association, argued that because no measures had been taken despite constant warnings, the attackers had

been encouraged to take an action. Sayman also stated that the assailants, whose ideological outlook was apparent, were trying to influence the judiciary. Yücel Sayman stated that petitions had been filed with İstanbul Chief Public Prosecution, the SSC Prosecution and the security forces, to take precautions for the protection against possible attacks and the safeguard of the lawyers, but the authorities had taken no measures. Sayman continued by saying that the assailants had filled the court room and the streets outside the SSC, in addition, the attackers had shouted insults at the lawyers during the hearing, but the lawyers' requests to put this down in the minutes of the hearing had not been met. Having recounted that as the hearing was over, the assailants had left the hall threatening the lawyers, Yücel Sayman added, "The assailants' insults and threats were heard by the lawyers and journalists, not by the court chamber and the police".

Lawyers acting in trials regarding human rights were subjected to investigations due to remarks as lawyers or the defense. For example, Adana Public Prosecution started an investigation against the lawyer Zeki Rüzgar, who had filed an official complaint when Mehmet Topaloğlu, Adana representative for "Kurtuluş" newspaper, Selahattin Akıncı and Bülent Dil got killed in the house raid done in the evening of 28 January in Adana. Later, the investigation was referred to Ankara SSC Prosecution after a decision of non-jurisdiction had been made. Ankara SSC Prosecution Office launched a trial against Zeki Rüzgar, Ahmet Ergin, editor-in-chief of "Emek" newspaper, in which the news regarding the petition of Rüzgar had appeared, and Halit Keskin, the owner of the paper. The indictment wanted Zeki Rüzgar to be given a fine on charges of "having revealed the names of those employed at the department to fight terrorism" (Article 6 of the Anti-Terror Law). The trial of Zeki Rüzgar and the journalists started at Ankara SSC on 8 September. The 32 lawyers defending Zeki Rüzgar decided not to attend the hearings on the grounds that "the trials at SSCs are not objective and independent". Presiding judge Orhan Karadeniz reminded that "the provision of the relevant article of the Anti-Terror Law required a fine to be paid", and stated, "as long as the fine of TL 100 million are paid, we might assume that the trial never was launched". Zeki Rüzgar refused to pay the fine. The trial was suspended for 3 years in 1999 in compliance with Law No. 4454 concerning the suspension of the and sentences of crimes committed through press.

The trial launched against the lawyer Şenal Sarihan, TMMOB General Secretary Alparslan Ertürk and the former chairman of CHP Ankara Provincial Organization Haydar Doğan on the allegations of "having expressed an opinion about a verdict that had not become legally binding" in relation to conviction of students who had opened a placard in Turkish Parliament, commenced at Ankara Penal Court No. 8 on 6 February. In the hearing, Sarihan reminded that she was one of the lawyers appointed for the trial and stated that for her to be put on trial, an official permission of the Ministry of Justice had to be given in accordance with the Law on the Legal Profession. Sarihan's request was not met. The families had protested the verdict and therefore been battered by the police on the day when Ankara SSC announced its verdict. Sarihan said that she and Haydar Doğan had made a press statement to condemn this without commenting on the court's verdict.

The Panel of Chambers at the Supreme Court passed a verdict in December, regarding criticism of a court's verdict an offense. This case was based on an appeal of two lawyers against the decision by an executive judge. The petition read: "The court passed a sentence of 10-day's imprisonment when supposed to decide on acquittal. This makes one ashamed of being a lawyer. If we inform the foreign press about the verdict, they would think that we are being ruled under African laws. It is incredible that a court in İstanbul does not know the details of law; this is beyond our grasp. What kind of a logic would justify this decision? Laws have to be closely studied and internalized". In the trial Kadıköy Criminal Court No. 2 had convicted one of the defendants on the accusations of "having insulted a judge on duty". The Chamber 4 of the Supreme Court quashed the verdict asking for further investigation whether the statements leading to the verdict was a harsh criticism of the individuals or the verdict. As the local court insisted on its initial decision, the case file was referred to the Penal of Chambers. In the verdict of the panel that was reached with

the majority of votes, it was stated that the immunity of defense was not unlimited and that the defendant should be penalized for “having humiliated the judge”. The verdict further read: “It is not legitimate to use such words that have not contributed to enlighten the case. The words have nothing to do with the trial. Having gone beyond the limits of defense, the defendant cannot claim immunity of defense for the insulting words”.

In political trials a number of actions were taken with the aim to remove the secrecy of the lawyers’ documents, documents on their clients or their meeting with the clients in prison. Some lawyers were put on trial on charges of “acting as couriers between prisoners”.

Param Cumaraswamy, UN-Special Rapporteur on the Independence of Judges and Lawyers examined the case of the lawyers Sevil Dalkılıç and Kemal Yılmaz in the section on Turkey of the annual report he presented to the UN Human Rights Commission on 13 January 1999. The Special Rapporteur recounted the government’s claims about the lawyer Kemal Yılmaz who had been detained and interrogated by the police on the accusations of “acting as a courier between prisons” upon his visit to his client at Yozgat Prison on 21 February 1998. The government had argued that the lawyer Yılmaz had been interrogated by a prosecutor, that a medical report had proven that he had not been tortured, that the clients he had visited in Yozgat Prison had been convicted as members of the illegal organization named TİKKO and that he had given them some messages from the organization hidden inside tissues”.

The trial of the Kemal Yılmaz started at Ankara SSC on 1 April. In his testimony Yılmaz rejected the accusation. Yılmaz said, “I am neither a member of TİKKO nor do I approve of their views”. He argued that Hüseyin Memicil, the convict who had provided the statement against him, was manipulated by Tunceli Police HQ and said that, because he was from Tunceli and was appointed to the trials of those captured in that region to act as their lawyer at Malatya SSC, Tunceli Police HQ had forced Hüseyin Memicil to testify against him. The lawyer Kemal Yılmaz was charged with the demand of up to 15 years in prison for “being a member of an illegal organization” (Article 168/2 TPC and 5 of the ATL). The Chairman of the Association of Contemporary Jurists (ÇHD), Aydın Erdoğan, defended the colleague by saying that for a lawyer it was sufficient to show metal objects on him, but his client had even put the papers on a desk during the search in the prison. The documents in question had not been discovered during a search. His client was not aware of the three-page text that had come out of a closed packet of tissue paper.

Lawyer Kemal Yılmaz was sentenced to 3 years 9 months in prison. Yılmaz was released taking into account his detention period. Yılmaz said that the court cannot build a verdict on a repentant’s statements and that this would be against the law. Nurcan Gülabi, a lawyer from Ankara Bar Association and a board member of İHD Ankara Branch, was detained by the policemen raiding her office on 11 May. The Chairman of ÇHD Ankara Branch, Hıncal Tezcan, stated that case files were confiscated during the raid conducted by the political police. Ankara SSC Prosecution launched a trial against Gülabi on charges of “aiding the PKK by acting as a courier from and to Bartın Prison” (Article 169 TPC) on 6 June. The article requires a sentence of between 3 and 5 years in prison. The trial concluded at Ankara SSC on 26 October. Gülabi was sentenced to 4 years 6 months in prison.

The lawyers were also harassed by those defending police officers and the police officers themselves in trials concerning human rights violations. No legal proceedings were initiated against these people. To illustrate, a trial was launched against 65 prison staff on accusations of having killed 10 convicts at Diyarbakır E Type Prison on 24 September 1996. In the hearing on 24 April 1998 the defense lawyer Can Özbay argued that the PKK caused a riot in prison and stated, “The intervening party in this trial is the PKK. Therefore, the interveners are terrorists and their lawyers are organization’s lawyers. Organization’s lawyers are trying to identify my clients, who fulfilled their duty by killing the terrorists”. Özbay said, “In the previous hearing, it was decided that photographs of my clients wearing the clothes at the time of the incident

be submitted to the court. This is absolutely impossible for some of the defendants cannot be found as they had been discharged. This will only prolong the trial. Actually, we have been expecting an acquittal up to now, because the state officials fulfilled their duty to 'fight against terrorism'. The court has to decide on acquittal so that they do not lose their motivation. As for those who started the riot, their files should be sent to the SSC to prosecute them". The police, who had blockaded the court house from all sides, did not allow interveners and representatives of democratic organizations to attend the hearing. İHD Deputy Chairwoman, lawyer Eren Keskin, and the intervening lawyers filed an official complaint against the attitude of the police.

A trial was started at Trabzon Penal Court against 20 police officers for having killed 19 people in İstanbul Gazi quarter in March 1995. The charges, "killings without identifiable perpetrator by exceeding the limits of defense", were based on the fact that the officers had used guns during the event. In the hearing on 10 July (1998) İlhami Yelekçi, one of the lawyers of the defense, stated, "those who were killed, were members of organizations and traitors to the state". The policemen on trial, Adem Albayrak and Mehmet Gündoğan, cursed the victims and their relatives by saying, "You are all traitors. You should be wiped out all together".

In the appeal hearing on 16 July concerning the killing of Metin Göktepe, reporter for "Evrensel" newspaper, the intervening lawyers were not allowed to express their opinions. The lawyers of the accused police officer could present their opinions. Their defense based on the claim that the trial had been opened to humiliate Turkey. One of the defendant lawyers, Cahit Torun said, "What reporter is that? What article has he written? The charges have been constructed through the pressure of the media. Göktepe's criminal record has been proven". The lawyer Necdet Küçüktaşkın stated, "This person who has been described as a journalist is a reporter of 'Evrensel' newspaper. 'Evrensel' is a militant paper".

In another trial 8 police officers stood accused in İstanbul Criminal Court No. 4 for having killed Hamdi Salgın and Gülistan Özdemir during a house raid in Fatih quarter of İstanbul on 11 February 1997. During a hearing on 6 October 1998 the policemen's lawyer İlhami Yelekçi threatened to attack the journalists to prevent them from taking pictures. The court board enforced a ban on the press for this trial upon İlhami Yelekçi's request. Upon the intervening lawyers' objection, the ban on the press was changed into a ban on taking photographs.

7.3.

MEANS OF SEEKING ONE'S RIGHT

Seeking one's right regarding the violation of human rights remained difficult and sometimes dangerous in 1998. The problem of impunity continued to be one of the most significant obstacles in 1998. Prosecutors did not take up a number of official complaints. The tendency to pass a decision of non-prosecution in cases on the grounds that that prosecution of crimes committed on duty need official permission continued to be overwhelming in decisions by prosecutors; some trials already in progress were stopped on the basis of the same regulation. The fact that the security forces were assigned duty in the trials against their colleagues impeded the opportunities for a fair trial and seeking one's rights. Trials concerning extra-judicial executions and torture often resulted in acquittal. (see Torture and Ill-treatment).

In 1998 some actions were taken towards an amendment of the Law on Prosecution of Civil Servants, the law often used as a justification not to prosecute members of the security forces charged with human rights crimes. In the press release he made regarding the draft bill the government had presented to the Parliament in January, Hikmet Sami Türk, the State Minister in charge of Human Rights, gave the

following information about the amendments planned to be made: “A public prosecutor who receives a denunciation on a crime by an official shall only gather the necessary evidence and, before taking the testimony of the accused, will refer the file to the relevant authority to ask for permission to start an investigation. The relevant authorities will initiate a preparatory inquiry to decide on whether to launch an investigation or not. If permission of an investigation is not given, the authorities will have to justify this decision.” According to the draft bill discussed in the Parliament, the working principles of provincial and district administrative councils that decide on cases of officials who have committed crimes such as bribe, corruption, fraud or conspiracy, and evaluate the validity of the allegations against civil servants in order to decide whether they should be prosecuted or not, were to be rearranged. The councils should not longer be able to keep case files pending. The requirement to get permission from the office of the accused official should be restricted. An opportunity should be given to hand over documents to relatives or announce them publicly, rather than delivering them directly.

During the discussion of the draft bill in the Council of Ministers, Murat Başesgioğlu, the Minister of the Interior at the time, objected to it on the grounds that “the draft bill would abolish the privileges granted to the civil servants”. Başesgioğlu requested that the special provisions in the law for the State Emergency Region be retained.

Officials on trial did not join the hearings due to legal provisions concerning their responsibility and duties. In trials of incidents that resulted in death, the situation was no different. Even those on trial for a number of cases were allowed to carry on with their duties, and they went on with actions that had led to those trials.

Some officials on trial and their colleagues dared to threaten witnesses and lawyers. In such cases witnesses and lawyers had no protection. To illustrate, in the trial on the murder of the journalist Metin Göktepe, who was beaten to death, the inspection of the scene of the crime happened 2 years after the event, on 5 January at Eyüp Closed Sports Hall. The police officers remanded top prison had not been taken to the inspection and only the police officers being prosecuted without arrest called Fikret Kayacan, Murat Polat, Tuncay Uzun, Burhan Koç and Fedai Korkmaz participated. Journalists were not allowed to watch the inspection, but the witnesses named Deniz Özcan and Ali Ekber Palabıyık were present there. When the operation was over, defendant Fikret Kayacan pointed at the gun on his waist and threatened the witness Deniz Özcan, “You are finished, man. Your death lies in our hands”. Subsequently, Deniz Özcan shouted, “I have had enough of this. I am not frightened of you any more”. The lawyers’ request of these threats being recorded in the minutes was turned down. Deniz Özcan disclosed that after he had been named as witness, he had been detained 8 times and subjected to threats by the police. On 1 November Ahmet Ülger, one of the defendants’ lawyers, had come to the coffee shop Deniz Özcan was sitting in. Deniz Özcan recounted, “I was detained by the policemen who came there after a while. I guess Ahmet Ülger had informed that I was there. They forced me into a police car and threatened me by saying, ‘You have said enough, don’t talk any more’. They took me to Yeşildirek Police Station, handcuffed, kicked, slapped and beat me with their walkie-talkies for a long time. When I asked to use a phone, they refused and replied, ‘From now on you are with us, there is nothing you can do’. I had been detained at three o’clock in the afternoon and I was released around midnight”.

Ercan Demir, the lawyer of the family of Ali Serkan Eroğlu, who had died under suspicious circumstances in İzmir on 24 December 1997, and Chairman of İHD İzmir Branch, revealed that the police had threatened them. Ercan Demir reported that Oğuzhan Ögrük, staff of İHD Branch had been detained on 5 January to be taken around in a car for a while and that he Günseli Kaya, a member of İHD’s Executive Board and Secretary of HRFT İzmir representative office, had received threatening calls trying to stop them dealing with the trial. Lawyer Ercan Demir said, “Whoever is involved in clarifying this case is being threatened. Başak Kaban, reporter for the TV station “Kanal 1” was attacked and asked to leave the case

alone. This attitude of the police increases suspicions of the police's involvement in Ali Serkan Erođlu's murder". Kaya stated, "Ali Serkan Erođlu might have committed suicide. However, this will be determined for sure only after the completion of the investigation. Even if he had committed suicide, the pressures the policemen exerted on him must have led to his suicide. We do have findings to prove that".

8.

FREEDOM OF THOUGHT

The rights listed under the headline "freedom of thought"⁷² were either violated by the state or no measures were taken for their effective protection. People who opposed or criticized the "state policies" of the authorities were arbitrarily detained and convicted in unfair trials. The activities of organizations and publications of dissent were hindered or banned. As in 1996 and 1997, one of the most significant features of 1998, was the relative decrease in violations of the right to life compared to the period between 1992 and 1994. But there was a remarkable increase in violations of the rights listed under the headline of freedom of thought. The members of organizations that conveyed, expressed and discussed opinions that according to the "state policies" determined by the NSC were considered "against the state" and security officers and bureaucrats who held views opposing those "state policies" were punished and repressed. Many people, particularly the human rights defenders and executive members of NGOs were prosecuted and convicted for expressing their opinions. In 1998, members and executives of dissenting associations, trade unions and political parties, as well as human rights defenders carried out their activities under the threat of prosecution at the SSCs, arrest and conviction. Many NGOs were closed, particularly in the region where a State of Emergency is in effect. Organizations were closed arbitrarily without court decisions, many meetings, demonstrations, and artistic activities were banned. The governor used the authority of his position to exile many people from the region of the State of Emergency, on the grounds of their "destructive opinions." the authorities he was vested with exiled many people from the State of Emergency Region because of their "destructive opinions". Civil servants in other parts of the country, people who took part in the activities of organizations of dissent and especially the executive members of trade unions were also exiled.

According to the data provided by the General Directorate of Judicial Registers and Statistics, 188 of the trials opened under Article 159 of the Turkish Penal Code (TPC), which covers the offense of "insulting or ridiculing the moral personality of Turkish identity, the state and its organs," were concluded in 1998. 85 of these trials resulted in acquittals, while 57 of them led to the conviction of the defendants. 658 trials that were opened under Article 312 TPC, which covers the offense of "inciting people to enmity and hatred on the basis of class, racial, religious, confessional, or regional differences," were concluded in 1998. Of these trials, 67 ended in acquittal and 500, in conviction of the defendants. Trials were opened against 3 defendants under Article 155 TPC, which covers "inciting people to perceive the military in an unsympathetic manner." None of these trials were concluded in 1998. In 1998, 7.796 people, 160 of whom were minors, were put on trial on charges of "acting in contravention of the Law on Meetings and Demonstrations." 652 trials opened with the

⁷² Freedom of expression and freedom of communication ("freedom of press" and "freedom of receiving information") were covered under the headline "freedom of thought" in this report. However, violations of rights such as "freedom of organization" and "freedom of gathering and demonstrations" and pressure on the human rights defenders have generally stemmed from the expression and transfer of ideas and opinions, and from carrying out activities on the basis of these ideas and opinions.

same accusation were concluded in 1998. Of these trials, 458 ended in the acquittal of the defendants, whereas sentences were given in 110 of the cases.

Journalists working for particular newspapers, the readers of these newspapers, as well as thousands of high school and university students, who attended various meetings and demonstrations, were charged under Article 169 TPC, which covers "aiding an illegal organization and sheltering its members." In 1998, a total of 3.298 people were prosecuted in 2.682 trials opened on charges of "acting in contravention of the Press Law." In these trials, 6 of the defendants were between the ages of 11-14, and 32 were between 15 and 17.

The studies by the HRFT have revealed that there were at least 379 prisoners of thought (either detained or convicted) in prisons..

In 1998, no amendments to the legal provisions restricting freedom of thought were made. Meanwhile, the NSC and other state bodies continued to complain about the insufficiency of the current laws.

In addition to legal provisions restricting freedom of thought, the state bodies brought various administrative, financial and detective sanctions against the factions of the society that expressed arguments opposing the "policies of the state" and people who criticized those policies.

a) Legal Provisions

In Turkey, the main provisions limiting the freedom of thought are found in Articles 155, 159, 311, 312 of the TPC, Articles 6, 7 and 8 of the Anti-Terror Law, in the Law to Protect Atatürk numbered 5816, the Press Law and the Law on the Radio and Television Supreme Board (RTÜK). In addition, the Law on Provincial Administration, the Martial Law Act and the State of Emergency Law give the military and administrative officials the authority to bring restrictive measures without a court decision, under certain circumstances.

For offenses committed in the press, the Press Law holds the writer of the article, as well as the editor-in-chief of the publication and its owner, responsible and thus stipulates conviction for more than one person in connection with the same offense. In addition, publications that include elements incongruous with "national security and general moral values" can be convicted. As for Article 162 TPC, it reads, "Citing from publications which are considered illegal is an offence on its own." According to this article, "Additional evidence proving that the opinions cited were not shared, the citing was made cautiously or the responsibility of citing was undertaken by someone else do not constitute grounds for immunity from the liabilities of citing." According to this provision, people can be convicted even though they cite with the purposes of criticism, discussion or informing the public. Besides, people who are accused of "disseminating terrorist propaganda" by the SSC prosecutors can be regarded as the original source of the quotation and they can be convicted on this ground.

Article 159 TPC stipulates an imprisonment term between 1 year and 6 years for "those who publicly insult or ridicule the moral personality of Turkish identity, the Republic, the Parliament, the Government, Ministers of State, the military or security forces of the state, or the Judiciary." However, this provision constitutes an obstruction of the freedom of thought in Turkey, where the line between criticism and insult is obscure and is defined arbitrarily. The criticisms that are made against human rights policies, or against the policies or the role of the NSC and the Turkish Armed Forces, are evaluated under this provision.

According to Article 155 TPC, "those who publish articles that might harm the security of the country or incite people to perceive the military in a negative light shall be imprisoned between two months

and two years." These provisions, under which any criticism can be regarded as an offense, are interpreted in a broad sense that results in arbitrary punishments.

One of the provisions intensively applied against those accused of crimes of "thought" after the amendments to Article 8 of the Anti-Terror Law of 1995 was Article 312 TPC, which stipulates that "one who openly praises an action considered criminal under the law or speaks positively about it or incites people to disobey the law shall be sentenced from six months to two years in prison (...) One who openly incites people to enmity and hatred on the grounds of class, racial, religious, confessional, or regional differences shall be sentenced from one year to three years in prison (...) If the incitement is done in a way that could possibly be dangerous for public security, the punishment given to the perpetrator is increased from one-third to one-half (...) Penalties given to those who carry out crimes through publication and broadcast will be doubled," has been interpreted in the broadest sense.

Article 8 of the Anti-Terror Law deals with the crime of "written or oral propaganda, along with meetings, demonstrations, and marches, that aim at destroying the indivisible unity of the state with its territory and nation of the Republic of Turkey." Those who conduct such activities shall be sentenced between one year and three years in prison and given fines. This is one of the provisions applied against those who express dissenting opinions or give information on the Kurdish problem, and those who disagree with official opinions expressed in the policy on "national security." The article stipulates heavy fines for publishers and prison sentences of 6 months to 2 years and fines for editors-in-chief.

Meanwhile, some journalists were accused of "forming gangs against the security of the state," and "being executive members (TPC 168/1) or members (TPC 168/2) of organizations," defined as "terrorist." People who worked for certain legal newspapers and magazines, considered "illegal terrorist publications" by the security authorities were put on trial, accused of "being executives or members of armed gangs," and convicted without any evidence other than the files prepared by the police. In addition, people working for newspapers and journals can be charged with the crime of "aiding an armed gang and sheltering its members" (TPC 169), also a "crime of terrorism" on the grounds that "they help the activities of illegal organizations with the news stories that they publish." Accusations can be made and sentences can be given solely on the basis of the files prepared by the police.

According to Article 7/2 of the Anti-Terror Law, "those who assist the members of terrorist organizations or spread propaganda for them are sentenced between 1 year and 5 years in prison and fined." The Expression of any kind of opinion or information that security officers consider "favorable to terrorist organizations" is punished under this article.

The crime of "printing or publishing declarations and statements of terrorist organizations," as defined in Article 6/2 of the Anti-Terror Law, impedes the flow of information about the organizations defined as "terrorist organizations" by the authorities. Journalists, publishers and their editors-in-chief can be prosecuted and convicted if they consider such information useful to public interest and publish it. Article 6/1 of the same law defines the crime of "stating or publishing the identities of public personnel engaged in activities combating terrorism, thus identifying such personnel as targets, and stating that terrorist crimes will be committed against someone whose identity can be understood (whether a name is mentioned or not)" and prescribes fines for such an offense. This accusation has been made against lawyers who have made statements on cases of torture or on extra-judicial executions by mentioning the names of the perpetrators, and against journalists who have published those statements.

According to Martial Law Act no 1402, the martial law commander is authorized "to impose censorship on, to restrict or interrupt any radio or television broadcasts or telecommunications and to have authority over these channels when such a necessity emerges" (Article 3/b). He is also authorized "to control all verbal, written and pictorial communications, films or sound transmissions, publications, correspondence,

letters, cables and other consignments; to ban or impose censorship on all kinds of newspapers, journals and books, and on the printing or distribution of other publications; to prohibit the possession, carrying or distribution of more than one copy of such publications; to seize all kinds of documents including books, journals, newspapers, brochures, posters, leaflets, placards, records, tapes as well as broadcasting and communication media and to close down printing houses and record and tape manufacturing workshops; to take necessary measures to destroy those articles deemed by the martial law command to be objectionable or to return them to their owners if it is decided that they should not be confiscated; and to require special permission for the publication of new newspapers and journals" (Article 3/c).

The State of Emergency Law numbered 2935 vests the Regional Governor with the authority to "prohibit, or impose the obligation to require permission for, the publication, including issuance of reprints and editions, and distribution of newspapers, journals, leaflets, books, etc.; to prohibit importation and distribution of publications published or reprinted outside the state of emergency region or impose the obligation to require permission for these publications; and confiscation of books, journals, newspapers, leaflets, posters and other publications of which publication or dissemination have been banned" (Article 11/e). In addition, he has the authority "to control and, if deemed necessary, restrict or ban every kind of broadcasting and the dissemination of words, writings, pictures, films, records, sounds and images." It has been observed that such authorities have frequently been employed.

The legislation related to the implementation of a State of Emergency also includes similar provisions. The Decree in the Force of Law, numbered 430, defines the authority to "prohibit, or impose the obligation to require permission for, the publication, including issuance of reprints and editions, and distribution of newspapers, journals, leaflets, books, etc.; to prohibit importation and distribution of publications published or reprinted outside the state of emergency region or impose the obligation to require permission for these publications if they are published in a way that would pave the way for the dissolution of the public order in the region or burst the public anxiety because of giving wrong information about the activities in the region or by publishing and broadcasting unreal news stories or in a way that would constitute an obstacle for the security officers in performing their duties properly;" and this authority is given to the State of Emergency Region Governor or any provincial governor within the region where there is a state of emergency. (Article 1/a).⁷³

In accordance with this provision, if these measures are considered to "fall short and be ineffective," the Minister of Interior Affairs, upon the proposal or recommendation of the State of Emergency Region Governor, "forwards written notifications to the publishers and/or the editors-in-chief to the cease or the eradicate the publication, without considering whether they were published within or outside the territories of the state of emergency region; he can prohibit their reproduction, publication and distribution for a period of time or indefinitely." With a supplementary measure, the Minister of Interior Affairs is entitled to close down the printers of such publications for a period of ten days, and in case of a recurrence of the offence, he can close them for a period of one month.

The regulations pertaining to radio and TV broadcasts also contain restrictive provisions that limit the freedom of communication and right to information. For example, the duties of the TRT (Turkish Radio and Television) concerning national broadcasts have been defined as follows: "To contribute to the 1. firm establishment of the principles and the revolutions of Atatürk, to further the national objectives of the Republic of Turkey for attaining the level of contemporary civilization ; 2. to protect and develop the

⁷³ Article 8: No penal, financial or legal responsibility can be ascribed to nor any appeals can be made with the judicial authorities against the Minister of Interior Affairs, the Governor of the State of Emergency Region, and the governors of the provinces within the state of emergency region in connection with their decisions and deeds related to the exercise of the authorities vested in them with this Decree in the Force of Law. The right to claim compensation from the state for the damages that the persons suffer without a cause is reserved.

democratic, secular and social state of law, that is respectful of human rights and that is devoted to Atatürk's nationalism with a vision of national solidarity, peace and justice within the frame of the indivisible integrity of the country and the nation and the existence and independence of the State; 3. to develop national education and national culture; 4. to protect the policies of national security and the national and economic interests of the State; 5. to shape public opinion freely and vigorously within the direction of the principles of the Constitution" (Law numbered 2954, Article 9-e).

The provision on "the ban on publications and broadcasts in the interests of national security" reads as follows: "The Prime Minister or a minister assigned by the prime minister has the authority to ban a news story or a broadcast in certain cases where this is clearly essential for national security. It is essential that the decision to ban be in written form. However, in case of emergencies, the decision can be declared orally. In this case, it is stipulated that the decision to ban be repeated with a declaration in written form at the earliest convenient time. In cases where the decision to ban is issued for news stories or broadcasts which are not under the liability of the Turkish Radio and Television Institution, the General Directorate shall refer them to the competent authority within twenty four hours after making the decision." (Law numbered 2954, Article 23) This provision is included within the Law on Turkish Radio and Television. Article 22 of the Regulation on the Principles and Procedures of the Radio and Television Broadcast reads as follows: "Providing that court judgements are reserved, no broadcast can be supervised and stopped in advance. Nevertheless, the Prime Minister or a minister commissioned by him/her is entitled to stop and prevent a broadcast in cases where this is necessary for national security or where there is a serious threat against public order." For instance, news and the images related to the hunger strikes staged in prisons were banned in 1996 under these provisions.

The Law on the Establishment and Broadcast of Radio and Televisions (1994) also contains restrictive provisions which limit the freedom of expression, communication and right to information. For example, the radio and television stations are obliged to comply with "a) the existence and the independence of the Republic of Turkey, and the indivisible integrity of the State with its territory and its nation, b) the national and moral values of the society, c) the fundamentals which are within the scope of the General Principles of the Constitution, the democratic councils, and the individual rights, d) the general morals, the peace of the society, and the Turkish family structure, e) the freedom of expression and principle of pluralism in communication, publication and the broadcast, f) the principle of non-discrimination of people on the basis of race, sex, social class and religious beliefs under any circumstances, g) the principle of prevention of publications that will lead people to violence, terror, and ethnic discrimination and that might arouse feelings of enmity and hostility within the society" (3984, Article 4). The authority to penalize by "issuing decisions warning, ceasing broadcast or annulling licenses" the establishments that broadcast contrary to these principles, is vested in the Radio and Television Supreme Board (RTÜK), which is a governmental institution established upon a political decision. The station whose broadcast is halted or cancelled, reserves the right to appeal to the Administrative Courts in Ankara.

The Preliminary Draft of the Turkish Penal Code, which was prepared at the end of 1997, was submitted to the Parliament in January in the form of a draft bill. The opinions and comments of NGOs were not sought. The draft bill was not put on the agenda of the parliament and voted on until the end of 1998. The draft bill proposed an increase in the fines and sentences for the offenses specified under Article 312, which has been the basis of trials opened especially for statements regarding human rights, the Kurdish problem or minority rights. On the other hand, the justification of the provision stipulates that this article was designed not to be used against the freedom of expression but against persons who commit the crime of "inciting people to hatred and enmity or pursuing enmities in a way that might lead to the deterioration of public order by pointing to class, racial, religious, confessional, or regional differences or insulting a section of society. The crime of "inciting people to disobey the law," which is included in the same article, was worded in a way

to provide a means for punishing criticism and recommendations. Jurists have criticized this article, saying that the word "law" could be interpreted as also covering administrative regulations. Commenting on the draft bill, former Chairman of the İstanbul Bar, Turgut Kazan, has said that the draft bill had contrived new crimes of thought. Kazan has stated that Article 356 of the draft bill,⁷⁴ which was worded to replace Article 8 of the Anti-Terror Law, had provided the means of convicting people to prison terms of between 3 to 5 years even if one says that the decisions of the European Court of Human Rights are binding for Turkey, or carries out studies in order to secure the ratification of an international convention by the Turkish government, or brings a different point of view to debates on the Kurdish problem. Jurists have also noted that if the draft bill were enacted, news stories about discussion of certain issues such as the Susurluk scandal or about human rights problems would become criminal.

In March 1998, the High Council Coordinating Human Rights, headed by then-Minister of State in charge of Human Rights Hikmet Sami Türk, prepared another draft bill proposing amendments to the Constitution and to other laws and submitted it to the Parliament. This draft bill proposed an amendment to Article 8 of the (law against separatist propaganda. The original legislation read: "Written or oral propaganda, and meetings, demonstrations and marches that aim to destroy the indivisible territorial and national unity of the Republic of Turkey..." The High Council suggested replacing the term 'that aim to destroy' with "with the purpose of destroying." The draft bill also proposed to punish the "offense of propaganda" stipulated in Article 312 TPC only in cases where "the person who spreads the propaganda constitutes a threat against public security." In addition, the draft bill proposed changes to the wording of Article 159 TPC, which deals with the offense of "publicly insulting or ridiculing the moral personality of Turkish identity, the state and its organs." Accordingly, the word "Turkish identity" would be changed as "the Turkish Nation." The draft bill requested a reduction in the upper and lower limits of the sentences ascribed for these offenses.

b) The Kurdish Problem and Freedom of Thought

The atmosphere of violence created around the Kurdish problem has constituted the grounds for the oppression of all people who have attempted to initiate a political debate on this problem or of those who, when they were reporting news on the Kurdish problem, violated the official language and official analyses determined by bodies protecting "national security." The phrases that could be used in connection with the Kurdish problem were set by the authorities in order to impose sanctions; and those who uttered "unacceptable" words were punished.

Şemdin Sakık, a leading figure of the PKK, was brought to Turkey in April after an alleged military operation in Northern Iraq. This paved the way for a campaign against the people who were frequently blamed by security officers in recent years because of their opinions and expressed views on the Kurdish problem. During the period when Şemdin Sakık was under interrogation by the security officers at an anonymous place, the mainstream media, particularly the Anatolia News Agency, the newspapers *Hürriyet* and *Sabah*, and TV channels Kanal D, Star, Show TV and ATV, started to publish and broadcast certain claims, which they alleged were taken from the testimonies of Sakık. This continued for days. The denials made against these claims, however, found very brief coverage in these newspapers and TV channels, or they were never covered at all. The grave consequences of this campaign for the people and organizations

⁷⁴ TPC Draft Bill Article 356: "Those who attempt to put State territory or a part of it under the sovereignty of another state or to destroy the indivisible unity of the state or to separate some parts of the territory under the sovereignty of the State from State administration or to diminish the State's independence are punished with life imprisonment. Those who spread propaganda which incites the offense described in the first paragraph are sentenced to imprisonment between 3 and 5 years."

mentioned in the claims continued throughout the year. This campaign resulted in the armed assault against the HRA Chairman Akın Birdal on 12 May. Şemdin Sakık, who was cross-examined at the SSC on 28 April, falsified the claims covered by the media, however, his falsification was also underexposed by the media (in its annual evaluation, the Anatolia News Agency gave place to the claims against Akın Birdal as if they were never ever falsified). Following were the claims covered by the media:

A circular by the Ministry of Interior Affairs recommended the use of the following terms and phrases while reporting on the newspapers, radios and TVs.

UNACCEPTABLE TERMS

TERMS TO BE USED INSTEAD

Guerilla (Rural guerrilla, city guerrilla) Rebel	Terrorist, Terrorist element, Brigand, Bandit
Peshmerge, Refugee	Northern Iraqi, Asylum seekers
Kurdish National Liberation War, Struggle of Freedom	Terrorist activities
PKK, KAWA, KUK, APOCU, Separatist gang	Terror organization of PKK, Bloody terror organization, Gang of murderers
Operation, Cleansing operation, Security Operation	Search for terrorists and criminals, Pursuit of terrorists
Commander, Governor, District governor	An authority
Kurdish, Kurdish Turks, Kurdish nation, Kurdish citizen	Turkish citizen
of Kurdish race, of Kurdish origin, citizens of Kurdish origin, people of Kurdish origin	Turkish citizens, citizens named as Kurdish by the separatist circles
Temporarily leaving arms, Cease-fire	Ceasing terrorist activities, Temporarily halting armed terrorist activities
Peace call	Temporarily halting armed terrorist activities
Southern Kurdistan	Northern Iraq
Northern Kurdistan	East of Turkey
Botan, Amed, Dersim, Serhan. province	Şırnak-Van-Hakkari region, Bingöl-Muş-Diyarbakır region, Erzincan-Tunceli-Elazığ region
Botan (...) commander, responsible person	Regional head (responsible person) of the terrorists
APO	Terrorist Öcalan
Base, camp, headquarters of the organization	Shelter of terrorists, Nest of terrorists
Leader of organization, PKK leader,	Head of terrorists, head of organization, Chief/instigator of separatists

Leader cadre of the organization/from the leading cadre	Responsible of the terrorist organization
Separatist terror organization, Separatist terror organization PKK	Terror organization, Terror organization PKK
Separatist organization, Separatist	Terror organization, terrorists
Marxist-Leninist organization	Terror organization
Marxist-Leninist PKK	Terror organization PKK
Crime against humanity	Terror crime, Crime of murder/massacre, Crime of massive slaughter
Öcalan's march to Rome	Sheltering of chief of terrorists in Rome/Italy
Evacuated/burnt down villages	Abandoned villages, Villages abandoned by people
People of Eastern and Southeastern Anatolia	Citizens in the east of Turkey
Kurdish Parliament in Exile	Meeting under the control of the terror organization
Kurdish deputy, Kurdish member of parliament	Member of the terror organization
Kurdish flag, So-called Kurdish flag	Symbol of the terror organization
ERNK office	Correspondence office of the terror organization
National Assembly/Provincial Assemble	Meeting of the terror organization
Low-density war	Combat against terrorism
Kurdish state	Formation in Northern Iraq

Statement published in the media: "Among the journalists are many famous people who take bribes from the organization. The organization believes that it can buy some others with money. In addition to this, press organs such as Ülkede Gündem, Özgürleşen Yurtsever, Özgür Halk, Demokrasi and Evrensel are bodies financed by the organization. Öcalan gave me the names of Mahir Sayın, Cengiz Çandar, Mehmet Ali Birand and Yalçın Küçük among those who make statements or write articles in return for money. Mahir Kaynak also takes money from Apo and he assists the organization."

Testimony taken in detention: "I did not hear about an organic relationship between these persons. However, according to me, these people work for Turkey, but they try to look a bit different from the official point of view; a team in some way close to the Turgut Özal line. They are the ones who add something from themselves for the solution of the Kurdish problem. I don't know the organizational reasons behind their approach towards the PKK. For example, I think that Mahir Kaynak could have been assigned by the National Security Organization (MİT). He also gets in touch with Apo through MED TV. This is my thought. Cengiz Çandar, on the other hand, had acted as almost the foreign minister of Özal. The purpose of these journalists is to bring the problem on the agenda and pave the way for a solution. The PKK regards the Turkish media all in the same way. As the PKK has established its own media, it thinks that it does not need the Turkish media, nor does it wish to make use of them. The writers who have been most commonly used by the PKK are the writers in the newspapers Ülkede Gündem, Demokrasi, Emek and Evrensel. The PKK evaluates any other journalist as self-seeking, so it thinks that they can be bought with money."

Testimony he gave at the SSC: "While we were in the Dersim province, the BBC started to air news stories asserting that the Turkish Republic carried out operations in Dersim; and shortly after these stories, operations were being carried out in the regions we were located. I captured BBC reporter Ferit Demir and asked him (about the situation). He said that they had received information about the operations and produced the news stories. Med TV has been established by Abdullah Öcalan and it is financed by the PKK."

Statement covered in the media: "I have witnessed many times that Apo talked (with Akın Birdal) on the phone. Occasionally he sent him messengers and instructed him on how he should behave. Apo trusts the HADEP to some extent, and he has infinite trust in the HRA. He says, 'It's my weapon in Turkey. If we have found a place in Europe thanks to the HRA, Akın Birdal has played a big role in that. He does not request money from us as some of the Turkish journalists do; he works voluntarily.'" However, he has sent money to him occasionally for certain activities."

However, there is information on Akın Birdal in the testimonies Sakık has given in detention and at the SSC.

Statement covered in the media: "The Saturday Mothers, who assemble in front of the Galatasaray High School every Saturday in order to demand the whereabouts of their so-called missing children are also supported by the PKK."

Statement covered in the media: "There are many political parties supporting the organization. Abdülmelik Fırat, ANAP Diyarbakır MP Sebgetullah Seydaoğlu. Prior to the general elections in 1991, DYP Diyarbakır MP Salim Ensarioğlu went to the rural area in Lice, Diyarbakır, and met with İrfan Pervane, whose code name is Remzi. He requested public support in the elections. FP Van MP Fethullah Erbaş has contacted us many times. He said that the RP would not condemn the organization, and he requested our support in exchange. Turgut Atalay presented me a gun as a gift. Muhyettin Mutlu met with Apo in order to rescue his child by paying money. Sırrı Sakık has indirect connection to the organization. Öcalan does not like him personally. Leyla Zana has direct connection to Öcalan. As her husband Mehdi Zana is not affiliated with the PKK, he says that this person could be a MIT agent."

Testimony taken in detention: In the section on "Prominent names mentioned in the relations of the PKK with the political cadre in Turkey," the accusations he made in the alleged statement covered by the media were the same.

Testimony he gave at the SSC: "In the 85th page of the testimony taken at the security directorate, the names of Abdülmelik Fırat, Fethullah Erbaş, Turgut Atalay, Sırrı Sakık, Leyla Zana, Yalçın Küçük, Ali Gazi and Mahir Sayın were mentioned as having relations with the organization. This statement is false. I gave you the names as I know as politicians"

8.1

FREEDOM OF EXPRESSION

During 1998, most of the pressure on and the trials against the political parties, NGOs, journalists, writers and artists resulted from the statements they made and the opinions they expressed. After the amendments on Article 8 of the Anti-Terror Law on 27 October 1995, these kinds of trials were mostly launched under Article 312 TPC, which deals with accusations of "inciting people to hatred and enmity." The accusation of "disseminating secessionist propaganda against the indivisible integrity of the State," under

Article 8 of the Anti-Terror Law, was the basis of the charges in many trials launched in connection with statements related to the Kurdish problem.

In addition to the trials launched in connection with books, articles, speeches, and cartoons, some posters were also deemed "dangerous" and they were banned. For example, the Bursa Branch of the Association to Support Contemporary Life (ÇYDD) had planned to hang some banners carrying quotations from Mustafa Kemal Atatürk, on the occasion of the 75th anniversary of the foundation of the Turkish Republic, but the banners were outlawed. The Bursa Police HQ made some changes to 3 of the 5 sentences quoted from Atatürk, and deleted some words. A letter sent by the Bursa Police HQ in October requested that some words on the banners be changed.

a) Freedom of Expression

Some of the information on certain prisoners of thought is as follows:

İsmail Beşikçi

Sociologist-writer İsmail Beşikçi, who is kept in Bursa Prison, was first arrested at Ankara University Faculty of Political Sciences on 19 June 1971. Since then, he has been imprisoned 8 times. The latest was his detainment on 13 November 1993, when he was put in İskilip Prison. Thirty-two of the 36 books he had written were confiscated, and a total of 105 cases were brought against him. The sentences given to him exceeded 100 years, and the fines reached TL 10 billion. In January, Beşikçi was invited to Ankara Yeni Tax Office for his debts. The money that the Tax Office requested from him reportedly covered "court expenses", mostly of the State Security Courts, that had convicted him. To date, Beşikçi has refused to pay the TL 10 billion fine as well as the court expenses. For this reason, he has to serve an additional prison term. For people who do not pay the fines, prison terms can be increased by one day for each 10,000 TL of unpaid fine, up to a prison term of 3 years. On 22 July, the Supreme Court of Appeals approved the sentence of 1 year imprisonment and a fine of TL 100 million given to İsmail Beşikçi in the case opened in Ankara SSC in connection with a book containing messages, speeches and communications presented at a congress entitled "The Human Rights Panorama in Turkey" which was organized by the Ankara Branch of the HRA during Human Rights Week in 1995.

Mahir Mete Günşiray

Actor Mahir Mete Günşiray, who signed a book entitled "Freedom to Thought," as its publisher, was charged with insulting the court by reading out a passage, "Who Are You?," from Franz Kafka's novel "The Trial" while he was making his defense in the hearing at İstanbul SSC. The case was opened on the accusations of "insulting the court" under Article 268/1 TPC. In the hearing held at İstanbul Penal Court of First Instance No. 10 on 20 February, Günşiray's lawyer said that his client had not targeted the court when he had uttered those words in the SSC. Günşiray was sentenced to 6 months' imprisonment. The court board commuted the prison term into a fine of TL 900,000 and reprieved it, taking into consideration the way the offense was committed.

Saruhan Oluç

Saruhan Oluç, the Deputy Chairman of the Freedom and Solidarity Party (ÖDP), was sentenced to 2 months' imprisonment by the General Staff Military Court under Article 155 TPC on accusations of "alienating people from military service" in his article published in the journal İşçi ve Politika. Oluç was remanded on 29 May. After serving his sentence, he was released on 22 June.

Hatice Çoban

On 28 January, a case was opened at the İstanbul Penal Court of First Instance No. 2 against Hatice Çoban, the Director of the İzmir Branch of the Mesopotamian Cultural Center (MKM) with charges of "insulting the National Security Council" (Article 159 TPC) in an article entitled "the revolutionary and democratic public has protested the assault against our newspaper" that was published in the newspaper Halkın Günlüğü dated 16-30 November 1997. In the statement that led to her prosecution, Çoban had said, "The pressure on the socialist media shows that Turkey is not aiming at democracy, and this demonstrates that the NSC is no longer tolerant of any dissenting voice."

Cafer Balcı

On 7 February, Cafer Balcı, former Organization Secretary of the Trade Union of Health and Social Workers (SES) and a board member of Şişli (İstanbul) Branch of the SES, was sentenced to 10 years' in prison and fined TL 2 billion 450 million by Diyarbakır SSC. He had been charged in connection with a statement he had made to protest the military operation of the Turkish Army in Northern Iraq. The sentence given to Balcı was reprieved on the grounds that he had not committed a crime in the past and the court had concluded that he would not commit a similar offense in the future.

Siyami Erdem

The 8th Chamber of the Supreme Court overturned the sentence of a 6-month prison term given to Siyami Erdem, the Chairperson of the Confederation of Public Labor Unions (KESK), on 9 November. Erdem had originally been convicted on charges of "inciting people to commit crimes" (TPC 311) when he said "There will be an act of work stoppage across Turkey on 18 April 1996."

Zeynep Baran

The case opened against Zeynep Baran, the Chairwoman of the Foundation for Solidarity with Kurdish Women (Kurdish KODAK), under Article 312 TPC on accusations of "inciting people to enmity" in a pamphlet introducing the foundation, ended in İstanbul SSC on 7 August. Zeynep Baran was sentenced to 2 years' imprisonment and she was fined.

Abdurrahman Dilipak

On 19 October, an investigation was launched against Abdurrahman Dilipak, a journalist for the daily Akit, on the grounds that he had encouraged the participants of a conference held in Malatya to read out the poem that had led the conviction of İstanbul Metropolitan Mayor Recep Tayyip Erdoğan. Malatya Police HQ examined the tape recordings of the meeting "Respect for Beliefs and Freedom of Thought" held at Malatya Atatürk Sports Hall on 27 September, and sent the related documents to Malatya SSC Prosecutor's Office, which started an investigation on the grounds that Dilipak had encouraged the participants of the meeting to read out the poem which had been recited by Erdoğan in Siirt and which had led to his conviction. As a result of the investigation, 3 separate trials were launched against Dilipak, at the Penal Court of First Instance, Criminal Court and the SSC, on charges of "inciting and encouraging people to commit crimes" (TPC 312). The trial did not end in 1998.

Abdülmelik Fırat

On 18 December 1998, İstanbul SSC Prosecutor's Office launched a trial against Abdülmelik Fırat, former MP with the True Path Party (DYP), on the accusations that he had "disseminated secessionist propaganda" in a speech he made in a program broadcast on TV channel Kanal 7. Abdülmelik Fırat will be indicted under Article 8 of the Anti-Terror Law which calls for a prison term of between 2 to 6 years.

Necati Ceylan

Necati Ceylan, the Chairman of the Jurists Association, was put on trial on accusations of "insulting the military forces of the state" (TPC 159) in a statement he gave to a newspaper. The trial started at Bakırköy (İstanbul) Criminal Court on 24 November. In his defense, Ceylan criticized the way the case was opened. He said, "The official complaint lodged by the General Staff was more like an instruction to the judiciary than a complaint. The prosecutor was a pawn when he launched a public trial, and he has cast doubts on the independence of the judiciary."

Mehmet Pamak

Mehmet Pamak, the former Chairman of the Mazlum Der, was acquitted in the case opened against him in connection with a book which included the defense he had made the trial where he was charged with "inciting people to enmity" (TPC 312) for a speech he delivered on 1 March 1994. In the trial that ended at İstanbul SSC on 9 December, Mustafa Bahadır Çobanoğlu, the publisher of the book, was also acquitted.

Hatip Dicle

The case opened against Hatip Dicle, former deputy for the Democracy Party (DEP; banned by the Constitutional Court), in connection with his article, "Eva'yı selamlıyoruz" (We salute Eva), published in the 14 April 1998 issue of the daily Ülkede Gündem, ended at İstanbul SSC on 16 September. Hatip Dicle was sentenced to 1 year 11 months 10 days in prison and fined TL 9,777,777,000 for "praising an illegal organization" under Article 7 of the Anti-Terror Law, and "disseminating secessionist propaganda" under Article 8 of the same law. In the trial, Selahattin Deli, the owner of the daily, was fined TL 1,216,950,000 whereas Hayrettin Demircioğlu, the chief editor of the same, was sentenced to 5 months in prison and fined TL 609,000,000.

In a statement he made after the trial, Dicle's lawyer Yusuf Alataş said the following on the proceedings: "Ankara SSC had received an instruction regarding the case opened at İstanbul SSC. The testimony of my client for 6-7 trials had been taken at Ankara SSC starting from 9.00 in the morning until 16.00, and he had been isolated in a cell in the SSC. When he was taken to give testimony at 16.00, he had said, 'You are punishing me without a court decision.. This is against the law, I protest this and I refuse to give testimony.' İstanbul SSC convicted my client based on a report, without notifying him of the indictment.."

Alataş also said that Dicle had written one article, but he had been convicted for two charges, "praising the PKK" and "disseminating secessionist propaganda," and he continued: "This is clearly against the law. According to the Article 79 TPC, if an action is deemed an offense under two provisions, the person should be punished under the one that seeks the heaviest sentence. My client has been given two sentences, which were summed up." Lawyer Özcan Kılıç said that the trial had violated the principle of face-to-face in law, and added, "My client was given this heavy punishment by the judges whom he never saw. This is against the principle of 'face-to-face prosecution,' which is one of the basic principles in law."

Şükrü Karatepe

Kayseri Public Prosecutor's Office launched a trial against the former Mayor of Metropolitan Kayseri, Şükrü Karatepe, and Ankara SSC Prosecutor's Office launched an investigation against the same defendant, on charges of "insulting Mustafa Kemal Atatürk" in a speech he made during the Welfare Party (RP) Kayseri Provincial Organization Meeting on 21 December 1997. Karatepe is claimed to have said: "Turkey has problems with Kemalists. No one must prophesy that 'Turkey is a secular country and will remain secular.'" In addition, Ankara SSC started another investigation against him on the accusations of "inciting hatred."

At the end of the investigation, Kayseri Public Prosecutor Turhan Korkutan concluded that the words of Karatepe did not contain any elements of the offense of "insulting Mustafa Kemal Atatürk" and inciting people to hatred," and issued a decision of non-prosecution.

Upon this decision, the lawyers of Karatepe applied to Ankara SSC Prosecutor's Office, stating that only one investigation could be launched for one offense, and they reminded the Office that a decision of non-prosecution was issued for Karatepe. However, Ankara SSC launched a trial against Karatepe on 14 January, asserting that "he had incited the people to hatred in his speech" (TPC 312). The indictment accused Karatepe of "discriminating between secular and non-secular people." Ankara SSC Prosecutor's Office also lodged a complaint against Kayseri Public Prosecutor's Office with the Ministry of Justice because of the decision of non-prosecution.

The case opened against Karatepe started at Ankara SSC on 4 March. In the hearing, Karatepe said, "I have never insulted Atatürk in my life." Karatepe said that he had made two separate statements in two different places on 21 December 1997. He said that the first statement was made upon the questions of journalists before Karatepe had entered the hall where the RP Provincial Council Meeting was held, and the second one was made to party members in the hall in connection with the ending of his political life. He said, "For this reason, it does not mean that I have incited people to hatred and enmity on the basis of religious differences when I said that I had problems with some evil people who abuse Atatürk." Karatepe was acquitted in a hearing held on 21 April, on the grounds that "he had utilized his freedom to express his opinions."

Şükrü Karatepe had been sentenced to 1 year in prison and fined TL 420,000 by Ankara SSC on 9 October 1997 on charges of "inciting people to hatred and enmity" (TPC 312) in the speech he gave on 10 November 1996, during the ceremony held on commemoration of Atatürk. This sentence had been upheld by the Supreme Court on 11 December 1997. Karatepe was removed from the office with the decision of the Council of State on 12 January 1998. He was put in Kayseri Yahyalı Prison on 24 April, and was released on 17 September, after serving his sentence.

Recep Tayyip Erdoğan

In January, İstanbul SSC Prosecutor's Office launched an investigation and later issued a decision of non-authorization in connection with a poem recited by İstanbul Metropolitan Mayor Recep Tayyip Erdoğan in Siirt on 6 December 1997. Upon this decision, Diyarbakır SSC Prosecutor's Office launched a trial against Erdoğan on the accusations of "inciting people to enmity" (TPC 312) demanding a prison term of 1 year to 3 years. The trial started at Diyarbakır SSC on 31 March, and ended on 21 April. Erdoğan was sentenced to 1 year's imprisonment. The sentence was commuted into 10 months' imprisonment and a fine of TL 716.666 on the grounds of "good behavior in the hearings." The SSC also reprieved the sentence.

The detailed verdict read that the Welfare Party (RP) had widely used religion as a tool in the political arena, and that the speech of Erdoğan had "aimed at establishing a state founded on religion." The verdict also added that Erdoğan had "called for war."

The 8th Penal Board of the Supreme Court upheld the sentence on 23 September. According to the Law on Political Parties, Local Administration Law and the Law on Election of MPs, Erdoğan was banned from political activities; i.e., he will not be able to engage in politics, nor will he be a candidate in local or general elections throughout his life. Erdoğan applied to the Supreme Court for the correction of the verdict, but this application was refused on 2 October. The Ministry of Justice applied to the Eighth Chamber of the Council of State on 1 October in order to end the mayoralty of Erdoğan. Later, the mayoralty of Erdoğan was ended.

In connection with the decision of the Supreme Court, a press statement was made at İstanbul Municipality Building on 24 September. Meanwhile, a crowded group of about 7000 people, gathering outside the building, protested the decision of the Supreme Court. Making a speech here, Erdoğan said, "My conviction because of a poem not only belittles me but it also belittles justice in this country where the mafia, gangs and corruption prevail.. This conviction has not reduced the trust that millions of people have placed in me but it has damaged their confidence in justice."

Erdoğan was also put on trial in connection with this speech. In the trial that was launched on 22 December, an imprisonment term between 3 months and 18 months was sought for him on charges of "insulting the court" (TPC 268).

Vural Savaş, Chief Prosecutor of the Supreme Court, lodged an official complaint against Erdoğan in connection with the speech he delivered in Tuzla on 27 September. Savaş accused Erdoğan of inciting people against him." In his speech, Erdoğan had made puns: "Let me say take ('al') the word hit ('vur'). Do your surnames are Fight ('Savaş') so I shall say you 'fight'?" Upon the official complaint, İstanbul Public Prosecutor's Office started an investigation against Erdoğan on 28 September.

Besides, the Governor of İstanbul lodged an official complaint against Erdoğan on 8 December on the grounds that "he had printed invitations signed 'Mayor' and he had participated in official ceremonies although his mayoralty had ended." In his complaint, the Governor asserted that "Erdoğan had usurped the legitimacy of the governor's office and titles" (TPC 252) and had thus "weakened the authority of the state."

In addition, Ankara SSC Prosecutor Nuh Mete Yüksel started an investigation against Erdoğan for a speech he gave in 1994, during the opening ceremony of the RP İstanbul Ümraniye District Organization. In his speech, Erdoğan had said, "It is not possible to be a secular and a Muslim at the same time. They are continuously saying, 'Secularism is in danger.' It will be, if this nation demands so. You cannot prevent it. The Islamic nation is waiting for the rise of the Muslim Turkish nation. We will. This rebellion will start." The investigation was carried out on the accusations of "inciting people to hatred and enmity by emphasizing on religious and order differences" (TPC 312). Later, a decision of non-authorization was issued for the file, which was referred to İstanbul SSC Prosecutor's Office. At the end of the investigation, decision of non-prosecution was issued due to the lapse of time.

Abdullah Aydın, Mustafa Yalçiner

Abdullah Aydın, former Secretary General of Community Centers (*Halkevleri*), was sentenced to 1 year in prison and fined TL 420,000 under TPC 312 at Ankara SSC on 21 October 1997 for a speech he made during the " Peace Rally (?)" held by the Ankara Democracy Platform on the occasion of World Peace Day on 1 September 1996. This conviction was upheld by the Supreme Court on 19 February. Abdullah Aydın was put in Saray Prison on 14 August, and he was discharged on 27 December.

In addition, the trials launched against Abdullah Aydın and Mustafa Yalçiner, a board member of the Labor's Party (EMEP), for their speeches in 1993, at the Keçiören Community Center in Ankara, during a panel discussion entitled "Rights and Freedoms," , ended at Ankara SSC on 27 July. Mustafa Yalçiner was sentenced to 13 months' imprisonment under Article 312 (2) TPC, and Abdullah Aydın was given a prison term of 1 year and fined TL 100,000,000 under Article 8/1 of the Anti-Terror Law.

Hasan Celal Güzel

Charges were laid against Hasan Celal Güzel, the Chairperson of Rebirth Party (YDP), on the grounds of "divulging confidential documents of the state" (TPC 136/1) belonging to the 'Western Work Group, which was established within the office of the General Chief of Staff, with the purpose of 'watching radical Islamic activities. On July 31, at a press conference, Hasan Celal Güzel had made accusations against

high ranking commanders of the Turkish army, including Çevik Bir, the 2nd Commander of General Staff, claiming that they were attempting to destroy the Constitutional regime. A prison term of up to 5 years was sought for him.

Three further trials launched against Güzel on accusations of "insulting the army," commenced at Bakırköy (İstanbul) Criminal Court No. 2 on 5 February. In the first trial, Güzel was prosecuted with the demand of a prison term of between 1 year and 6 years in connection with his article entitled "Virtual Constitution Draft." In the second trial, Güzel claimed that his statements in an interview entitled "Parody of a General" had not targeted the army. In the third trial, Güzel was again prosecuted with the demand of up to 6 years' imprisonment in connection with another interview, "A Nice Man."

The case opened against Hasan Celal Güzel on the accusations of "insulting the NSC" (TPC 159) during the demonstration held by the YDP in Sultanahmet, İstanbul, ended in his acquittal at İstanbul Penal Court of First Instance No. 11 on 27 May.

The case opened against Hasan Celal Güzel on charges of "belittling the state and insulting the Parliament, President, Prime Minister and Turkish Armed Forces" (TPC 159) in a speech he had delivered in Kayseri, started at Kayseri Criminal Court No. 2 on 30 June. The trial did not end in 1998.

Hasan Celal Güzel was acquitted in the first hearing of the case opened against him with the demand of up to 6 years' imprisonment on the accusations of "insulting the army" (TPC 159) when he criticized the decisions of the Supreme Military Council. In the hearing that was held at Ankara Criminal Court No. 2 on 11 December, Güzel stated that he had reproached the mentality that brought him before the court, and that the accusations of insulting the army were unfounded.

Mahmut Konuk

Mahmut Konuk, a former member of the Central Executive Committee of the Trade Union of Health and Social Workers (SES), who was put in Ankara Ulucanlar Prison on 22 October 1997 to serve a 1 year prison term and fined TL 100,000,000 for his speech in the "Democracy Council" held in İstanbul in 1993, was discharged from prison on 21 July.

The case opened against Mahmut Konuk, with charges of "alienating people from military service" (TPC 312/1 and 155) in his speech during the ceremony held in the anniversary of the establishment of the SES on 1 August 1997, started at Ankara Penal Court of First Instance No. 3 on 1 October. In his defense, Konuk said that the reports on his speech and the texts scripted from the video recordings did not reflect the whole of the speech and were distorted, and certain sections were added later on. Konuk said that he had related the life of a youth named Ulaş Şölenci in his speech. Konuk was acquitted in the hearing held on 9 November on the grounds that "the elements of the crime were inconsistent."

Mansur Burgucu

Mansur Burgucu, the former Chairman of Petrol-İş Trade Union İzmir Branch, was sentenced to 1 year in prison by İzmir SSC On 15 November. The sentence given to him was commuted to 10 months' imprisonment and a fine of TL 900,000. He was charged with "insulting the state" (TPC 159) in a speech he gave during the 5th General Assembly of the Petrol-İş Aliğa Branch.

Can Yücel

Poet Can Yücel was sentenced to 1 year 2 months' imprisonment by Ankara Penal Court of First Instance No. 14 on 18 March on accusations of "insulting President Süleyman Demirel," in a speech he made in a meeting in Gazi University on 28 November 1995. Later, the Supreme Court overturned the verdict. In

the re-trial that was concluded on 3 December, Can Yücel was given the same sentence, but the court reprimanded it.

Ali Rıza Yurtsever

Ali Rıza Yurtsever, a member of the HADEP Party Assembly, was sentenced to 1 year 8 months' imprisonment and fined TL 700,000 by İstanbul SSC on 25 January. He was put on trial, charged with "inciting people to hatred and enmity" (TPC 312) in his article entitled "The Lie of Returning Back to Villages" which had been published in the 265th issue of the defunct newspaper Demokrasi, dated 2 September 1996.

Hasan Mezarıcı

The trial launched against former MP Hasan Mezarıcı with demands of up to 12 years' imprisonment in connection with an interview published in the journal Siyah Bayrak, resulted in Mezarıcı's acquittal on 27 February on the grounds of "insufficient evidence." Mezarıcı was prosecuted without remand.

The case opened against Mezarıcı on the accusations of "insulting President Süleyman Demirel and belittling and insulting the government, army and judiciary," started at Ankara Criminal Court No. 2 on 17 February. The indictment sought 15 years' imprisonment for Mezarıcı.

Hasan Mezarıcı was sentenced to 3 years in prison by Kartal (İstanbul) Penal Court of First Instance No. 4 on 24 March under Article 1 of the Law to Protect Atatürk (numbered 5816) on accusations of "insulting Mustafa Kemal Atatürk, the founder of the Turkish Republic," in a speech he made during a party meeting in Kartal in 1993.

Ankara Penal Court of First Instance No. 8 sentenced Hasan Mezarıcı to 1 year 6 months in prison on 27 April. Mezarıcı had been put on trial on the accusations of "insulting Atatürk" when he had referred to Atatürk as a "son born of adultery" in a press meeting he held in the Parliament.

On 23 July, Şişli (İstanbul) Penal Court of First Instance No. 2 decided to arrest Mezarıcı in absentia and opened a case against him on accusations of "insulting Atatürk" in an interview published in the daily Yeni Günaydın.

Hasan Mezarıcı was sentenced to a total of 2 years in prison and fined TL 320,000 in two trials that ended at Adana SSC on 26 November. The law suits against Hasan Mezarıcı were launched on accusations of "inciting people to enmity by emphasizing on religious differences" in the speeches he had delivered in Kütahya and Akşehir in 1993.

Hasan Mezarıcı was sentenced to 1 year in prison by Ankara Penal Court of First Instance No. 5 on 9 December on charges of "having insulted Atatürk" in the telegram he had sent to Nelson Mandela.

Hasan Hüseyin Ceylan

On 17 March, Ankara SSC Prosecutor's Office launched a trial against Hasan Hüseyin Ceylan, former MP for Ankara from the RP. Ceylan's parliamentary membership was dropped after the closure of the party, and the Prosecutor's Office demanded an imprisonment term between 1 year and 3 years for the offence of "inciting people to enmity" (TPC 312). The indictment said that Ceylan had made a speech on "the problems of Turkish foreign policy" in Kırıkkale on 14 March 1993, during his election campaign. Ceylan was sentenced to 1 year in prison in the trial that ended on 17 November.

Ankara SSC Prosecutor's Office launched another trial against Ceylan on the accusation of "inciting people to enmity by emphasizing the differences of class, race, religion and sect" (TPC 312) in his book "The

Betrayal of Ayasofya." In the first hearing held on 6 July, the court board decided to dismiss the case because of a lapse of one year after the offence..

Şerafettin Elçi

The case opened against Şerafettin Elçi, the Chairman of the Democratic Mass Party (DKP), with the demand of a prison term of between 1 year and 3 years for "disseminating secessionist propaganda" in a speech he made in Brussels, started at Ankara SSC on 13 May. In his defense, Elçi said that in the press conference that he had held at the International Press Center in Brussels, he had related his opinions on the Kurdish problem. Elçi added that Turkey had a serious problem related to the Kurdish issue, and that this problem closely involved everybody living in Turkey, from the President to the man on the street. Elçi said, "I support the solution of the Kurdish problem within the integrity of the Turkish sate. For this reason, it is unfair to accuse me of disseminating secessionist propaganda." Elçi added that there might be differences among different opinions, and requested respect for all opinions. He also said that he had not distributed any kind of leaflets or reports during the press conference.

İbrahim Halil Çelik

On 6 March, Ankara Public Prosecutor's Office launched a trial against İbrahim Halil Çelik, former MP for Şanlıurfa from the RP, with the demand of an imprisonment term of up to 12 years for uttering the words: "Blood will be shed, it will be very nice." A decision of arrest in absentia had formerly been issued for Çelik on the same grounds. He was in Saudi Arabia when the case was opened.

According to the indictment, in an interview that was published in the daily Sabah on 9 May 1997, Çelik had said, "(...) If you attempt to close religious schools (*imam hatip* high schools) against the people's wishes in a period when the Welfare Party is in power, blood can be shed. The country can be covered in blood, the situation can become worse than Algeria. Indeed, there can be a replay of the French Revolution. Blood will be shed. I do not want this. Democracy will improve in this way, and it will be very nice. I support the Sheria rule. I spit on this kind of government."

The indictment sought an imprisonment term of between 2 years and 12 years for Çelik on the grounds of "insulting the government and the army" (TPC 159/1).

In connection with his speech, a decision of arrest in absentia was issued for Çelik within the context of the investigation launched by Emet (Kütahya) Public Prosecutor's Office.

Yalçın Küçük

Yalçın Küçük, a writer and researcher who lived in France for a long period of time, returned to Turkey on 29 October. He was detained for about 2.5 hours at İpsala Customs Gate in Edirne, and then he was taken to Edirne Police HQ. Edirne Public Prosecutor's Office referred him to the court on 30 October, and he was remanded. The Supreme Court upheld a two year prison term given to him by SSCs in Ankara and İstanbul.

His lawyer Dursun Ermiş stated that 8 other trials launched against Küçük were under way at the SSCs in Ankara and İstanbul. Küçük was transferred from Edirne Closed Prison to Ankara Central Closed Prison on 10 November.

Münir Ceylan

Münir Ceylan had been prosecuted at İstanbul SSC in connection with his article, "Laborers and Kurds," published in the defunct daily Demokrasi on 2 January 1996, and sentenced to 2 years' imprisonment and fined TL 600,000 on accusations of "inciting people to enmity" (TPC 312). Later, the Supreme Court had overturned the verdict, commenting that Ceylan should be acquitted.

In a re-trial, İstanbul SSC insisted on its original decision.. Upon this, the case file was referred to the General Penal Board of the Supreme Court. The 8th Penal Board approved the decision of the SSC on 13 March, and he request to have the sentence suspended and commuted to a fine, was rejected

The sentences that led to his conviction read as follows: "I can easily say that the most oppressed, exploited section and class of society, those who live under the harshest conditions are the Kurds and the laborers at the first stance. Most of them are unemployed and poor, the Kurds because of the oppression they have faced for years and the laborers because of the cruel wheels of the system. They lack the conditions of a humane life because of the basic economical and social problems such as housing, health, and education. People without an identity cannot be dignified. The condition of being dignified for the Kurdish people is freedom. The values of democracy and humanity have been disappearing in the atmosphere of war, and those who are unemployed , poor and who die are the laborers. This is the picture for the Kurds and the laborers."

Haluk Gerger

Journalist-writer Haluk Gerger was imprisoned on 26 January after having a sentence to a 10-month term passed by İstanbul SSC was upheld by the Supreme Court. He was convicted in connection with an article he wrote for the defunct newspaper Özgür Gündem in 1993. A meeting was held at the HRA Headquarters before he gave himself up to the Prosecutor's Office. Gerger gave a short speech at the meeting in which HRA Chairman Akın Birdal, HADEP Chairman Murat Bozlak and the representatives of various political parties, trade unions and NGOs participated. He said that Turkey was detached from the modern world, universal laws, cultural and humane ideals, and was being drawn towards an abyss. He said: "Now I am going from an open prison, which is Turkey, to a closed prison in Güdül." A crowd of people accompanied Gerger to Güdül, Ankara, where he surrendered to the public Prosecutor's Office and was subsequently sent to prison. In his article, Gerger had mentioned a police raid against the daily Özgür Gündem and the detention of it's staff members on 10 December 1993. Gerger, who had formerly been sentenced to 20 months' imprisonment in connection with his article, "OHAL and Operation Comfort," published in the 24th issue of the defunct daily Evrensel on 30 June 1995, was put on trial at İstanbul SSC when the sentence was overturned by the Supreme Court. In the hearing of the re-trial held at 31 December 1997, İstanbul SSC sentenced him to 1 year 8 months' imprisonment under Article 312/2 TPC. The 8th Penal Board of the Supreme Court upheld this decision at the end of May, when Gerger was still in Güdül Prison. Gerger, who would have been released on 8 September, had to stay in prison until February 2000.. However, the Supreme Court commuted 8-months of his prison term into a fine, thus Gerger was conditionally released from prison on September 16.

In late March, while Haluk Gerger was still in Güdül Prison, Ankara SSC Prosecutor's Office launched a trial against him and against Yalçın Küçük, Kemal Burkay, the leader of the Kurdistan Socialist Party, Mahir Sayın and Mehmet Çanakçı, in connection with their speeches in a TV program broadcast on MED-TV on 19 November 1995. Prison terms were sought for them under Article 169 TPC and Article 5 of the Anti-Terror Law on accusations of "deliberately aiding the PKK."

The case opened against Haluk Gerger in connection with a speech he gave during a meeting in Austria, started at Ankara Criminal Court No. 2 on 4 June. The indictment sought a prison term of between 1 year and 6 years for him on charges of "insulting the state" (TPC 159/1) in the seminar on "Democracy and the Kurdish Problem in Turkey" that was held in Canberra on 27 May 1997.

İlknur Birol

The prison term given to a teacher, İlknur Birol, was upheld by the Supreme Court on 12 March. She was sentenced to 1 year in prison by Kadıköy (İstanbul) Criminal Court No. 2 in June 1997 on the grounds that that she had insulted Mehmet Ağar, then-Minister of Justice, by shouting slogans implying his

involvement with the "Susurluk scandal," during a public meeting held by Confederation of the Public Labor Unions (KESK) in Kadıköy, İstanbul, in April 1996. Birol, aiming at Açar, had said, "They bring to government people whose hands are blood-stained.. They make a Justice Minister out of a fascist whose hands are blood-stained." and she was put on trial for "insulting the state" (TPC 159). The verdict was upheld by the Supreme Court on 12 March. Upon this, Birol was dismissed from her job on 15 July. She was put in prison on 24 November, and released on 19 April 1999.⁷⁵

Ferda Ülker, Coşkun Üsterci

The İzmir SSC Prosecutor's Office launched a trial against Coşkun Üsterci (a staff member of the İzmir Office of the HRFT) and Ferda Ülker in connection with a book, "Şiddet Kültüründe Şiddetten Arındırılmış Eylem" (Non-violent Act in a Culture of Violence), published by the İLKE-SKD Publishing House (established by war resisters). In the trial, prison terms were sought for Üsterci and Ülker under Article 8 of the Anti Terror Law, for "disseminating secessionist propaganda" and under Article 312 TPC, for "inciting people to enmity." The indictment mentioned the following sentences as an offense: "The war that has been continuing in Kurdistan for over 12 years has been polarizing the country." "Reduction of the transfer of weapons to the Kurdish region," "We went on the second journey to the Kurdistan," "It has reached the point that the PKK is perceived as a part of the struggle for an independent Kurdistan." The indictment also asserted that the sections written by Deniz Yücel, "The Problem of the Conditions in Turkey" and "An Ideology Existing Everywhere at All times," "had parts against the indivisible integrity of the Turkish State." These sections include the following sentence: "In the Kurdish struggle which has been intensely influenced by the PKK, the highest point was reached not by the military actions of the guerilla but by mass participation in Newroz celebrations in 1992, and by the action of shop-closing, that took place during the same period, despite state repression." "The book in question was confiscated before it could be distributed.

Celal Kabadayı

Poet Celal Kabadayı was sentenced to 6 months' in prison by Ankara Penal Court of the First Instance on 18 November in connection with his book, "Ağla Sivas" (Cry, Sivas), published in 1995. The sentence given to Kabadayı was increased to 1 year, when his previous convictions were taken into consideration. Kabadayı was convicted on charges of "insulting religion" (TPC 175) in his line "The secessionist called God." Kabadayı defended himself at the court as follows: "God has separated the people by sending them many religions." Kabadayı had been sentenced to a total of 2 years in prison by Ankara Criminal Court No. 2 on the accusations of "insulting the army and the security organization" in two of his books, ""Nasılsa Sabah Olacak" (Dawn Comes Anyway) and "Yağmur Yolculuğu" (Rain Journey).

Mahmut Alınak

İstanbul SSC confiscated the book entitled "Şiro'nun Ateşi" (Şiro's Fire), which was written by Former independent MP Mahmut Alınak and published in October 1997. A case was opened against Alınak and İsmet Arslan, the owner of Berfin Publications, on the grounds of "inciting people to enmity" (TPC 312). At the hearing held at İstanbul SSC on 18 February, Alınak demanded from Prosecutor Yahya Erdoğan, who had prepared the indictment, to clearly state "which sentences in the book and which one of the calls of Avdo had incited people to hatred and enmity." Alınak said that these attitudes of the prosecutors could be

⁷⁵ The police attacked teachers belonging to the Trade Union the Eğitim-Sen , who assembled outside Kadıköy (İstanbul) Court House on 24 November in order to bid farewell to İlnur Birol. The police did not permit the teachers to read out a press statement, and dispersed them by using force. İlnur Birol was taken out from the group by the police, and sent first to Kadıköy Court House, and then to Bakırköy Women and Juvenile Prison. Haşim Demir, a reporter with the daily Evrensel, was also seriously wounded in the attack. İlnur Birol's family were also beaten in the incident, during which Alaaddin Dinçer, the Chairman of the Eğitim-Sen Branch No. 2, branch board members Veysel Özbay and Hamdi Çalık, Ali Güneş, a board member of the Eğitim-Sen Branch No. 3, Eğitim-Sen members İbrahim Akyol and Adem Bulut, and many other trade unionists, whose names could not be learnt, were detained.

deemed as an "abuse of duty," and said, "The prosecutors who wait on alert in order to launch an investigation against every word we speak and every word we write, are, however, reluctant to move a finger in connection with the gangs who are known to everyone."

Edip Polat

Writer Edip Polat was remanded on 5 April when the 10-month prison sentence given to him by İstanbul Criminal Court No. 2 was upheld by the Supreme Court. The trial against Polat had been launched on accusations of "insulting the state" (TPC 159/1) in his article, "I Won't Bear This Record Sentence," which was published in the defunct daily Özgür Gündem on 17 July 1993, after the Supreme Court had upheld the 2 years' imprisonment given to him in connection with his book "Newrozladık Şafakları." Edip Polat stated that he had been summoned to İstanbul Criminal Court No. 2 only once as the trial was proceeding and the decision had been taken in his absence. He stated that after being detained on 5 April he had been put in prison without being brought before the Prosecutor's Office. Edip Polat said that he could not make use of the right to a "reprieve of the sentence" as he had not been brought before the Prosecutor's Office. Polat was discharged from Ankara Central Closed Prison on 3 August.

Hüseyin Karataş

On 14 March, the Supreme Court upheld a prison term of 1 year and 1 month and a fine of TL 111,000,000 given to poet Hüseyin Karataş by İstanbul SSC in June 1996 on accusations of "disseminating secessionist propaganda" (Anti-Terror Law 8) in his poems entitled "Bir İsyanın Türküsü Dersim" (Dersim: The Song of a Revolt). Karataş applied to the Prosecutor's Office of the Supreme Court to appeal the sentence, but his request was refused. Upon this, his lawyer Gülizar Tuncer appealed to the European Commission of Human Rights. The application, which was based on Articles 6,9 and 10 of the Convention, was found admissible by the Commission. Karataş was remanded after he had delivered himself to Avcılar Public Prosecutor's Office on 18 March.

Ömer Koçarlan

The case opened against Urfa Public Prosecutor Ömer Koçarlan for "insulting the President" (TPC 160) in a book he wrote under the pen-name of Ferit Ergül, entitled "Hükümetin Namusu" (The Honor of the Government) and published in 1995, ended in his acquittal in the hearing held at Siverek Criminal Court on 28 May. The book in question had been confiscated by İstanbul SSC on 2 August 1996.

Aydoğan Vatandaş, Osman Okçu

The case opened calling for prison terms of up to 56 years against Aydoğan Vatandaş, the writer of the book "Armagedon," and Osman Okçu, the General Publication Director of Timaş Publications, on accusations of "disclosing secret information" in the book, continued at İstanbul SSC on 17 August. Vatandaş said in the hearing that the book mentioned the activities of the new world order in Turkey and in the Middle East. He added that the source of the information was the General Staff Chief Office and this information was no secret, thus he had prepared the book with information available to him. Publisher Okçu said, "The information in the book was formerly published elsewhere.. For this reason, the book does not contain any secret information."

Erdoğan Aydın

On 19 January, Erdoğan Aydın, the writer of the book "İslamiyet Gerçeği Kur'an ve Din" (Koran, the Truth of Islam and Religion), and its publisher Niyazi Koçak were each sentenced to 10 months in prison and fined TL 840,000 by Ankara Penal Court of First Instance No. 2 on accusations of "insulting God and religions via publication" (TPC 175/3-5).

b) Confiscated Books

According to the studies of the HRFT, at least 20 books were confiscated in 1998, at least 11 writers were remanded and were ordered to pay fines amounting to millions of TL. The Following is information on confiscated books:

The book written by Dr. Tolga Ersoy, entitled "Materialist Notes for Turkish Medical History" was confiscated by İstanbul Penal Court of First Instance No. 2 on 25 February on allegations that "it insulted Mustafa Kemal Atatürk, the founder of the Turkish Republic." İstanbul Press Prosecutor's Office had formerly applied to İstanbul Penal Court of Peace No. 3 for the confiscation of the book, and but the court had refused the demand. Sırrı Öztürk, the owner of the Sorun Publications that had published the book, stated that the texts in the book had formerly been published in the journal "Hekim ve Toplum." On 10 November, Dr. Ersoy and Öztürk were acquitted in the case opened against them at İstanbul Penal Court of First Instance No. 2.

The book entitled "Toprak Vatan Kokuyor" (The Soil Smells of the Homeland) by author Ali Yılmaz, which was published by Aram Publications, was banned by İstanbul SSC in January on the claims of "disseminating secessionist propaganda and inciting people to rebellion." İstanbul SSC issued a decision of arrest in absentia against Veli Haydar Güleç, the owner of Aram Publications.

In January, İstanbul SSC confiscated the book "Belge, Tanık ve Yaşayanlarıyla Ağrı Direnişi" (Ağrı Resistance Movement with Documents, Witnesses and Participants), which was published by Pêrî Publications, for "disseminating secessionist propaganda." The case opened against Ahmet Önal, the owner of Pêrî Publications, under Article 8 of the Anti-Terror Law, started at İstanbul SSC on 13 April. In his defense, Önal said that the book in question was a scientific study, that a rebellion had taken place in Ağrı, that many historians and social scientists had studied the rebellion, and that the book was one of those studies. In the trial that ended in November, Önal was sentenced to 6 months 18 days in prison and fined TL 2,000,800,000.

In July, Beyoğlu (İstanbul) Penal Court of Peace No. 1 confiscated the book "Tabu Can Çekişiyor Din Bu-3" (Taboo in the Throes of Death. This is Religion-3) written by Turan Dursun, who was killed by unknown assailants in İstanbul on 4 September 1990. The case opened at Beyoğlu Penal Court of First Instance in connection with the book, did not end in 1998.

On 22 May, İstanbul Penal Court of peace No. 2 decided to confiscate the book "Kim Bu Fethullah Gülen Dünü-Bugünü Hedefi" (Who's This Fethullah Güven-His Past, Present and his Aims) on the grounds that it was "insulting Atatürk."

The book entitled "Hoca'nın Okulları" (The Schools of Hodja), which was published by the Union of NGOs, was confiscated by Fatih (İstanbul) Penal Court of Peace No. 2 on 17 March with the claims that it was "insulting Atatürk and Fethullah Güven."

The 15th edition of the book "Şeriat ve Kadın" (Sheria and Women), by Prof. Dr. İlhan Arsel, was confiscated by Beyoğlu (İstanbul) Penal Court of Peace No. 2 under Article 175 TPC on allegations that the book was ridiculing religious values. In addition, a case was opened at Beyoğlu Penal Court of First Instance No. 2 in connection with the book "Toplumsal Geriliklerin Sorumluları-Din Adamları" (Those Responsible for Social Underdevelopment: The Men of Religion) by Prof. Arsel. The trial did not end in 1998.

A book published by Altınçağ Publications, entitled "Zafere Mahkum Edilenler Ölümü Küçülterek Yenerler" (Those Condemned to Victory Defeat Death by Belittling It," , describing the hunger strikes of 1996, when 12 prisoners died was confiscated by İstanbul SSC in April.

A book named "Yeni ve Yakın Çağda Kürt Siyaset Tarihi" (Kurdish Political History in the Recent Age) which comprised articles by Celile Celil, M. S. Lazarev, O. İ. Jagalina, M. A. Gasaratyan, Şakire X. Miyohan from the USSR Science Academy and Kurdish Commission of Eastern Sciences of the Armenian Socialist Republic's Science Academy, was confiscated by İstanbul SSC on 23 July.

The book "Türkçe Açıklamalı Kürtçe Dil Dersleri" (Kurdish Lessons With Turkish Explanations), which was written by Turan Erdem and which is on the Zaza dialect of Kurdish, was confiscated by İstanbul SSC on 16 October, prior to its distribution. The confiscation was ordered on the grounds that "secessionist propaganda was made" in the introduction and on the 5th page of the book on Kurdish alphabet.

c) Banned Plays

The play "Memleket Hikayeleri" (Stories of the Country), written by Haluk Işık, was banned at least in 47 provinces and districts in 1998. In January, Atilla Sav, an MP from the CHP, asked a parliamentary question regarding the banning of the play. In his reply, Minister of Interior Affairs Murat Başesgioğlu asserted that " plays had to be in line with the principles of Atatürk," and that the play in question had been banned on the grounds that "it insulted the armed forces and the judiciary and reflected the opinions of people in illegal organizations."

Başesgioğlu said that the play had been banned several times in various regions of Turkey as well as in the State of Emergency Region. In his reply to Sav's question, "If there is such a ban, do you know the reasons for it? , , Such bans have turned into systematic violations of the freedoms of thought and art protected by the Constitution?," Başesgioğlu gave the following reply:: "Bolu Governor's Office asked the opinion of Ankara SSC regarding the play in question, and Ankara SSC replied. In the letter by Ankara SSC, it was stated that the play 'Stories of the Country' contained offenses such as insulting the security forces, Turkish Armed Forces and judiciary, and that the play was not compatible with the views of the great Atatürk , and that it reflected the opinions of illegal organizations."

Murat Başesgioğlu also said that the play had been banned 19 times during the Refahiyol government and 24 times during the Yılmaz government, that Ankara Ekin Theater had launched trials with regional administrative courts in order to lift the bans and to demand compensation for moral and material losses, but that the Trabzon Regional Administrative Court had refused these demands, whereas the courts in Zonguldak and Sivas had agreed to lift the ban, but refused compensation to the theater.

The following were stated in the expert report prepared for the courts: "(...) The text of the play Stories of the Country was examined in order to determine whether it was dangerous to the indivisible integrity of the state with its nation and to national security..

The play is about the writing adventure of a writer who is sensitive to his environment and to the relationships around him, and who is upset by the violations of the laws. Contrary to the accusations, the play in fact defends the basic principles on which the Turkish Republic is based, and it criticizes the violations of those principles. (...)"

In August, in a reply to another parliamentary question on the bans issued by various governors against plays such as "Accidental Death of An Anarchist," "A Beautiful Ugly King," "Yaşar Neither Lives Nor Doesn't Live," İstemihan Talay, the Minister of Culture, admitted that he was helpless in lifting such bans. Talay stated that his Department had made various efforts, in vain. "The authority to take action against the play banned by governors is entrusted with the governors, thus with the Ministry of Interior Affairs. For this reason, my ministry does not have any means of legal action." Minister Talay said, "The banning of some plays in certain provinces in Anatolia leads to an inequality between the people in exposure to pieces of art and culture. For this reason, the people in Anatolia have the same right to benefit from activities having a high level of artistic and intellectual merit , as do the people in big cities."

The following is the information compiled by the HRFT regarding the plays banned in 1998:

Dario Fo's "Accidental Death of An Anarchist," which was staged by Ankara Ekin Theater and directed by Rüştü Asyalı, was banned in 10 provinces in 1998. Faruk Güvenç, the Director of the Theater, said in a written statement on 24 March that the play was banned most recently, in Maraş: "It is a contradiction that the banned play is currently being staged by İstanbul State Theater. There is no ban for the play staged by the state, but it is banned when staged by Ekin Theater. It is impossible to make sense of this contradiction." On 27 May, plainclothes police officers entered the hall when the play was being staged in Hamizadebey Cultural Center in Trabzon, and they claimed that the governor found the play inappropriate. On the other hand, the same play was also banned in Afyon, in May when it was being staged by İstanbul State Theater.. This ban was lifted when the General Directorate of State Theaters intervened. Ahmet Özyurt, the Governor of Afyon said that he had banned the play upon the demands of the Police HQ, but had lifted the ban after the issue was more clearly understood. He said, "There was a misunderstanding. The Police HQ told us that this play had been banned in 4 or 5 provinces. However, that was the play staged by a private theater company, which had changed the text of the play. That version had been banned for including sentences that offended the police. After lifting the ban, we communicated with the Ministry of Interior Affairs. There is confusion, please clarify this situation, , we said, but so far, we have received no response. ."

In June, the play "A Beautiful Ugly King," based on the life of Yılmaz Güney and staged by Ankara Birlik Theater (ABT), was banned in Aksaray. The play was previously banned in Diyarbakır, Antep, Batman, Muş, Bingöl, Tunceli, Niğde, Urfa, Kırşehir, Afyon and Bilecik.

The play "Diriliş" (Resurrection), which was staged by Kocaeli Theater Birikim, was banned in 9 provinces. In Fatsa, the District Governor banned the play on the grounds that "no activities would be allowed in Fatsa between 1 and 5 May." However, it was reported that the Governor allowed the members of the MHP to celebrate "the Turkish Day."

On 3 November, a case was opened at Bursa Criminal Court No. 2 against the director and administrators of Ankara Birlik Theatre, for staging the play "Tiyatrocu (Actor)" which was based on the recent history of Turkey and which told the story of an actor who was detained and tortured. The theatre was charged with "insulting the security officers of the state." The indictment, seeking to convict Zeki Göker and Gül Göker for insulting security officers, stated that actor Zeki Göker, referred to the perpetrators with the lines: "How can these people go to their houses and have a good sleep? God has created the human being from the clays of animals and humans. These were obviously made from animal clay." In her defense, Gül Göker said that even the Prime Minister had said that torture was occurring in Turkey. She said that the phrase in question had aimed at the perpetrators, and added, "For this reason, launching a trial in a way to protect the perpetrators is shameful. These words were not covering all security officers."

Upon the application of Batman Police HQ, a case was opened against the members of the theater company who staged a play by Yılmaz Erdoğan, "Sevim Taşan is Me," in Petrol-İş Batman Branch Conference Hall during the ceremony held by Batman Democracy Platform on the occasion of 8 March World Women's Day. The first hearing of the trial, which was launched on accusations of "insulting the security forces," was held at Batman Criminal Court on 22 October. The trial was postponed to 24 November to enable the court to find out whether the İstanbul Public Prosecutor's Office had ordered the confiscation of the book, on which the play was based..

The play "Yüzünü Yitiren Şehir" (The City That Has Lost Its Face), which was to be staged by Can Şenliği Players in Kaş District of Antalya on 17, 18 and 19 March, was banned by the Governor of Kaş , on the grounds that "Newroz was close," and that the play contained expressions that "incite and insult the security forces, make discrimination between Alawite and Sunni sects, and aim at dividing the integrity of the state."

A play in Kurdish, "Komara Dinan Şermola," which was staged by Teatra Jiyana Nû, a Kurdish group of players working with the Mesopotamian Cultural Center (MKM), was banned by the Governor of Ankara.. The play was to be staged in April and May, at the Yılmaz Güney Hall of Çankaya Municipality and at the Municipal Theatre at Mamak

In Borçka District of Artvin, the District Governor banned the play "İyi Bir Yurttaş Aranıyor" (In Search of A Good Citizen), which was written by Ataol Behramoğlu and directed by Selim Kalıç, and which was to be staged in June.

The case opened against the members of a theater group named "İzmir Fetih Sahnesi" and against the board members of National Youth Foundation (MGV) (MGV, which had organized the theatre group is known as an organization affiliated with the Welfare Party) on charges of "insulting the army" in the play entitled "Bir Hak Düşmanı" (An Enemy of God), continued in 1998. The court's original verdict was overturned by the Supreme Court. In the hearing at Ankara SSC on 21 July, Prosecutor Zafer Yavuz declared that the play in question was performed in 7 different places, and requested that the players should be sentenced to an imprisonment term of 7 to 21 years each, 1 to 3 years for each play, on charges of "explicitly inciting people to enmity and hatred on basis of class, racial, religious, sect and regional differences."

The trial ended on 4 August. The court gave a prison term of 24 years and a fine to the playwright and to actor Mehmet Vahi Yazar, and a prison term of 16 years and a fine to each of the actors named Zekeriya Özen, Fuat Başarılı, Nazmi Kar and Osman Yavuz.

After April 1997, when the group staged the play in some cities, Ankara SSC Prosecutor's Office launched a trial against 39 persons including the MGV board members. This trial ended at Ankara SSC on 11 September 1997, and Mehmet Vahi Yazar was sentenced to 3 years' imprisonment, and Zekeriya Özen, Fuat Başarılı, Nazmi Kar and Osman Yavuz were each sentenced to 2 years and 4 months' imprisonment. The other defendants including the board members of the MGV, who were free pending judgment, were acquitted.

d) "Freedom to Thought" Campaign

The campaign started in 1995, with a book entitled "Freedom to Thought" which was a collection of articles by people imprisoned or tried in connection with their thoughts, and continued with a series of booklets entitled "Freedom of Thought.". In these booklets, numerous people including journalists, writers, artists and scientists, shared the thoughts of prisoners of thought and they participated in 'crimes of thought' by launching official complaints against themselves. Şanar Yurdatapan, the human rights advocate who had started the campaign, stated that the trials launched against 184 defendants in connection with the booklets had lasted so long that the campaigners had decided to publish booklets that were signed by fewer "publishers." In 1998, 28 booklets of "Freedom to Thought" were published.

Freedom of Thought 2: In a protest against the case opened against Şanar Yurdatapan, (the Spokesman of the Work Group for Peace,) for the booklet "Freedom to Thought 2," a group of intellectuals, including Prof. Dr. Ali Nesin, poet Suna Aras, actors and actresses Orhan Alkaya, Haluk Bilginer, Derya Alabora, Zeki Demirkubuz, Lale Mansur and writer Yıldırım Türker, went to the SSC on 4 February, and requested that they also be put on trial. Şanar Yurdatapan was acquitted in the hearing held on 11 August. But he appealed to the Supreme Court against the decision. The Supreme Court did not reach a verdict by the end of 1998.

Freedom of Thought 3: Board members of the SES Veli Büyükşahin and Refia Akcan, board members of the Enerji Yapı Yol-Sen Trade Union Hakkı Atıl, B. Murat Demir and Hüseyin Demirtan, published a booklet containing articles by journalist-writer Haluk Gerger, trade unionists Erkan Sümer and Ahmet Ersun Genç, lodged an official complaint against themselves at Ankara SSC Prosecutor's Office on 19

February. These persons were put on trial on the grounds of "spreading propaganda on behalf of a secessionist organization" (Anti-Terror Law 7/2). The trial, which started at Ankara SSC on 16 June, did not end in 1998.

Freedom of Thought 4: Poet Suna Aras, writer Cengiz Gündoğdu, poet Berrin Taş and Tomris Özden, who were among the publishers of the book "Freedom to Thought 4," which included a report on the massacre in Güçlükonak, Şırnak, went to İstanbul SSC on 25 February to lodge an official complaint against themselves. Ercan Kanar, the Chairman of the HRA İstanbul Branch, trade unionist Münir Ceylan and Şanar Yurdatapan had been sentenced by the court because of the report in question.

Freedom of Thought 5: Actress Nur Sürer and actors Yusuf Çetin and Orhan Aydın, who were among the publishers of the booklet that consisted of the section "Who are You?" from Franz Kafka's novel "The Trial," which actor Mahir Günşiray had read during his defense at İstanbul SSC and which led to his conviction on accusations of "insulting the court," lodged an official complaint against themselves at the İstanbul SSC on 4 March.

Freedom of Thought 6: İstanbul SSC issued a decision of non-prosecution for Cahit Berkay, Cezmi Ersöz, Edip Akbayram, Ferhat Tunç, Mazlum Çimen, Mehmet Gümüş, Onur Akın, Şanar Yurdatapan and Zuhâl Olcay, who published the booklet "Freedom to Thought 6" after the conviction of İlkay Akkaya, the singer of the music band Kızılırmak, to 10 months' imprisonment and his fining of TL 83,000,000 on accusations of "disseminating secessionist propaganda" (Anti-Terror Law 8/1) in the song "Zilan's Song."

Freedom of Thought 7: Writers Demirtaş Ceyhun, Amin Karaca, Zihni Anadol, instructor Hayri Kozanoğlu and musician Şanar Yurdatapan lodged an official complaint against themselves with İstanbul SSC on 18 March in connection with the booklet "Freedom to Thought 7" which consists of scripts from the book "Yasak Tümceler" (Forbidden Sentences). Abdullah Rıza Ergüven, the writer of the book in question, and İsmet Arslan, the owner of Berfin Publications, had each been sentenced to 1 year 8 months in prison and fined 226,000.

Freedom of Thought 8: An investigation was launched against journalist-writer Abdurrahman Dilipak, poet-writer Ahmet Mercan, HRA members Mukaddes Alataş and Zeynep Baran, and musician Şanar Yurdatapan in connection with a booklet containing a speech by Mustafa İslamoğlu. İslamoğlu had been sentenced to 1 year in prison for "insulting the Republic" (TPC 159/1) in the speech delivered during the Forum on Kurdish Problem," which was held by Mazlum-Der on 28 November 1993. The investigation was not completed by the end of 1998.

Freedom of Thought 9: Actor Berhan Şimşek, journalist Koray Düzgören, singer Nilüfer Akbal, Arif Hikmet İyidoğan and members of the Committee to Support Osman Murat Ülke, Aylin Çevik and Oğuz Sönmez, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 1 April because of the booklet they published. The booklet consists of the statement by Osman Murat Ülke, former Chairman of the İzmir War Resisters' Association, who had been sentenced to 6 months' imprisonment by the Military Court of the General Staff Chief Office on the accusations of "alienating people from military service" in the press statement he had made on 1 September 1996. The Military Court of the General Staff Chief Office launched a trial against Düzgören and Akbal. They were each sentenced to 2 months in prison.

Freedom of Thought 10: Musician Metin Kahraman, painter Murat Morova, poet Nevzat Çelik, musician Şanar Yurdatapan and the HRA board member Nimet Tanrıkulu, who signed the booklet that consists of the text of the official complaint made in connection with the book "Düş ve Yaşam" (Dream and Life) by Yılmaz Odabaşı, lodged an official complaint against themselves at the Prosecutor's Office of the İstanbul SSC Poet-writer Yılmaz Odabaşı and owner of the Doruk Publications Niyazi Koçak had each been sentenced to 3 years in prison in connection with the book in question.

Freedom of Thought 11: A group of intellectuals, including journalist-writer Abdurrahman Dilipak, Ahmet Kekeç, Ahmet Remzi, Cengizhan Atakul, Sadık Albayrak, Şanar Yurdatapan and Leyla Havva Kaya, who signed as publishers the booklet consisting of the speech and the poem that had led to the conviction of İstanbul Metropolitan former Mayor Recep Tayyip Erdoğan, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 29 April.

Freedom of Thought 12: This booklet consists of scripts from "Dersim: The Song of a Revolt" by poet Hüseyin Karataş, who had been sentenced to 1 year 4 months ,in prison and fined TL 133,000,000 on the grounds of "secessionist propaganda" (Anti-Terror Law 8/1). İstanbul SSC Prosecutor's Office issued a decision of non-prosecution for lawyer Gülizar Tuncer, musicians İlkay Akkaya and Onur Akın and actor Tuncer Necmioğlu, who signed this booklet as publishers and who lodged an official complaint against themselves. The publishers of the booklet lodged a complaint with the Supreme Board of Judges and Prosecutors, against the Prosecutor who had issued this decision.

Freedom of Thought 13: An interview with Altan Tan, former Chairman of the Great Transformation Party, was republished in the booklet "Freedom to Thought 13." A group of intellectuals, including Şanar Yurdatapan, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 20 September. Tan had been sentenced to 10 months in prison and fined TL 208,000,000, Alper Görmüş, the editor-in-chief of the journal Aktüel, had been sentenced to 5 months in prison and fined TL 249,000,000 and Ercan Arıklı, the owner of the journal, had been fined TL 498,000,000 because of this interview entitled "PKK is a party of Turkey," which had been published in Aktüel in December 1993. Alper Görmüş had been remanded in October 1996.

Freedom of Thought 14: Atilla Dorsay, Ayşe Emel Mesçi, Halil Ergün, İsa Çelik and Şanar Yurdatapan, who signed the booklet consisting of parts from the press statement that had led to the conviction of Edip Polat, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 27 May.

Freedom of Thought 15: This booklet was published upon the conviction of Haluk Gerger and editor-in-chief of the daily Evrensel, Fatma Bayar, to 1 year 8 months in prison, each, because of an article by Gerger, "OHAL and Operation Provide Comfort." The Publishers of the booklet, Prof. Dr. Ali Nesin, Şanar Yurdatapan and Prof. Dr. Toktamış Ateş, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office. When the Prosecutor issued a decision of non-prosecution, the publishers lodged a complaint against him at the Supreme Board of Judges and Prosecutors. *Freedom of Thought 16:* Saruhan Oluç, the Deputy Chairman of the Freedom and Solidarity Party (ÖDP), and Mustafa Doğan, the editor-in-chief of the journal "İşçi ve Politika" (Workers and Politics), were each sentenced to 2 months in prison and fined TL 160,000 by the Military Court of the General Staff Chief Office for "publishing materials to alienate people from military service" (TPC 15) in an article "Let's go to the Army!" published in the journal in December 1993. This article was republished in the booklet "Freedom of Thought 16." In connection with this booklet, Şanar Yurdatapan was put on trial at the Military Court of the General Staff Chief Office, and convicted to 2 months in prison under Article 58 of the Military Penal Code and Article 155 TPC. The Military Supreme Court has not yet ruled on the case file..

Freedom of Thought 17: Journalist Behzat Şahin, Halil Nebiler, actor Zafer Diper, Şanar Yurdatapan and MKM Chairwoman Nuray Şen, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 24 June ,in connection with the booklet "Freedom to Thought 17," which contained an article entitled "Apo 91- Öcalan 04," by Ragıp Duran. The article was published in the daily Özgür Gündem. The Prosecutor issued a decision of non-prosecution and the publishers lodged a complaint against him at the Supreme Board of Judges and Prosecutor. *Freedom of Thought 18:* Cartoonist Halil İncesu and Besim Döner, the editor-in-chief of the daily Özgür Gündem, were each sentenced to 10 months in prison under Article

159/1 TPC in connection with a cartoon published in *Özgür Gündem* on 11 September 1993. Writer Altay Martı and Lütfü Oflaz, cartoonists Ender Özkahraman and Kemal Gökhan Gürses and Şanar Yurdatapan republished the cartoon in question in the booklet "Freedom of Thought 18," and lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office. The preliminary investigation launched against them was not concluded by the end of 1998.

Freedom of Thought 19: This booklet consists of parts from the book "Sheria and Women," by Prof. Dr. İlhan Arsel, which had led to the conviction of publisher Münevver Hürriyet Karadeniz to 1 year in prison. Journalists Aydın Engin, İbrahim Yıldız , Şükran Soner, Şanar Yurdatapan and Prof. Dr. Toktamış Ateş, who signed the booklet as publishers, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office. The preliminary investigation launched against them was not concluded by the end of 1998.

Freedom of Thought 20: Erdoğan Aydın, the writer of the book "İslamiyet Gerçeği Kur'an ve Din" (he Truth about Islam, the Koran and Religion), and its publisher Niyazi Koçak were each sentenced to 10 months in prison and fined TL 840,000 by Ankara Penal Court of First Instance No. 2 on charges of "insulting God, religions and sacred books via publication" (TPC 175/3-5). Journalist-writer Hasan Basri Aydın, Şanar Yurdatapan and journalist Turhan Günay republished some parts of this book, and lodged an official complaint against themselves. The trial was not concluded by the end of 1998.

Freedom of Thought 21: This booklet consisted of parts from the book "Öcalan ve Burkay'la Kürt Sorunu" (The Kurdish Problem: Interviews with Öcalan and Burkay) by journalist-writer Oral Çalışlar. A group of artists and intellectuals distributed this booklet outside İstanbul SSC on 29 July, and lodged an official complaint against themselves.

Freedom of Thought 22: This booklet consisted of the speeches made during a meeting held in Ankara on 1 September World Peace Day in 1996, which had led to the conviction of some people including Akın Birdal, as well as excerpts from a bulletin released by ÖDP Mamak (Ankara) District Organization which led to the conviction of some of the board members of the ÖDP. Some of the publishers of this booklet, including the HRA board member Muteber Yıldırım, Aydın Koral (the General Publications Director of the daily Selam and a member of the Committee of Freedom to Thought), Şanar Yurdatapan (a member of the Initiative against Crimes of Thought) and a member of the Mazlum-Der, Şeyma Göğücü, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 5 June.

Freedom of Thought 23: This booklet consisted of excerpts from speeches delivered by Feridun Yazar, former Chairman of the defunct People's Labor Party (HEP), during HEP's Second Ordinary Congress.. Ankara SSC had sentenced Yazar to 1 year in prison and fined him TL 100,000,000. Musicians Ekrem Ataer and Şanar Yurdatapan, and director Ömer Uğur, who signed the booklet as publishers, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 12 August.

Freedom of Thought 24: Şanar Yurdatapan and lawyer Nesrin Keleş, published a booklet that contained excerpts from a speech by Bayram Karkın, Ankara Branch Secretary of the Nakliyat-İş Trade Union. Ankara SSC had condemned Karkın to one year in prison because of the speech. The publishers of the booklet lodged an official complaint against themselves with İstanbul SSC on 16 August, and when the Prosecutor issued a decision of non-prosecution, they lodged a complaint against him with the Supreme Board of Judges and Prosecutors..

Freedom of Thought 25: This booklet consisted of parts from a speech by Abdullah Aydın delivered in a panel, "Rights and Freedoms," which was organized by Ankara Keçiören *Halkevleri* on 25 September 1993. Aydın was sentenced to 1 year in prison and fined TL 100,000,000 under Article 312 TPC on 27 July.

The Publisher of the booklet, Şanar Yurdatapan, lodged an official complaint against himself with Ankara SSC Prosecutor's Office. The preliminary investigation launched against him was not concluded in 1998.

Freedom of Thought 26: Şanar Yurdatapan, Aydın Koral, Mehmet Ali Tekin, Ahmet Kekeç and Ahmet Remzi, the publishers of the booklet "Freedom of Thought 26," lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 16 September. The booklet consisted of an article entitled "Secular Oligarchy and Zionism, the Occupant of Jerusalem." written by Aydın Koral, (a columnist with the daily Selam), which had led to his conviction to 1 year 8 months in prison.

Freedom of Thought 27: This booklet consisted of the introduction to the Turkish edition of a book entitled "Gladio," written by Italian writer Leo A. Müller. Emin Karaca, the publisher of the book and a member and the former Secretary General of the Trade Union of the Turkish Writers, had been sentenced to 1 year 8 months and fined TL 106,000,000. As the publisher of the booklet, Şanar Yurdatapan lodged an official complaint against himself with İstanbul SSC Prosecutor's Office on 7 October.

Freedom of Thought 28: This booklet contained an article by Yaşar Kaplan, a columnist with the daily Akit, who had been sentenced to 14 months in prison under Article 95/4 of the Military Penal Code. Publishers of the booklet, Şanar Yurdatapan, journalist Koray Düzgören and publisher Ahmet Remzi Taşçı, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office on 14 October.

Freedom of Thought 29: This booklet contained excerpts from an interview "Eren Keskin A Prisoner Convicted for Terrorism" " published in the journal Medya Güneşi on 30 April 1995. HRA İstanbul Chairwoman Eren Keskin, and Nasih Çılgın, the owner and the editor-in-chief of the journal, had each been sentenced to 13 months in prison and fined TL 112,000,000 because of this interview. Publishers of this booklet, journalist-writer Ayşe Önal, musician and Deputy Chairman of the HRA Mehmet Suavi Saygan, poet Suna Aras and Şanar Yurdatapan, lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office. The preliminary investigation launched against them was not concluded by the end of 1998.

Freedom of Thought 30: In this booklet, Ahmet Remzi Taşçı, Maside Ocak and Şanar Yurdatapan republished a cartoon which had led to the conviction of its creator, Dogan Güzel and of the editor-in-chief of the daily Özgür Gündem, Özdemir Toprak, to 10 months in prison. The publishers of the booklet lodged an official complaint against themselves with İstanbul SSC Prosecutor's Office. The preliminary investigation launched against them was not concluded by the end of 1998.

8.2

FREEDOM OF COMMUNICATION

In Turkey, freedom of communication ("freedom of press" and freedom of receiving information") was restricted in 1998 as it was during previous years, both arbitrarily and by judicial means.

The repression of daily newspapers such as Ülkede Gündem and Emek, whose political line was in opposition to the official ideology and who published news stories that violated the "policies of the state," and of radio stations such as Demokrat and Karacadağ which broadcast similar materials continued in 1998. The offices of the newspapers were raided, journalists were detained, and they faced attacks during demonstrations, rallies, in the halls and in the corridors of courts. Some groups were protected after they

attacked journalists. For example, on 20 January, after the hearing of the trial launched against 3 defendants on accusations of "killing Nihat Uygun, the Chairman of the MHP Maltepe Branch," and "being members of the Revolutionary Communists Union of Turkey (TİKB)," the defense lawyers and journalists who were leaving the courthouse were attacked by a group of some 50 followers of the MHP. Hülya Topçu, a reporter for the daily Cumhuriyet, was pushed on the ground and kicked by the assailants, and the camera of Faruk Arhan, a reporter for the daily Gündem, was damaged. Lawyer Muharrem Çöpür was wounded on the leg. Yücel Sayman, the Chairman of İstanbul Bar who also attended the hearing, called İstanbul Security Director Hasan Özdemir, to enable the lawyers and the journalists to leave the area under the police protection. Sayman stated that the police officers waiting outside the SSC building had not intervened in the incident saying "they were not on duty on that area," and that the anti-riot forces waiting outside had not intervened in the incident.

After the attack carried out by a group of MHP adherents against the left-wing students in İstanbul University campus on 23 March, an incident arose on 24 March. Ebru Alacadağ, a reporter for the TV channel Kanal E, and 2 cameramen were harassed by a group of right-wing students making a press statement. The Forensic Institute issued a medical report for Alacadağ, certifying her inability to work for 3 days. Mustafa Yalçınır, a student at the Faculty of Law, was detained for being one of the assailants. He was charged with "carrying out an attack on a member of the press on duty" (TPC 456/4), and was released on April 2 pending trial.

Journalists were mostly prosecuted on charges of "membership in an organization," or of "aiding an organization" or of "carrying out terrorist activities" when they protested the restrictions of the freedom to communicate. This practice was used to support the State's claims that most of the people in prison are not criminals of thought but terrorists." The HRFT has determined that at least 30 journalists were prosecuted under Article 169 TPC although they were not charged with any offence outside their work as journalists. Many journalists were tortured when they were detained, and convicted at trials launched upon testimonies received under torture.

At a meeting of the NSC held in the beginning of December, it was decided to establish a new structure to replace the Radio and Television Supreme Board (RTÜK) for effective control of radio and TV channels that have "Islamic" and "separatist" broadcast policies. During the meeting, it was stated that of 1490 local radio stations and 374 TV stations in Turkey, over 200 had broadcast "Islamic" and "separatist" programs. In punishment, 145 radio stations and TV channels were closed for a total of 38000 days, but the closures were ineffective, and the NSC suggested heavy fines.

In Ankara, the office of the Governor and the Directorate for Security banned the songs of the band called Kızılırmak on the radio. Police officers went to radio stations in Ankara and confiscated the bands of this group. The directors of radio stations stated that they had taken back the bands on condition that they would be kept archives, and that the radio stations would continue to play songs in Kurdish, when their listeners requested them.

In 1998, it became quite difficult to follow the trials of public interest or on human rights violations. For example, Minister of Justice Oltan Sungurlu warned the judges that "the reporters at the courts were impeding the work of the judiciary."

An article written by Sungurlu and published in the Ministry of Justice Bulletin of Judicial Regulations on 10 February, reads as follows: "It appears that the taking of photographs and filming in the courtrooms distracts the judges, prevents defendants from making a proper defense, interferes with the testimony, causes disorder and puts pressure on everyone, thus impeding the judiciary process which should be carried out in peace and security." Especially at the State Security Courts, reporters were prevented from doing their jobs and following some trials.

In Diyarbakır, the Public Prosecutor forbade journalists to enter the SSC, and he closed the room in the courthouse, allocated for journalists. No grounds were given for the ban, which started on 14 July. In İzmir, journalists were banned from entering the Public Order Branch and other branches of the İzmir Police HQ. About 50 journalists held a sit-in outside the Police HQ building to protest the ban which came into effect on July 15. Süleyman Gençel, the Chairman of the Progressive Journalists Association (ÇGD) said in a statement that the ban was aimed at the freedom of information.

a) Unilateral or Distorted Information

The attitudes of certain media organizations and their journalists have constituted obstacles to the freedom of communication. In 1998, some members of the media continued to publish and broadcast one-sided, distorted and provocative news in an atmosphere where the state continued to put pressure on the press and economic problems arose because of media monopolies. The following are some examples:

Damiano Giovanni Frisullo (a member of the Italian Peace Association, a journalist) was detained in Diyarbakır, where he went as a member of a delegation observing Newroz celebrations, and remanded by Diyarbakır SSC on accusations of "inciting people to enmity" (TPC 312), after having testified to the prosecutor. The media presented him as "a member of the PKK."

After one of the commanders of the PKK, Şemdin Sakık was brought to Turkey the media alleged that Sakık, in his testimony, had said that PKK leader Abdullah Öcalan had bribed some journalists, such as Cengiz Çandar and Mehmet Ali Birand from the newspaper Sabah, to obtain articles favorable to himself. Mehmet Ali Birand and Cengiz Çandar were fired in late April. In the same period, İstanbul SSC Prosecutor's Office launched an investigation against Fatih Altaylı and Yavuz Gökmen, journalists with the newspaper Hürriyet. Çandar said in a statement to the SSC Prosecutor that Sakık's testimony was falsified in the media, and added, "This is slander, the publication of these names is despicable and believing this information is stupidity." Yavuz Gökmen and Fatih Altaylı also testified to the Prosecutor and both rejected the charges against them. At the end of the investigation, İstanbul SSC Prosecutor's Office issued a decision of non-prosecution.

The Italian Turns out to be a Maniacal Activist

It has become evident that the Italian, Frisullo, who shouted slogans supporting the PKK during Nevruz celebrations in Diyarbakır, was a professional maniac of demonstration. Frisullo had previously participated in similar demonstrations in Lebanon, Palestine, Iraq and Argentina. The prosecution of the Italian member of the PKK shall start at Diyarbakır SSC today.

Italian demonstrator Damiano Giovanni Frisullo, who was remanded for shouting slogans in support of the PKK during Nevruz celebrations in Diyarbakır, had previously participated in demonstrations in Lebanon, Palestine, Iraq and for Deparasidos in Argentina.

Damiano Frisullo, a so-called peace defender member of Leftists Union of People Without Borders in Rome, claims that he is a journalist. It appears that Frisullo has participated in many demonstrations outside the foreign missions in Rome, including the Turkish Embassy.

Italian Damiano Frisullo came to Turkey by train last year repeating the slogan: 'Bridge to Diyarbakır.' He was put under investigation for this act, but he was released. The Italian Ministry of Foreign Affairs is anxious about Frisullo, who repeatedly stated that he was a member of the PKK.

Reha Erus-Faruk Balıkcı, Hürriyet, 28 April 1998

News reports on the Turkish media stating that the Swedish Prime Minister Olof Palme was killed by the PKK in 1986, based on Sakık's alleged testimony, were denied by the Swedish authorities. Chief Prosecutor Solveik Riberdahl, who is in charge of the investigation of the Palme murder, stated that similar claims had formerly been made by Turkey. Lars Nylen, one of the chiefs of the Swedish Police Department, said, "The Commission to investigate the Palme murder has thoroughly investigated these claims made by Turkey, however, it has not come up with any results." "

Sociologist Pınar Selek, who was detained on 11 July and then remanded in connection with the bombing of the Mısır Mall in İstanbul, was declared guilty extra-judicially by the daily Sabah. A large photo of her was published in Sabah on 18 August, under the headline "Bombers of the Mısır Mall Captured."

Her lawyer Alp Selek, who held a press meeting prior to the hearing on 5 October along with İstanbul Bar Chairman Yücel Sayman and a group of lawyers, rejected the accusations. Lawyer Selek said, "This publication has made our client a person hated by people and in public opinion. In addition, she was shown as a target in a way that could risk her life." Lawyer Selek stated that he would launch a trial against Dinç Bilgin, the owner of the Sabah, its Editor-in-chief Erdal Şafak, Deputy Editor-in-chief Emre Oral, Editor Arzu Üstün, General Publications Director Zafer Mutlu and reporters Muharrem Çağlar and Sultan Uçar, who signed the news story, demanding a compensation of TL 500 billion for moral damages.

After President Süleyman Demirel delivered a harsh speech on the relations between Syria and the PKK during the opening ceremony of the Parliament on 1 October, the media began to publish and air reports in favor of militarism. Mainstream newspapers and TV channels started to clamor for a war against Syria while some columnists emphasized the necessity of a Turkish attack on Syria, wrote articles stating the reasons for such an attack, and made some proposals.

Erdal Aksu, who hijacked the Turkish Airlines plane named Ayvalık that was traveling from Adana to Ankara on 29 October, was killed by special team members in an operation. HRA Secretary General Osman Baydemir criticized the killing of Aksu, and said that he could have been captured alive. The newspaper Hürriyet referred to Baydemir's comments, under the headline, "Look at the Maniac" and insulted Baydemir in various articles. (See the chapter "Human Rights Defenders".)

After media outlets became a part of holding companies in the 1980s and 1990s, newspapers started to play a role in the economic relations of the holdings they were affiliated with, establishing relations with people in economic circles and politicians whose views were in line with the interests of their holdings. As this behavior became widespread, it raised questions about the independence of the media. For example, it was revealed that former Minister of Interior Affairs Meral Akşener had the cassette of a telephone conversation between Ertuğrul Özkök, the General Publications Director of the newspaper Hürriyet, and Minister of State Güneş Taner on the incentive funds to be allocated to the Doğan Media Holding Company in 1998. When Meral Akşener was criticized by Hürriyet after the Susurluk scandal, she brought out the recordings of this telephone conversation in a press conference, and she asserted that "the newspaper Hürriyet had attacked her because of the incentive funds and credits it received from the ANASOL-D coalition government." Although the eavesdropping had violated Özkök's personal freedom, the article which he wrote in response to Akşener was important in revealing the relationship between journalists and politicians.

In his column headed "Politics," Özkök wrote an article entitled "Big Ears of the Akşener Gang," on 18 December, and accepted that he had spoken to Minister Taner. Özkök said, "I am the General Publications Director of the newspaper Hürriyet as well as the head of the executive board. At the same time, I'm one of the top-level 2 directors of the Doğan Publications Holding. Thus, as a director, it is my duty to do the business of my group."

Özkök said that the Doğan Media Holding was planning to open a big cartoon factory, and that they had used the incentive funds within the framework of legal provisions. Özkök said the following about this telephone talk with Minister Taner:

"(...) Me and other executives of the media held various meetings with Tansu Çiller, the Chairwomen of Meral Akşener, in connection with certain needs of the sector during the term she was the Prime Minister. We submitted our demands. We will continue to do so in the future. I asked Minister Güneş Taner why the incentive fund was not approved although all the proceedings were completed. I do not carry out anything secret. In my previous articles, I openly and repeatedly wrote that investors should be encouraged to invest in Turkey. I openly stood against any restrictions on this. I will continue to support these. Because, I consider it my duty as a journalist. On our side, we will continue to invest and bring new values to this country and create new job opportunities. We will also continue to benefit from all of the incentive funds that the law allows us. These implementations have to continue if the Turkish economy is to compete with developed countries and keep its dynamism. Four different bodies of the state during the Refahiyol government have repeatedly inspected us. They came to us with unbelievable brutality. We did not oppose in any way. We opened all of our accounts, all of our rooms. We kept our place in the list of the highest taxpayers. Most recently, I received a medal from our President in the name of our newspaper for the taxes that we pay. Indeed, have we used our publication for following up business? The proof is very simple. The archives are here.

"Ever since our group has bid for the energy projects in this country, Hürriyet has not published a single sentence that might influence the tenders. In fact, some of our columnists wrote articles against privatization. Up to now, the issue has been the conversations that were recorded. That was our problem. We are accounting for this all the time, to our public and to our readers. They see and evaluate our publications. But, this issue has a terribly serious side that affects all of us in Turkey. (...)"

b) Journalists Murdered or Disappeared

In 1998, there was no development in the cases of journalists who were murdered or who disappeared in previous years.

Metin Göktepe Trial

Unlike the murder of many journalists, the killing of Evrensel reporter Metin Göktepe on 8 January 1996 could not be covered up thanks to the efforts of his colleagues, family, relatives and the public outcry provoked by the case. Thus, some of the police officers held responsible for the murder could be brought to trial.

On 5 January, two years after the incident, an investigation was carried out in Eyüp Sports Hall. The defendant police officers on remand were not taken to the Hall, but Fikret Kayacan, Murat Polat, Tuncay Uzun, Burhan Koç, Fedai Korkmaz, who were prosecuted without remand took part. Witnesses Deniz Özcan and Ali Ekber Palabıyık were also present in the investigation, but journalists were not allowed to watch. When the investigation was completed, police officer Fikret Kayacan threatened witness Deniz Özcan, showing his pistol and saying, "You are done, son. Your death will come from us." Lawyers demanded that this threat is recorded, but the demand was rejected.

One of the defendants, Seydi Battal Köse, was transferred from the ward where he was detained with other defendants, to another ward, on the grounds that his life was in danger.

Seydi Battal Köse, who made a confession in the previous hearing, submitted a petition to the court board in the hearing held at Afyon Criminal Court on 22 January. In the petition he said that what he had previously said was not based on what he had witnessed, and that he had not accused his superiors. In his

confessions, Köse had stated that Göktepe had been beaten to death by police officers, and Orhan Taşanlar, then-İstanbul Security Director, Mehmet Ali Aydın Akdemir, Eyüp Security Director, and Kemal Bayrak, Eyüp Deputy Security Director, had known that fact. His lawyer Ahmet Ülger claimed that the testimony of his client was due to the "psychological circumstances in the prison." He said, "My client has made such a declaration because of the psychological circumstances in the prison, or some other reason I don't know. These factors should be considered in evaluating his testimony. "

On 29 January, the newspaper Sabah reported that a photograph that showed Göktepe dead, and that had been missing for 2 years, had suddenly appeared in the case file in the hearing held on 22 January (23rd hearing).

Lawyers of the Göktepe Family and the members of the court board stated that they had not seen those photographs in the case file up to that date. Prosecutor Erol Canözkan, who prepared Göktepe's death certificate, said that those photographs had not been taken by himself, that he had taken the ones on which the face of Göktepe was seen clearly, and that he had sent those photographs to the Provincial Administrative Board after he had issued a decision of non-authorization in line with the Law on Prosecution of Civil Servants. Later, it became apparent that the photographs taken by Prosecutor Canözkan had disappeared in the file he had sent to the Provincial Administrative Board. Chief Superintendent Adnan Oran, who also had taken some photographs, stated that he had not taken the ones published in the newspapers. The whereabouts of the photographs taken by Canözkan and Oran were not known. During the same period, Forensic Medicine Specialist Remzi Şendil, who was assigned by Eyüp Criminal Court No. 2 to prepare an examination report, stated that he had seen the photographs in question "by chance" on 27 January, just two days before Sabah published them. However, no information could be obtained about when and who inserted the photographs in the case file.

In the hearing held on 13 February, Presiding Judge Mustafa Birişik read out the expert report prepared at the Eyüp Sports Hall on 5 January. Birişik stated that İstanbul Provincial Administrative Board had given permission to prosecute Muzaffer Candan, then-Deputy Security Director of Public Order Branch, Deniz Gökçetin, then-İstanbul Security Deputy Director, and Turan Yılmaz, then-Security Director of Murder Branch, who were claimed to have "tortured the accused police officers in detention." He said that though the decision of the Board was reviewed by the Supreme Administrative Court, there was no need to wait for the decision of the Court. Defendant Köse requested to make his own defense and dismissed his four lawyers, one of whom, Burhan Hayran, had objected to his confession in a previous hearing, saying "my client's confession is due to his psychological situation in prison." Prosecutor İsmail İlhan stated his opinion on the accusations. In the hearing held at Afyon Criminal Court on 12 March, Göktepe's mother Fadime Göktepe, the lawyers of the intervening party and the defense lawyers stated their views as to the accusations. Fikret İlkiz, the lawyer of the Göktepe family, made the following statement. "Thousands of people were kept in a stadium and detained on the pretext of preventing an offense. Göktepe was beaten to death and his head was crashed only because he was a journalist. Keeping all these in mind, one cannot dismiss the social danger posed by the defendants as state officers merely as faulty judgment." İlkiz reminded the court that the prosecutor had requested the court to sentence the defendants for "causing one's death with an act beyond intention." He said, "There is no act beyond intention in this murder. There is intention. If you do not want to kill, that is, if there is no intention to kill, you wouldn't hit someone on the head forty times. You wouldn't kick a man who fell on the ground. Metin Göktepe was not killed because of excessive torture in interrogation. That is why this trial is different from any other torture and murder trial. In our case, the victim is killed by a pure intention to torture and to give pain.

The trial was concluded on 19 March, 800 days after the murder of Göktepe. The court sentenced Şuayip Mutluer (remanded), Saffet Hızarcı (remanded), Seydi Battal Köse (remanded), Fedai Korkmaz and Metin Kuşat to 7 years 6 months in prison. Selçuk Bayraktaroğlu and İlhan Sarioğlu, who were on remand,

and Fikret Kayacan, Tuncay Uzun, Burhan Koç, Murat Polat were acquitted. Korkmaz and Kuşat were remanded after the verdict was read out, whereas Bayraktaroğlu and Sarıoğlu were released at the court. An appeal was launched before the Supreme Court. The Supreme Court Public Chief Prosecutor declared his opinion about the verdict on 11 June. The prosecutor requested the Supreme Court to uphold the prison terms of 7 years and 6 months given to Şuayip Mutluer, Saffet Hızarcı, Fedai Korkmaz and Metin Küşat, and to overturn the acquittal of Murat Polat and the sentence given to police chief Seydi Battal Köse.

The Supreme Court overturned the verdict on 18 June on the grounds that the original trial was flawed. The Supreme Court found that the court had reached a verdict without "sufficient investigation," and without hearing some witnesses and that some of the contradictions in the detailed verdict constituted "procedural deficiencies." The retrial started at the Afyon Criminal Court on August 20. The Court accepted the decision of the Supreme Court, and the police officers made their defenses in the hearing. One of the officers, Şuayip Mutluer said, "Some citizens see policemen as potential offenders. I testified to the police under pressure. Should a policeman torture a policeman? Yes." The other defendants testified in a similar manner.

In the hearing on 17 September, İlhan Uçar was heard as a witness. He said that he had not been able to testify previously as he had been threatened. In the hearing, an arrest warrant in absentia was issued against Murat Polat, who was in Bilecik to do his military service. Meanwhile, it became known that the defendants who were not remanded were given their jobs back while the prosecution was under way. In the hearing held on 15 October, intervening lawyer Kamil Tekin Sürek stated that defendant Murat Polat had deserted from the military.

While the trial was under way, Deniz Özcan, a witness in the trial, stated that he had been detained 8 times and threatened by police officers. Özcan said that Ahmet Ülger, a lawyer of the defendant police officers, had come to a café where he was sitting on November 1, and he added, "I was detained by police officers who came to the scene a while after. I believe that Ahmet Ülger informed them that I was in the cafe. In the police car, they threatened me saying, 'You talked enough. Don't talk any more.' They took me to Yeşildirek Police Station. I was chained there, kicked, slapped and beaten with radios. I said I wanted to use my right to make a phone call, but they rejected this demand, saying, 'You are in our hands from now on. You can't do anything.' I was detained at 3p.m., and released at midnight."

FRIGHTENED BY HIS OWN SAVAGERY.

Erol Canözkan, the State Prosecutor of Eyüp, beside Metin Göktepe's dead body.

Beside him, Chief Superintendent of Police, Adnan Oran, waits, holding a flash camera.

According to the records of the preliminary investigation, this is Göktepe's condition:

"... On his right and left shoulders, there are dark bruises due to acute trauma. His right cheek having collapsed, there is dust and dirt on his face, and there is a bloody discharge from his mouth."

According to the record, it was the photo of the victim's state described above that the prosecutor Canözkan had had photographed. But he had subsequently taken a decision of "inaction" and sent the file to the Provincial Administrative Board. A memo attached to the file, clearly states that there were two photos of Göktepe taken on site.

The names of the members of the İstanbul Provincial Administrative Board where that file was sent are as follows: İstanbul Deputy Governor, Rıdvan Yenişen, Provincial Director of Legal Affairs, Ümit

Esmer, Accountant Alper Kuş, Deputy Director of Education, Aydın Özyar, Provincial Director of Public Works, İ.Hakkı Celayir, Deputy Director of Health, Dr. Şeref Kara, Director of Agriculture, Ayhan Karazlı.

Later, the reports of Şükrü Erden, and Cengiz Akın, the Inspectors of the Administrative Board, and of Yasak Gölişik, Chief Inspector of Police also made it clear that there was more than one photo of the body of Göktepe.

On January 23, 1996, eyewitness Ali Fahri Özer spoke of having seen more than one photograph. "The body in the photographs you've showed me belongs to the person whose wounds I tended to. I recognize him from his clothes and his features. This is the person whose facial wounds we cleaned."

These statements make two facts clear: 1. That there are two photographs taken on the site of the killing and sent to the Provincial Administrative Board, 2. That in both of the photographs, Metin's face is visible and recognizable. However, these photographs are taken from the file and replaced with a photo in which the victim's face is covered with a hood.

Why are secret hands still playing games with Metin's files? It's Metin's lawyer Fikret İlkiz who answers this question. "Because those who perpetuated this savagery are frightened of their own savagery."

If we consider the terrible impact of the photo showing the wounds of Metin's face, it's not hard to imagine the impact of photos that show the bloody discharge from his mouth. And that's what is found frightening. The idea behind the disappearance of the photos is the fear of their own savagery – the fear of drowning in the blood that's shed."

Radikal-Celal Başlangıç. February 3, 1998

Defendant Seydi Battal Köse, who took the floor in the hearing held on November 13 held then-Istanbul Security Director Orhan Taşanlar, Deputy Director Kemal Bayrak, Eyüp District Security Director Aydın Akdemir and Security Chief Mehmet İşbitiren responsible for the killing of Metin Göktepe. Köse said, "We performed this duty upon the written and verbal directives of these persons." In the hearing, the testimony sent by facsimile by Yalçın Aydeniz (presently in charge at Siirt Police HQ), one of the 37 police officers who had been put on trial in connection with the killing of Metin Göktepe and whose case files had later been separated, was heard. In his testimony, Yalçın Aydeniz claimed that he had never seen Metin Göktepe. Upon this, Seydi Battal Köse took the floor again, and said, "Yalçın Aydeniz was there. He used his truncheon, and once he hit the arm of police officer Burhan Koç. Burhan told me this." Köse added that Aydeniz's brother and brother-in-law were in charge at Public Order Directorate and that they had made efforts to rescue him. After the hearing, the relatives of the defendants, including some persons making the ultra nationalist wolfhead sign threatened to attack the Göktepe Family and the journalists whom they accused of being biased.

Police officer Murat Polat, against whom an arrest warrant in absentia had been issued, delivered himself to Bitlis Public Prosecutor's Office and was remanded on 9 December. Polat reportedly testified to the prosecutor. Polat, who was in Bilecik to serve for his military service, was reportedly transferred to Bitlis.

In the hearing held on December 11, remanded police officers Şuayip Mutluer, Saffet Hızarcı, Fedai Korkmaz, Metin Kuşat and Seydi Battal Köse were released. The court board stated that they made the decision by taking into consideration "the period of time that the defendants had already served in prison, the evidence that was gathered, and the impossibility of destroying the evidence of the crime." The court board banned the defendants from going abroad. After the decision was stated, relatives of the defendants made the wolfhead sign in the court hall, and shouted slogans such as "Down with the communist dogs," and "Justice

has been done." About 500 people protested the court decision by shouting slogans outside the Court House. When the Göktepe Family wanted to march, the police harassed them to prevent the march. Intervening lawyer Kamil Tekin Sürek pointed out in his statement that the court decision, which was spelled out on the 50th anniversary of the Universal Declaration of Human Rights, had actually meant that killing a person under torture received a prison sentence of only one year.

The trial continued on January 29 1999. Of all the defendant police officers, only Seydi Battal Köse attended the hearing. Prior to the hearing, the police did not allow the people who had gone to Afyon to follow the trial to walk on the street where the Afyon Court House is located. They dispersed the group. The journalists were not allowed to record the hearing with their cameras, and it became apparent that there was an armed plainclothes police officer in the court hall. The intervening lawyers asked the court board to take out the armed police officer. Upon this, defense lawyer Ahmet Ülger claimed that "the police officer had the right to follow the hearing with his gun." The court board rejected the intervening lawyers' request that the ID of the police officer be determined, and he was surreptitiously taken out of the hall during a break given for "security" reasons. In the hearing, the court board stated that the arrest warrant in absentia issued for Murat Polat (the only arrested defendant in the trial) had been changed into an arrest warrant in his presence, and that he had been put in Van Military Prison. Later, the court board decided that Murat Polat should be transferred to Afyon Prison. During the press statement made after the hearing, a group of MHP supporters made the wolfhead sign, and disturbed the journalists by shouting, "Do not annoy us, or we will kill another Metin." The police did not intervene, and did not allow the journalists to take pictures. After the hearing, Hikmet Bilgin and Mehmet Çoban, executive members of the EMEP Afyon Branch, were detained by the police. The trial is under way.

c) Arrested and Convicted Journalists

A survey carried out by the HRFT in 1998 of the case files of some of the convicted or arrested journalists has revealed that there was no evidence other than their connection with legal media outlets, against many of these journalists who were put on trial, remanded or convicted on accusations of "aiding" or "being a member of an illegal organization".

The survey revealed that at least 85 people, who were remanded or convicted in 1998 or in the previous years and who were in prison by the end of 1998, were imprisoned merely for their professional activities as journalists. The charges laid against many of these people were "membership to an illegal organization" or "aiding an illegal organization and sheltering its members." However, when the evidence – based on police documents -- presented by the prosecutors and the defenses of these people were taken into consideration, it became clear that the accusations and the evidence were so weak that the charges could not be supported. It was also observed that the testimonies received under torture were deemed valid, and the indictments and many of the convictions were based on such testimonies.

Yaşar Kaplan, a columnist for the daily Akit, was detained by the police on 6 March, and remanded in Mamak Military Prison on 9 March. Kaplan, who was taken to Ankara SSC on 9 March so he could testify in a trial launched against him, was released by the Court Board. However, he was detained by the police again at the exit of the SSC in connection with another trial, and he was remanded by the Military Court. Kaplan and Murat Balıbey, the editor-in-chief of Akit, were put on trial at the Military Court of the General Staff Chief Office on the accusations of "inciting the soldiers to illegality and negligence in their duties" (Military Penal Code 95) and "inciting the soldiers and the security officers to disobedience via the press" (TPC 153) The prosecutor requested prison terms between 6 months and 3 years. Kaplan was released in the hearing held on 21 April. The trial was concluded on 14 July. Kaplan and Balıbey were each sentenced to 1 year 2 months in prison. The sentence given to Balıbey was later commuted to a fine of TL 2,100,000.

According to the research carried out by HRFT, at least 35 journalists were remanded in 1998. Most of these journalists were working for the dissenting press. The list of the journalists who were remanded in 1998 or remanded previously but served in prison in 1998 is as follows:

01. İsmail Beşikçi	Özgür Gündem	Bursa E Type P., (13.11.1993)
02. Hasan Özgün	Özgür Gündem	Aydın P., (20.12.1993)
03. Asaf Şah	Kurtuluş	Antakya Samandağ P., (03.01.1996)
04. Ayten Öztürk	Kurtuluş	Ankara Central Closed P., (13.10.1997)
05. Fatma Hülya Tümgan	Kurtuluş	Ankara Central Closed P., (26.02.1994)
06. Hamide Öztürk	Kurtuluş	Bayrampaşa P., (11.04.1996)
07. Sadık Çelik	Kurtuluş	Bursa Special Type P.,
08. Nazan Yılmaz	Kurtuluş	Sakarya P., (29.12.1995)
09. Necla Can	Kurtuluş	Ümraniye P., (20.04.1995)
10. Semiha Topal	Kurtuluş	Malatya P., (12.12.1995)
11. Ufuk Doğbay	Kurtuluş	Bayrampaşa P., (26.07.1996)
12. Veysel Eroğlu	Kurtuluş	Ankara Central Closed P., (26.06.1994)
13. Yazgül Güder Öztürk	Kurtuluş	Bayrampaşa P., (21.07.1995)
14. Şevket Dalboy	Kurtuluş	Bayrampaşa P.,
15. Fatma Bilgin	Kurtuluş	Malatya P., (December 1995)
16. Ali Sinan Çağlar	Mücadele	Konya P., (13.08.1994)
17. Aysel Bölücek	Mücadele	Çanakkale P., (18.10.1994)
18. Burhan Kardaş	Mücadele	Aydın P., (04.04.1995)
19. Hanım Harman	Mücadele	Sakarya P., (04.02.1994)
20. Hüseyin Solak	Mücadele	Bursa P., (September 1993)
21. Özgür Güdenoğlu	Mücadele	Niğde P., (20.05.1994)
22. Özlem Türk	Mücadele	Ankara Central Closed P., (1995)
23. Utku Deniz Sirkeci	Mücadele	Aydın P., (13.08.1994)
24. Asiye Güzel Zeybek	Atılım	Gebze P., (06.03.1997)
25. Bülent Öner	Atılım	Adana Kürkçüleri, (19.06.1995)
26. Fatma Harman	Atılım	Sakarya P., (19.06.1995)
27. İbrahim Çiçek	Atılım	Bayrampaşa P., (28.03.1996)
28. Nabi Kımran	Atılım	Sakarya P., (10.09.1996)
29. Bektaş Cansever	Devrimci Çözüm	Gebze P., (07.01.1997)

30. İbrahim Özen	Devrimci Çözüm	Gebze P., (07.01.1994)
31. Kemal Topalak	Devrimci Çözüm	Gebze P. (07.01.1994)
32. Mehmet Güvel	İşçi Hareketi	Bayrampaşa P., (01.08.1995)
33. Serpil Güneş	Alinteri	Uşak P., (09.09.1996; released in 1998)
34. Mehmet Yaman	İşçi Hareketi	Bayrampaşa P.
35. Mustafa Tokur	İşçi Hareketi	Bayrampaşa P.
36. Raşit Dörtyol	İşçi Hareketi	Bergama P.
37. Şemsettin Kalkan	İşçi Hareketi	Ceyhan P.
38. Erdal Doğan	Alinteri	Bursa P., (14.07.95)
39. Nuray Gezici	Yoksul Halkın Gücü	Çanakkale P.
40. Sinan Yavuz	Yoksul Halkın Gücü	Çanakkale P.
41. Müştak Erhan İl	Devrimci Emek	Bayrampaşa P.
42. Özgür Öktem	Devrimci Emek	Bayrampaşa P.
43. Hayrettin Ayhan	Gerçek	Bursa P.
44. Kemal Evcimen	Özgür Karadeniz	Erzurum P.
45. Barış Yıldırım	Tavır	Aydın P.
46. Yasemin Okuyucu	Devrimci Gençlik	Bayrampaşa P.
47. Ali İhsan Batasul	Partizan Sesi	Ümraniye P.
48. Serdar Gelir	Mücadele	Çankırı P.
49. Hacı Boğatekin	Fırat	Adıyaman Gerger P.
50. Birol Tezcan	Emek	Kürkçüler Prison, (11.01.98)
51. Hamdi Kayısı	Kurtuluş	Bayrampaşa P., (24.02.98)
52. Uğur Türkmen	Kurtuluş	Kürkçüler P.(19.02.98)
53. Banu Güdenoğlu	Kurtuluş	Bayrampaşa P., (24.02.98)
54. Ecevit Ulavur	Kurtuluş	Bayrampaşa P., (24.02.98)
55. Şengül Akkurt	Kurtuluş	Bayrampaşa P., (24.02.98)
56. Aynur Cihan Alak	Tavır	Bayrampaşa P., (24.02.98)
57. Zehra Kutay	Kurtuluş	Bayrampaşa P., (24.02.98)
58. Bülent Acar	Gündem	Bayrampaşa P., (13.03.98)
59. Özgür Çelik	Halkın Günlüğü	Bayrampaşa P., (13.03.98)
60. Yaşar Kaplan	Akit	(09.03.98; released on 21.04.98)

61. Rahmetullah Tepe	Özgür Halk	Nazilli P.(29.03.98)
62. Ragıp Duran		Saray Prison, (16.06.98)
63. Doğan Güzel	Özgür Gündem-Özgür Ülke	Bayrampaşa P., (03.08.98)
64. Ramazan Yılmaz	Kur'ani Mücadele	Ankara Central Closed P., (08.08.1998)
65. Cemile Sönmez	Özgür Gelecek	Bayrampaşa P., (04.11.98)
66. Ali Çetin	Alinteri	Bayrampaşa P.,(04.11.98)
67. Salih Özçelik	Azadi	Suruç (Urfa) P., (16.04.98)
68. Ufuk Doğbay	Kurtuluş	Bayrampaşa P., (07.11.98)
69. Nesrin Çalgın	Kurtuluş	Bayrampaşa P., (07.11.98)
70. Sinan Şahin	Kurtuluş	Bayrampaşa P., (07.11.98)
71. Selma Kubat	Devrimci Çözüm	Bayrampaşa P., (07.11.98)
72. Özlem Kütük	Kurtuluş	Bayrampaşa P., (07.11.98)
73. Eylem Tandoğan	Özgür Halk	Diyarbakır P., (17.11.98)
74. Şahin Can	Özgür Halk	Diyarbakır P., (17.11.98)
75. Mehmet Ali Aslan	Özgür Halk	Kürkçüler P., (November 98)
76. Ali Güler	Özgür Halk	Kürkçüler P., (November 98)
77. Ahmet Uluçelebi	Atılım	Ankara Central Closed P., (November 98)
78. Ali Kemal Sel	Ülkede Gündem	Malatya P., (20.11.98)
79. Eylem Kaplan	Ülkede Gündem	Malatya P., (20.11.98)
80. Ayşe Oyman	Ülkede Gündem	Malatya P., (20.11.98)
81. Kerem Türk	Ülkede Gündem	Urfa P., (20.11.98; released on 24.11.98)
82. Azad Özkeskin	Ülkede Gündem	Urfa P., (20.11.98; released on 24.11.98)
83. M.Salih Taşkesen	Azadiya Welat	Bayrampaşa P., (26.11.98)
84. Mirza Satı	Azadiya Welat	Nazilli P., (04.12.98)
85. Aysun Parlak	Zindan Journal	Ümraniye P., (28.12.98)
86. Hüseyin Çıvgın	Kızılbayrak	Ümraniye P., (12.12.98)
87. Bülent Sumbül	Özgür Halk	Diyarbakır Bismil P. (released in 1998)
88. Mesut Bozkurt	Atılım	Kürkçüler P. (released in 1998)
89. Bayram Namaz	Atılım	Bayrampaşa P. (released in 1998)
90. Birol Tezcan	Emek	Kürkçüler Prison, (released on 23.02.98)

On April 12 1994, journalist Ragıp Duran was put in prison on 16 June to serve 10 months for his article, "Apo 91-Öcalan 94," published in the daily Özgür Gündem (which was closed in 1996). During the

ceremony held in front of the Journalists' Association of Turkey (TGC) in Cağaloğlu, İstanbul, Duran said, "TGC is a very important organization. 17 years ago, its Chairman kissed the hand of a dictator. Now, I am happy that our Chairman follows the trial of a murdered friend step by step, and staunchly defends the freedom of press. I am not the first journalist who is imprisoned for his thoughts and for his work. But I wish I could be the last one." After the ceremony, he left for prison in Saray, Tekirdağ, accompanied by many journalist and human rights defenders. After serving 7 months 15 days, Duran was released under the Law on the Execution of Sentences, on January 27 1999. The trial launched against Duran at İstanbul SSC on the accusations of "disseminating separatist propaganda" (Article 8 of the Anti-Terror Law) had ended on 18 December 1995, and he was given 10 months' imprisonment. The verdict was upheld by the Supreme Court on 23 September 1997.

Reporters Without Borders (RSF), Amnesty International (AI) and the World Association of Newspapers (WAN) protested the imprisonment of Duran. These organizations asked for the verdict to be revised, and requested that Turkey abide by the international conventions she has signed.

Other trials

On April 27, İstanbul Public Prosecutor's Office launched a trial against Abdurrahman Dilipak, a columnist for the daily Akit, and Ali İhsan Karahasanoğlu, the editor-in-chief of the same newspaper, in connection with an article written by Dilipak about Teoman Koman, the former Chief Commander of the Gendarmerie Forces. In the trial, the two journalists were indicted with prison sentences ranging from 4 months to 1 year 4 months. The trial is under way.

The trial launched against Berrin Nadi, the owner of the newspaper Cumhuriyet, and Dinç Tayanç, the editor-in-chief of the same, at İstanbul SSC on accusations that they "disclosed the names of the police officers in charge at the anti-terror branch," in a news story published in the newspaper on January 12 1997, ended in acquittals on January 21.

Zeynep Çetinkaya, a former reporter for the newspaper Milliyet, and Aydın Doğan, the owner of that newspaper, were put on trial on July 28 with accusations of "disclosing the secret documents belonging to the MIT and showing a MIT officer as a target" in a news story, "Cassette Kept Secret for 18 Years," published in the newspaper on September 28 1997. The news story had said that for many years, the intelligence organization had known the identities of the assailants of the massacre of March 16, and it had published the text of a recorded conversation between then-Minister of Interior Affairs Hasan Fehmi Güneş and European Nationalist Turkish Youth Federation Chairman Lokman Kundakçı. The trial ended in acquittal on September 24.

Göksel Polat, Orhan Karadağ, Ali Öztunç, reporters for the private TV channel Kanal D, and Ali Berber, a cameraman for the same, were acquitted in the trial launched against them at İstanbul Criminal Court No. 7 on 26 May. In the trial, the 4 persons were prosecuted on the accusations of "insulting the judiciary" in a news story where they showed the officials throwing secret documents of the Ministry of Justice into the garbage.

A second trial was launched in connection with the raid to the headquarters of the private, nationwide Flash TV in İstanbul on 2 May 1997. İstanbul Public Prosecutor's Office requested the court to give a prison term up to 10 years to Şafak Mert, an executive member of the DYP İstanbul Organization, and a prison term up to 9 years to Mustafa Demiral, an executive member of the DYP Ümraniye Organization in İstanbul, for "inciting the assailants." Meanwhile, Yavuz Ürgün, Nusret Türker and Nazmi Mert, who were wanted by the police, were detained. Ürgün was remanded on 31 July, whereas Nusret Türker and Şafak Mert's brother Nazmi Mert were released. In the hearing held on 8 October, Yavuz Ürgün and Mustafa Demiral were released. The trial is under way.

Abdurahman Dilipak, a columnist for the daily Akit, Ahmet Taşgetiren, a columnist for the daily Yeni Şafak, and Ekrem Kızıлтаş, the editor-in-chief of Milli Gazete, were detained by the police in İstanbul on 12 October. The journalists were released later, but İstanbul Public Prosecutor's Office launched a trial against them on accusations of "inciting people to enmity" (TPC 312) during the demonstrations held on 11 October to protest the Circular on External Appearance which entered into force upon the decision of the NSC. The 3 journalists are on trial with the demand of up to 3 years' imprisonment.

d) Pressures and Attacks Against Journalists

In 1998, most of the attacks against journalists were carried out by the security forces. The 1998 report of the Reporters Without Borders on Turkey said that the police carried out 75 % of the attacks against journalists between January and August. The report stated that 25 of the 43 attacks in this period had taken place in areas under police authority. The report pointed out the fact that the official complaints lodged by journalists in connection with torture or with attacks against them had remained fruitless.

In 1998, army and NSC intervention in the media reached a peak. In the course of the debate between the army and the government on the focus of "religious activities," the Turkish Armed Forces released an austere declaration on 20 March, and 3 journalists were banned from entering military garrisons. A circular signed by Second Chief of the General Staff, General Çevik Bir refused Mehmet Ali Birand (the newspaper Sabah -Show TV), Yalçın Doğan (the newspaper Milliyet -NTV) and Muharrem Sarıkaya, a reporter with the newspaper Hürriyet, entry to military garrisons for news stories on the army, or for participation in the activities of the army: The circular also prohibited military authorities from giving any speeches to these 3 journalists. This ban on the journalists was reportedly brought on the grounds of "publication of false information that would damage the integrity of the country." The Office of the General Staff lifted the ban on 12 January.

The office of the journal Atılım in Gaziantep was raided by the police on 12 January. The police officers seized the copies of the journal Atılım and the newspaper Gündem on the grounds that "they were confiscated." A statement made by Atılım said that Antep Office had been raided three times after 1 January.

On 14 January, a police officer named Ferhat opened fire with his automatic gun, without a warning, on two journalists, Kazım Tokuç and Uygur Turantekin a reporter and representative of the newspaper Yeni Asır in Muğla, while the journalists were taking pictures of a villa built for Kenan Evren, the leader of the military coup of 12 September 1980 and the 7th Turkish President, in Karabağlar Plato, Muğla. The area where the villa is built is under legal protection as a natural site. The journalists escaped the attack without injury. However, the police officer took the journalists to the villa and seized their rolls of film. The journalists met Muğla Provincial Governor Cemil Serhadlı and made an official complaint against the police officer.

Unidentified persons opened fire against the office of the reporter for NTV, a private TV channel, and for the newspaper Akşam in Siverek, Urfa, on 23 January. The assailants remained anonymous.

Gendarmes attacked the workers demonstrating in İstanbul on 10 February against their dismissal from the OXA Chemicals Company, and they detained Taylan Baltacı, a reporter for the journal Alinteri, while he was covering the incident. The gendarmes reportedly broke his camera. Baltacı, who was detained along with many workers, was kept in detention for one day for "resisting and insulting the gendarmes."

In Batman, the office of a local daily, Batman Çağdaş, was bombed at around 23.30 on 11 February. The editorial section of the office was damaged in the explosion. No information could be received about the assailants or about the reason of the attack.

Mehmet Ali Aslan, an employee for the journal Özgür Halk, was detained by police officers raiding his house in Barbaros Quarter of Adana in the night of 6 March. Aslan said that he had been threatened with death by the police officers and forced to become an informer for the police. Making a press statement at the HRA Adana Branch, Aslan said that the police officers had taken him to an empty field and said to him, "Do you know about the murders by unknown assailants, you may end up in the same way. No one other than your family knows we arrested you. If we wanted, we could kill you now and throw your corpse in a field, and nobody would ever know about it."

Özgür Selçuk, an employee for the journal Alinteri, stated that he had been forced in a car outside Cemal Paşa Post Office in Adana on 2 March, and taken to a deserted area where he was pressured to become an informer. to.

Temel Putoğlu, a newsboy for the journal Atılım, who was detained by plainclothes police officers in the night of 7 March, was found unconscious in the vicinity of Gebze early in the morning. It was reported that he had been driven in a police vehicle till the morning and beaten. Putoğlu had stated in a press conference that after being picked up at Okmeydani, İstanbul on January 27, he had been tortured and raped in police custody. (See the section on Torture.)

Elveda Çelik, İzmir Representative of the journal Özgürleşen Yurtsever Gençlik, was detained by police officers raiding her house on 2 April. The police officers stayed in the house till the morning. The relatives of Çelik reported that they had been threatened by the police officers.

Remzi Çakın, a free-lance journalist in İstanbul, was attacked by a group of MHP adherents on 5 April. Making a press statement at the HRA İstanbul Branch, Çakın explained that some members of the MHP and the Great Union Party (BBP) attacked him on his way home. Çakın added that the Forensic Institute gave him a medical report certifying his inability to work for 7 days, and that he had lodged an official complaint for the incident.

Selçuk Manav, a sports reporter for the private channel ATV, was brutally beaten by the police in Ali Sami Yen Stadium in İstanbul where he went to follow a match, unconscious, he was then taken to Mecidiyeköy Police HQ. Manav was released after a few hours.

Journalist Salih Özçelik was detained and then remanded in Suruç, Urfa, on 16 April after the Supreme Court upheld the sentence of 10 months 20 days in prison passed on him by İstanbul SSC for his article published in the now-defunct journal Azadi.

The police and the MHP adherents attacked many journalists during the May Day Workers' Day celebrations. Seven journalists were wounded in the attack. On May 2, about 100 journalists marched from the Journalists' Association of Turkey (TGC) in Cağaloğlu, İstanbul, to İstanbul Governor's Office. The journalists also hanged the waistcoats distributed by the Governor's Office on the fences of the building. TGC Secretary General Turgay Olcayto stated that among the wounded journalists were foreign journalists. He said that the police had beaten the journalists, and that the journalists had appealed to the Ministry of Interior Affairs and the Police HQ in connection with the incident.

Didem Talo, an employee of the journal Özgür Halk in İzmir, stated that she had been kidnapped and pressured to be an informer by plainclothes police officers in Basmane, İzmir, on 23 May. She stated that persons holding wirelasses in their hands had kidnapped her. She said that they had covered her head with a cloth, and that she was put in a car and brought to a building. Talo stated that she was released in the evening on the same day.

Adnan Gerger, a reporter with ATV; was attacked by 3 persons who waylaid his car in the night of 24 May. Heavily wounded in the attack, Gerger was taken to Ankara Numune Hospital, where he was given

a medical report certifying his inability to work for 15 days. The assailants Taner Tan, Sedat Yürekli and Levent Oğuz were remanded on 25 May, and put on trial on accusations of "wounding a person."

Ferhat Akçay, a reporter with the journal Atılım, was detained by plainclothes police officers on 31 May while he was on his way to the Congress of HADEP Tuzla (İstanbul) Branch. He was reportedly detained on the grounds of possession of the 43rd issue of the journal Atılım.

Police officers from the Political Branch raided the office of the journal Kızılbayrak in Antakya on 25 August. The copies of the journal were seized during the raid, and the police officers insulted the staff members.

Öztürk Akkök, the General Publications Director of the local journal "Borsa 2000" published in Erzurum, was attacked by 2 anonymous persons on 2 September. Akkök, who was wounded in the face, asserted that the attack was carried out because of a report and photographs on the vehicles of Erzurum Sanitary Works Directorate, which were polluting the environment.

Police officers from the Anti-Terror Branch raided the office of the journal Kızılbayrak in Adana on September 5. The copies of the journal in the office were seized during the raid.

On 25 September, a crowded group assembled outside İstanbul Municipality Building, and protested the Supreme Court's decision to uphold the conviction of Metropolitan Mayor Recep Tayyip Erdoğan. The demonstrators attacked the journalists who wanted to cover the protest. The names of the journalists are as follows: The newspaper Milliyet reporter Ahmet Dumanlı, Inter Star TV cameraman Ali Öksüz, TGRT TV cameraman Serhat Sunay, the newspaper Yeni Yüzyıl reporter Adnan Gül and Kanal D TV reporter Levent Gül.

On 6 October, Nevzat Bingöl and Veysi İpek, a reporter and cameraman for the TV channel ATV, were detained and interrogated by some members of the Gendarmerie Intelligence Unit at Habur Customs Gate. The journalists, after covering the fair opened by then-Minister of State Mehmet Batallı, passed through Northern Iraq for the latest developments. However, they were not allowed back in Turkey as the Customs Gate was closed. They were kept in detention at the Gate for one night, and their video cassette was seized. On the same day, ATV cameraman Esat Aydın, İhlas News Agency (İHA) reporter Ahmet Başenk and Cihan News Agency (CHA) reporter Soner Güneş were detained on the grounds of "taking pictures in the region without a permission."

About 15 MHP adherents attacked Ali Polat, İzmir Representative of the newspaper Hêvi, and wounded him on 28 December.

Uğur Aydın, who argued with three men harassing his wife in Kadıköy, İstanbul, was beaten by the police in Kadıköy Central Station. Chief Superintendent of the Station, Yusuf Akyel, threatened the journalists who wanted to cover the story. Upon this, 20 journalists lodged an official complaint with Kadıköy Public Prosecutor Kenan Altmışdört on 25 May. After giving the petition, Süleyman Özışık, a reporter with Milliyet, stated that Yusuf Akyel had threatened them saying, "Your corpse can be found at any street corner any time." He added that they had lodged the complaint as they had no life security. Hülya Korkut, a reporter with the newspaper Akşam, said that Akyel had threatened her saying, "If you are sexually harassed at any time, I will defend the assailant, not you." Korkut added that Akyel had said, "I am going to leave now and I will take along 3 or journalists." Other reporters working in the Kadıköy area also said that Akyel had come to the Press Room of Haydarpaşa Numune Hospital on 17 May, and threatened them saying, "Watch out, anything can happen to you from now on."

In addition to the above, Akyel had threatened Kadir Ecevitözođlu, a reporter with the Hürriyet, in Kadıköy Court House on 12 May, in connection with a news story published in the Hürriyet. Akyel had reportedly said, "The Prosecutor is a man we adore. I can arrest you right now."

At this point, an investigation was launched against Yusuf Akyel, and later he was put on trial on the accusations of "insulting Hülya Korkut." In the course of the trial held at Kadıköy Penal Court of First Instance No. 3, Süleyman Özışık, Kadir Ecevitözođlu and Yıldız Kısa, journalists who were also threatened by Akyel, were heard as witnesses. The trial is under way.

A trial was launched against the police officers who beat journalists Durak Dođan, Abdullah Koltuk, Hayri Özuđur and Fevzi Gülünay, during a demonstration held in Kızılay, Ankara, against "8-year continuous education" on 28 July 1997. First the Welfare Party (RP) adherents had harassed the journalists, and then the police had beaten them with truncheons. In the trial launched at Ankara Penal Court of First Instance No. 3, police officers Kasım İstikam, Yunus Yerlikaya, Oktay Ucal, Latif Önad, Hidayet Kaplan and Mehmet Çiftçiođlu are prosecuted with the demand of sentences between 3 months and 3 years. The trial is under way.

e) Pressures on Publishers

State of Emergency Region

Without any legal basis, copies of the newspapers Emek and Ülkede Gündem were banned in the State of Emergency Region, from September 16 1997 on. On 1 December 1997, the State of Emergency Regional Governor officially banned the distribution of Ülkede Gündem in the region with a decision numbered 1344. The newspaper was notified of the ban by Diyarbakır Police HQ on 4 December 1997. Distributors of the newspaper in Diyarbakır, Hakkari, Siirt, Şırnak, Tunceli and Van were also notified of the decision, which was taken under "Article 11/e of the State of Emergency Law.". Meanwhile, an investigation launched against non-commissioned officers Ömer Faruk Koca and Mehmet Ali Çevlik who seized the newspapers Emek and Gündem at the entrance of Diyarbakır, was closed on 12 March. Diyarbakır Provincial Administration Board issued a decision of non-prosecution for the NCOs, on the grounds that "the daily Gündem was confiscated for 53 times by İstanbul SSC between 18 September and 30 November 1997, and it was banned from distribution in the State of Emergency Region by orders of the Governor on 1 December 1997."

Ercan Karakaş, an MP for the CHP, asked a parliamentary question on the ban against the newspaper. The answer by Minister of Interior Affairs Murat Başesgiođlu came on 14 January. Minister Başesgiođlu stated that the decisions of the judiciary preventing the entrance and distribution of the newspaper in the region were being implemented, and the Regional Governor banned the newspaper on 1 December. However, up to 1 December 1997, there was no court decision to confiscate or to prevent the distribution of the newspaper in the region.

Meanwhile, the investigation launched by the Provincial Administrative Board against non-commissioned officer Faruk Koca and his soldiers for a person named Ramazan Tekin for selling Ülkede Gündem on his stall, ended with a decision of non-prosecution. The investigation had been launched on accusations of "abuse of duty and seizure by violence." The decision, which was given on the grounds of "insufficient evidence," was issued on August 29.

The pressure on the newspaper was not limited to this ban. Even clippings from the newspaper were banned in the State of Emergency Region. For example, Malatya SSC Prosecutor's Office launched an investigation against CHP Deputy Secretary General Sinan Yerlikaya for showing a clipping of a news story, entitled "the Gang of soldiers and village guards in Çemişgezek," which was published on 16 October 1997, during the Congress of the CHP Pertek Branch. The investigation was launched on the grounds of "bringing a

banned publication into the State of Emergency Region." Yerlikaya said, "I was put under investigation for taking not a copy of the newspaper Ülkede Gündem, but the copy of just a clipping from the newspaper. The newspaper was banned in the Region on 1 December. The clipping I showed was published on 16 October, before the ban."

At the end of the investigation, a trial was launched against Yerlikaya with the demand of a prison term between 3 and 6 months on the accusations of "not abiding by the instructions of officials on duty" (TPC 526). The trial, which was launched at Çemişgezek Penal Court of Peace, was later transferred to Ankara Penal Court of Peace No. 2. In the hearing held in Ankara on 1 May, Yerlikaya stated that the news story had been published before the decision to ban the newspaper in the State of Emergency Region. The trial is under way.

The Newspaper Ülkede Gündem

Ülkede Gündem started publishing on 7 July 1997, and many trials were launched in connection with the news stories, articles and advertisements published in it. Many of its issues were confiscated. In addition, it was banned in the State of Emergency Region starting from 25 September 1997. This ban continued until the newspaper was closed on 23 October. The newspaper was closed for 10 days starting from 9 May, when the closure order issued by İstanbul SSC was upheld by the Supreme Court. Starting from 24 October, the newspaper was closed for one month when the Supreme Court upheld the closure order issued by İstanbul SSC on 24 March. Hayrettin Demircioğlu, the editor-in-chief, was also fined in the trial, which was launched on accusations of "inciting people to enmity by making discriminations based on race and region" in an article published in the issue of the newspaper dated 28 August 1997.

A total of 278 trials were launched against Ülkede Gündem until its closure. Closure orders issued against the daily amounted to 302 days in these trials. In the concluded trials, Hayrettin Demircioğlu was sentenced to a total of 25 years 3 months 28 days in prison and fined TL 55,359,000,000, whereas Selahattin Deli, the owner of the newspaper, was fined TL 91,820,000,000. In addition to the above, the offices of Ülkede Gündem were subjected to police raids, and its columnists, reporters, vendors and administrative staff were detained, arrested, and threatened with death. The newspaper has been censored by İstanbul SSC starting from 5 June 1998. A total of 125 stories, 63 articles, 9 photographs and 14 advertisements were taken out of the newspaper after June 5.

The police raided the office of Ülkede Gündem in Mersin on 17 February. Plainclothes police officers, coming to the office at about 16.00, drew their guns and threatened the employees of the newspaper and the guests in the office. After a search that took approximately an hour they seized two photographs and left the office. Deniz Söylemez and İzzet Baran, reporters for the journal Özgür Halk, were also detained when the police officers were about to leave the office. The detainees were released on the same day.

Abdullah Polat, a reporter for the newspaper in Adana, was detained on 17 February. Polat said that he was pressured to become an informer and threatened to death in the Police HQ.

Bülent Acar and Faruk Aktaş, reporters for the daily Gündem, were detained along with 25 people during the public meetings for the Women's Day on 8 March in Taksim Square, İstanbul. The detainees were referred to Beyoğlu Public Prosecutor's Office on 13 March, after İstanbul SSC issued a decision of non-jurisdiction. The court decided to arrest Acar while releasing Aktaş. Of the remaining 25 detainees, Özgür Çelik, reporter for the journal Halkın Günlüğü, Mahmut Ziya, Bülent Boral, Yusuf Ulu, Sibel Tutu and Ferit Haykır were arrested. It was reported that there was an arrest warrant in absentia against Özgür Çelik issued in another trial. Subsequently, Beyoğlu Public Prosecutor's Office launched a trial against 26 people. In the trial, prison terms between 5 and 12 years were sought for the defendants on remand, Bülent Acar, Mahmut

Ziya, Bülent Boral, Yusuf Ulu, Sibel Tutu and Ferit Haykır, on accusations that they had "damaged public property, resisted the police and held an unauthorized demonstration" (TPC 516 and 517). The remaining 21 defendants were accused of "acting in contravention of the Law on Meetings and Demonstrations." The trial started at Beyoğlu Penal Court of First Instance No. 1 on 14 April. In the hearing, Bülent Acar stated that the police had detained him while he was covering the meeting at about 12.20, however, he was accused of usurping the gun of a police officer at about 14.30. He was released in the hearing.

On March 19, the police raided the Headquarters of the newspaper in İstanbul. They seized the archives of the newspaper, and detained editor-in-chief Hayrettin Demircioğlu, Administrative Director Bengi Yıldız and persons named Kemal Selçuk and Hüseyin Turan. Yıldız was released without having been referred to the Prosecutor, whereas Demircioğlu, Hüseyin Tuğra and Kemal Selçuk were released by the SSC pending trial.

Sanlı Ekin, the News Chief of the newspaper, was detained by the police when he went to Bakırköy (İstanbul) District Police HQ to extend his passport on 27 May. Ekin was reportedly kept in detention upon a request by the Diyarbakır Police HQ, and he was released the next day.

İstanbul SSC started to censor the newspaper Ülkede Gündem daily starting from 5 June.

Each issue of the newspaper was published, carrying the word "censored" on empty spaces, after the removal of articles, stories, photographs and commercials that had provoked the paper's confiscation by the SSC.

After a confiscation decision was taken by İstanbul SSC Prosecutor's Office on June 4, the Prosecutor's Office censored the daily Ülkede Gündem. Police officers assigned by the SSC prosecutors went to the printer at about 19.00 on 4 June, and took 20 copies of the newspaper to the prosecutor on duty. The prosecutor wrote a document, stating that the newspaper was confiscated because of a news story published in it. With this notification, the police officers seized 12,000 issues of the newspaper. The seizure was repeated at other distribution centers of the newspaper. The confiscation order was reportedly given on the claim of "inciting people into enmity" in a news story entitled "Massacre on the Border" appearing on the front page. The news story was reporting that soldiers in Zerza region in the vicinity of Hakkari had killed 9 smugglers. (See "Extra-Judicial Executions")

Censorship continued as follows: Ülkede Gündem was released with censored empty columns on 9 June. İstanbul SSC Prosecutor's Office took a decision to confiscate while the paper was being printed, and the newspaper was released with many empty columns. The newspaper announced the censorship with the following phrase under the statement in the headlines by Abdullah Öcalan: "Call to Village Guards": "The issue numbered 329/1, dated 8 June 1998 was confiscated before distribution upon an order of İstanbul SSC Prosecutor's Office dated 08.06.1998 and numbered 1998/1268."

On June 11, the newspaper was published again with empty columns. The article, entitled "Discussing the Truth," by Can Yüce, which was to appear in the second page, was not printed because of a decision taken by İstanbul SSC. The copies of the newspaper were published with a warning, "this article has been censored by İstanbul SSC with the decision numbered 1998/1273, which showed it as a cause for confiscation," in the column where Yüce's article was to appear.

The newspaper was published with empty columns on 21 June because of an offending commercial, and on 28, 29 and 30 June because of the SSC's decision to confiscate the newspaper for certain articles. Therefore, on 28 June, a statement made by PKK leader Abdullah Öcalan and an article, "Victory of National Democratic Diplomacy," by Sait Üçlü, were not printed in the newspaper. On 29 June, an article, "Operations against HADEP," by Hatip Dicle, and news stories relating to branch offices of the journal Welat opening in İzmir were not printed. On 30 June, statements made by Abdullah Öcalan about the earthquake in Adana, and

a news story, "Prizes were Given to the Families of Martyrs," were not printed because they were cause for confiscation.

The newspaper was published with empty columns on July 1 because of an article and a news story, "These Deaths are not our Destiny" and "Anniversary Commemoration for Sheik Said," which was to be published in the second page, and a news story, "No Information available about the Wounded Guerrilla," which was to be published in the fourth page, were grounds for confiscation. The daily Gündem was published with empty columns on July 2 in connection with one article and two news stories to be printed in the newspaper. The article, "Total Warfare does not Recognize Frontier," by Can Yüce, and news stories entitled "A Letter was Sent on the Kurdish Question" and "Meeting of Kurds in Russia" were not printed in the relevant areas of the newspaper.

The newspaper was published with empty columns on 5 and 6 July because some articles and news stories were shown as cause for confiscation. Two statements of PKK leader Abdullah Öcalan ("Öcalan Sends Letter to the Conference: We are Ready for Dialogue," which was to take place in the first page on 5 July and "There is a Need to Popular Front," which was also to take place in the first page on 6 July) and news stories ("Commemoration for Sivas Continues" which was to take place in the fourth page on 6 July, and certain news stories about commemoration meetings of the Kurdistan Alewite Union in many cities in Germany) were not printed in the relevant areas.

On July 12, and July 13, the paper appeared after the removal of an article by Soner Önder entitled "History calls them to account," on the 2nd page, a news story, "A Clash in Diyarbakır," on the 3rd page, a statement by Öcalan and a news story entitled "Guerilla Control on the Main Road," on the first page, and an article by Hatip Dicle on the 3rd page. On 27 July, the newspaper was censored because of two statements by Öcalan, which were to appear on the 1st and 11th pages.

On 28 July, the news story with the headline, "Soldiers raided Şexgir, Xirbabelik and Mezrika villages and burned down the houses. 3 villages were burnt in Mardin," an article entitled "Kemalist Policy and Studies Before the Lausanne Treaty," from a study published on the 2nd page, Lausanne from 1928 to 1998," and an article entitled "The Collapse of the Marginalization Policy," by Can Yüce, were removed in the second edition.

On July 30, the place on the 2nd page where an article entitled "Lausanne," by Mehmet Can Yüce would have appeared was empty.

On July 31, a story entitled "The Burning of Villages Continues in Mardin," which was to appear on the headline and in the 3rd page, and 4 photographs were removed from the second edition.

The newspaper was published with empty columns on August 6 because İstanbul SSC Prosecutor's Office decided to confiscate an article entitled "The Debate on Amnesty," by Feridun Akdağ, on the 2nd page, two news stories on the 11th page and a news story on the last page.

The newspaper was published with empty columns on August 7. An article by Mahmut Kılınç, "Only a State of Law can Sweep Away the Gangs," and another by İrfan Cüce were not printed.

Ülkede Gündem was also published with empty columns on August 12 and 13. A news story about the Kurds who had gone to Ordu to pick hazelnuts but who had been barred from entry into Ordu, entitled "The Kurd carries his hell on the back. Our reporter Eyyüp Demir was interrogated when he wanted to interview the Kurdish workers waiting before the wall of police, erected by the Governor of Ordu", the death announcement of a PKK militant named Hasan Ağaç, a notice by Black Sea United Forces saying that collaborators would be punished, and banning hunting in the region, were all removed from the paper on August 12. On August 13, the second section, entitled "The Mass-trap of Marginalization," of a series

entitled "Neo-classical Insistence," a news report entitled "DHKP-C has claimed responsibility for the killing," and a news story about a campaign held by Kurdish organizations in Europe against drug use were removed.

On August 22, a news story entitled, "Special warrior assigned in Antep" was censored from the newspaper.

On 11 September, a news story, "TKEP/Leninist on Boycott," and an advertisement, "We support the SSC Boycott," were removed from the second edition. On September 16, news stories entitled "Parties in the region call for peace," and "History calling for help," were removed except for their headlines.

The office of Ülkede Gündem in Batman was bombed on 21 June. Unknown persons threw a hand grenade into the office on the 3rd floor of a building on Ziya Gökalp Street, at around 02.35. The attack resulted in no casualties, but the office was damaged. No investigation was launched.

Habip Çelik, a reporter for Ülkede Gündem in Mersin, and his brother Yılmaz Çelik were detained by police after having paid a visit to a relative in Sivas Prison on 7 July. They were kept in detention for 5 hours. The Çelik brothers stated that they had been accused of being couriers for the PKK, that they were beaten and threatened with death in the police station at the bus terminal.

Doğan Güzel, a cartoonist having worked for the defunct dailies Özgür Gündem and Özgür Ülke, was detained in Taksim Square, İstanbul on 31 July, and taken to Beyoğlu Central Police Station. Güzel was remanded on 3 August and put in Bayrampaşa Prison because of four prison terms of 10 months each given to him in different cases. He was sentenced to a total of 40 months in prison in 4 trials launched against him at İstanbul SSC on the accusations of "insulting the state" (TPC 159) in 4 cartoons, which used the phrase "Kahpe TC" (Perfidious TC [abbreviation for the Turkish Republic]).

His lawyer Osman Ergin stated that the character "Qirix (Kırık)" drawn regularly by Güzel used the language of the region where he lived, but Güzel was convicted because of one word.

Lawyer Ergin said that the content of the series and the qualities of the character were not taken into consideration in convicting Güzel. He said, "The word uttered by Kırık is 'QAHPE' (kahpe). This character is an ordinary man, frequently uttering the word 'qahpe' in his daily speech, sometimes in a positive sense and sometimes in a negative sense. But this word brought Güzel, a 40 month prison term."

On July 31, Urfa reporter of Ülkede Gündem, Kerem Türk, was beaten up by plainclothes police officers in Urfa Court House, where was on trial. Türk said that the policeman guarding the gate asked him which newspaper he was working for, and that when he answered "Ülkede Gündem," they had attacked him. His lips were swollen, his fingers and legs were injured. Police officers also prevented him from lodging an official complaint with the prosecutor's office and Türk was able to lodge an appeal, only with the help of Lawyer Şeyhmus Ülek, the local Chairman of the Mazlum-Der. Police officers in charge at the local state hospital tried to prevent him from receiving treatment and obtaining a medical report. At the hospital he was not given the required form for the medical report to be issued for him and he was told that he had to go to Sarayönü Police Station. After obtaining the report form, thanks to efforts of his lawyer Ülek, Türk was examined by Doctor İdris Dağ. However, in his report, the doctor explained the bruises on Turk's body as an "allergy," and he did not even refer to Turk's swollen lips. The doctors at the hospital failed to issue the forensic report required to start legal proceedings. Dr. İdris Dağ made a statement on August 5, stating that the reason why he had explained the bruises as an "allergy" was that he had been tired, and he issued another medical report for Türk, confirming the torture that had been inflicted on him.

Ahmet Birgül, a reporter for Gündem in Osmaniye, was detained by police on 10 August in connection with a news story, explaining that Metin Şakir, an executive member of the local organization of

HADEP, had been threatened by a police chief named Abdurrahman when he had gone to the local Police HQ to get information about Kadir Coşkun, who was detained by police during the local party congress on 9 August. It was reported that Birgül was beaten up and insulted in police custody.

Zelal Arslan, working with Gündem in Mersin, said that she was kidnapped by four plainclothes police officers who got out of a black car while she was waiting at the bus station after work in the evening of August 10. Having taken her into the car, the police officers pushed her head down and drove away. She said: "After 10 or 15 minutes, we arrived in a mountainous area I don't know very well. There they took me out of the car and they forced me to kneel by hitting my shoulders. One of them put a gun to my head and drew the bullet into the barrel, and said 'beg us not to kill you!' When I told them that I was not in a situation where I needed to beg them for anything, they insulted me." Arslan was released in the vicinity of Yenihal at about 21.00 after receiving threats.

Hatice Ödemiş, a reporter of foreign affairs for Ülkede Gündem, was detained at İstanbul Police HQ where she went to extend her passport. Hatice Ödemiş, who was detained in connection with an arrest warrant issued in absentia at a trial launched against her, was taken to Eminönü Central Police Station. She was released on the same day.

After the PKK leader Abdullah Öcalan went to Italy, almost all offices of the newspaper Ülkede Gündem were raided, and its staff members were detained.

On November 19, the police raided the İstanbul head office of Ülkede Gündem, which was closed by a 1-month closure order issued by İstanbul SSC, and upheld by the Supreme Court. The police officers searched the office, and then detained Hayrettin Yazıcıoğlu, the editor-in-chief. The police also raided the head office of the journal Özgür Halk in İstanbul, and detained Erdal Söylemez, the editor-in-chief, and Tahir Filimci, the owner of the journal.

On November 20, the police raided the Ankara office of Ülkede Gündem. Yurdusev Özsökmenler, the General Publications Coordinator, editor Filiz Duman, reporters Yasemin Öztürk, Tülay Kılınç, Tülin Bozkurt and Kahraman Bozkurt, administrative staff Ali Turgal and Sait Turgut, and an office staff, Beyaz Atabey, were detained during the raid. Özsökmenler, Duman and Bozkurt were later released. On the same day, İzmir Representative of Ülkede Gündem, Derya Bektaş, Diyarbakır Representative İsmet Bakaç, and a reporter named Mehmet Kaya at the Diyarbakır office, were detained in police raids against their houses, and Malatya reporters Eylem Kaplan and Ali Kemal Sel were detained in police raid against Ülkede Gündem office in Malatya. The police also raided Batman, Mersin, Adana, Van and Urfa offices of Ülkede Gündem. Reporters Salih Erol, Narin Adsan and Filiz Yürek were detained in the raid against the Batman office, Mersin Representative Ersin Öngel, reporters Habib Çelik and Zelal Arslan and vendor Hasan Köylüoğlu were detained in the raid against the Mersin office, reporters Seydo Basmacı and Azat Özkeskin were detained in the raid against the Urfa office, and reporter Adil Harmancı was detained in the raid against the Van office. Of these persons, Ali Kemal Sel, Eylem Kaplan, Seydo Basmacı, Kerem Türk and Azad Özkeskin were remanded. Azat Özkeskin and Kerem Türk were released 4 days after they were remanded, when their lawyers appealed to a higher court. In the raids, archives were destroyed and many books and tapes were seized. The newspaper made the statement that the raids had been ordered by Ankara SSC Prosecutor Talat Şalk. Later, Ayşe Oyman, Ali Kemal Sel and Eylem Kaplan were put on trial on charges of "aiding the PKK and sheltering its members" (TPC 169) and "separatist propaganda" (Anti-Terror Law 8). The trial is under way at Malatya SSC.

Thirty-four different trials launched against Ülkede Gündem continued at İstanbul SSC on 9 October. Fourteen of these trials were concluded. Hayrettin Demircioğlu was sentenced to a total of 30 months in prison and fined TL 4,916,000,000. Demircioğlu stated that only 20 of the 453 issues of the newspaper released until 9 October had not been subjected to prosecution.

In 1998, the vendors of the newspaper also faced repression, they were frequently detained for distributing the newspaper, and pressured to become "informers."

Agit Paksol and Vakkas Karalar, vendors of the newspaper *Gündem* in Gaziantep, stated that the police had threatened them. Paksoy said he had received threatening calls, and on February 12, some policemen had come to his house and threatened him and his family. Karalar said that they had threatened to kill him unless he gave up working for the newspaper. In Kadifekale, İzmir, Cemalettin Arık and Raziye Çağlayan, members of the HADEP Konak Branch, were detained on 26 February while they were selling *Gündem*.

Şoreş Yürük, Administrative Chief of the daily *Gündem* İzmir Office, and newsboy Murat Emektar were detained in the night of 25 March. Two other persons who were detained in the raid stated that they were driven around for an hour and questioned in the car, and that the police officers had harassed and threatened them. Yürük said that they were taken to the police station and released after an interrogation. However, he said, they were questioned once more in the house of another newsboy, İrfan Güleser, by police who were on surveillance. On 24 May, the police raided the house of İrfan Güleser. Güleser stated that his house was raided three times before. His house was also raided in the night of 18 September. He said that the police officers had threatened to kill him. İrfan Güleser added that the police officers had also threatened his sister Derya Güleser because she had visited the offices of HADEP and Mesopotamian Culture Center (MKM). İrfan Güleser lodged an official complaint with İzmir Public Prosecutor's Office against the police officers.

Osman Altun, a newsboy for the daily *Ülkede Gündem* in Adana, stated that he was called to the office of the municipal administrator of a neighborhood named "Hürriyet" in Adana by police officers on May 20 while he was distributing the newspaper, and threatened to make him stop working for *Gündem*. Altun stated that he had been tortured at a children's park in the neighborhood, and pressured to become an informer.

Şerafettin Aslan, who worked for *Ülkede Gündem* in Adana, stated that on May 31, he was taken out of his car by some police officers, he was taken to an orange grove called the "Island of Dogs," and tortured there. He said that the police officers had asked him to become an informer: "One of the police officers drew his gun and turned it towards me. He said he would kill me. At that time, there were the footsteps of some people nearby. Then he said to me 'thank your God that I'm in a good mood today.'" He directed his gun to me once more, and said 'I will kill you if you get on my way again.'" Aslan added that he had made an official complaint against the police officers. On June 1, the Forensic Institute issued him a medical report, certifying his inability to work for 3 days.

Seydo Tusun, a newsboy for *Ülkede Gündem* in Urfa, was detained and beaten by the police on October 22. The police officers released him, after destroying the copies of the newspaper.

Hasan Salgın (17), one of the newsboys for *Ülkede Gündem* in İstanbul, was detained on September 25, while he was distributing the newspaper. He was taken to Çeliktepe Police Station, where he was threatened with death and tortured. Salgın, who was kept in detention for 24 days, said that the police officers had hit him in the head with a hammer, stripped him naked and squirted pressurized water on him. He was later released by the Şişli Prosecutor's Office. Salgın added that the doctor who examined him at the Forensic Institute had not given him a report, saying "Ok. These are normal. Nothing will happen," after having seen the bruises on the soles of his feet. His father, HADEP Kağıthane Branch Chairman Mustafa Salgın stated that his son had been detained by the police a couple of times, and that the family's house was also raided by the police.

Abdullah Sarıkaya, one of the vendors of Ülkede Gündem at the paper's Urfa office, was detained in Ceylanpınar District of Urfa on 1 January. He was kept in District Police HQ for 3 hours, he was threatened and told to stop selling Ülkede Gündem.

İbrahim Akyol, a newsboy at the Ankara office of Ülkede Gündem, was stopped by the police on 13 and 16 July, and he was pressured to become a police informer. Making a press statement in the HRA Ankara Branch, Akyol stated that he had lodged an official complaint against the police officers.

Taylan Aslan, a newsboy at İzmir office of Ülkede Gündem, was detained by the police in Akıncılar on 16 July. Aslan said that the police, who also seized the copies of the newspaper in his bag, beat him.

The newspaper Emek

The newspaper Emek started publishing on 9 November 1996, subsequent to the closure of the newspaper Evrensel (7 June 1995-31 October 1996). The newspaper Emek and its staff members faced repression in several ways, until the newspaper ceased publication on September 13 1998. The ban against the newspaper Evrensel in the State of Emergency Region was also applied to Emek. A total of 37 confiscation decisions were issued against Emek throughout its publication in 673 days, 95 trials were launched, and the paper was forced to close for a total of 97 days. Some of these trials and the reasons for the confiscation of the newspaper are as follows:

The trial launched by İstanbul SSC Prosecutor's Office in connection with a news story entitled "Mehmet Ağar's Shadow falls on the Judicial System," published in the newspaper Emek on 24 November 1997, ended in İstanbul SSC on March 31. Halit Keskin, the owner of the newspaper, and Ahmet Ergin, the editor-in-chief, were fined a total of TL 271,620,000 on accusations that they made Cemal Sahir Gürçay, the former General Director of Prisons, a target to illegal organizations. The court decided to close the newspaper for 7 days.

The trial launched against Bülent Kutlutürk, the editor-in-chief of the newspaper Evrensel, for "doing publicity on behalf of illegal organizations" in advertisements that appeared in the paper in connection with the death of 12 prisoners during the hunger strike that lasted 69 days in 1996, was concluded at İstanbul SSC on 8 July. Kutlutürk was sentenced to 1 year in prison and fined TL 1,000,050,000. The sentence was later reprieved. The SSC also ordered the closure of Evrensel for one day.

The trial launched against Halit Keskin, the owner of Emek, and Ahmet Ergin, the editor-in-chief, on the allegation that "identities of some officers in charge at the struggle against terrorism were revealed" in a news story published in the newspaper on November 20 1997, was concluded at İstanbul SSC on May 7. Halit Keskin was fined TL 150,900,000 and Ahmet Ergin TL 90,540,000.

Ahmet Ergin was fined TL 5,000,000 under Article 312 TPC on the accusations that "people were incited to hatred" in a news story published in Emek on May 7. In the trial that ended on November 1, the SSC also ordered the closure of the newspaper Emek for one month.

Halit Keskin and Ahmet Ergin were also fined in two separate by İstanbul SSC on June 30. The newspaper was also ordered to be closed for a total of 3 days. In one trial, Halit Keskin was fined TL 181,000,000 and Ahmet Ergin TL 90,000,000 in connection with an article published on November 2 1997. In the same trial, 2 years' prison sentence given to Ergin was commuted to a fine. In the other trial, which was launched on accusations of "showing persons working for the state as targets for terrorist organizations," Ergin was fined TL 72,000,000 whereas Keskin TL 144,000,000.

Ahmet Ergin was fined TL 5,690,000 by İstanbul SSC on August 13, because of a news story entitled, "The State Insists on Death in Kurdish Cities," which was published in Emek on January 23. The court also ordered the closure of the newspaper for 3 days.

The trial launched against Ahmet Ergin on accusations of "inciting people to enmity" (TPC 312) in two articles entitled, "Why they flee from Turkey?" published in Emek on January 8 and "98 Newroz: A New Wave" published on March 25, was concluded at İstanbul SSC on 29 September. Ergin was sentenced to 2 years in prison, but the sentence was later commuted to a fine. The SSC also ordered the closure of Emek for 10 days.

Ahmet Ergin was fined TL 6,000,000 in the trial launched at İstanbul SSC on accusation of "inciting people to enmity" (TPC 312) in a news story published on May 7. The court also ordered the closure of Emek for 7 days.

The issue of Emek published on January 15 was confiscated by İstanbul SSC Prosecutor's Office with the claim that a news story entitled "Soldiers Burn Down a Village Again" was "inciting people to enmity."

The issue of Emek published on February 2 was confiscated by İstanbul SSC Prosecutor's Office with the claim that "people were incited to enmity" in two news stories entitled "Workers' Activism and A Call to Take Charge of the State" and "Construction of Cells Accelerated."

The issue of Emek published on February 9 was confiscated with the claim that "people were incited to enmity" in an Article entitled "The Fake Democracy of TÜSİAD" and an editorial letter entitled "Enough is Enough."

In 1998, many journalists, writers and persons responsible for publications were convicted in many trials, especially at İstanbul SSC.

Name Surname	Publication	Date	Sentence
Ertan Aydın	Emek	08.07.98	11 months 20 days
Lütfiye Uluk (9 trials) (eic) *	Özgür Gelecek	27.10.98	3 years 9 months, TL 1,575,000,000
Veysel Dağdaş	Özgür Halk	10.11.98	5 months, TL 450,000,000
Muharrem Karademir	Mücadele	05.11.98	1 year 1 month 10 days, TL 100,000,000
Sezgin Çelik	Mücadele	05.11.98	10 months, TL 375,000,000
Hatice Duman (eic)	Atılım	No.-Dec.	5 years, TL 1,235,000,000
Hayrettin Demircioğlu (eic)	Ülk.Gündem	-----	19 years 6 months, TL 39,217,000,000
Gülseren Yeşiloğlu (eic)	Alnteri	-----	13 years 5 months, TL 65,949,000,000
Zeynel Engin (eic)	Halkın Günlüğü	-----	4 years 5 months, TL 7,704,000,000
Aydın Koral	Selam	24.11.98	3 years 4 months, TL 1,433,000,000
Meral Kızır	Alternatif	23.10.98	1 year 11 months 10 days, TL 527,000,000

Ömer Yıldırım	Alternatif	13.10.98	10 months, TL 500,000,000
Adalet Aktepe (Savur)	Alternatif	13.10.98	10 months, TL 416,000,000
Fatma Berktaş	-----	-----	1 year 1 month 10 days, TL 111,000,000
Reyhan Son (eic)	Maya Ents. Dvr. newspaper	08.12.98	1 year 1 month 10 days, TL 6,777,000,000
Tülin Soyhan (eic)	Devrimci Gençlik	17.12.98	10 months 3,000,000,000
Polat Canlı (eic)	Özgürleşen Emekçiler	18.12.98	2 years 9 months, TL 9,310,000,000
Seheriye Ülkü (eic)	Kaldıraç	21.10.98	3 years 4 months, TL 6,306,000,000
Kamer Ataç (eic)	Sterka Rızgari	20.11.98	3 years 4 months, TL 3,626,000,000
Neriman Tufan (eic)	Devrimci Çözüm	21.10.98	6 months, TL 100,000,000
Tayfun Koç (eic)	Devrimci Çözüm	18.12.98	1 year 4 months, TL 8,133,000,000
Ahmet Ergin (eic)	Emek	-----	2 years 3,000,000
Nevra Yapıcı (eic)	Kaldıraç	02.12.98	6 months, TL 100,000,000
Hüseyin Sarı (remanded)	Çağdaş Zülfikar	23.11.98	3 years 4 months, TL 133,000,000
Devrim Kıyak (remanded)	Çağdaş Zülfikar	23.11.98	1 year 4 months, TL 133,000,000
Mustafa Benli (eic)	Liseli Arkadaş	18.12.98	2 years 9 months 10 days, TL 3,000,000,000
Manolya Gültekin (eic)	Devrimci Proletarya	09.12.98	5 months, TL 84,000,000
Cemal Akyürek (eic)	Devrimci Mücadele	19.11.98	1 year 8 months, TL 43,000,000
Canan Kibar (eic)	Sokak Gerçeğin Tanığıdır	27.10.98	5 years 6 months, TL 6,000,000,000
Teslim Töre (remanded)	Newroz	27.10.98	1 year 1 month 10 days, TL 111,000,000
İsmail Beşikçi	Özgür Gündem	15.10.98	1 year 4 months, TL 133,000,000
Ramazan Yılmaz (eic)	Kur'ani Mücadele	07.05.98	1 year
Cevdet Kılıçlar	Selam	08.12.98	10 months

* eic: Editor-in-chief			

Vedat Korkmaz, the owner of the newspaper Evrensel, was fined TL 253,350,000 and Bülent Kutlutürk, the editor-in-chief, was fined TL 127,575,000 in the trial launched under Article 8 of the Anti-

Terror Law in connection with an article published in the newspaper numbered 452. In the trial that was concluded on 10 June, İstanbul SSC also ordered the closure of the newspaper for 15 days.

Cartoonist Ertan Aydın was sentenced to 11 months 20 days in prison in connection with a cartoon published in Emek. In the trial that ended at İstanbul Criminal Court No. 2 on 8 July, Ahmet Ergin was first sentenced to 10 months in prison, but this sentence was commuted to a fine of TL 1,500,000. Ertan Aydın was acquitted in another trial at the same court where he was prosecuted in connection with another cartoon.

The trial launched in connection with a news story published in Emek, "Workers On The Mafia-State Relations," ended at İstanbul Criminal Court No. 2 on 8 July. In the trial, Ahmet Ergin was sentenced to 10 months in prison, but this sentence was later commuted to a fine of TL 1,500,000.

On 20 September, İstanbul SSC confiscated the newspaper Emek because of a news story on the recent developments in the Black Sea region, "Counter-Guerrilla Plan in the Black Sea." In connection with the same story, unknown persons who introduced themselves as "members of the Gendarme Intelligence and Anti-Terror Unit (JITEM)," called the offices of Emek in Ankara and İstanbul, and threatened the staff members in order to prevent them from publishing news stories on General Veli Küçük.

The newspaper Emek was confiscated by İstanbul SSC on November 2 on the grounds that "people were incited to enmity" and "identities of some officers in charge at the struggle against terrorism were revealed."

Biröl Tezcan, a reporter with Emek, and 7 students were remanded in Mersin on January 11, after having been detained on January 8 along with 9 students for participating in a public meeting held in memory of journalist Metin Göktepe on January 8. Biröl Tezcan and 10 of the students were put on trial at Adana SSC on accusations of "separatist propaganda" The trial ended with their acquittal on 23 February.

Özgür Cebe, a reporter for the newspaper Emek in Diyarbakır, was detained on July 5 while he was reporting the visit of Deputy Prime Minister Bülent Ecevit. After having been released after a while, Cebe stated that the police had beaten him. Murat Sezgin, the Diyarbakır Representative of Emek, was also harassed by the police while he was making efforts to get Cebe released.

The Newspaper Azadiya Welat

Azadiya Welat, a newspaper in the Kurdish language that started publication on January 21 1996, was also subjected to persecution in 1998. Its offices were raided, archives were seized, and its staff members were detained or arbitrarily remanded.

Azadiya Welat was banned in Diyarbakır from October 12, on. In connection with the ban, the owner of the paper, Sami Tan, its Executive Director, M. Nuri Karakoyun, and its lawyer Fatma Karakaş, and various staff members made a press statement in the HRA İstanbul Branch on 14 October.

Davut Özalp, the İzmir Representative of the newspaper, was detained in İzmir on 1 April while he was distributing Azadiya Welat. Özalp said that he was taken to Anti-Terror Branch, where he was beaten by the police who had claimed that the paper was an instrument of the PKK. Özalp said that he was released after threats to make him give up distributing the paper.

Hanifi Seven and Bayram Özyılmaz, vendors of the newspaper Azadiya Welat in Diyarbakır, were detained on July 17. They said that in detention, police had threatened to kill them. Bayram Özyılmaz said the following: "They drove us around for about 4 or 5 hours after detaining us. Later, blindfolded, we were taken to a field. There, they put a gun on my head, and ordered me to leave Diyarbakır in 2 days. They also

seized 35 copies of the newspaper." Özyılmaz added that the police officers had seized his money: TL 22,000,000.

Abdülhalik Barış, the Mardin Representative of Azadiya Welat, was detained in Kızıltepe District of Mardin on 12 August. Abdülhalik Barış said that he was tortured during the couple of hours when he was in detention. On the same day, Davut Özalp, the İzmir Representative of the newspaper, Fatih Yarancı, the Adana Representative, and Faruk Yüksel, a staff member from the Adana office, were detained by the police from Anti-Terror Branch. The detainees were released after having been beaten.

Azad Altun, a reporter with the newspaper in İstanbul, was detained by police officers from Anti-Terror Branch while he was reporting on the Preliminary Congress of the 3rd Regular Congress of the HADEP on 23 October.

Azad Altun, who was released on 27 October without being prosecuted said that in detention, he was tortured and issued threats to make him stop working for the newspaper.

İzmir office of Azadiya Welat was raided by the police in the evening of November 18. Songül Sever, a staff member, was detained, and the police destroyed the furniture in the office. Songül Sever was detained once again two weeks after the raid. Later, a trial was launched against Sever with the accusation of "possession of illegal publications," and against İzmir Representative Davut Özalp with accusations of "spreading separatist propaganda with a speech on MED TV" and "possession of illegal publications." The trial is under way at İzmir SSC.

The trial launched against Mehmet Salih Taşkesen, the editor-in-chief of the newspaper Azadiya Welat, and M.Nuri Karakoyun, the owner of the same, with accusations of "separatist propaganda" (Anti-Terror Law 8) for publishing some statements made by Osman Öcalan, a leading figure of the PKK, continued at İstanbul SSC on June 25. In the hearing, lawyer Eren Keskin stated that her client wanted to defend himself in Kurdish. After the break, the Court Board concluded that since Taşkesen was a Turkish citizen he was assumed to speak Turkish, and that he could well defend himself in Turkish. Upon this, Taşkesen took the floor and said that he would utilize his right to remain silent in Kurdish. Taşkesen was detained in Maltepe Quarter of İstanbul in the evening of November 26, and remanded in connection with an arrest warrant in absentia. In the trial that ended on January 26 1999, M.Salih Taşkesen was sentenced to 1 year in prison and fined TL 3,000,000,000, whereas M.Nuri Karakoyun was fined TL 120,000,000. Taşkesen was released by the court that took into consideration the period he had already served in prison. In the trial, the Court also ordered the closure of the newspaper for 10 days.

Mirza Satı, a staff member at the İzmir office, was detained on November 27 with accusations of participating in a demonstration held in support of PKK leader Abdullah Öcalan's demand for asylum in Italy. He was later remanded. The trial launched against Satı at İzmir SSC with the accusation of "aiding the PKK and sheltering its members" (TPC 169) is under way.

The Newspaper Demokrat Baykan

The bi-weekly newspaper Demokrat Baykan, which started publication on May 1, in the Baykan District of Siirt, was continuously repressed by security officers. The repression was not limited to the owner of the newspaper, Erhan Palabıyık, but staff members were frequently detained, threatened and pressured to become informers.

Trials were launched in connection with all of the 5 issues of the newspaper released after May 1. Erhan Palabıyık, who was threatened with the death by District Security Director Ali Ulusoy, applied to the Press Council on May 1, regarding the pressure exerted on him. In his appeal, Palabıyık gave information on the repression of his newspaper, and stated that the staff members of the newspaper as well as himself were

threatened and pressured to become informers, and that he had received threats to make him leave the region. Palabıyık said the following: "We described our situation to Siirt Governor Osman Acar, and authorities of the Police HQ, but nothing was done. The pressure and the threats increased. All our reporters are continuously followed, and they and their families receive death threats. I have learnt that Security Director Ali Ulusoy secretly hired a gunman, a village guard who is a former convict, to shoot me. When I talked to officials from the Prosecutor's Office about the situation, they said that they would launch a trial."

The police raided the newspaper on 17 April. Erhan Palabıyık said because of the bad behavior of the police, the newspaper staff had pushed the police outside the office, locked the doors and remained locked inside the office building.

Two journalists, Sami Budak (the editor-in-chief of the newspaper Siirt Güney) and Diya Yarıyan (the editor-in-chief of the Kurtalan Express) who visited Erhan Palabıyık and reporter Güledin Genç in solidarity, were also detained by the police on April 29, while they were leaving Baykan. The two journalists were released after being threatened "not to come to Baykan again." Meanwhile, Palabıyık lodged an official complaint against Ali Ulusoy, who threatened him and the staff members of the newspaper.

Seyithan Yeşilışık, a reporter for the newspaper, was detained by soldiers in a picnic area around Baykan on May 28. He was taken to a gendarme station, and released on the same day after having been beaten and insulted in detention.

In the beginning of June, some staff members of the newspaper, Barış Göktekin, Cezmi Erdem, Keleş Karasu, Seyithan Arı and Seyithan Yeşilışık, had to resign because of the pressure on them. Palabıyık was detained by Ali Ulusoy and 15 of his men on July 5 while he was distributing the newspaper. He was kept in detention for more than an hour, and the police seized 225 copies of the newspaper.

Erhan Palabıyık was not allowed by the police to leave Baykan on June 19. Palabıyık participated by phone in a program broadcast on Radio Cumhuriyet and described the pressure on the newspaper. Later, he was stopped when he was leaving for Siirt and he was not allowed to leave the district. Palabıyık stated that police upon the orders of Ali Ulusoy had taken him out of the vehicle.

Making a statement on July 7, Erhan Palabıyık said that the pressure on the journalists and employees working for Demokrat Baykan was continuing. Palabıyık said that the editor-in-chief, Muhsin Ceylan had resigned as a result of threats of the Baykan Security Director Ali Ulusoy and District Governor Cihangir Köksal, and that the voluntary reporters had to leave Baykan because of the pressure. The printer had to be closed when operator Güledin Genç finally gave up his job. Palabıyık added that he himself was exiled from the electric company where he was working in Baykan, and sent to a branch in Hatay, after Security Director Ali Ulusoy was appointed to Hatay. Palabıyık held the district governor, the security director and Siirt Governor Osman Acar responsible for the pressure.

The Journal Kurtuluş

The pressure on the journal Kurtuluş also continued in 1998. Mehmet Topalođlu, Adana Representative of the journal Kurtuluş, was killed in the police raid against his house in the night of January 28. (See "Extra-Judicial Executions".) Many staff members were detained and remanded during the raids against the offices of Kurtuluş.

The police raided the office of the journal Kurtuluş in İstanbul in the evening of February 17. Police officers, breaking into the office, started to beat the journalists inside, and then dragged them out of the office and pushed them into police vehicles. They also beat with truncheons the readers of the journal who got news of the raids and who were demonstrating outside the office. Many people, including two police officers, were wounded when the readers and employees of the journal, resisted the police officers by throwing stones.

Bertan Ađanođlu, Alper Turgut, reporters for the newspaper Cumhuriyet, and Dinç Çoban, a reporter for the newspaper Milliyet, were beaten by the police. It was reported that Ađanođlu's face was stitched up at hospital. Thirty-three people were detained during the raid. Out of the detainees, editor-in-chief Hamdi Kayısı, reporters Banu Gúdenođlu, Zehra Kutay and Őengöl Akkurt, Aynur Cihan Alak (the owner and the editor-in-chief of the journal Tavır and Director of İdil Cultural Center) and persons named Ecevit Ulavur and Cem Kılıç were remanded on 24 February. A trial was launched against Kayısı, Gúdenođlu, Kutay and Ulavur under Article 168 TPC for "being members of an illegal organization," and against Alak, Akkurt and Kılıç under Article 169 TPC for "aiding an illegal organization." The trial is under way.

In Mersin the police intervened when a group of people wanted to make a press statement to protest the killing of Mehmet Topalođlu and the police raid against the head office of the journal Kurtuluő on February 19. The police used force to disperse the group gathered outside Mersin Municipality for the press statement. Uđur Türkmen, Mersin representative of Kurtuluő, and 15 people were detained by the police. Uđur Türkmen, Semiran Polat and Salih Karataőtan were remanded on February 22. The trial launched against them at Adana SSC on accusations of "aiding an illegal organization" (TPC 169) is under way.

Seda Gúldü and Hakan Hekimođlu, employees of İdil Cultural Center, and Kemal Gürsoy, Adana Representative of the journal Kurtuluő, were detained on February 28 in Beőiktaő, İstanbul, while they were selling the journal Kurtuluő. In Uőak, Aziz Iőık, a reporter for Kurtuluő, was detained on February 24 while he was hanging a poster protesting the murder of Mehmet Topalođlu. He was released on the same day.

The police detained 12 people, including the members of a popular music band named Grup Yorum, who were making a press statement outside Atatürk Culture Center in İstanbul on March 3, demanding the release of the people detained during the raid against the head office of Kurtuluő.

A statement made by the journal Kurtuluő on March 15 said that the police had raided two offices of the journal, detained many people working for the journal and threatened some of them with death, recently. According to the statement, Alper Arık, İnanç Yamaç and Özer Yazıcı were detained in Kocaeli on 8 March while they were selling the journal, and they were tortured before being remanded by the court. On 9 March, Őerif Turunç was detained by the police when he visited the office of the journal in Ankara. On March 11, some policemen tried to detain Feti Őerif Minaz, the Representative of Adana office, and reporter Çiđdem Gúlkaynak outside the Court House, and they threatened to kill them because the journalists resisted them when they could give no reason for detaining them. On March 10 and 11 the offices of the journal in Eskiőehir and Gaziantep were raided by the police.

On October 4, the police went to the printer that publishes the journal Kurtuluő, and detained 6 of its reporters. The police officers also seized the copies of the journal.

The head office of the journal Kurtuluő in Cađalođlu, İstanbul, was raided by the police on October 7 with the permission of İstanbul SSC. The police detained staff members of Kurtuluő, namely Özlem Kütük, Gúlay Yücel, Ufuk Dođbay, Bektaő Özer, Nebahat Arslan, Tunay Akın, Aynur Korucu, Kader Aksu, Nurgöl Arzıtaő, Sibel Taődemir, Hakan Alak, Nurhan Yılmaz, Özgür Erdođan, Veli Demir, Mert Olgun, Kamil Demir, Selma Kubat, Temel Altınıőık, Fatma Őener, İsmail Ően, Selçuk Ulavur, Evrim Őener and Nesimi Özcan. Many publications were seized by the police during the raid. Police intervened during a press meeting outside the TGC on October 8, protesting the raid. Seven people were detained. The head office of Kurtuluő was raided again on October 10. Police officers sealed a room in the office on the grounds that "it served as the center of education for an illegal organization." Of the detainees, reporters named Ufuk Dođbay, Özlem Kütük and Nesrin Çalgın (a reporter with Kocaeli office), Sinan Őahin, Kocaeli Representative, and Selma Kubat, the General Publications Director of the journal Devrimci Gençlik, were remanded.

Alev Yılmaz, Ankara representative of the journal Kurtuluş, Alev Yılmaz was detained during a demonstration held by Ankara Rights and Freedoms Platform on October 31, a reporter for the journal, Selda Yıldız, was detained at a celebration held by Çorum-Der on the same night. The journal's Ankara office and its printer were raided by the police on November 2. Alev Yılmaz was detained once again while she way on the way to the journal on November 9.

The Newspaper Selam

The repression of publications opposing the official ideology was not limited to leftist and pro-Kurdish publications. The newspapers and journals following an Islamic line were also subjected to pressure.

Journalist Aydın Koral, the General Publications Director of the weekly newspaper Selam, was put on trial on accusations of "inciting people to enmity" (TPC 312) in connection with an article entitled, "Secular Oligarchy and Occupant of Jerusalem, Zionism" which appeared on the newspaper on May 16 1997. In the trail that ended at İstanbul SSC on March 5, Koral was given a prison term of 5 months, and the newspaper was closed for 15 days.

Aydın Koral was sentenced to 2 years in prison under Article 16/1 of the Press Law in connection with an article published in Selam. In the trial that ended at İstanbul SSC on 18 September, the Court Board also ordered the closure of the newspaper for 1 month. The trials launched against Koral in 1998 are still under way.

Aydın Koral was sentenced to 20 months in prison and fined TL 1,000,000 on accusations of "inciting people to enmity" (TPC 312) in a trial launched against him in connection with his article "Land of Scandals," which appeared in the issue of the newspaper dated May 31 1997. In the trial that ended at İstanbul SSC on November 24, the SSC also decided to close the journal Selam for 1 month. Other trials launched against Koral in 1998 are under way.

The trial launched against Nureddin Şirin, a columnist with Selam, for his article, "We have to defend the oppressed even if he is an atheist," started at İstanbul SSC on 17 April. Şirin had been given a prison term of 17 years 6 months by Ankara SSC on October 15 1997 on accusations of "membership to the radical Islamic Hezbollah organization." He is still in Bandırma Prison.

The sentence of 15 months in prison given to Nureddin Şirin by the Ankara SSC in connection with his speech during the "Martyrs' Day" in Ankara on February 22 1992, was upheld by the Supreme Court on September 12.

On September 30, the Supreme Court also upheld the sentence given to Şirin by the Ankara SSC on charges of "being a member of the Hezbollah."

The trial launched against Cevdet Kılıçlar, a reporter with Selam, with the accusation that "he had insulted the judiciary" (TPC 159) in a news story published in 1997, ended at the İstanbul Criminal Court No. 2 on December 8. Kılıçlar was sentenced to 10 months in prison. The sentence was reprieved.

Ramazan Yılmaz, the owner and editor-in-chief of the journal Kur'ani Mücahede, was sentenced to 1 year in prison for "insulting the military forces of the state" (TPC 159) in an article, "Kemalism Flopping," published in the 9th issue of the journal. The trial was held at Ankara Criminal Court No. 2. Ramazan Yılmaz was remanded on August 8 and put in Ankara Closed Prison.

f) Confiscated Publications, Closures

In 1998, there was no decrease in the decisions to confiscate issued against newspapers, journals and books. In addition, some trade unions and associations were closed for keeping copies of such publications in their archives. In 1998, over 300 issues of newspapers and journals were confiscated. Most of the decisions

were made under Articles 6, 7 and 8 of the Anti-Terror Law and under Article 155, 159 and 312 of the TPC. The decisions to confiscate were ordered particularly for publications that oppose the official ideology. Almost all issues of such publications were confiscated.

For example, starting from June 5, almost all issues of the newspaper *Gündem* were confiscated. After this date, the newspaper appeared with empty spaces. In 1998, the total number of closures ordered against various publications in press trials that ended in convictions, reached 639 days.

Some of the closure decisions were instantaneously upheld by the Supreme Court and implemented. For example, the newspaper *Ülkede Gündem* was ordered closed for 10 days on May 9, and 30 days on October 23, for a total of 40 days.

g) The Radio and Television Supreme Board (RTÜK)

In 1998, the Radio and Television Supreme Board (RTÜK) frequently halted the broadcast of many TV stations and radios, including some nation-wide TV stations. Repression and restriction of local TV stations and radios was especially intense. RTÜK, which was established in 1994, halted the broadcast of TV stations and radios 220 times (143 for TV stations, 77 for radios) until November 1998, and issued 463 warnings (313 for TV stations, 150 for radios). Within the same period, TV stations and radios were ordered to halt broadcast 45 times, for a total of 3,666 days without broadcast, for contravening Article 4 of the RTÜK Law.

From the date when it was established up to the present, RTÜK has issued 21 warnings and ordered 15 decisions to halt broadcasts (a total of 1,876 days' closure), on the grounds of "separatist broadcasts" in violation of paragraph (a) of the Article 4 of the RTÜK Law. During the same period, RTÜK has issued 18 warnings and ordered 3 decisions to halt broadcasts, (a total of 32 days' closure), for the violation of paragraph (c) which is on "personal rights." Two warnings and 2 decisions to halt broadcasts, (a total of 35 days' closure), were issued for violating paragraph (f) that deals with "discrimination." In addition, 47 warnings and 37 decisions to halt broadcast, amounting to a total of 1,723 days' closure, were issued for the violation of paragraph (g), which is on "inciting people to violence and terrorism."

Radyo Karacadağ

The Public and SSC Prosecutor's Office has launched about 100 investigations and 50 trials against Radio Karacadağ since its establishment in Urfa, on May 17, 1994. Within this period, RTÜK has issued closure decisions against the radio, amounting to a total of 2 years 217 days. In addition, staff members of Radyo Karacadağ have faced repression and attacks, they have been threatened and detained by the police.

On January 15, RTÜK halted the broadcast of Radyo Karacadağ for 30 days, to take effect on 14 February, in connection with news bulletins that were aired on September 2 and 8 1997.

Many of the trials launched against this radio are under way. As a result of the investigation launched by Urfa Public Prosecutor's Office in connection with certain words uttered in the news bulletin on May 5 1997, Mehmet Can Toprak, the Director; was put on trial on accusations of "insulting and belittling security officers" (TPC 159-160).

The 30-day closure given to Radyo Karacadağ by RTÜK was put into effect as of January 14. This punishment was given on the grounds that "participants had spoken in Kurdish and defended the Kurdish culture, and incited people to hatred and enmity" in a program entitled "Güncel" (Daily) on March 20, 1997. On December 16, 1997, RTÜK had based its closure decision on Articles 4/g and 33 of the RTÜK Law, which it said had been violated.

The lawyers of Karacadağ, Hasan Erdoğan and Levent Kanat appealed to the Ankara Administrative Court against the 30-day-closure, on February 18, requesting the annulment of the decision. On February 19, the court decided to halt the implementation of the court decision, on the grounds of irregularities in the procedure.

The court stated that RTÜK had issued a warning to Karacadağ on June 20 1997, one year after the broadcast, and it had violated procedures, by issuing a decision to close the radio for 30 days, for an offence that had taken place 3 months before the warning, on March 23, 1997.

RTÜK decided to close Radyo Karacadağ for 7 days on the grounds of obscenity, claiming that "the radio had broadcast against the family structure of Turks" by broadcasting a song in Kurdish, on "Haynik Na". The managers of the radio appealed against the decision to the Ankara Administrative Court No. 3, which concluded that the warning and the verdict should be lifted as there were no elements of offense in the songs "Haynik Na" and "Şer Şere." In addition, the Court ordered RTÜK to pay a compensation of TL 2,485,000 to Radyo Karacadağ.

RTÜK issued two terms of closure, amounting to 150 days, to Radio Karacadağ, for spreading separatist propaganda" and "inciting people into enmity in the programs broadcast on October 5 1997 and December 8 1997, respectively. The radio was closed for 60 days as of May 21, and for 90 days as of July 20. The following paragraphs were shown as grounds for the decision, "Twenty teachers have lost their lives in Diyarbakır in attacks by the counter-guerilla. The trade union struggle cannot start unless the war in the region ends," and "The dissolution of the KDP who participates in shared operations with the TSK continues. About 150 pheshmerges, including a top commander, have come to Suleymania and participated in the YNK. Four commanders were detained by the KDP when they did not want to clash with the PKK."

After Kutlu Savaş was assigned as President of RTÜK, an increase was seen in penalties issued against radio stations. After the meeting of the Board between June 11 and 16, RTÜK issued a 1-year closure term o to Radyo Karacadağ to be effective from October 19 on accusations of "broadcasting in a way to incite people to hatred and enmity." Under the terms of a law regulating private radio and TV stations, the heaviest penalty, over a closure term of 1 year, that can be given to any radio or TV station, is to cancel out its license to broadcast.

On June 27, Urfa Public Prosecutor's Office launched a trial against 13 journalists and executive members of trade unions, political parties and associations, who made a press statement protesting the closure of Radyo Karacadağ by RTÜK. The Prosecutor's Office claims that the press statement was issued without permission. The names of some of the defendants are as follows: Bozan Yücel, an executive member of the HADEP Urfa Branch, İzzettin Kalaycı, the Chairman of the Democratic People Party (DEHAP) local organization, Özcan Güneş, a reporter for the daily Cumhuriyet, Önder Okutan, a reporter for the local newspaper Yerel Hizmet, Halil Paydaş, the Chairman of the CHP local organization, Adil Arka, Remzi Çalışkan, the Chairman of the Deri-İş Trade Union Urfa Branch, Mehmet Taş, a staff member of Medya FM, Atilla Yazar, the Chairman of the Agriculture Engineers Chamber local office, and Lawyer Şehmuz Ülek, the Chairman of the Mazlum-Der local branch. In the trial, the defendants are prosecuted with the demand of sentences up to 1 year in prison.

The trial launched against Mehmet Can Toprak, the Broadcast Director of Radyo Karacadağ, with the accusation that "separatist propaganda was disseminated" when a song by Ferhat Tunç, "the Mountain Wind of Longing," was played on the radio. The trial at Urfa Court of First Instance ended on September 30. Can was fined TL 684,000.

Demokrat Radyo

Until now, the İzmir SSC Prosecutor's Office has launched 3 trials against Demokrat Radyo, a local radio station in İzmir. Two of these trials concluded in conviction, and sentences of 20 months in prison and fines of TL 80,000,000 were given to the participants of a program who were reprieved on condition that the same offense would not take place in the future. RTÜK has ordered the closure of Demokrat Radyo 4 times, and it has warned it 5 times. There are 2 trials launched at the Criminal Court and 4 at the Penal Court of First Instance. These trials are under way. There are a total of 13 investigation files at the Public Prosecutor's Offices against the radio. In addition, RTÜK has taken under examination, 20 bands containing radio broadcasts.

On January 8, RTÜK decided to close Demokrat Radyo for 15 days in connection with the radio programs aired on October 1, 4, 5, 8 and 16, 1997 for "encouraging the public to demonstrate day and night, by a biased interpretation of the public action entitled : One Minute of Darkness for Continual Light," and by giving specific names and places." The punishment was implemented as of January 26.

On June 18, RTÜK decided to close Demokrat Radyo for 6 months on the grounds that it was "broadcasting in a way to incite people to hatred and enmity in the society." The punishment was implemented as of July 10. The directors of the radio applied to Ankara Administrative Court for a suspension of the punishment on July 5, and the court accepted their demand on July 27 until the conclusion of the trial. Thus the radio station resumed broadcast. However, RTÜK appealed to a regional administrative court in Ankara to lift the implementation of the court decision. In addition, İzmir Public Prosecutor's Office launched 3 separate investigations against the radio.

RTÜK also decided to close Demokrat Radyo for 6 months on September 18 for "separatist propaganda" and for another 6 months on 15 October for "inciting people to enmity."

Özgür Radyo

RTÜK decided to close Özgür Radyo, a local radio station in İstanbul, for 3 months on the grounds that "people were incited to hatred and enmity" when an article by writer Semih Hiçyılmaz, "Is There an Empty Space in the Garden of Your War Academy?," was read out in a program broadcast on June 8. The station's staff read out a press statement protesting the decision, at the Press Museum on August 23. On 29 August, Staff members, Feyziye Salaş and Derya Timtik, were detained by the police at Sirkeci Train Station for carrying invitations to a "Night in Solidarity with Özgür Radyo," to be held on September 27. They were released the next day. This activity, which was to be held in Harbiye Open Theater, was banned by the Governor of İstanbul without any reason.

9.

FREEDOM OF ASSEMBLY AND DEMONSTRATION

The negative attitude of government and the security forces against meetings and demonstrations did not change in 1998. Following the military coup of 12 September 1980 the possibility of conducting meetings and demonstrations was subjected to strict rule. Many meetings and demonstrations were dispersed by force, regardless of whether they had been authorized or not. The number of demonstrations and participants to them increased during the 1990s. But it was observed that the authorities who have to allow meetings and demonstrations were not impartial. During meetings and demonstrations many people were injured and detained. In 1998 at least 7,796 people were charged with "violation of the Law No. 2911 on Assembly, Meetings and Demonstrations" (the General Directorate for Legal Registration and Statistics). In addition, those who were detained because of meetings and demonstrations could also be charged with "crimes against the ideal personality of the State". In particular demands concerning human rights, peace and labor were regarded as "terrorist offences".

A draft law to change the Law No. 2911 on Assembly, Meetings and Demonstrations that was prepared in August 1997 was enacted by the Parliament in August 1998. The law provides that those who participate in demonstrations by single type clothes (uniforms) shall be punished by sentences of up to 3 years' imprisonment. The new legislation that had been prepared by the ANAP-DSP government broadened the scope by the unspecific term of "an organization founded to commit crimes" and also introduced the term "organizations that can be counted as having been founded to commit crimes". Penalties should be given to those who "participated in demonstrations by carrying or showing symbols and signs that belonged to organizations that can be counted as having been founded to commit crimes or who participated by clothes that resembled uniforms or who completely or partly hid their faces in order not to be identified."

a) World Women's Day

Contrary to the World Women's Day on 8 March 1997 the celebrations in 1998 saw many incidents. Many activities were forbidden, many people were detained by the police under beatings and in İstanbul tear gas was used against the demonstrators. Some people detained during the incidents were put on trial.

When the İstanbul governor did not permit a demonstrations planned by the "Platform on Freedom comes by Organized Power" to be held at Kadıköy Wharf many people, most of them women close to the HADEP, made a demonstration at Taksim square. Prior to their press statement the reporters of "Gündem" and "Halkın Günlüğü" were detained. When the police intervened on the pretext that "PKK flags were shown" a clash broke out between a group of 50 demonstrators and the police. The police used gas bombs and tried to disperse the group by using their truncheons. At this point some gun shots were heard. The clashes continued in the back street of Taksim square. Some shop were damaged and some people were injured during the clashes when stones and sticks were used. At least 27 people were detained.

On 14 March 27 people including Bülent Acar and Faruk Aktaş, reporters of the daily "Gündem", all detained during the celebrations in İstanbul were taken to the Beyoğlu Prosecutor's Office after İstanbul SSC Prosecutor decided not be responsible for this case. From here there were referred to a court which arrested and Bülent Acar, Özgür Çelik (Halkın Günlüğü reporter), Mahmut Ziya, Bülent Boral, Yusuf Ulu, Sibel Tutu and Ferit Haykır. The others were released. All of the detainees were indicted on 24 March. The indictment by Beyoğlu Prosecutor's Office charged the arrested defendants Bülent Acar, Mahmut Ziya, Bülent Boral, Yusuf Ulu, Sibel Tutu and Ferit Haykır with an offense of "using force against the government, causing public damage and resisting the police" (Articles 516, 517 TPC) and sought sentences between 3 to 9 years' imprisonment against them. The remaining 20 defendants (prosecuted without arrest) were charged with "staging an illegal demonstration". Sentences of between 1 and 3 years' imprisonment were sought for them.

The trial started at Beyoğlu Penal Court of First Instance on 14 April. In the hearing Bülent Acar stated that he had been detained at 12.20am when he was observing the meeting as part of his duty, but that he had been accused of having robbed the gun of a policeman at 2.30pm. At the end of the hearing Bülent Acar and 3 other defendants were released.

The police intervened in a meeting organized by the EMEP Pendik (İstanbul) Branch. The EMEP board members Metin Yalçın, Fahri Sener and Okan Yiğit were detained.

In Diyarbakır the governor did not allow the meeting organized by the Women's Commission of the Platform and many women who had come from surrounding provinces were not allowed into town. A convoy of people from İstanbul, İzmir, Ankara, Adana and Mersin was stopped near the Birecik and Suruç district of Urfa province. When they were stopped a second time near Urfa many people were detained including the reporter of "Gündem", Kerem Türk and the trade unionist Olcay Kanlıbaş (SES union, Urfa branch). A group that had gathered on Dağkapı square in Diyarbakır was dispersed by the police using truncheons. May people were detained. The governor of Ankara did not permit a celebration and press statement to be held by the Women's Platform (representatives of political parties, associations and trade unions) in Sakarya Street on 8 March.

In Urfa a celebration planned by the Urfa Platform for Democracy was banned by the governor.

In Adana a court case was filed against the organizing committee comprised of members of women's commissions of HADEP, ÖDP, Labor Women's Union (EKB) and the trade union Emekli-Sen. The trial started at Adana Criminal Court No. 2 on 24 September. The defendants Fatma Vargün, Sevim Ölçmez, Songül Yıldırım, Fikriye Kaya, Leyla Uyar, Zübeyde Aktaş and Sonay Dallı attended the hearing. The defendants said that they had not heard the slogans that allegedly had been shouted during the demonstration. Their lawyers Kemal Derin and Şiyar Rışvanoğlu argued that during a demonstration over 5 kilometers the organizing committee of 7 people could not control everything. The trial ended in acquittal.

b) The Newroz Feast

On the Newroz Feast of 21 March there was no incident that resulted in death, but the tensions witnessed in previous years was still present in 1998. Before and after Newroz many people were detained

and tortured. Some detainees were put on trial. Members of foreign delegation that had come to participate in the Newroz celebrations were detained and extradited. Damiano Giovanni Frisullo, who had come with a delegation from Italy, was put on trial and sentenced. The delegations were banned from some areas.

The official Nevruz celebrations planned to be held in Siirt with the participation of Prime Minister Mesut Yılmaz were cancelled because of "heavy snowfalls". Yet, many institutions conducted official Nevruz celebrations in different parts of the country. During these celebrations it was argued that "Nevruz was a Turkish feast".

During the night of 20 March the Newroz Feast started, during the celebrations in provinces of the State of Emergency Region and other areas, in particular İstanbul and Ankara, no important incidents occurred.

When a crowded group wanted to hold a demonstration outside the HADEP office in Van they met with police's intervention. In the calash that broke out some police officers and demonstrators were injured. During demonstrations in Zeytinburnu (İstanbul) and İzmir some demonstrators were detained. During the celebrations at Van 100 Years University students released doves with cloth in "yellow-red-green" colors. Thereupon soldiers dispersed them by using truncheons and rifle butts. In Halepçibahçe quarter of Urfa 30 people were detained during a demonstration in the evening of 20 March. Salih Tuzcu, Chief of Urfa Police asked the detainees to dance in the garden of the police station and promised to release them afterwards. After the dance with the police officers the detainees were released. Police intervened in Newroz celebrations in Siirt, Adana, Antep and Kars. Many people were detained during the events. During a demonstration held in Mersin on 22 March some 25 people were detained. On the same day celebrations started in Batkent quarter of Diyarbakır peacefully, but when thousands of people started to march towards the stadium the police stopped them. The demonstrators turned their march towards the quarter called 5 April, but the police tried to hinder their entry by truncheons and panzers and also squirted pressurized water on them. Clashes broke out between the police and the demonstrators, some being children. During the clashes stones and sticks were used and 20 people were injured. During the events that continued in back streets 18 people were detained including 3 Italians. Some reporters were roughed up by the police.

Mizgin Şen (20), who was beaten during the events in Diyarbakır had to be treated in the Research Hospital of Dicle University. It was reported that the police officers did not allow anyone else but the hospital staff into the room and that they put pressure on the relatives to say that Mizgin Şen was injured because he had fallen down.

A trial was opened against the Italian journalist Damiano Giovanni Frisullo, who was arrested on 23 March, and Şeyh Mehmet Başkurt, Ferdi Aydın, Mansur Işık and Naif Demirci in connection with the Newroz celebrations in Diyarbakır. The indictment by Diyarbakır SSC Prosecutor accused Frisullo of an offence under Article 312 TPC for having "incited the people to enmity" and Başkurt, Aydın, Işık and Demirci for an offence of Article 8 of the Anti-Terror Law for having "disseminated separatist propaganda".

On 15 April Frisullo declared that he had started a hunger strike in prison. In a letter he sent via his lawyers to the Minister of Justice and the media he announced that his hunger strike would continue until the first hearing scheduled for 28 April. He listed his demands as follows: "Change of Articles 159 and 312 of the TPC, release of all prisoners of conscience, in particular Haluk Gerger, İsmail Beşikçi and Yaşar Kaplan, an end to prevent visitors to see him, to be taken out of the ward for common criminals and transfer to the ward for political prisoners, to be allowed to read the daily 'Gündem'". The trial ended on 16 June. Frisullo declared that he had defended peace. The SSC sentenced him to one year's imprisonment and fined TL 100 million. The sentence was later commuted to a fine totaling TL 6,1 billion and suspended for 5 years. Başkurt, Aydın, Işık and Demirci who had been released during the trial were acquitted. After the hearing Frisullo was taken to Diyarbakır airport and extradited.

Ahmet Pişkin (19), who had been detained during the Newroz celebrations in Diyarbakır declared that he had been tortured in custody. Ahmet Pişkin who had been detained at 10am and released at 4pm got a medical report confirming his allegations of torture. Ahmet Pişkin said, "Immediately after the detention the police officers started to beat me by planks and truncheons. At the police station I was tortured over 2 hours. Later they put a black bag over my head and took me to a car. On the road to Antep I was asked to leave the car. Outside the car they put a gun to my head saying that I should pray because they were going to kill me. Then they said 'don't let us see you again' and set me free."

Another trial that had been launched against 61 people who had participated in the Newroz celebrations in Diyarbakır resulted in acquittal. Diyarbakır Penal Court of First Instance decided on 25 June that elements of a crime were inconsistent.

The meeting planned in Bingöl as celebration of Newroz was not permitted by the governor. The governor reportedly rejected the application of HADEP by saying that the celebrations of Newroz were not the monopoly of a person, a single institution or a political party.

The police in İstanbul intensified its operations before the Newroz Feast. On 19 March the police raided 6 district offices of HADEP, the offices of the daily "Gündem" and other publications and associations. In the offices of HADEP, Avcılar district 20 people were detained, in Ümraniye and Beyoğlu district 3 people each were detained. During the raid of the offices of the journal "Özgür Halk" the owner Tahir Kilimci, the editor-in-chief Veysel Dağdaş, and three other people were detained. The police also raided the offices of the journal "Direniş" and the association "Göç-Der" (association for internal refugees) and detained the chairman of "Göç-Der", Mahmut Özgür. During the raid of the offices of the daily "Gündem" documents and photographs of the archives were confiscated. The editor-in-chief Hayrettin Demircioğlu and the staff members Bengi Yıldız, Kemal Selçuk and Hüseyin Turan were detained. On 19 and 20 March the offices of HADEP, Kağıthane district were raided and Cavit Karakuş and Cahit Sayın were detained. Mahmut Sakar, chairman of HADEP for İstanbul province announced that the pressure on his party had increased and that 42 members and board members of his party had been detained in connection with the Newroz Feast. In Suruç, Halfeti, Ceylanpınar and Viranşehir of Urfa province and in Kars and Osmaniye applications to celebrate Newroz were turned down.

In Kozluk district and Bekirhan town of Batman province the HADEP board members Cembeli Aratemur and Bayram Begin were detained. In Mersin Zeynep Çakır (52), wife of the HADEP board member Salih Çakır was detained. In Siirt and Kurtalan the offices of HADEP were raided and many people were detained including the HADEP board members Alaattin Kalçık, Orhan Kalçık and Hacı Güneş. The 54 people that had been detained in İstanbul prior to Newroz were released on 22 March.

Prisoners in Ceyhan Prison (Adana) who wanted to celebrate Newroz were attacked by warders. The prisoners who wanted to unfold a banner at 11am on 20 March were reportedly beaten by the warders. Relatives of prisoners waiting to see their relatives blocked police cars that came to the prison when the incident was reported. The police dispersed the prisoners' relatives by force. Melek Tukur was reportedly injured on her legs during the incident.

In the night of 21 March Sema Yüce, serving a sentence in Çanakkale Prison set herself on fire by pouring perfume over herself. On the information of fellow prisoners Sema Yüce was taken to hospital. Following a long treatment she died on 17 June. It was reported that Sema Yüce set herself on fire in protest at the "repression against the Kurdish people".

A delegation of human rights organizations from Spain, Sweden and Germany and representatives of the HRA which had carried out inspection in Diyarbakır and surrounding provinces were prevented from entering Tunceli. Soldiers who stopped the delegation at the border of Elazığ and Tunceli presented a

decision that the entry of the delegation had not been permitted according to Article 11 of the State of Emergency Law.

20 people who were detained in İzmir during the celebrations of Newroz and later released, announced that they were tortured in detention. After having been released the people said during a press conference on 25 March that they were stripped stark naked, hosed with pressurized water and given electric shocks. Those released declared that two women, Gazali Turan and Hasine Kay were subjected to severe torture. Gazali Turan herself declared that she had been given electric shocks three times by cables that were moved over her fingers. In order to confess to the accusations the police officers had threatened her to torture her by stripping her naked. She added that she had been forced to the screams of other people being tortured and had been forced to sign a statement although she was not able to read and write. İzmir SSC Prosecutor did not deal with her complaints of torture and that the doctor she had been taken to after custody had certified that she was healthy without examining her.

Abdullah Kaya said that he had been beaten like all the others who had been put into a bus after detention and said that he constantly had been given electric shocks in custody. Kaya said that he had been suspended, because he did not accept the accusation and that the physician he had been taken to had issued a report of being healthy. A woman who did not want to disclose her name, said that they had been stripped completely naked, verbally assaulted and that she had seen Hasine Kaya with a "blue eye" and had listened to screams of torture. Another released person said that he had seen the HADEP member Ahmet Brusk Altındağ in a very bad stage. Ercan Çatakoğlu stated that the detainees had been put under pressure to show HADEP and the MKM as being responsible for the "PKK flags" and the bomb that exploded after Newroz in Kemeraltı (İzmir).

Lawyer Kemal Bilgiç saw Gazali Turan and Hasine Kaya on 26 March at the Anti-Terror Branch of İzmir Police HQ. He declared that both of them had been tortured, that Gazali Turan had difficulties in walking and could only come to the visitors' room by getting support from the walls. Turan was detained again on 30 March and arrested afterwards. Fahriye Acar and Özgüç Kaplan, too, were detained a second time and arrested by İzmir SSC.

The trial against 8 defendants continued at İzmir SSC on 20 August. Gazali Turan, Fahriye Acar and Özgüç Kaplan were released after the hearing.

Another trial was initiated against 23 people, 16 of them students, who had participated in Newroz celebrations in İzmir that had officially been permitted. They were charged with membership and support of the PKK (Article 168 and 169 TPC). The indictment said that they had shouted slogans in favor of the PKK. The first hearing took place on 24 June at İzmir SSC. It concluded on 25 March 1999. Newroz Yıldırım was sentenced for "membership of the PKK" (TPC Article 168/2) to 12 years and 6 months' imprisonment; Banu Yetkin, Elveda Çelik, Rahmetullah Tepe, Ahmet Brusk Altındağ, Hasine Kay and Hüseyin Sari Altın were sentenced to 3 years 9 months' imprisonment for "aiding and bedding PKK members" (Article 169 of the TPC). The other defendants were acquitted.

c) 1 May Labor Day

During the festivities on 1 May Labor Day 1998 there was no incident that resulted in death, but in many provinces, in particular in İstanbul, a great number of people was injured and detained during the demonstrations. Like before the police increased its pressure on mass organizations and the press prior to the 1 May. Leaflets and posters were banned and those who tried to distribute them were attacked and detained.

On 30 April İstanbul Governor Kutlu Aktaş held a press conference saying that he had "reminded the organizational committee of its legal responsibility and that 'illegal demonstrations' would not be

allowed". He added that during operations prior to 1 May some 400 people had been detained in İstanbul and that there would be strict controls at the entry to the meeting place.

It was reported that the staff of the Arts and Culture Center "Genç Ekin" who had been detained before the 1 May were tortured during the 4 days of detention at the Anti-Terror Branch of İstanbul Police HQ

Staff members Sefer Yağcızeybek, Esin Dal and the ballerina Aylin Gündoğan held a press conference at the HRA İstanbul on 2 May and said that they had been detained on 28 April. Aylin Gündoğan declared that despite the fact that she was suffering from an inflammation of her kidneys and bronchitis she had frequently been taken for interrogation, the officers had kicked her at her head and beaten her terribly. She said that she was asked to sign a statement against people she did not know and when she refused the torture increased. Sefer Yağcızeybek said that he had been kept in dusty and unhealthy cells without fresh air, although he had just underwent an operation of his lungs.

The main 1 May demonstration in İstanbul was organized by Türk-İş, Hak-İş, DİSK and KESK on the Abide-i Hürriyet square. A group of demonstrators waiting to enter the square was attacked by the police who detained more than 150 people. During the police's intervention many people were injured. A clash broke out during which stones and sticks were used. The fight continued in the back streets. Special teams fired shots in the air and a lorry was set on fire by the demonstrators. Journalists were beaten up by the police, but some policemen also got hurt. Cemal Kılıç, reporter for the journal "Dayanışma" said that he was beaten even worse, when he said that he was a journalist. The police had not taken him to hospital, but on orders of a commissioner he had been thrown into a police bus. The police officers later went to Okmeydanı and raided some shops and working places. Special deployment forces that came to the area with their faces covered by masks were met by members of the MHP. Journalists who wanted to take pictures of the MHP members who started to line up in military order, were beaten by the MHP members and the police did not intervene. During this event Erdoğan Çiçek of the daily "Emek" and Zafer Kuru from "Radikal" were injured. The journalists who had been beaten up by MHP members and the police held a demonstration on 2 May by marching towards the offices of the Turkish Journalists' Association TGC.

Ali Rıza Narin, who tried to run away from the police during the clash at Okmeydanı entered the premises of the MHP in Okmeydanı by mistake. He was beaten up by MHP members who led him hang out of the window. Later Ali Rıza Narin was taken out of the building by police officers who took him to hospital and then detained him. MHP chairman for İstanbul, Mehmet Gül, claimed that the MHP supporters tried to rescue Ali Rıza Narin. He added that he panicked and tried to jump out of the window.

Meanwhile the offices of the trade union Belediye-İş in Hasköy and the offices of HADEP in Okmeydanı were attacked by MHP followers. The actual march started in Şişli and Kasımpaşa heading towards Abide-i Hürriyet square. The police intervened when a group of SİP members who came from Şişli carried a banner they did not like. During the short fight one person was injured and had to be taken to hospital. Other members of SİP could be treated on the spot, but were detained.

The actual meeting at Abide-i Hürriyet square ended without an incident. Now police officers who had gathered at the control-point on the Piyalepaşa Boulevard started a demonstration by raising their truncheons and shields shouting "How proud are those who can they that they are Turks" and "Everything for the fatherland". During the march some officers made a noise by hitting their truncheons against the shields and shouted "where are the martyrs of the revolution, the 1 May will be the day of the police".

During the demonstrations in İstanbul many people were injured and 259 people were detained. According to a statement released by the People's Law Office all detainees showed visible traces of force. It was stated that the demonstrators were beaten on their heads and backs during detention and in the busses

and that women had been sexually assaulted. The wounded people who had been taken to the Haseki Hospital had been taken to Police HQ without proper examination and treatment.

In Ankara the 1 May was celebrated by many trade-unions, mass organizations, political parties and students. The demonstrators who gathered at the main station met with a barricade of the police. They were body-searched and the banners that they possessed were confiscated. The march started at 11 am. Because of an intense body-search near the building of the opera the demonstrators reached their destination only after 3 hours. Because the Abdi İpekçi park was too small for the crowd the meeting was conducted on Sıhhiye square. Tension arose when a group of people who were dressed alike and marched in steps joined the demonstrators. Following the detention of one of them the others changed their clothes. Following the meeting 39 people were detained on suspicion of being "members of an illegal organization".

The meeting in İzmir was conducted on the Cumhuriyet square. Besides members of trade-unions, mass organizations and political parties the peasants from Bergama also participated in the meeting. A quarrel arose between workers of the leather industry and the police. At this stage four people were detained a student called Ömer Güneş. A further 13 people were detained in İzmir during the 1 May celebrations and on 5 May Abidin Kahraman, Oya Kaman, Süleyman Önal, Alinteri staff member Taşkın Türkmen, Mesut Taşdemir, Ertuğrul Cem Celepci, İlhami Ayçık, Özgür Barış Kılıç, Özgür Kaya, Gökhan Kalay and Göksel Özdemir were arrested while Ali Aldede and Mehmet Bayrak were released pending trial.

On 6 May 21 lawyers complained about İstanbul Chief of Police and the police officers for having used excessive force. The complaint was filed with the prosecutor's office in Şişli. Lawyer Muhittin Köylüoğlu who answered questions by journalists said that the Mayor of İstanbul, Recep Tayyip Erdoğan also was guilty because he provided busses for the police. He added that it was against the law to order a detention period of 5 days for those who had been injured. The complaint of the lawyers did not bare any result.

On 5 May 244 detainees were interrogated by the prosecutor of İstanbul SSC, but sent back to Police HQ because the SSC declared itself not responsible. Of the detainees 180 were released the next day. Out of 63 people who were taken to the prosecution's office in Şişli 49 were arrested on charges of "violation of the law on demonstrations", "resistance against the police", "carrying banners" and "joint revolt".

Şişli Prosecutor indicted all 244 people that had been detained on 1 May by an indictment dated 27 May. At this time 49 of them were under arrest and arrest warrants existed for another 5 defendants. Being accused of having violated the law on demonstrations sentence 3 to 6 years' imprisonment were demanded. During the first hearing on 11 June at Şişli Penal Court No. 1 the defendants rejected the charges and 31 defendants were released. Another 18 people were released after the hearing in 9 July. Lawyer of the defense, Muhittin Köylüoğlu who had rejected the judges was himself put on trial and compensation of TL 10 billion was demanded from him for having "insulted the court".

Of the 37 people who had been detained in Ankara on 1 May eight were released in the night of 6 May. The prosecution's office of Ankara SSC released another two of them, after taking their testimony. It demanded the arrest of 27 people and Ankara SSC issued arrest warrants for 19 of them. The others were released to be prosecuted without arrest. Later a court case was opened against 30 people, 20 of them accused to be "members of an illegal organization" (Article 168 TPC) and 20 of them for having "supported members of an illegal organization" (Article 169 TPC).

d) Actions by KESK

During a demonstration in Ankara organized by KESK on 4 March in protest of the "Draft Law on Trade Unions for Civil Servants" the police dispersed the demonstrators by using force. On this day the draft law was being debated in the Parliament and the demonstrators had come because the law would not allow

trade union in the public sector to go on strike and to bargain publicly. The trade unionist blocked Kızılay square by staging a sit-in and declared that they would continue their action until the draft law was withdrawn. The police surrounded the crowd and waited until it was dark. In the evening hours first the demonstrators were hosed with water from a fire engine to prevent them from sitting down. Later water from panzers under high pressure was squirted on the demonstrators in order to remove them from their places. Since this did not bring about the intended result, smoke and tear gas was used and the police used truncheons to disperse the crowd. The tear gas also had its effect on journalists and police officers. Finally the police moved with panzers on the demonstrators. Civil servants who protested in the back streets against these measures were dispersed by the police using truncheons. At 80 civil servants were injured by the tear gas and the truncheons. Because of an order by Ankara Chief of Police nobody was detained. On 18 March an official complaint was filed against Ankara Police HQ and the officers who participated in the attack.

The board members of KESK were indicted for a violation of the law on demonstrations. Besides the chairman Siyami Erdem, the board members Faysal Özçift, Nafı Maraş, Güven Gerçek, Tayfun İşçi, Nurettin Aldemir and Alper Öztürk had to expect sentences of 1 to 3 years' imprisonment, if convicted.

On 22 April 104 defendants, 96 of them teachers, were acquitted by Akhisar Penal Court of First Instance of an "offence" they allegedly had committed by following the call of KESK, on 11 December 1997, when they had "altogether see a doctor".

Because of an increase of the wages of civil servants announced by the government to be 20% starting in the second half of the year civil servants stopped to work on 11 June and held meetings all over the country. During these actions that were conducted under the leadership of KESK no important incident was recorded. In Ankara two separate crowds of people tried to unite, but the police intervened when the group in Ulus started to walk towards Sıhhiye. A total of 10 civil servants were detained including the chairman of the trade union Maliye-Sen, Ankara branch. Later the demonstrators gathered in Ulus. Here, 12 demonstrators including physicians were detained. Following negotiations with the police the detainees were released and under the condition that no banners would be carried the march of the civil servants was allowed.

The Hatay branch of KESK planned to stage a protest against the dismissal of members and obstacles to get organized as a trade union. The demonstration to be held on 12 December in Ulus was prevented by the police. Demands to end the demonstration were met by slogans. During the ensuing police intervention 9 people, 4 of them police officers, were injured and 30 people were detained.

e) The Case of the "Pen Gang"

On 29 February 1996 the students Deniz Erdoğan, Deniz Karaaslan, Deniz Kartal, Bahadır Ahıska, Hülya Yeşilyurt, Hacer Serhan Temiz, Özgür Yılmaz, İbrahim Altun, Metin Derinkaya, Mahmut Yılmaz and Devrim Öz had unfolded a banner in the Parliament in protest of the 350% increase in students' fees reading "No to payment for education! Our right to study cannot be prevented!" They were put on trial at Ankara Penal Court of First Instance No. 15 for having violated the law on demonstrations. At the first hearing on 1 March 1996 the students Deniz Kartal, Bahadır Ahıska, Hülya Yeşilyurt, Hacer Serhan Temiz, Özgür Yılmaz, İbrahim Altun, Mahmut Yılmaz and Devrim Öz were arrested, but three of them not. The objection of the students' lawyers was successful and on 4 March the 8 students were released. On 8 November 1996

the trial ended. Deniz Kartal, Bahadır Ahıska, Hülya Yeşilyurt, Hacer Serhan Temiz, Özgür Yılmaz, İbrahim Altun, Mahmut Yılmaz and Devrim Öz were sentenced to 3 months' imprisonment and TL 3,750 million fine each and the other defendants Deniz Karaaslan, Deniz Erdoğan and Metin Derinkaya were acquitted.

The Supreme Court quashed the verdict on 28 March 1998 arguing that penalties could not be passed for such an action. Ankara Penal Court of First Instance No. 15 had to retry the students and on 3 July 1998 the students were acquitted.

Between 17 and 22 May 1996 a total of 31 students including Mahmut Yılmaz and Deniz Kartal were detained in Ankara and interrogated at the Anti-Terror Branch. On 1 May 1996 they were taken to a judge who ordered the arrest of Aşkın Doğan, Özgür Tüfekçi, Bülent Karakaş, Mahmut Yılmaz, Murat Kalyoncugil, Deniz Kartal, Nurdan Bayşahan and Elif Kahyaoğlu. The indictment prepared by the prosecutor at Ankara SSC accused the students of "membership of an illegal armed organization who had possessed and used molotov cocktails" (Article 168 TPC). It also accused the defendants of "participating in the 1 May demonstration" and "conducting an action against students' fees". On 6 December 1996 Ankara SSC sentenced Aşkın Doğan, Özgür Tüfekçi, Bülent Karakaş and Murat Kalyoncugil to 18 years', 20 days' imprisonment, Mahmut Yılmaz to 12,5 years' imprisonment and Nurdan Bayşahan, Deniz Kartal and Elif Kahyaoğlu to 3 years and 9 months imprisonment.

The Supreme Court quashed the verdict in terms of lack of sufficient evidence. In its verdict the 9th Chamber of the Supreme Court argued that the crime of "membership of an organization" could only be committed, if the existence of such an organization had firmly been established. The students had been accused of "activities under the name of Devrimci Gençlik with the aim of re-organizing Devrimci Yol that had been active before 12 September 1980". The Supreme Court stated that the evidence in the case file for the existence of such an organization was not sufficient.

The retrial started on 18 May 1998. Demands for the release of the defendants were rejected. After the hearing of 17 June Mahmut Yılmaz was released. On 13 July the defendants Metin Murat Kalyoncugil, Özgür Tüfekçi, Bülent Karakaş, Ahmet Aşkın Doğan and Ulaş Doğu Atlı (his case had later been combined with the ongoing trial) were released. During the hearing on this day another statement of the General Directorate for Security was read out. It said that the first statement to the effect that the organization Devrimci Gençlik was an organization based on (verbal) propaganda had been given by mistake. Summing up the case Ünal Haney, prosecutor at Ankara SSC argued that the students were members of an illegal organization and that they had staged illegal demonstrations. He asked for increased sentences for Deniz Kartal, Elif Kahyaoğlu and Nurdan Bayşahan, who had been sentenced to 3 years and 9 months' imprisonment in the first trial.

The trial ended on 9 November. This time the students were sentenced under Article 7 of the Anti-Terror Law. Thus, the organization Devrimci Gençlik of which the students allegedly were members, changed its nature from an "armed gang" to become an "unarmed terrorist organization". The sentences also changed and Ahmet Aşkın Doğan, Bülent Karakaş, Özgür Tüfekçi, Metin Murat Kalyoncugil and Ulaş Doğu Atlı were sentenced to 2,5 years' imprisonment for "membership", but also to 5,5 years' imprisonment for having thrown molotov cocktails. Besides the prison terms of 8 years they were also fined TL 916,7 million. For the defendants Elif Kahyaoğlu, Deniz Kartal and Mahmut Yılmaz the fine and the sentence for membership was the same, while Nurdan Baysahan was sentenced for "making propaganda for the organization" (Article 8 of the Anti-Terror Law) to 10 months' imprisonment.

Actions of Support

In support of the students who had unfolded the banner in the Parliament many actions were taken in and outside Turkey. During a demonstration on 17 December 1997 in Ankara the police dispersed the demonstrators by force. Some 500 students were detained. During the events journalists were beaten up by police officers. Most of the students were released during the evening of the same day or on 18 December. 24 students were transferred to Ankara SSC on 21 December. Of them Tolga Subaşı, Huri Şeyda Ünsal, Esra

Soylu, Binali Yıldırım, Oltan Evcimen and Köksal Kayısı were arrested. The student İbrahim Güllü was arrested on 24 December on charges of having robbed the gun of a police officer during the demonstration.

The 24 students were put on trial on 17 January 1998 with the charges of participation in an illegal demonstration, resistance against the police, beating of some police officers and damaging public buildings. Sentences of between 2 years 6 months and 3 years 10 months' imprisonment were sought for the following students: Bülent Gökhan Çitilci, Serdar Bingöl, Atilla Toplar, Bünyamin Çelik, Halil İbrahim Eroğlu, Halil Devrim Girgin, Hüseyin Bulut, Akın Uğurer, Köksal Kayısı, Esra Soylu, Oltan Evcimen, Timur Deniz, Beyazıt Kurşunoğlu, Özgür Büyükköprü, Celal Tokaç, Saadet Erdem, Şermin Gül, Ulaş Atıklar, Ali Durmuş, Erol Doğan, Özgür Ustabaş, Binali Yıldırım, Tolga Subaşı and Huri Şeyda Ünsal.

Ankara SSC decided not to be compatible for hearing the case referred the case to Ankara Penal Court of First Instance No. 3 where the trial started on 25 January. During the hearing the students alleged that the police had attacked them without a warning and that they had been tortured during the four days in detention at Ankara Police HQ. At the end of the hearing Köksal Kayısı, Esra Soylu, Oltan Evcimen, Binali Yıldırım, Tolga Subaşı and Huri Şeyda Ünsal were released. On 16 November the court acquitted the students commenting that it was "a basic element of a democratic society to use the right of assembly".

On 18 March support actions were staged in İstanbul and Ankara. Students who gathered in Sıraselviler (İstanbul) were prevented by the police to enter Taksim square. During the ensuing fight stones and sticks were used and some police officers and many students were injured. At least 70 students were detained. The police hut outside the Greek Consulate and a police car were damaged during the event.

In Ankara the police took strict security precautions around Kızılay square to prevent the students from demonstrating in favor of their friends. The students gathered at 12.30am near Kızılay square but they were dispersed by the police who squirted water from panzers. During the ensuing clash some police officers, Serkan Çinier from İnterstar TV, Tolga Akmer from the daily Radikal were wounded by stones and some 15 demonstrators were injured by the beatings of police officers. Hundreds of demonstrators as well as the trade unionists Kazım Yazırlıoğlu, Mehmet Tiryaki, Mehtap Karaoğlu, Hayranse Özaydın, Yurtsever Şahin, Dr. Erdal Özmen and Dr. Erol Taymaz were detained. Meanwhile students who had come by train to Ankara were prevented from leaving the station. Some students were kept under detention at the railway station until the evening hours.

Ten of the young people who had been detained in İstanbul were arrested on 21 March on charges of having staged an illegal demonstration and resisting the police. Their names are as follows: Eylem Tepebaşı, Nihat Küçükkoğlu, Ertuğrul Bilir, Özgür Temiz, Onur Anıl Arca, Eren Demir, Sinan Savaş Zarakolu, Alptekin Ocak, Zeynep Görgü, Ayşegül Yeliz Mutlu, Ersin Kaya, Sakine Başegmez, Bedrettin Demirtaş, Eylem Aslan, Zafer Önge, Barış Uluocak, Ferit Solmaz, Serkan Nişancı and Kayhan Çalık. The trial started on 22 April at Beyoğlu Penal Court of First Instance No. 4 involving a total of 76 defendants. Sakine Başegmez, Ersin Kaya, Serkan Kaya, Serkan Nişancı, Bedrettin Demirtaş, Metin Solmaz and Erkan Işık who had remained under arrest were released after the hearing. In Ankara 41 students were released on 22 March after testifying to the Ankara SSC prosecutor.

Board members of the ÖDP were put on trial because they had prepared posters in support of the students. The trial started on 27 October at Ankara SSC. Ufuk Uras, chairman of the ÖDP and the board members Yıldırım Kaya, Serpil Boğa, Necmi Demir, Sarıhan Oluç, Atilla Aytemur and Sultan Özcan were charged under Article 169 TPC.

f) Other Cases

Seven of 48 students who had been put on trial for a demonstration they made in Ankara in November 1996 against the Higher Education Institution (YÖK) were convicted on 15 December of charges

of for having conducted an illegal demonstration. Denizer Şanlı, Taylan Demir, Gökçen Zorlu, Özgür Gülseven, Gülay Cevher, Erkan Aksoy and Semra Mercan were each sentenced to 1,5 years' imprisonment and fined TL 420.000. The sentences were suspended. Other defendants in the trial were acquitted.

A trial that was launched against 144 students who held a demonstration on Beyazıt square (İstanbul) on 23 November in protest against the attacks of MHP supporters on students and the partial attitude of the police ended in acquittal. İstanbul Penal Court of First Instance No. 9 also decided to file an official complaint against the police officers.

Board members of EMEP, SİP and HADEP branches in Mamak district (Ankara) were put on trial on 28 May at Ankara Criminal Court No. 2. The case was based on a press statement against an operation by the Turkish Armed Forces on Northern Iraq that had started on 14 May 1997. Defendants Cemal Geleş, Hilmi Sariaydın, Turgut Altıntop, Mehmet Gül, Turan Yalçın, Erdem Tuç, Gazi Kılıç, Meliha Atam, İbrahim Elveren, Kazım Coşkun, Haydar Özçelik, Fatma Şimşek and Reşat Kılıç participated in the first hearing. Former chairman of EMEP Mamak branch Cemal Geleş said that his party had made no decision for the publication of such a statement. He said, "On the day in question I and the board members were in Afyon to attend the trial in connection with the death of Metin Göktepe". Erdem Tuç, former chairperson of SİP Mamak branch said he had been performing his military service at the period the press statement was made. İbrahim Elveren, chairman of HADEP Mamak branch said that his party had not voted for such a statement, but he had heard that some members might have taken such an action. On 16 March 1999 the defendants were acquitted from the charges of having insulted the army (Article 159 TPC).

In August 1995 the KESK had conducted a number of actions in İzmir. The trade unionists Caner Canlı (Eğitim-Sen), Ramiz Sağlam (Tüm Maliye-Sen), Erdiñç Beceren (Tüm Haber-Sen) and Firuzan Ayhan (Maden-Sen) who previously had been sentenced to 15 months' imprisonment were acquitted in the retrial at İzmir Penal Court of First Instance No. 12 on 7 June 1998.

In Bursa 33 civil servants were indicted for an action on 20 December 1994. As members of Tarım Gıda-Sen (trade union within KESK) they had gone on strike for one day demanding the right to public bargaining. On 13 July Bursa Penal Court of First Instance No. 5 convicted them for an offence of Article 236/2 TPC "for not having gone on duty without a reason or permission to do so" and sentenced them to 4 months' imprisonment and fined TL 260,000. The sentences were suspended.

Servet Öncü and Alaaddin Dinçer (chairing two branches of the Eğitim-Sen in İstanbul) who were detained on 6 September 1995 when they had made a press statement after talks to the Director for National Education in İstanbul on the problems arising from privatization in the educational sector, were sentenced to 20 months' imprisonment and fined TL 300,000 by İstanbul Penal Court of First Instance No. 13 on 19 November. The sentences were passed for staging "an illegal demonstration". They were suspended for 5 years.

Some other examples for demonstrations and meetings prevented by the security forces are as follows:

Following the death of TİKKO militants Mehmet Demirdağ, Ümit San, Ümit Dinler, Dilek Konuk and Turan Salman in Tokat province their relatives organized a dinner at Cemevi in Sarıgazi (İstanbul) on 11 January 1998. When an alleged member of the gendarme intelligence unit was beaten and his gun was seized, incidents. Five persons were injured during the incidents and 47 people were detained.

Incidents continued when the relatives wanted to march towards the cemetery. Gendarmes suing clubs stopped them. The events that had started at the Cemevi continued in the center of Sarıgazi. A group of some 20 people erected a barricade in the Atatürk Street and blockaded the traffic. After the clash with stones and clubs the demonstrators managed to escape through back streets. Meanwhile lawyers appeared at the

Cemevi and negotiated with the gendarmes that had surrounded the building. The gendarmes told them that they would not detain any body should the crowd dispersed peacefully.

Of the 47 detainees 13 were released on 13 January. The remaining ones were released on 16 January pending trial.

In Mersin Birol Tezcan, reporter of the daily Emek and 17 students were detained during operations in the evening of 8 January. They were accused of having staged an illegal demonstration at the university in commemoration of Metin Göktepe. On 11 January the detainees were taken to court. The judge ordered the arrest of 8 people. Kadir Arıkan, Mustafa Erdoğan and Muzaffer Kılıç, lawyers defending the students objected to this decision, but their objection was rejected. The trial against the students ended at Adana SSC on 23 February. The court acquitted all of them.

Students of Maslak dormitory staged a demonstration in protest at being sexually assaulted. On 19 June the administration started an investigation against them on the accusation that they endangered the security of fellow students and prevented the staff from carrying out their duty. The students Özge Temürtürkan, Derya Özcan, Umut Ünlü, Ayşen Mert, Nihal Taşdemir, Evrim Şahan, Devrim Sarıbaş and Seda Çelik informed the press about this development and subsequently the hostel administration asked for their expulsion from the dormitory. On 7 July the investigations resulted in the temporary expulsion of 3 students for 10 days each.

On 26 September students of the Teachers' Faculty in Siirt gathered in the garden of their dormitory and sang songs. Shortly afterwards the police came and intervened with the effect that the teeth of one student broke. Some students were detained and reported that they were beaten in detention. They alleged that the police had been led by the chief of police who accused them of educating terrorists. Reportedly he cursed and swore at the students.

On 19 November members of the trade unions Tes-İş, Enerji Yapı Yol-Sen and Türk Enerji-Sen protested at initiatives to privatize energy by not leaving their working place in Kırıkkale. The action was supposed to last from 5pm to 7pm. Under the pretext that it was dark the police intervened at 5.45pm asking the protesters to stop their action. The action finished earlier than intended, but when the workers wanted to go to their busses they were stopped and some 20 trade unionists were detained, including board members Necdet Gördü (Tes-İş), Sefa Koçoğlu (Enerji Yapı Yol-Sen) and Mustafa Sansarlıoğlu (Türk Enerji-Sen). The detainees were released on 20 November.

10.

FREEDOM OF ORGANIZATION

Repressive measures against the NGOs, political parties and trade unions opposed to the "State politics" that are determined by the NSC, continued in 1998 following a decisive increase in 1996. Officials and members of political parties, associations and trade unions were detained and put on trial. Some associations and branches of trade unions for civil servants were shut down. Repression against trade unions acting in the State of Emergency Region (OHAL) was more intense than in other places. Their officials and members were detained, tortured and were transferred for disciplinary reasons.

a) Political parties

The ban on forming political parties that had been introduced with the coup d'etat on 12 September 1980 was lifted in 1983. Since then up to the end of 1998 a total of 59 parties were banned from activity. After 1990 the most frequently stated reasons for the closure of political parties were "creating of minorities" or "secessionism".

In 1998 HADEP, EMEP and ÖDP suffered most from repression and obstacles put against dissent parties and violations of the basic rights and freedoms of their members and officials. Board members of these parties were also tried for their activities. In particular during November, when PKK-leader Abdullah Öcalan came from Syria to Europe and asked for political asylum in Italy HADEP suffered a lot, with all their offices being raided and members being detained and tortured.

The People's Democracy Party (HADEP)

Since its foundation HADEP has been under enormous pressure. Officials and members have been killed. Many members have been detained and tortured and some have been put on trial based on testimony extracted under torture.

In December 1997 the party's bulletin that was first published in January 1997 was confiscated on orders of Ankara SSC on the grounds that it contained "secessionist propaganda". Subsequently a trial was launched against the executive members of HADEP. This trial concluded in 1998. Murat Bozlak, the

chairman of HADEP, was acquitted, Ali Rıza Yurtsever, the editor-in-chief of the bulletin, was sentenced, but the sentence was suspended. Mehmet Satan, Hamit Geylani and Veysel Turhan, chairman of HADEP in Siirt were sentenced for the articles they had published in the bulletin to each 16 months' imprisonment and fined TL 3,7 billion under Article 8 of the Anti-Terror Law for "secessionist propaganda". The lawyer Selim Okçuoğlu was sentenced to 12 months' imprisonment and fined TL 2,8 billion under the same provision for his article in the bulletin entitled "about the case against our board members". Leyla Zana, MP for the defunct Democracy Party (DEP) that had been shut down by a decision of the Constitutional Court had written an article entitled "belated bulletin" and M. Salih Altun, board member of HADEP in Batman had written an article entitled "report". These authors were sentenced each to 2 years' imprisonment and fined TL 1 million for having "incited the people to hatred and enmity" under Article 312 TPC. The same sentence was passed under the same provision for the defendants Abdullah Varlı, Ali Şola, Reşit Irgat, Kazım Yakmaz, Reşit Koçeroğlu, Kerem Soyulu, Nuri Görkey and Fevzi Demir.

The Supreme Court announced its verdict on the case of the HADEP congress of 23 June 1996, known for the fact that the Turkish flag had been taken down. The Supreme Court quashed the verdict for the chairman Murat Bozlak and another 42 defendants because of "insufficient investigation", but confirmed the acquittals of Sırrı Sakık and Abdurrahim Bilen. It also confirmed the sentence against Faysal Akcan, who had been sentenced to 22,5 years' imprisonment for "having taken down the flag on the PKK's orders". The original trial had concluded at Ankara SSC on 4 June 1997. Chairman Murat Bozlak and Hikmet Fidan, the chairman of the HADEP İstanbul Branch, who had been chairing the congress had been sentenced to 6 years' imprisonment each for "supporting an illegal organization" according to Article 169 TPC. 28 defendants had been sentenced to 50 months' imprisonment each for the same offence and Meliha Özcan, Ömer Doyuran, Reşit Pinç, Ali Akgül, Şahhanım Kanat, Abdurrahim Bilen, Sırrı Sakık and Yaşar Özcan had been acquitted. The retrial started on 25 August but was not terminated in 1998.

In Ankara the head office of HADEP, the provincial branches as well as the district office in Altındağ were raided on 10 February upon a decision of Ankara SSC alleging that "illegal posters were being kept and secessionist propaganda was being conducted" in the offices. During the raids staff members of the party were detained and the newspaper archives and calendars of HADEP were confiscated. After release the detainees said that the police officers beat and threatened them. On 12 February around noon the HADEP headquarters was raided again on orders of Talat Şalk, prosecutor at Ankara SSC. Murat Bozlak, the SG Hamit Geylani, deputy chairman Mehmet Satan, deputy SG M. Zeynettin Ünay, treasurer İshak Tepe, board members Ali Rıza Yurtsever, Melik Aygül and the staff members Mehmet Kaya and Ahmet Yeğın were detained. At the same time Ankara SSC issued arrest warrants against 50 people, members of the party assembly. The police started an investigation about a leaflet with the title "open letter" allegedly broadcast on ARTE TV. Babur Pınar, in charge of the press office of HADEP, said that there was no such leaflet.

Of the detainees Suzan Öncel, Mehmet Mekurt and Nihat Doğaner were released in the evening hours of 13 February. The others were taken to Ankara SSC on 16 February. Murat Bozlak, Hamit Geylani, Mehmet Satan, İshak Tepe, M. Zeynettin Ünay, Ali Rıza Yurtsever and Melik Aygül were arrested and taken to Ankara Closed Prison. Ankara SSC Prosecutor's Office indicted 38 members of HADEP's party assembly under Article 168/1 TPC with "being leading members of the political wing of the PKK." The indictment alleged that statements of the PKK and HADEP officials concerning the "Musa Anter Peace Train" that should have arrived in Turkey on World Peace Day, 1 September 1997, had pointed in the same direction; on various meetings and celebrations of HADEP the flag of the PKK had been raised and that the 1998 calendar of HADEP included photographs of killed PKK militants. Kemal Okutan, who was detained in connection with this case, was arrested on 11 April.

The trial against Murat Bozlak and 6 board members of HADEP on charges of "leading membership of the political wing of the PKK" started on 28 April at Ankara SSC. During the hearing Bozlak said, "Those

who feel disturbed by HADEP as an organization put the party on the target line like they did with the DEP. The trial is not a judicial but a political case". Hundreds of people who had come to attend the hearing were not let into town. 136 people who had gathered outside the SSC were detained under beatings.

On 10 May an additional case was opened against Ahmet Türk, Sedat Yurtdaş, Sırrı Sakık, Feridun Yazar, Kemal Okutan and Abdullah Varlı, the members of HADEP's party assembly. In the indictment Ankara SSC Prosecutor's Office alleged that the defendants had shown during the educational work for the party that "they were leading members of the political wing of the PKK". Sentences of up to 22,5 years' imprisonment were demanded against the defendants. Both cases were combined at a hearing on 28 May.

The case of Murat Bozlak and 13 board members of the party was combined with the case against 38 people during the hearing of 26 June. At the end of the hearing Hasan Doğan was released from arrest and the arrest warrants against who had not been apprehended were lifted except for İhsan Durukan. At the end of the hearing of 29 July Abdullah Varlı, Kemal Okutan, Melik Aygül, Mehmet Zeynettin Unay and İshak Tepe were released.

Another case was opened against Kemal Bülbül, chairman of HADEP Ankara Branch in connection with a statement he had made on the occasion of World Women's Day, on 8 March, outside Ankara Closed Prison. He was detained in a raid on his house on 22 June. On 24 June he was arrested and indicted together with other 5 board members of the party, accused of "aiding an organization by means of a press statement". Being charged under Article 160 TPC, Kemal Bülbül and the board members of HADEP Ankara Branch, Şaize Zoroğlu and Gülser Aydoğan as well as the board members of HADEP Yenimahalle district branch, Yıldız Kılınc and Serpil Salman had to expect sentences between 4,5 and 7,5 years' imprisonment. The trial started on 24 August. Kemal Bülbül did not participate in the hearing in protest against the body search on the way to court.

The case of Kemal Bülbül and the party's board members were combined with the case of Murat Bozlak and 50 members of the party assembly during a hearing of 21 September. Thus, the number of defendants reached 57. The trial did not conclude in 1998.

Lawyer Mahmut Şakar, chairman of HADEP İstanbul Branch, was detained on 25 October in connection with a meeting they planned to hold on Taksim square. Following a meeting in Aksaray (İstanbul) 45 members of HADEP's youth commission were detained. On 31 October Mahmut Şakar and 12 of the detainees were arrested by İstanbul SSC. Mahmut Şakar and Aslan Yıldız were charged with "membership of an illegal organization" (Article 168 TPC), Bilşar Levent, Seyfettin Elidaş, Gıyasettin Taşdemir, Rıdvan Mahmut Dağlaroğlu, Yasemin Işık, Mehbiç Doğuç, Safter Deniz, Şahin Gören, Rahmetullah Hatun, Abdurrahman Ceylan and Şükrü Zingir were charged with "aiding an illegal organization and sheltering its members" (Article 169 TPC). During the first hearing on 10 February 1999 Mahmut Şakar and Aslan Yıldız were released. The case is still continuing.

Many HADEP board members and members were arbitrarily detained and tortured during 1998.

In Malatya a youth with initials S.A. (17) who had been detained on 16 January informed that he had been threatened with to become a police informer within HADEP. S.A. explained that he had been detained around 10pm. First the police officers had driven him around in their car and then they had offered him money saying "your life is worth the pennies that a bullet costs and we could kill you." S.A. added that the prosecutor did not want to take his complaint because he was not able to describe the persons. The prosecutor allegedly said, "If they ask you to become a police informer they can make you disappear". S.A. further stated that he had lost his job because of the police officers.

HADEP member Hamit Doğan (19) who was detained in İzmir on 19 January disclosed that he had been tortured in custody. He said that he had been detained around 10.30pm on leaving his working place.

The officers had called him by name, pushed him into the car by tying his hands and blindfolding him. Having been driven around for some 45 minutes he was taken to an unknown building. Here he was asked various questions and put under pressure to become a police informer. Doğan alleged that when he refused to become an informer he was beaten, electric shocks were given to his genitals and the small toe of his right foot and that he was suspended on a hanger. He also said that he had to sign a paper with his eyes being blindfolded and that later he was released.

Seyfettin Özçelik, HADEP member in Gaziemir district (İzmir) disclosed that he was tortured at Gaziemir Police Station and the Anti-Terror Branch after he had been detained on 12 March while distributing leaflets prepared by HADEP. Özçelik announced that he had been beaten by many police officer when they found receipts of donations for HADEP on him. The Forensic Institute had given him a report certifying that he had been tortured. From the forensic institute he was taken to the "Anti-Terror Branch" and allegedly tortured there. Later he was released on a prosecutor's order.

Dr. Şakir Kakaliçoğlu, chairman of HADEP in Batman, M. Sait Yüksel, chairman of HADEP for the central district and the HADEP members Mehmet Kanat, Halil Tura, Diaeddin Vazgan, Kasım İmret, Abdurrahman Çelik, Halis Geçit, İrfan Yılmaz and İskender Kaya were detained on 15 May during raids by the police on their houses. They were arrested on 20 May and taken to Batman E-type Prison. Lawyer Oktay Bagatir, who visited his clients on 25 May announced that they had been tortured in detention. The lawyer had spoken to four of the prisoners and stated that Şakir Kakaliçoğlu and M.Sait Yüksel had been taken to hospital after intense torture, but the physicians had not issued reports on the fact "that his clients had been tortured". A court case was filed against Dr. Kakaliçoğlu and 10 leading members of the party for either being "members of an illegal organization" (Article 168 TPC) or "supporting an illegal organization" (Article 169 TPC). The indictment of Diyarbakır SSC Prosecutor's Office alleged that Dr. Kakaliçoğlu had treated PKK militants, the other defendants had "found militants for the PKK" and "collected money". The trial started on 13 August at Diyarbakır SSC. Following the hearing Kakaliçoğlu, Kanat, Tura, Vazgan, İmret, Çelik and Geçit were released.

Selam İnan, chairman of the youth commission of HADEP in Ümraniye district (İstanbul) was detained on 11 August by plainclothes police officers who pushed him into a car outside the party's office. He said that he had been tortured in detention. Here is his detailed testimony: "Having been kidnapped my eyes were blindfolded. Over 5 days I was given electric shocks, hosed with water, suspended and beaten roughly. I was also subjected to psychological torture. I was threatened with a gun to me head not to go to HADEP." İnan said that later he was taken to Edirne by car and released there.

Nedim Biçer, chairman of HADEP for Bismil district (Diyarbakır) was detained on 24 December and arrested three days later. He alleged that because of the torture his membrane was damaged. Lawyers who talked to Nedim Biçer in prison said that a physician had issued a report certifying torture, but the report had been revised on threats of the police officers.

Board members and members of HADEP were put on trial and some were convicted for activities of the party or press statements made in 1998. Raids on offices of HADEP and working places of its members continued as well. Damage was caused in the offices and documents were stolen.

Thirteen members of HADEP who had been detained in 1997 when they put up posters concerning the Newroz feast were charged with "inciting the people to hatred and enmity" (Article 312 TPC). The trial concluded on 6 January at İzmir Penal Court No. 8. Aziz Poyraz, Yenidünya Çelik, Nigar Ekdi, Nevaf Aktaş, Fethi Taş, Havas İlhan, Hüseyin Kurtuluş, Kıymet Yıldız, Nurettin Kandemir, Cemil Kandemir, Deniz Adıgüzel, Yılmaz Aba and Abdülaziz Başak were sentenced to two years' imprisonment each and fined TL 1 million. Except for Aziz Poyraz the sentences were suspended.

Unidentified persons attacked against the HADEP office in Mamak district (Ankara) on 23 January. The attackers demolished the furniture and escaped. Party officials stressed the fact that offices of ÖDP, the Welfare Party and a youth organization of the Great Union Party (BBP) were situated in the same building and that police was constantly observing the building.

Kemal Okutan, member of the party assembly, was detained on 23 January during a raid on his house. He was released on 25 January, after the prosecutor at Ankara SSC had taken his testimony. Mr Okutan said that Serdar Ocağ and Erol Kaplan had been forced under torture to testify against him and that this had been the reason of his detention.

On 26 January the Supreme Court confirmed the sentences passed on Feridun Yazar, then chairman of the defunct DEP, Güven Özata, chairing an extraordinary congress of HEP in 1992, Harun Çakmak and Cabbar Gezici for speeches they had delivered at the congress. The sentences of one year's imprisonment had been passed under Article 8 of the Anti-Terror Law.

In Elazığ HADEP member Mustafa Akkuş appealed to the Elazığ branch of the HRA saying that he had been forced to become a police informer. He said that plainclothes police officers had stopped him at the exit of the HADEP office in Elazığ on 2 February and said, "You are a member of the youth commission of HADEP. If you don't work with us, do not help us, we shall kill you within two months." Mr Akkuş added, that the same police officers had approached him saying, "Let us go to Harput, we have to talk to you."

Unknown assailants opened fire against the houses of Yahya Demirhan and Cebelli Aratemur, board members of HADEP in Kozluk district (Batman), in the late hours of night on 11 February.

In Silvan HADEP members Celil Fidan and Salim Kokan were detained by plainclothes people, allegedly members of JİTEM, and forced to leave the party. It was stated that many HADEP members in that town had received threatening letters.

Abdullah Varlı, a member of the HADEP party assembly, was detained in 2 April. He had been detained previously on 25 March, but released on 27 March. Ankara SSC Prosecutor's Office had objected to the decision for release and succeeded in getting an arrest warrant issued.

Kadir Soysal, chairman of the youth commission of HADEP in Gaziemir district (İzmir), said that he had been detained on 1 March in connection with activities for the World Women's Day and that he had been subjected to psychological torture. Soysal explained that he had been taken to the political police in Bozyaka and there he had been forced to become a police informer.

An investigation that was launched against the board members of HADEP in Van and its central district in connection with activities for World Women's Day on 8 March resulted in a decision not to prosecute them. But in connection with the Newroz festivities in Van Abdurrahman Doğar, chairman of HADEP Van Branch, and board members were put on trial. Abdurrahman Doğar and the other defendants testified on 26 March. In December the trial against them ended at Van SSC. The court decided to acquit the defendants.

In Elazığ Abdülrezzak Oral, chairman of the youth commission, his deputy Ayşe Nur Eker and the members Barış Güven, Ümit Doğan, Hüdayi Yamaç and Bülent Çelik were detained during police operations between 20 and 23 March. Ayşe Nur Eker, Bülent Çelik and Abdülrezzak Oral were arrested on 27 March. In the subsequent trial at Malatya SSC Ayşe Nur Eker and Bülent Çelik were sentenced to 3 years 9 months' imprisonment each, while Abdülrezzak Oral was sentenced to 4 years 9 months' imprisonment for "aiding the PKK and sheltering its militants".

Hamza Abay, chairman of HADEP in Eskişehir, was detained on 13 May and arrested on the same day in connection with a press statement he made on 6 May concerning the fact that the graves of PKK

militants, who had been killed near Antalya in May, were opened by bulldozers and the corpses had been buried elsewhere. A court case was opened against Hamza Abay on charges of "inciting the people to hatred and enmity" (Article 312 TPC) and during the first hearing on 1 July Hamza Abay was sentenced to 2 years' imprisonment and fined TL 3.04 million.

The trial that had been launched against board members of HADEP in connection with a press statement concerning World Peace Day in Bolu on 1 September 1997, concluded on 5 May. During the hearing the defendants rejected the accusations saying that the journals found in the office were legal and they had not made propaganda by letting people watch MED TV. Nevertheless Kenan Ayaz, chairman of HADEP in Bolu, board members Ersin Derince, Sıddık Aksaç and Nihat Yaşlı and the staff members Zeki Başar and Vahap Eşidir were sentenced to 45 months' imprisonment for "aiding the PKK and sheltering its militants" (Article 169 TPC). The defendants Zeki Şimşek and Cihan Altınışık were acquitted. Considering the time some defendants had spent in prison, the court decided for their release.

During a raid on the house of Lütfü Süvarioğulları, chairman of HADEP in Didim district (Aydın) on 22 June his daughter-in-law, Hatice Süvarioğulları, was detained. On 25 June a press statement was made in the office of HADEP in Aydın. Lütfü Süvarioğulları, his wife Muazzez Süvarioğulları, his son Ruhut Süvarioğulları, a relative called Nuray Onur and Duran Boztepe, board member of the Association to Help Relatives of Prisoners (TAYD-DER) were detained while reading out the press statement. Nuray Onur and Duran Boztepe were released the same day, but Lütfü Süvarioğulları and the other family members were arrested. The ensuing investigation resulted in a decision not to prosecute on 16 July.

On 13 July hundreds of people went to welcome Feridun Çelik, member of the party assembly and chairman of HADEP in Diyarbakır, when he returned to Diyarbakır. The police intervened and detained 10 people including the reporter of Gündem, Metin Dağ and members of the district organization of HADEP. Later the convoy was stopped again and many more people were detained. Finally the police surrounded the office of HADEP and detained members and board members who left the building around 8pm. The detainees were released on 14 July, but said that they had been beaten at the Anti-Riot Branch of the Police HQ, insulted and put under psychological pressure.

The house of Mehmet Sarıkaya, chairman of HADEP for Ceylanpınar district (Urfa) was raided by 6 unidentified persons on 28 July around 1pm. Fatma Sarıkaya, Mehmet Sarıkaya's wife, who at the time was alone at home, said that the intruders asked "there are many people coming and going to your house. Who are they? Why do they come?" Mrs Sarıkaya added that the persons spoke Turkish and Kurdish well and that she fainted when the stocky one hit her on her neck.

The police did not allow a press statement that women of the provincial women's commission of HADEP in Adana wanted to read in the İnönü Park in Adana on 3 September in connection with World Women's Day on 1 September. Police officers intervened when the women tried to march from the party's office to the park and forced the women back into the office while kicking and hitting at them.

In Mersin, members of the HADEP's women's commission were prevented from quoting from a press statement they had prepared and intended to announce on 2 September outside the "Peace Tent" which they had erected in the Cumhuriyet Square in Mersin. In protest some 200 people gathered around the municipality in Mersin. The police intervened again and Alaaddin Erdoğan, chairman of HADEP Mersin Branch was beaten.

Following the celebration of World Women's Day in the office of HADEP in Siirt on 1 September the police carried out ID checks outside the office and detained Hüseyin Turhan (24), the brother of Veysel Turhan, chairman of HADEP in Siirt. Later Veysel Turhan announced that his brother had been taken to a teahouse called "Bulvar" in Cumhuriyet Street and six police officers had beaten him up. Hüseyin Turhan

filed an official complaint with Siirt Prosecutor's Office and was sent to Siirt State Hospital where he received a report stating "inability to work for 5 days".

The party's secretary in Balçova district (İzmir), Nilüfer Dumlu, declared that she was detained on 10 September and threatened with death to work as a police informer. She said that she had been released the next day without being taken to a prosecutor. Nilüfer Dumlu expressed that she had been interrogated by two plainclothes officers of the political police, one of them a woman. The officers had asked her to meet them on 14 September, but she had not gone, and therefore, the female officer had threatened her with death. Mrs Dumlu filed an official complaint with İzmir Prosecutor's Office.

On 4 May HADEP members Dursun Fırat and Murat Türkyılmaz were caught in a fight with members of the ultra-nationalist *Ülkü Ocağı* when they passed their offices of Gaziomanpaşa branch (İstanbul). During the fight Dursun Fırat injured Selçuk Şenol, who had been among the attackers, with a gun. Murat Türkyılmaz was stabbed by the attackers. Dursun Fırat was detained and Türkyılmaz and Şenol were taken to hospital.

The governor of İstanbul did not allow HADEP İstanbul Branch to hold a meeting on 27 September under the heading of "Meeting for Peace, Brotherhood and Solution". No reason was given. A meeting in Diyarbakır under the same heading was prohibited by the governor of Diyarbakır. The ban on such a meeting in Van announced by the governor of Van was justified with "security risks".

HADEP İzmir Branch wanted to conduct the same meeting on 11 October, but did not get permission by İzmir Governor's Office. Despite the ban, the organization held a meeting on 12 October in Konak square. The police intervened and detained many people. The announcement of a press statement was also forbidden and Nihat Çelik, reporter with the daily *Gündem* was detained under beatings. The governor of Batman also banned a similar meeting in Batman.

In September 32 people who had been detained during the welcome meeting for Feridun Çelik, chairman of HADEP in Diyarbakır, on 13 July, were indicted for a violation of the Law on Demonstrations and Meetings. Metin Dağ, reporter with the daily *Gündem*, Zeki Doğrul, chairman of HADEP for the central district and Remzi Yıldırım, chairman of the local branch of the Mesopotamian Culture Center were among the defendants, who first appeared at Diyarbakır Penal Court No. 2 on 20 September. The trial did not conclude in 1998.

The women's commission of the party's headquarters intended to hold a meeting in Taksim square (İstanbul) on 17 October demanding that the "cease-fire announced by the PKK should be responded to". The meeting did not get permission. HADEP members coming from Dolapdere and Zeytinburnu who wanted to attend the meeting were detained by the police. At the same time the police had taken strict security precautions and erected barricades at Taksim square. Six hundred people were detained her under beatings. During the event Cengiz Çınar, reporter with *Gündem* and 5 HADEP members were injured. Some of the detainees were released on 18 October without being taken to a prosecutor. Thirteen people were taken to the Beyoğlu prosecutor's office and released under the condition that they would be tried for an offence against the Law on Demonstrations and Meetings. The case did not conclude in 1998.

On 19 October the OHAL Governor's Office banned the entry of HADEP's Chairman Murat Bozlak to Diyarbakır on the grounds that his name was included in a list of "dangerous people". Selim Özalp, deputy SG of HADEP and Cihan Sincar, board member of HADEP who had traveled to Diyarbakır to participate in the regional meeting of their party, were detained at Diyarbakır airport and sent back to Ankara on the grounds that they were not allowed to enter OHAL. In addition, 40 leading members of the party, including Cezayir Serin, Emin Altun, Selma Tanrikulu and Melike Alp, members of the party assembly, who had gone to the airport to meet Cihan Sincar and Selim Özalp were also detained.

The pressures on HADEP increased when Abdullah Öcalan arrived in Italy. Between 15 November and 2 December all offices of HADEP in the provincial capitals, the districts and towns were raided by the police. Board members on provincial and district level were detained and tortured. In a press statement of 5 December HADEP Headquarters declared that during this time 6 members of the general board, 7 chairpersons on provincial level and 70 board members on provincial and district level had been arrested. According to the statement a total of 3,215 people, 270 of them board members of HADEP had been detained during this time. During the raids official documents, the archives, computers, televisions and books had been confiscated.

Murdered Board Members of the HADEP

Trials in connection with murder of HADEP officials before 1998 continued in 1998.

On 27 December 1997 Hişyar Ağaoğlu who had been active in Genç district (Bingöl) for organizing HADEP there was killed by Ayhan Yılmaz, said to "use drugs and frequently being in the company of members of special teams". The trial against Ayhan Yılmaz started at Bingöl Penal Court on 10 February. During the hearing Mr Yılmaz declared that Nuh Mete Hamurcu, who in 1991 and 1992 had been the governor of Genç district and some police officers from Genç Police HQ had suggested to kill Hişyar Ağaoğlu. His wife Müjgan Ağaoğlu testified in court to the effect that Yılmaz had called them over the phone and threatened her husband one day before the killing. Her husband had informed the police chief of Genç, Ahmet Koni, but no measures had been taken against Yılmaz. Being asked about his relations to Ayhan Aydıncı and Türkerş Doğaner employed at Genç Police HQ, Yılmaz said "we are as close as brothers. If they want to I again would kill someone". During the hearing of 31 March Ayhan Yılmaz declared that the repentant Mehmet Dörtyama visited him in prison and said "had you not killed him, we would have done the job". Meanwhile a report was issued by Elazığ Hospital for Mental and Neurotic Diseases to the effect that according to Article 46 TPC Ayhan Yılmaz could not be punished because he was insane. Ayhan Yılmaz was kept under observation at Elazığ Hospital for Mental and Neurotic Diseases to establish his penal responsibility. On 29 August he was taken back to Bingöl B-type Prison. On 31 August he was found strangled in his cell. Allegedly he committed suicide by suspending himself with his belt. An autopsy was conducted at Malatya Forensic Institute. During the hearing of 7 September concerning the murder of Hişyar Ağaoğlu lawyers demanded to intensify the investigation because Ayhan Yılmaz had died under suspicious circumstances. The demand was turned down and on 13 October the case files were shut because "the defendant had died".

On 30 March 1995 Mehmet Latifeci, former chairman of HADEP in Samandağ district (Hatay) and his father Yahya Latifeci were killed in Sutaşı village. The trial related to the killings had concluded on 17 April 1997, but the Supreme Court overruled the verdict. On 1 April 1998 the retrial of Şevki Karaağaçlı and Behçet Karaağaçlı started at Antakya Criminal Court. Defendant Behçet Karaağaçlı who did not want to testify dismissed his lawyer Hayrettin Neşeli and said, "If I speak it will be like an earthquake". During the hearing of 10 June the Karaağaçlı brothers described the attack. They said: "There are people who put us up for it. These are Naci Koza, dealing with petrol, Kadir Kılıç, former mufti of Samandağ, chief superintendent Necati Eryol, employed at Samandağ Police HQ, major Vedat Engin, former commander of the gendarme garrison in Samandağ and lieutenant Namık Kurt. They incited us to kill Mehmet and Yahya Latifeci. They are a gang and said that if we would kill Mehmet Latifeci there would be no harm for us. In addition, they promised to give us TL 5 billion." Şevki Karaağaçlı said that they escaped from the scene in the car of Naci Koza who told them after the event to go to the police station. "We have managed everything. Nothing will happen to you." "But we were detained during a street control. A lieutenant who took us to the police station said 'Don't say anything to anybody. No harm will be done. This was a threat because he had put his rifle to

my mouth." Şevki Karaağaçlı added, that after these killings major Vedat Ergin wanted them to commit other murders and said: "They said that after these killings we should kill Talat Oruç, former HADEP chairman for the district and now member of ÖDP and Mevlut Oruc. We know that Naci Koza had given TL 1.5 billion to the major and had promised to give another TL 1,5 billion later. The members of the gang said that in case we would hand them over they would destroy our families and accuse the PKK of having done it." The trial did not conclude in 1998.

The Labor Party (EMEP)

There was an increase in pressures on board members and members of EMEP in 1998. In particular during activities of introducing the party to the public, meetings, demonstrations and hanging up of posters of the party oppressive measures were observed.

On 5 February a trial started against Levent Tüzel, Chairman of EMEP and Sevim Akat, Hatem Ayaz, Hüseyin Gülen, Cemal Poyraz, Tunç Tataoğlu, Nevzat Çağlı, Bilgütay Hakkı Durna, Süleyman Ülge, Filiz Can and Cüneyt Göktürk at Gaziosmanpaşa Penal Court No. 3 in connection with a demonstration in commemoration of the anniversary of event in Gaziosmanpaşa (İstanbul) in March 1995 that had resulted in the deaths of many people. During the hearing it was forbidden to take photographs. Levent Tüzel said that he had been chairing the Association of Contemporary Lawyers (ÇHD) then and had acted as lawyer of families whose relatives had been killed. Therefore, it was only natural that he participated in such a demonstration. Bilgütay Hakkı Durna said that he had been a board members of the Socialist Power Party (SIP) and that was standing trial, even though he had not participated in the commemoration.

The trial against Hüseyin Güngören, chairman of the party for Mazgirt district (Tunceli) on charges of being a "member of TIKKO" (Article 168 TPC) resulted in acquittal by Malatya SSC on 5 March.

Nine board members of EMEP in Çorum district were fined in connection with posters prepared for the party's general assembly in September 1997. Following the hearing of 27 March at Çorum Penal Court Murat Akyol, Muharrem Yıldırım, Nuray Doğan, Mehmet Ünal, Günay Kandemir, Emine Karameşe, Filiz Uygur, Özgür Arslan and Necip Türkmen were first sentenced to 20 months' imprisonment, but the sentences were converted to a fine.

The trial initiated against Aziz Önek, İsmail Muzaffer Özkurt, Ali Kayalar and Özgür Oğuz in connection with posters announcing the first ordinary congress of EMEP under the headings of "Enough is enough! Workers have the say!" and "No to paid education!" concluded on 12 June at Fatih Penal Court No.1 3 (İstanbul). The court decided to acquit the defendants.

Sadettin Aykırı, former chairman of EMEP in Kayseri had been put on trial in connection with World Women's Day on 8 March 1997. The case had been based on the posters distributed for this purpose. Kayseri Penal Court No. 1 decided on 18 June to acquit the defendant.

EMEP branch in Urfa intended to conduct a festival on labor for the GAP (South-Anatolia Project). Police intervened during the preparation. The vehicle to announce the meeting was confiscated on 18 June and the driver, lawyer Bülent Güleç was detained. He was later released, but the festival was not permitted. Urfa Police HQ did not allow Fadime Göktepe, the mother of Metin Göktepe, journalist killed in detention, entry to the town.

Koral Demir, Evren Kıvançer and Melih Güldöğen were detained on 20 June in Ostim industrial site of Ankara, where they were distributing leaflets of the party. They were released after 4 hours.

Hüseyin Genç, EMEP board member in İstanbul and Rıza Doğan, HADEP member, who had been distributing leaflets in connection with the death of Metin Göktepe, entitled "If we take possession of the case, all murderers will be put on trial". Were charged under Article 8 ATL with making "secessionist

propaganda". On 24 June Üsküdar Penal Court sentenced them to each one-year imprisonment and fined them TL 912.000.

Unknown assailants raided the office of EMEP in Malatya on 4 July. Some 15 people stormed into the office and attacked the people present there. Board member Hüseyin Kocaman was injured and the furniture of the office was destroyed.

In the Thrace region EMEP started a campaign for the implementation of an 8-hour working day. In this connection the party wanted to conduct a picnic in Saray district of Tekirdağ, but the governor did not allow that. The governor also prohibited the distribution of leaflets and posters for this occasion without presenting any reason.

Şükrü Abay, chairman of the party in Diyarbakır, was detained on 10 August. Şükrü Abay reported after the event that he was stopped in his car and that the police said he did not have to show his ID because they knew him well. They said: "Four months ago we wanted to detain you after you had made propaganda in a tea-shop in Mardinkapı. You resisted that time, but now show how you can resist." Abay added that he was threatened and sworn at after having been taken to Mardinkapı Police Station, but released later that day.

The trial opened against the board members of Gaziosmanpaşa district organization in İstanbul on charges of "having staged an illegal demonstration on World Women's Day" started on 12 August at Gaziosmanpaşa Penal Court No. 2, but did not concluded in 1998.

Sema Başok, board member of the organization in Ankara was detained on 14 August on orders of Nuh Mete Yüksel, prosecutor at Ankara SSC. Mrs. Başok who was held at the Anti-Terror Branch was not allowed to meet her lawyer Gülten Yıldız. After her release on 17 August she said that she was interrogated blindfolded and hand been put into an isolated cell.

Halil Özbey, Chairman of EMEP Kayseri Branch and the board members Sadettin Aykırı and Hasan Daşkan were put on trial in connection with a press statement of 6 September 1997 on charged of having violated the Law on Demonstrations and Meetings. Following the hearing at Kayseri Penal Court No. 5 on 10 September the defendants were acquitted on the grounds that the "the element of the crime was inconsistent".

Kenan Topgöl, Leyla Işık and Ali Solhan were detained on 4 November when they were putting up posters in İstanbul Küçükköy area entitled "Resist against the gangs and privatization, Turkey". Later they were released.

Kamil Tekin Sürek, Haydar Kaya, Mustafa Yalçınar, Nedim Köroğlu, Seyit Aslan, members of the executive committee of the party's headquarters, Celal Aygün, chairman of Keçiören district and the members Jülide Kalıç, Ali Rıza Eroğlu, Deniz Gürbüz and Murtaza Aykaç were put on trial in connection with leaflets concerning the 1 May and charged with "inciting the people to hatred and enmity" (Article 312 TPC). The first hearing was held at Ankara SSC on 9 November. The trial was not concluded in 1998.

Vural Savaş, chief prosecutor at the Supreme Court, demanded that Haydar Kaya, chairman of EMEP Ankara Branch, who had been sentenced to 2 years' imprisonment, be removed from the list of party members. Haydar Kaya had been sentenced on 24 November 1997 for a press statement of 27 July 1997 demanding "punishment for the generals of the coup d'etat and the gangs". For the offence of "inciting people to hatred and enmity" (Article 312/2-3 TPC) he was sentenced to two years' imprisonment but the sentence was suspended for five years.

The Party on Freedom and Solidarity (ÖDP)

Board members and members of the ÖDP were subjected to oppression in 1998, like in the years before. As an example, one of the founders, Mihri Belli, was detained on 6 February when he departed from a TV program on Kanal 6. His lawyer Sezai Kaya was not allowed to meet him. Reportedly he was detained in connection with an arrest warrant issued in 1993. Mr. Belli was released on 8 February.

On 21 December 1996 the district organization in Düzce (Bolu) had conducted a conference on the subject of "Woman and Politics". The board members were put on trial for a violation of the Law No. 2911 on "Demonstrations and Meetings". On 19 June Düzce Penal Court No. 2 sentenced Hüseyin Sarıbaş, chairman of the district branch to 18 months' imprisonment and fined him TL 1.29 million. The court also decided to officially complain about the speakers at the conference, Ayşe Düzkan, Aynur İlyasoğlu and Yeşim Elibol.

On 20 August Haydar Yıldırım, former chairman of the ÖDP of Mamak district and Mustafa Kocaoğlu, former secretary of the district were put in prison for speeches they had delivered on World Peace Day on 1 September 1996. They had been sentenced to 2 years' imprisonment for an offence of Article 312 TPC.

Ali Pek and Erol Aslan, who had been detained in İstanbul on 12 October when they were putting up posters for the party and taken to Çeliktepe Police Station said after their release that they had been tortured in detention. Ali Pek said, "At the station they took off our clothes and started to torture us. For a long time we were assaulted. Later they said 'you are married and have children, we shall rape you and your world will darken.' When we left the station they said 'this time you weren't given electric shocks, but the next time you will be'". Ali Pek said that the police officers made sure that they were given medical reports certifying that they were not tortured in detention, but that, once they had been released, they went to the forensics and received medical reports certifying inability to work for 15 days.

Orhan Bozkurt, Doğan Çoban, Arzu Çoban and Güneş Sedef, members of ÖDP in Kağıthane district (İstanbul) who were detained on the accusation of "illegally collecting money" for the victims of the earthquake in Adana in 27 June and who were released pending trial, were later indicted for "resisting a civil servant on duty and using threats". The trial started on 20 October at Şişli Penal Court No. 2, but was not concluded in 1998.

In Malatya six members of the party were detained on 24 October during a demonstration demanding a "clean society", but were released on 26 October.

The chief prosecutor at the Supreme Court demanded that the party's board members in Elazığ be dismissed from duty, because Kurdish songs had been sang on a festival organized by the party on 24 October under the title of "Democracy Now". The demand was based on Article 81 of the Law on Political Parties providing that "political parties may not use other languages than the Turkish language".

A trial was launched against the members of the central board in connection with posters that had been prepared on the case of students who had opened a banner in the Parliament and subsequently been put on trial. The trial of the ÖDP board members started on 27 October at Ankara SSC. Ufuk Uras, chairman of the party, Yıldırım Kaya, deputy chairpersons Yıldırım Kaya and Serpil Boğa and Necmi Demir, Saruhan Oluç, Atilla Aytemur and Sultan Özcan, members of the central executive board were charged under Article 169 TPC. The hearing was adjourned to 10 December, but did not concluded during 1998.

On 24 October a crowd of some 300 people had gathered outside the offices of ÖDP in Kadıköy district expecting that a press statement would be read out. The police intervened and detained 32 people. On 25 October these people were taken to the prosecutor's office and released pending trial. Being charged with a violation of Law No. 2911 the 32 defendants had their first hearing on 7 January 1999. Kadıköy Criminal Court No. 3 acquitted them.

A meeting to be held by ÖDP in Samsun on 22 October was banned by the governor on grounds of "security" and adjourned for two months.

İstanbul Governor's Office prohibited a meeting to be held on 20 December in Şişli Abide-i Hürriyet square under the title of "it's enough; it's time for democracy against unemployment, gangs and chauvinism".

The Welfare Party (RP)

For the first time in history a case was filed against a political party being in government during 1997. The chief prosecutor at the Supreme Court launched a case with the demand of closing down RP on 21 May 1997 claiming that the party had "become the focus of actions against the principle of secularism (laicism)". The rapporteur of the Constitutional Court finished his comment on the case at the beginning of December and argued that RP should be banned.

The trial concluded on 16 January. With a majority of the votes it was decided to close down the part. Those people who were being held responsible for this act lost their mandate as deputies. Besides the chairman of the RP; Necmettin Erbakan, the people in question were: Şevket Kazan, deputy chairman and Ahmet Tekdal, Şevki Yılmaz, Hasan Hüseyin Ceylan and İbrahim Halil Çelik. Ahmet Necdet Sezer, who replaced retired Yekta Güngör Özden in the position of the court's chairperson, later said that the vote had been taken by 9 against 2 votes. By the decision of the Constitutional Court Necmettin Erbakan, Şevket Kazan, the deputies and Şükrü Karatepe, Mayor of Kayseri were banned from political life of five years.

Other parties

Other parties that took dissident position also met with preventive and oppressive measures.

As an example, Fehmi Atmaca, chairman of the Party for Democracy and Peace (DBP) in Ağrı, was detained during a raid on the offices of his party on 16 March. The "March for Peace" that was to be conducted by the DBP in Diyarbakır on 13 June was prohibited by Diyarbakır Police HQ referring to the State of Emergency Law. A bus with board members of the party was not allowed to enter the borders of the province.

Doğu Perinçek, the chairman of the Workers' Party (IP) was put on trial in connection with an article he had written in the journal Aydınlık on charges of having insulted the army (Article 159 TPC). İstanbul Criminal Court No. 2 acquitted him on 15 July saying that the "element of the crime was not consistent".

On 24 September Doğu Perinçek was detained on orders of the Ankara SSC Prosecutor. On the same the police raided the offices of the headquarters of the organization and in all provinces and districts of Turkey. Besides the chairman the party's SG, Mehmet Bedri Gültekin, Hasan Yıldız, chairman for Mamak district and the members Ahmet Aktaş, Saadet Ateş, Sadık İrk, Gülşah İrk and Hüseyin Tuncer were detained in Ankara.

During operations carried out in İstanbul on 25 September Hüseyin Karanlık, chairman of Kadıköy district, Ahmet Aydın, board member in Beyoğlu district and Derya Çayla were detained. The detainees were sent to Ankara for interrogation. Nuh Mete Yüksel, prosecutor at Ankara SSC announced that the investigation had been started when a repentant had sent them a letter stating that the "IP and the PKK were in close contact to each other". In a statement issued by the IP it was alleged that this repentant by the name of Sami Demirkıran was working at a journal named "Öncü" which was known for its close ties to the chairwoman of the DYP, Tansu Çiller. Doğu Perinçek and 9 members of the party were taken to Ankara Police HQ and an additional 4 days was granted for their interrogation. Following a medical control Doğu Perinçek declared that he would start to "fasten to death". Meanwhile the suspect Gülşah İrk was released,

but it was also reported that a verdict passed by Ankara SSC on Doğu Perinçek for "disseminating secessionist propaganda" had been confirmed by the Supreme Court and that Perinçek would have to serve the sentence of 14 months' imprisonment. On 28 September Doğu Perinçek and the other suspects were released. But Doğu Perinçek was arrested the same day in connection with another case against him.

In November a trial was launched against Doğu Perinçek by Ankara SSC Prosecutor's Office on charges of "aiding an illegal organization and sheltering its members", "revealing secret documents of the State" and "violation of the law on fire arms". The last two charges were also brought against Mehmet Bedri Gültekin and the other 8 party members.

The case was first heard on 1 December. Doğu Perinçek, Mehmet Bedri Gültekin (under arrest) and Hasan Yıldız, Ahmet Aktaş, Saadet Ateş, Sadık İrk, Hüseyin Tuncer, Hüseyin Karanlık and Ahmet Aydın (not under arrest) participated in the hearing. During the hearing an expertise report on the documents that were the basis of the trial were read out. The group of experts had concluded that the document were faked and had been prepared by the same person. The court board decided to release Doğu Perinçek and Mehmet Bedri Gültekin. However, Doğu Perinçek was sent to Haymana Prison because of the sentence of 14 months' imprisonment that had been given to him for a speech he had made on 20 October 1991 on TV. At the same time the chief prosecutor at the Supreme Court demanded that the membership of Doğu Perinçek in the IP be terminated on the grounds that his conviction had become legally binding.

A meeting that had been organized by the Socialist Power Party (SIP) in commemoration of the Susurluk accident and that was to be held in İstanbul on 1 September in İstanbul was banned by İstanbul Governor's Office without giving any reasons.

b) Associations and Foundations

Many NGOs were subjected to attacks and repression during 1998. Board members and members of these organizations were attacked, detained and arrested. Some associations and foundations were closed down, either on decision of local authorities or on a court's order. Here are the incidents that came to the attention of the HRFT.

The Mesopotamian Culture Center (MKM)

The MKM that was founded to develop Kurdish culture was under pressures in 1998, like in the years before. The branches in Diyarbakır and Urfa were shut down, staff members were detained and trial launched against them.

The saloons for performing plays remained locked at the main center and the branches in Mersin and Adana.

The Diyarbakır branch was closed on orders of the governor. On 14 January police officers came to the offices to deliver the order. This decision reportedly was based on the allegation that "permission had not been obtained or activities" and "the MKM had turned into a place of entertainment without the necessary authority".

The trial launched against the director of the İzmir branch, Hatice Çoban, on charges of "acting against the orders of the authorities" ended in acquittal. During the hearing of 9 June at İzmir Penal Court it was also decided that the publications found in the offices were not prohibited and had to be returned to the MKM.

Abdülğafur Aksoy, a musician at the İzmir branch, was detained on 8 March World Women's Day in Aydın and arrested on 10 March by İzmir SSC.

Ali Durmuş, staff member at the İzmir branch, who was detained on 14 September said that he had been tortured in custody. He reported to have been detained when the journal Jiyana Rewsen that is published in Kurdish was found in his bag. He was blindfolded, taken into a car and taken to a place that he did not know. "At that place I was beaten with feet and fists and they extinguished 9 cigarettes on my arm. After two or three hours they took me back to place where they had picked me up."

In Mersin members of the folkdance group were detained during a wedding ceremony in Tede town on 8 August on allegations of "shouting Kurdish slogans and wearing clothes in yellow-red and green". Rahmani Çamak, Çetin Bayram and Mehmet Ekinci were arrested, but released on 16 August.

Dilber Aşçı, board member of MKM Adana branch, had been sentenced to 18 months' imprisonment for a speech she delivered. Her speech was seen in violation of Article 312 TPC. The verdict of Adana SSC was confirmed by the Supreme Court on 24 November. Dilber Aşçı was arrested and taken to Kürkçüler Prison in Adana.

A trial was launched against the staff of the radio station "Arkadaş" and MKM Adana branch, because they read out an article by the writer-sociologist İsmail Beşikçi that had been published in the daily Ülkede Gündem on 13 August 1997. Adana SSC found Dilber Aşçı and Bülent Hartavi guilty and sentenced them to 18 months' imprisonment for an offence of Article 312 TPC. Mehmet Dağdoğan and Hacı Bektaş were acquitted.

Tunceli Culture and Solidarity Association (TKDD)

On 1 December a court case concluded that had been launched against the board members of the TKDD because of speeches they delivered during the 4th ordinary assembly of the association in 1996. The defendants were sentenced by Fatih Penal Court to one year's imprisonment for an offence of Article 8 of the Anti-Terror Law for "disseminating secessionist propaganda".

On 13 July the chairman of the TKDD, Kemal Mutlu was detained in Tunceli. He was detained during a trip organized by the "Solidarity Committee with Dersim (Tunceli) with the aim of creating the conditions for return for villagers who had been forced to migrate. After interrogation at Tunceli Police HQ Kemal Mutlu was released.

Issue number 8 of the association's journal "Dersim" was confiscated on order of İstanbul SSC on the allegation that it contained secessionist propaganda.

A trial was launched on 19 September against artists and board members of the TKDD who had participated in a "People's Festival" organized by the association and held in the open theatre of Harbiye. The case was to be heard at İstanbul SSC, but did not conclude in 1998.

Other associations and foundations

The trial launched against the Association of War Resisters in İstanbul seeking sentences of up to 3 years' imprisonment and the closure of the association concluded on 27 January at Beyoğlu Penal Court No. 5. The court acquitted the defendants. The association had been closed down by the governor, but reopened on decision of the administrative court. In August 1997 the police once again closed down the offices of the association. In October 1997 the trial had been launched for the expression in Article 2 of the statute stating that "the associations fights against war, chauvinism and militarism". The founders of the association had been detained, but released after testifying. Ercan Kanar, then chairman of HRA İstanbul, Eren Keskin, then-deputy chairwoman of the HRA, the composer Şanar Yurdatapan and the writer Bilgesu Erenus were among the founders of the association.

The Students' Association at Mersin University was closed down on 15 June on the order of Mersin Peace Court No. 2 on charges of "activities beyond their purpose". Journals, books, posters and press statements that according to the minutes taken by officers from Mersin Police HQ had been found in the offices of the association were counted as "criminal evidence".

Müslüm Doğan, board member of the Pir Sultan Abdal Culture Association (PSKAD), alleged to have been beaten at "30 August" Police Station in Türközü (Ankara) on 31 August. He said that he was detained after an argument with a plainclothes police officer. The argument had continued at the police station and uniformed officer had kept watching the plainclothes officer cursing at him. Then the officers jointly beat and threatened him.

On 4 August the "People's House" (Halkevi) in Bahçelievler (İstanbul) was raided by the police and on 6 August the association was closed on the accusation to act against the provisions of the statute.

The Halkevi in Dikmen (Ankara) was closed won on order of Ankara Penal Court No. 10. The trial had been launched following a concert in 1997 during which slogans had been shouted that were seen as an offence of the Law on Associations. The verdict passed on 11 August also included sentences of one year's imprisonment and fines TL 3,87 million each for the board members Şükran Eken, Halil Küreş, Demet Tekin, Erkan Adgüzel and Fatma Aytekin. The sentences were suspended.

In Hacıbektaş district of Kırşehir an exhibition of photographs in the "Massacre of Sivas" was prevented by the police. Each year the PSAKD organizes a festival in the district town, but this time visitors were prevented from participating. Kamber Çakır, chairman of Ankara branch of the PSAKD said that they were stopped by soldiers, their bus was searched and they were detained under beatings. At the gendarme station ill-treatment continued.

The Halkevi in Adana was raided on 14 October and closed down for 10 days, because "illegal publications" had been found.

The trial launched against Zeynep Baran, chairwoman of the Solidarity Foundation with Kurdish Women (KADAV), on charges of "inciting the people to hatred and enmity" in the brochure of the foundation concluded on 7 August at İstanbul SSC. Zeynep Baran was sentenced to 2 years' imprisonment and fined TL 1,7 million.

On 4 November police raided the premises of Gazi Cultural Center in Gazi quarter of İstanbul and detained 10 people. A group that wanted to march towards Küçükçekmece Police Station was prevented from doing so. They staged a sit-in and negotiated with the police. Afterwards four detainees were released. On the same day 10 people were detained during raids on the Idil Culture and Rainbow Culture Center and the Association for Free Women in Okmeydanı.

c) Trade Unions

Trade unions were subjected to pressure and obstacles not only for their unionist, but also for the democratic activities. The Confederation of Public Laborers' Trade Unions (KESK) and its members met with repression because of their stand on the Kurdish question and human rights. The pressure increased in OHAL.

Cemal Demir, chairman of the teachers' union, Eğitim-Sen, Konya branch, was sentenced to four months' imprisonment for a one-day's "stop to work" announced by the KESK in June 1997. The sentence passed by Konya Penal Court No. 5 on 23 January for "illegally stopping to work" (Article 236 TPC) was suspended.

A similar trial had been launched at Konya Penal Court No. 2 against 9 teachers who stopped working for one day on 18 April 1997. They were acquitted on 23 January.

At Diyarbakır Penal Court No. 4 a case was heard concerning the closure of the Diyarbakır branch of the trade union for health personnel and experts for social services (SES). On 27 January the court decided that the "publications found in the premises of SES were not sufficient to issue a ban".

Kadri Gökdere and Taha Gül, teachers and members of Eğitim-Sen, had been sentenced to 18 years' 9 months' imprisonment by Diyarbakır SSC for "membership of an illegal organization". The 9th chamber of the Supreme Court quashed the verdict, based on testimony by repentant Engin Karadağ. The retrial started on 9 February at Diyarbakır SSC, but did not conclude in 1998.

According to a decision taken by Eğitim-Sen HQ, 5 teachers had "left chalk" outside the directorate for national education in Eskişehir on 24 November 1997. Şükrü Öztürk, Rıza Erel, Mevlüt Fındık, Ramazan Keyik and Ahmet Yıldız were acquitted by Eskişehir Penal Court No. 1 on 14 March.

İhsan Avcı, chairman of SES Urfâ branch and SES members Mesut Özaydın and Deniz Barut, who had been arrested on 5 November 1997 on charges of "aiding an illegal organization and sheltering its members", were acquitted on 22 April.

The platform of branches of the KESK in Diyarbakır decided that their members should wear badges on 26 to 28 October reading "we won't give up because of punitive deportation". Many teachers who followed this call were detained and police raided many houses. The names of the detainees are as follows: Esat Gen, Ömer Vakit, Faruk Kaya, Fahrettin Aydın, Ramazan Ayan, Nihat Keskindil, Ayhan Arıtürk, Mahfuz Acar, Faruk Mihallioğlu, Veysi Çoban, Halim Ertaş, Cemal Akaslan, Atiye Erarslan, Figen Apa, Mustafa Gümüççü, Ebubekir Çelebi, Müge Çomar, Nejat Keteş, Kadri Yüce, Çetin Yener, Aydın Çelik, Hamide Çamcı, Fidan Yabaneli Kılıç and Selma Kılıçman.

Teachers who had gathered outside the court building in Kadıköy (İstanbul) to say "fare well" to İlknur Birol who had been sentenced to one year's imprisonment for insulting the former Minister of the Interior Affairs, Mehmet Agar, were attacked by the police on 24 November. The teachers were not allowed to read out a press statement and the police dispersed them by using their truncheons. Many teachers and students were injured. İlknur Birol was separated from the crowd and taken to Bakırköy Prison for Women and Juvenile. Alaaddin Dinçer, Veysel Özbay, Hamdi Çalık, Ali Güneş, İbrahim Akyol and Adem Bulut (board members or members of Eğitim-Sen) were among the detainees.

Servet Öncü and Alaaddin Dinçer, former chairmen of Eğitim-Sen branches in İstanbul, were sentenced to 6 months' imprisonment for a press statement they had made on 6 September 1995. The statement was seen as a violation of the Law No. 2911. İstanbul Penal Court No. 13 announced the verdict on 19 November and suspended the sentences for five years.

The Penal Board at the Supreme Court quashed a decision by İzmir Penal Court No. 4 that had sentenced board members of the trade union for workers in judicial institutions (Tüm Yargı-Sen) for having participated in an action "not to work" in 1996. This verdict, that is binding for all courts, sets forth that participation in actions at one's working place that do not exceed in time, are no criminal acts.

11. PRESSURES ON HUMAN RIGHTS DEFENDERS

In 1998, there was an increase in attacks against and pressure on human rights defenders. Executive members and members of the Human Rights Association (HRA) were persecuted, detained and tortured; trials were launched against them. Five branches of the HRA were closed. The year 1998 has been marked by the armed assault against HRA Chairman Akın Birdal. To the "surprise" of the human rights defenders, the assailants were captured five days after the attack. In 1998, 2 members of the HRA were killed by the outlawed Marxist Leninist Communist Party (MLKP).

HRA Bursa Branch Treasurer Tacettin Aşçı and Ahmet Aydın were killed by the MLKP in May. They went missing on 13 May, and their fate could be clarified by a facsimile sent by the MLKP to the HRA Bursa Branch. The statement of the MLKP asserted that "Aşçı and Aydın had been detained and interrogated on charges of cooperating with the state, and they were executed by shooting them, once they admitted to the charges." The corpses of Aşçı and Aydın are still missing (For detailed information, see the section "Armed Organizations and the Right to Life")

a) Armed Assault against Akın Birdal

After Şemdin Sakık, a leading figure of the PKK, was brought to Turkey in an alleged military operation in Northern Iraq on 15 March, the media started to quote certain statements, alleged testimonies of Sakık, and a campaign was launched against defenders of democracy and human rights in general, and the HRA and Akın Birdal in particular. On 27 April, Ankara SSC Chief Prosecutor launched an investigation against Akın Birdal, about whom Sakık allegedly said, "He supports the PKK more than I do." Subsequently, Akın Birdal was seriously wounded and barely survived an armed assault at noon on 12 May. An anonymous person claimed responsibility for the assault in the name of the "Turkish Revenge Brigade" (TİT).

In the morning of 12 May, Akın Birdal attended the hearing of a trial launched in connection with a book, "Freedom to Thought-2," at Ankara SSC. The trial was postponed to a further date, and he went to the HRA Headquarters in Tunalı Hilmi Street. Two persons came to the HRA Headquarters at about 12.30, they told the secretary Türkan Demir that they wanted to speak to Akın Birdal. Having spoken to Birdal for a while, they received the address of the HRA Ankara Branch and started to walk towards the exit. When they reached the door, the assailants suddenly drew their guns and turned back. They entered Birdal's room and

fired 13 times. After shooting him down the assailants easily escaped the building, although the police always guarded the entrance. First aid was given to Birdal by the staff members of the HRA, its Central Board member Avni Kalkan and by Veli Özdemir, the editor-in-chief of the National Press Agency (UBA) which is located in the neighboring building. The images shot by a cameraman from UBA while Akın Birdal was lying on the ground right after the attack were broadcast on TV. Birdal was taken to Sevgi Hospital with an ambulance that came 15 minutes after the attack. Birdal underwent an operation that took about 4 hours.

After the attack, the police came to the HRA and took the testimonies of staff members of the HRA, Türkan Demir, Eso Topper, Mutullah Dökmeci, Emel Demir and Zeri İnanç, as well as two members of the HRA Board, Avni Kalkan and Meral Bekar. Türkan Demir and Mutullah Dökmeci were later taken to Ankara Police HQ. and were released late at night. The employees of the HRA reported that model pictures of the attackers had been distributed. It was reported that the photographs of members of HRA and HADEP were shown to the staff members of the HRA at the Police HQ, and that the investigation concentrated on the HRA and the private life of Akın Birdal. It was disclosed that the police also investigated the accounts and activities of the HRA.

In an interview published in the daily Gündem on 20 May, Türkan Demir gave an account of the attack and the incidents they later had gone through. Demir said that she and Mutullah Dökmeci had been taken to the Anti-Terror Branch at the Police HQ and their testimonies had been taken there. She said that the formal proceedings had taken very long. Türkan Demir said that many of the photographs shown to them by the police while receiving their testimonies had belonged to alleged followers of left-wing organizations. She said, "I don't think that the police officers who took our testimonies believed that the assailants would be caught. As far as I observed from the words of some right-wing police chiefs, there are ideas in their minds 'not to give way to confusion in state affairs.' Or there are some police officials refraining themselves from interpreting the attack and asking some odd questions." Demir stated that the attack and the subsequent developments were distorted by the media.

While Akın Birdal was under operation, many politicians and state officials including Deputy Prime Minister Bülent Ecevit and Minister of Interior Affairs, Murat Başesgioğlu came to the hospital. The people waiting outside the hospital protested the state officials.

Various sections of society protested the armed assault. HRA Secretary General Nazmi Gür held the state responsible for the attack. Hüsnü Öndül, the former Secretary General of the HRA, stressed the fact that Akın Birdal was not given a guard though he had been receiving threats.

President Süleyman Demirel, state officials, leaders of the political parties and various organizations also made statements condemning the assault. Minister of Interior Affairs, Murat Başesgioğlu stated that they were taking action to apprehend the assailants, while adding that Akın Birdal did not request a guard from the General Directorate for Security and Ankara Police HQ. Ankara Governor Erdoğan Şahinoğlu disclosed that some people had called Sevgi Hospital and threatened the staff members. Erdoğan Şahinoğlu stated that the physicians at the hospital were threatened not to keep Birdal alive. He emphasized that police would not leave the hospital and urged the HRA members to wait in front of the hospital.

Ercan Karakaş, an MP from CHP, carried the armed assault against Birdal to the parliamentary agenda. Karakaş posed a parliamentary question, requesting an answer by Minister of Interior Affairs, Murat Başesgioğlu. Karakaş wanted to learn if the Ministry had been aware of the threats against Birdal, and if he had made any application for a guard or a license for a gun. Karakaş reminded of the fact that the period of Birdal's passport had not been extended, but if that had been done, he would have participated in a meeting in Paris on the day the attack was carried out. Ercan Karakaş asked the following questions:

"When did Birdal apply to the Security Directorate to extend the validity date of his passport? Why did the police not fulfil the formalities for extension up to the date? Do you agree that some statements, which were allegedly made by Şemdin Sakık during the preliminary interrogation and were leaked to the press, gave way to this armed attack? Who did leak this preliminary interrogation to the press though it should have been kept secret according to the laws, and why did they do this? Is it true that a violent organization, the so-called TIT, has claimed responsibility for the attack? When will the assailants of the attack, which reminds us of the relations that came out with the Susurluk accident, be apprehended?"

Birdal gave a short statement to the police in the morning of 13 May. He said that "two persons saying that they came from İstanbul and were wanted by the police because they participated in the meetings on 1 May, wanted to talk to him and after a short talk he gave them the address of the HRA Ankara Branch. However, they started to fire just when they were getting out the room. Akın Birdal explained that he successfully tried to close the door, after he was shot in the leg but they continued firing from behind the door. He agreed to the pictures drawn by the police as being the faces of the assailants. According to an investigation in the HRA Headquarters, police officials stated that one of the fingerprints on the door might belong to one of the assailants. However, no result was obtained from this.

In a statement he made to journalists on 14 May, Prime Minister Mesut Yılmaz said, "It seems that there is an internal conflict, just like a dispute in one camp. The assailants seem to have gone there in connection with the May Day. Undoubtedly they have contacts with the PKK. The first information about the incident gives us the impression that the attack was a result of the conflict among them. We will continue the investigation. That means the attack is not what we have been afraid of. We have felt concern for another thing. But this does not seem to be the case."

As a response, Akın Birdal made the following statement via his daughter Evren Birdal: "I think that the Prime Minister and the Minister of Interior Affairs should follow the first trace that came to their mind. The HRA is the last place for the possibility of an internal dispute of (an) illegal organization/s."

HRFT President Yavuz Önen also criticized the statement by the Prime Minister. Yavuz Önen stated that the assassination attempt should be considered as a plot, which had long before been put on stage, and that the claims of "an internal clash" did not come as a surprise if one followed the course of events. Yavuz Önen said that the governments had made the same sort of reckless statements after Musa Anter and Metin Göktepe had been killed. He stated that the government tried to distract attention from the relations between the attack and the gangs within the State, which were discovered after the car crash in Susurluk: "It is known to everybody, what Akın Birdal has struggled for and with whom he has relations. Besides, Akın Birdal has always been under the surveillance of the State. It is evident, with whom he may have a conflict." Önen pointed at the fact that Prime Minister Yılmaz had tried to continue the defaming campaign that started after the alleged statements of Şemdin Sakık about Akın Birdal, though Sakık had rejected those statements before the judge.

Meanwhile, it was asserted that the police, while informing Prime Minister Yılmaz and Minister of Interior Affairs Murat Başesgioğlu about the attack, had claimed that "the assailants were not professional gunmen."

Protests

Protests against the armed assault on Akın Birdal continued for a long time. A joint press statement was made by the HRA and other NGOs and some political parties, in front of the Human Rights Monument in Yüksel Street in Ankara on 13 May. The statement signed by the ÖDP, EMEP, HADEP, Revolutionary Socialist Power Party (DSİP), Democracy and Peace Party (DBP), Socialist Power Party (SİP), HRFT, Turkish Medical Association (TTB), Union of Chambers of Turkish Architects and Engineers (TMMOB),

Contemporary Lawyers Association (ÇHD), Community Centers (Halkevleri), Turkish Pharmacists' Union, Pir Sultan Abdal Cultural Association, Rights and Freedoms Platform, Students Association of Ankara University, Confederation of Progressive Trade Unions (DİSK), Confederation of Public Trade Unions (KESK), and some other unions was read out in the presence of thousands of people.

The statement made by the HRA Headquarters pointed out that the attack was carried out professionally: "The carelessness of the security officers in determining the places of the empty cartridges during the investigation carried out right after the attack in the headquarters of our association; and the attitude of the police in identifying the assailants and the subsequent statement all indicate that someone is trying to mislead the investigation. It would not surprise us, if this intention results in holding our executive members responsible for the assault." The statement emphasized the fact that the security forces had interrupted the weekly vigil by the Saturday Mothers starting on 9 May and investigations had been launched against the executives of trade unions for civil servants right after the alleged testimonies of Şemdin Sakık had been published, and added, "Those who shot Birdal are also responsible for the disappearances in detention, murders by unknown assailants and extra-judicial executions. The gangs establishing themselves within the State have revealed their ugliest faces in this incident as it was revealed previously in the 'Susurluk Scandal'."

The attack was also condemned by the HRFT in a public statement made by President Yavuz Önen:

The attack against Akin Birdal, HRA Chairman and Deputy Chairman of the International Federation of Human Rights (FIDH), demonstrates how the conditions for an act of murder were prepared and called for. The incident is so obvious that there is no need for any speculation and the responsible persons are evident.

In the last 10 years, human rights defenders or those who criticize the official policies and implementations regarding the basic problems of the country and propose alternative solutions did not receive any comments from different sections of the government, but have been presented as "factors threatening national security" in reports released by the National Security Council and the Security Directorate. According to these reports they should be suppressed and silenced.

The armed assault against Mr. Akin Birdal should be taken as a message and as an attack against all human rights and democratization defenders. This message is an extension of the campaign launched after statements attributed to a mass-murderer which have been published by breaking existing law. Yet, it has been observed that the official and civilian terror against human rights defenders and dissident sections in our country stepped up. Murders of students and the oppression of the Saturday Mothers have started again parallel to this campaign.

Throughout this campaign, which has been carried out with the involvement of certain newspapers and TV stations, the person who allegedly made these claims was presented as a spokesperson of the truth, a prosecutor rather than a defendant. The media, on the other hand, acted as a judge. They trusted the person so much that they never felt obliged to investigate the claims.

It is no new phenomenon in our country that police plots and propaganda campaigns based on claims of "threat and danger" and "treason" have been used as an important instrument of "psychological warfare." We can see many traces indicating that this recent campaign is an attempt to incite people.

Those who launched this campaign should have known that they would lose control of the events some day as they did in the past. The victims of the provoked incidents have always been the whole of Turkey. They keep gambling, but the Turkish people have been the losers in this game for tens of years.

We, as the members of the HRFT, have once again observed the necessity for efforts to establish human rights and democracy, and we declare that we are determined to increase these efforts and always stand against this and similar attacks in solidarity with the HRA.

Yavuz Önen, HRFT President, 13 May 1998

Meanwhile, in Mersin, police intervened in a demonstration held by members of various political parties in protest to the armed assault on Birdal. The police dispersed the group after beating them with truncheons, and detained 5 people. In many cities throughout the country, demonstrations were held in protest of the assault on Birdal on 12 and 13 May. Generally the demonstrations ended peacefully.

Another rally was held in Ankara on 14 May in protest to the assault. A group of people attempted to march to the Ministry of Interior Affairs on Atatürk Boulevard in order to lay down a black wreath. The police attacked the group and tore the wreath apart. The demonstrators protested the police, and walked to the Ministry of Forestry, taking with them the ripped wreath. Ankara Chief of Police, Kutlay Çelik allowed them to make a press statement there, and stated that he would allow only 15 people, all being executives of the HRA, to come inside the building of Parliament. The executive members of the HRA stated that their message had reached the target and they had given up the idea of meeting Hikmet Çetin, President of Parliament. Osman Baydemir, the Deputy Chairman of the HRA, made a statement on behalf of the HRA Central Board. He said that the security forces, who had not taken any measures to protect Akın Birdal, had hindered them. He said, "If the same measures had been taken to protect Akın Birdal, he would have been well now, not wounded." Baydemir added that the plainclothes police officers, who waited outside the HRA Headquarters every day for observing visitors to the HRA, had not been there when Birdal was shot, and that the security officials coming to the HRA right after the attack had started a technical examination rather than quickening the transfer of Akın Birdal to hospital. Baydemir said that the technical examination had not been carried out properly and that the clothes of the assailants were not described in the way of the eyewitnesses. The statement emphasized that a commission should be formed to investigate the armed attack objectively and it should also include executives of the HRA. After Baydemir read out the statement the group walked towards Sevgi Hospital and then they dispersed.

Students at Ümraniye Mehmetçik High School, İstanbul, were also attacked by gendarmes when they were making a press statement on 14 May. After a press statement, executives of the EMEP Sarıgazi District Organization, Hüseyin Genç and Ali Esnek, and students named İmam Yaşar, Barış Güler, Özdemir Demirbilek, Dilek Geçkin, M. Ali Gülşen, Deniz İnci and Nurcak Kayıkçı were detained under beatings. In Ceyhan, Adana, police officers drew their guns and attacked the demonstrators during the rally held there and detained 10 people, including Ömer Bilir, the Chairman of the EMEP Ceyhan District Organization, and Abdullah Aydemir, the Chairman of the HADEP Ceyhan District Organization.

Demonstrations were held in many cities to protest the armed attack against Akın Birdal, particularly in Ankara, İstanbul, Diyarbakır and Adana. In Diyarbakır, the police prevented some 3000 people, members of the HADEP, EMEP, Democracy and Peace Party (DBP) and Diyarbakır Democracy Platform, from holding a press statement outside the HADEP office on 17 May. The police dispersed the people using truncheons and wooden clubs, and detained some 20 people. The special team members attacked many people in the back streets after they dispersed the group. Many people were wounded and shopkeepers and peddlers were harassed during the attack. Mehmet Can Tekin, an executive member of the HADEP Diyarbakır Provincial Organization, was detained, although he was wounded at his head. In addition, Şirin Şehir, an executive member of the same party, was also wounded because of truncheon blows to his head. On the other hand, the HADEP office in Diyarbakır was surrounded by the police early in the

morning of 17 May, and whoever went in or out of the building was detained. On 17 May, thousands of people in Ankara and İstanbul protested the armed attack against Akın Birdal. In Ankara, thousands of people including HRA members, members of parties and NGOs assembled outside the Human Rights Monument and marched to the hospital. In Adana, the police did not allow a group of 400 people, consisting mainly of the HADEP members and women, to hold a demonstration in protest of the armed attack in İnönü Park. Then the group assembled outside the HADEP office and made a press statement.

International Federation of Human Rights (FIDH) condemned the attack against Akın Birdal, and warned the government. Patrick Bauduin, President of FIDH, declared that Akın Birdal was under the protection and continuous support of the FIDH, and said, "Our message is very clear. We are not content with lipservice and promises anymore. The Turkish authorities are obliged to fulfill their promises." Bauduin, accompanied by the FIDH Deputy President Saadeddin İzmirlı and HRFT President Yavuz Önen, visited Akın Birdal in Sevgi Hospital. Making a statement outside the hospital, Bauduin said that they had come to remind the authorities of their responsibilities, and he read out the open letter to be given to the President and the Prime Minister. The letter reads as follows:

"We are happy about the health situation of Birdal. However, 12 May will be written by the history as a threat against democracy, a dark day full of serious concerns. Both Birdal and the HRA Headquarters have been selected as targets by those defending violence and terror, just because he is a symbol and a human rights defender. These people are the enemies of democracy and freedoms. We can see them in Algeria, Colombia, Rwanda and Birmania, and all of them employ the same methods in order to silence human rights defenders. Freedoms in this country have been secured thanks to the struggle of Birdal and people like him at the cost of imprisonment and even their lives. Birdal has been the target of the threats as he has always defended the human rights and made calls for peace. Among the accusations based on the testimony of one PKK leader, the media emphasized the claims against Birdal. Other targets and Birdal promptly reacted against these accusations, but this was not sufficient to avoid the threat against their security of life.

The FIDH and other NGOs have repeatedly appealed to you and your predecessors demanding efforts for an effective investigation of human rights violations, especially the assassinations, calling for an end to these violations and the prosecution of the perpetrators. No concrete measures have been taken in this direction so far. The rule of impunity for the perpetrators is still valid today, encouraging attacks against human rights defenders and violation of their rights. Condemning such kind of incidents is not enough to avoid them in the future. For this reason, we as the FIDH, determinedly ask you to promptly take concrete steps to indicate your disapproval.

Now in Turkey, it falls on you to take radical steps to maintain security and enable free work of human rights defenders. As the FIDH, we would ask you to declare, without waiting for the UN meeting in autumn, that the Turkish Government has approved the UN Declaration on Human Rights Defenders, to issue the necessary instructions and take the necessary measures for implementation and fulfillment of the provisions listed in this declaration. Such an approval and these measures will prove that Turkey is determined to be a state of law respecting the fundamental rights. Our organization and the international society will not believe in the determination of the Turkish authorities if they restrict themselves to simple statements."

Akın Birdal was discharged from the intensive care unit on 20 May. Officials at the hospital stated that Birdal might be discharged from hospital after a while. Making a press statement on the same day, HRA Secretary General Nazmi Gür informed the public about the health situation of Birdal and stated his views on the investigation into the armed attack. Nazmi Gür said that the police had not taken a single step: "After the statement of Prime Minister Mesut Yılmaz -who said that the armed attack was due to an internal conflict- the investigation was considerably distorted. We are concerned that the assailants might be hidden and the

attack might be covered up just as in other cases." Meanwhile, Ankara Public Prosecutor Hamza Uçar stated that he had given a decision of non-jurisdiction and sent the case file to Ankara SSC Prosecutor's Office because the armed attack seemed to have political aspects. After the assailants were captured, Prime Minister Mesut Yılmaz accepted that his statement was made too early and was not true. He said that he had made the statement according to the evaluation of the security directorate: "I think that the initial, but wrong information helped the police to catch the assailants. I hope I will be tolerated." Yılmaz said that the armed attack against Birdal was the act of a gang.

Akın Birdal underwent a second operation on 3 June. Sevgi Hospital chief physician Prof. Dr. Tevfik Ali Küçükbaş, stated that the bones of Birdal's left leg and right shoulder had been strengthened by platinum fasteners. Orthopedist Sabri Dokuzoğuz and Umur Bektaş, who made the operation, stated that Birdal's health condition was good, and Küçükbaş said that Birdal needed physiotherapy. Akın Birdal was discharged from hospital on 9 June.

Investigation

Bahri Eken and Kerem Deretarla (16), alleged gunmen who shot and wounded Akın Birdal, and non-commissioned officer Cengiz Ersever, Erkan Ulaş, Hasan Hasanoğlu and Ahmet Fulin, who allegedly planned the attack, were detained by the police on the night of 22 May, five days after the attack. It was determined that two guns which were found in the garden of a house in Ankara had been used by the gunmen.

The police, being informed that Ahmet Fulin, Hasan Hasanoğlu and Erkan Ulaş departed from İstanbul for Ankara on the night of 22 May to take the guns there, caught them in the vicinity of Kazan, some 20 kilometers away from Ankara. After interrogation of the suspects at the Anti-Terror Branch of Ankara Police HQ. the police held an operation in İstanbul and caught Bahri Eken and Kerem Deretarla, as well as Cengiz Ersever, who allegedly planned the attack. The suspects stated that they had planned the attack after the alleged statements of Şemdin Sakık had been published in the press.

The suspects said that Ersever had taken them to a forest camp in the vicinity of Çatalca-Silivri, İstanbul, and they had been trained as gunmen along with 15 others. They said that Eken and Deretarla had run away after the attack on 12 May 1998, and they had taken a taxi to a house in Demetevler, Ankara. They stated that after they had hidden the guns in the garden of the house, they had left by taxi for Bolu, to visit Hasan Hasanoğlu. They said that they had stayed at his house for two days and then departed for İstanbul to go to the house of Cengiz Ersever in Gümüşyaka. It was disclosed that Cengiz Ersever had planned the attack together with Semih Tufan Gülaltay, who reportedly had connections to the Mafia favoring the Nationalist Action Party (MHP), and that Gülaltay was wanted by the police.

On 24 May, Bahri Eken and Kerem Deretarla had to face Akın Birdal and 3 staff members of the HRA for identification. The gunmen were first taken to Sevgi Hospital to be confronted with Birdal, who identified them at first glance in the presence of public prosecutor Ünal Haney. Later, they were taken to the HRA central office where they shot Birdal. They showed the police how they entered the office and fired the shots. The police took strict security measures when they were in the office, while reporters were not allowed to take pictures. The other eyewitnesses, Türkan Demir, Mutullah Dövmeci and Avni Kalkan, working at the HRA, too, identified the gunmen without hesitation. A press meeting was held in the HRA Headquarters on the same day. HRA Deputy Chairwoman Eren Keskin stated that the attack against Birdal was carried out by the Mafia. HRA Deputy Chairman Osman Baydemir stated that the arrest of the gunmen was welcomed: "The arrest of the gunmen is positive for human rights in general. This shows that the State can find suspects when it wants to do. However, apart from this, there are thousands of murders by unknown assailants. The assailants of other murders must be found if Turkey is to reach social peace eventually."

Cengiz Ersever and gunman Bahri Eken were taken to the camp where they reportedly received military training. In addition, the names of 15 others, who underwent military training in the same camp in Çatalca-Silivri, İstanbul, were not revealed.

Non-commissioned officer Cengiz Ersever, in charge of Büyükçekmece Gendarme Station, reportedly used the code name "Fırat" and was the right-hand man of Mahmut Yıldırım whose code name is "Yeşil" (Green) and who is held responsible for many murders and armed attacks in the State of Emergency Region. Cengiz Ersever is claimed to have killed HRA Diyarbakır Branch Chairman Vedat Aydın and retired commander Cem Ersever. Cem Ersever had allegedly established the JİTEM.

Meanwhile, during a hearing at Ankara SSC on 25 May in the trial launched against Hanefi Avcı (the Former Vice Chairman of the Intelligence Department of the Security Directorate) on the accusations of revealing phone calls of the National Intelligence Organization (MİT), it was stated that among the persons who had made phone calls to MİT were the suspects who had attacked Akın Birdal. In a secret document which was sent to the SSC by the Security Directorate, a person, Mahmut Yıldırım, nicknamed "Yeşil" (Green), called Cengiz Ersever, Ahmet Fulin and Semih Tufan who planned the armed attack. Avcı said in court: "If you had paid attention to my warnings and the news stories in the press, Yeşil and his gang would not have been able to organize the attack against Akın Birdal".

On 26 May, Prime Minister Mesut Yılmaz stated that the order of the attack against Akın Birdal was given by Mahmut Yıldırım. Yılmaz stated that the assault on Akın Birdal was not an internal settling of accounts: "This was part of the organized action to break the stability of Turkey. If the attackers had not been found, the same gang would have attacked Sarıgazi office of the HADEP and would have massacred everybody who was there."

Non-commissioned officer Cengiz Ersever, Erkan Ulaş, Hasan Hasanoğlu, Ahmet Fulin and gunmen Bahri Eken and Kerem Deretarla were presented to journalists at Ankara Police HQ. on 28 May.

In the testimony he gave to the police, Ersever reportedly said that the camp established in Silivri, İstanbul, for training ultra-nationalist militants had been financed by Gülaltay.

Among the suspects who were referred to Ankara SSC Prosecutor's Office, Erkan Ulaş was released on the grounds of insufficient evidence while Bahri Eken, Kerem Deretarla, Cengiz Ersever, Ahmet Fulin and Hasan Hasanoğlu were remanded for "organizing a gang to commit crimes and an attempt to murder for political reasons" (TPC 313). The suspects reportedly rejected the accusations.

Semih Tufan Gülaltay, claimed to have planned the armed attack and incited the assailants, was detained by the police in a house in Kadıköy, İstanbul, on 2 June. Police officers reportedly reached his house by following the suspects named Yaşar Terzi, Cengiz Kördere, Aytaç Zorba, Aytaç Dursun, Kadir Namlı, Celal Kadir Keçecioglu, Hüseyin Çokyigit and Özden Alptekin, who were detained on the claims of having relations to Gülaltay, but who were released later. The brother of Gülaltay, Emre Gülaltay and another suspect were reportedly detained in Okmeydanı, İstanbul. A retired major, Namık Zihni Ozansoy, who sheltered Gülaltay in his house, was also detained by the police.

Gülaltay and Ozansoy were sent from İstanbul to Ankara on 5 June, and they were remanded by Ankara SSC on 9 June. Demir Demirkol, who was wanted by the police on the claim that he supplied the guns to the assailants, was detained by the police on 16 June. He was taken to Ankara on 17 June, and remanded on 19 June.

Meanwhile, Akın Birdal was elected Chairman once again in the 8th Ordinary General Assembly of the HRA held on 24 and 25 October. Akın Birdal, who went to Ankara Esenboğa Airport on 9 November in order to go to Norway for his treatment, was not allowed to leave the country in connection with a decision

that banned him from going abroad. Lawyers of Akın Birdal appealed against the decision. Akın Birdal, who wanted to go to Norway to attend a meeting organized by the Nobel Institute on his behalf and to receive medical treatment.

The ban on travelling abroad was not lifted. In December, Akın Birdal could not participate in the Bundestag (German Parliament) session on 2 December, during which he should deliver a speech on invitation by Claudia Roth, the Chairman of the Human Rights Commission of the Bundestag. Besides, he could not participate in the meeting of Amnesty International in Frankfurt on 3 December, to which he was invited as a guest of honor, and he was also prevented from attending the Human Rights Summit that took place in Paris.

The trial against the assailants

In connection with the armed assault, Ankara SSC Prosecutor's Office launched a trial against 11 defendants on 15 July. The indictment reads that the assault was performed by members of the organization called TİT on instruction given by Mahmut Yıldırım with the codename "Yeşil." The indictment seeks the death penalty for Cengiz Ersever, Semih Tufan Gülaltay, Hasan Hasanoğlu, Bahri Eken, Kerem Deretarla, Ahmet Fulin and Demir Demirok on the accusations of "full attempt to murder" under Article 450 (4) of the Turkish Penal Code (TPC) and prison terms on the accusations of "forming an armed gang to commit a crime" under Article 313 of the TPC. Ersever stands accused of "being the head of the organization and inciting to murder," whereas retired major Namık Zihni Ozansoy and the defendants Ekrem Santulu, Cem Kadir Keçecioglu and Cengiz Kördeve, not under arrest are indicted for "being members of the organization" (TPC 168) or for "aiding members of the organization" (TPC 169).

The trial started at Ankara SSC on 3 August. The defendants on remand, Cengiz Ersever, Semih Tufan Gülaltay, Bahri Eken, Hasan Hasanoğlu, Kerem Deretarla, Demir Demirok, Namık Zihni Ozansoy, Ahmet Fulin and their lawyers as well as Akın Birdal and his lawyers attended the hearing, which started with incidents. Many spectators who came there to monitor the trial were forcibly taken out of the court house by the police upon orders of presiding judge Mehmet Orhan Karadeniz, who also instructed the police not to let the lawyers of Birdal inside the court hall.

Being heard by the court, Cengiz Ersever admitted to the accusations he had denied in his previous statements at the Prosecutor's Office and the police. He stated that he had come to İstanbul after serving some time in the gendarme forces in Tunceli and that he had founded the Turkish Revenge Brigade (TİT) in 1996 against "separatists and dissidents of the republican regime." He said that he had trained many people on guns: "After I had founded the TİT I worked in the army as a sergeant, and at nights I dealt with such affairs. I am not a supporter of the MHP but of Turkism. Semih Tufan Gülaltay has nothing to do with TİT. I know Ahmet Fulin, who has nothing to do with the organization either. I don't know how he became involved in the affairs of the organization." Defending himself to the effect that he had not given orders to anyone to kill or injure Akın Birdal, Ersever said, "I only ordered Bahri Eken to 'go and take that guy as a captive.' I told them not to use their guns. I told them 'to call the press and make him say that he was doing wrong.' There are statements made by Birdal. He said that the PKK was an organization in struggle. He made statements to Greek newspapers." He said to the court board, "Had I wanted to kill him, I would not have sent a man with a criminal record." Pointing at Birdal, Ersever said to the presiding judge, "I bet you I can stick this guy's brain on the wall within 24 hours."

Birdal's lawyer Sedat Aslantaş had a dispute with the presiding judge when he reminded the court board that these words had not been recorded in the minutes. At that time Ersever walked towards Aslantaş while swearing at him. Then Ersever was forcibly taken out of the court room by soldiers. When the other defendants left the court room, they insulted Akın Birdal and his lawyers as "enemies of the flag."

After the hearing had resumed, Semih Tufan Gülaltay was heard by the court. He claimed that he had nothing to do with neither the armed assault nor the TİT: "I was on business in Ankara that day. Hasan Hasanoğlu was my driver in the past. When Hasanoğlu was detained, I was detained as well because I had been imprisoned for an offence before." Gülaltay said that he didn't know Mahmut Yıldırım, and that his testimony had been taken under torture in detention.

Being heard by the court, Hasanoğlu conceded that he was a member of TİT: "Ersever called me and wanted me to take Bahri Eken and Kerem Deretarla from İstanbul to Ankara." Bahri Eken stated that he had come to know Cengiz Ersever while he was doing military service in Tunceli, and joined the TİT after finishing military service. Eken said that his code name was 'Serdar' and added: "We would have taken Birdal hostage to make him declare before journalists that his statements were wrong. Kerem had not been informed of the act. I told him. As he accepted I gave him a gun. After we made the attack, we went to the house of Kerem's aunt and hid the guns in the garden. Afterwards we left for Bolu and then for İstanbul."

Bahri Eken said: "When I was doing military service, 50 friends of mine were martyred. Birdal has never attended a funeral of a soldier nor of a police officer. But he spoke well of terrorists under an uncertain flag." The other defendants, Fulin, Demirok and Ozansoy, rejected the accusations.

Taking the floor later on, Akın Birdal identified the two assailants, Eken and Deretarla. Birdal and his lawyers emphasized that the organization in which the defendants are involved was not an "organization founded to commit a crime" as it is described by Article 313 of the TPC, rather an armed organization to be considered under Article 168 of the TPC. Birdal and his lawyers stated that the HRA defended the right to life, right to personal security and right to fair trial, and the defendants as well had to enjoy those rights. The lawyers of Birdal pointed out that Kerem Deretarla had been prosecuted at the SSC although he was a minor and he had been kept in the same wing and the same prison with the other prisoners, and that the SSC had not started any proceedings although Gülaltay had declared that his testimony had been extracted under torture. In his statement to court Akın Birdal said, "This is an attack against democracy, freedom and peace. This was not an ordinary incident. This attack is just a sprout of the formation of illegal organizations under the roof of the State, on which the accident in Susurluk of 3 November 1996 shed a light." The SSC decided to release Namık Zihni Ozansoy.

In the hearing of 3 September, HRA staff members were heard as witnesses. Then the report sent by the General Directorate for Security was read out. The report described the TİT as an "armed terrorist organization," and read that the TİT had sent hate letters to certain people prior to 1980, to Belgian deputies in the European Parliament in 1986, the Libyan Embassy in 1992, shopkeepers "supporting the PKK" in Diyarbakır in 1993, the newspaper Özgür Gündem in 1993, Welfare Party Çankaya (Ankara) District Organization in 1997, had threatened businessman Mehmet Ali Yaprak, and lastly came on the agenda with the armed assault against Akın Birdal.

Meanwhile, human rights defenders who went to the SSC building to monitor the hearing were not allowed in by the police who surrounded the court house, but relatives of the defendants were allowed in without any identity check. A group of MHP followers demonstrated in Sıhhiye near the court house while the trial was under way. Sultan Özer, a reporter for the daily Emek, was dragged behind the police barricade when she was trying to cover the scene outside the court house.

The third hearing was on 3 October. Ali Rıza Dizdar, an intervening lawyer, took the floor in the hearing, and began to read out a petition which mentioned the "SSC boycott" staged by political prisoners throughout Turkey and demanded that the prosecution should be halted, but some of the defendants insulted the intervening lawyers and walked towards them. The gendarmes intervened in the incident when other defendants joined in. Then the defendants were taken out of the court hall on instructions of the presiding judge, Orhan Karadeniz. The defendants were taken back to the hall later on. Presiding judge Orhan

Karadeniz wanted to record in the minutes that the incident broke out because of the speech by Ali Rıza Dizdar, but the intervening lawyers objected to this, and insisted on their demand that the prosecution should be halted. The court board rejected this demand. Upon this, Akın Birdal and the intervening lawyers left the court hall. In connection with the "SSC boycott" Akın Birdal and his lawyers did not attend the hearing on 27 October.

Mehmet Cemal Kulaksızođlu, whose name is involved in the armed assault, was detained in an operation held in İstanbul on 12 October. It was reported that Kulaksızođlu used the aliases "Nafiz Karacan" and "Mikail Sarı," and that he was one of the close men of Mahmut Yıldırım. Kulaksızođlu as well as Oya Kaya, Ayfer Çakar, Furkan Erk and Nejat Algın were remanded by Ankara SSC on 19 October. Ankara SSC Prosecutor's Office launched a trial against Kulaksızođlu on 16 October on the accusations of "forming an armed gang and attempting to murder for political objectives." The trial, which was launched under an additional indictment, was unified with the trial launched against 11 persons in connection with the armed assault against Akın Birdal. The indictment read that Kulaksızođlu had formed the TİT, along with Semih Tufan Gülaltay and Cengiz Ersever, who were previously put on trial. The indictment sought an imprisonment term of no less than 26 years for Kulaksızođlu, imprisonment terms between 3 to 5 years for Oya Kaya, Ayfer Çakar and Necati Algın, and an imprisonment term between 6 to 10 years for Mehmet Furkan Erk.

Trials opened in connection with the protests

Many people were put on trial in connection with press statements they made or rallies they held in protest of the armed assault against Akın Birdal.

The trial launched against Halit Çelik, the secretary of the Socialist Power Party Eskişehir Provincial Organization, Hamza Abay, the Chairman of HADEP Eskişehir Provincial Organization, Yılmaz Açıkyüz, the secretary of the same party, and Ahmet Uluçelebi, the bureau chief of the journal Atılım in Eskişehir, started at Ankara SSC on 6 August. In the trial, which was launched in connection with the press statement they made in protest of the attack against Birdal, imprisonment terms 4 years 6 months and 7 years 6 months were sought for the defendants on charges of "aiding an illegal organization" (TPC 169). The defendants, who were prosecuted on remand, did not attend the hearing on 6 August. The presiding judge disclosed that the defendants did not attend the hearing as they opposed the search by the police before they entered the court room. Similar implementations continued in the hearings held later on.

The trial launched against 46 students for holding a rally in Afyon in protest against the armed attack against Akın Birdal, started at Afyon Penal Court of First Instance on 26 June. The students disclosed in the hearing that they had been tortured throughout the two days they were kept in detention. In the hearing on 28 October, arrest warrants in absentia were issued against Akın Cansızođlu and Ođuz Varol, who were prosecuted without arrest. The trial did not conclude in 1998.

HADEP Ceyhan District Organization Chairman Abdullah Aydemir, District Organization Secretary Ekrem Şaşmaz, EMEP District Organization Chairman Ömer Bilir, District Organization Secretary Veysel Muhacir, and EMEP members, Mustafa Erdođan and Atilla Mazi were put on trial on the accusations of "holding an unauthorized demonstration" when they read out a press statement in Ceyhan, Adana, on 14 May in order to protest the armed assault against Akın Birdal. The trial started at Ceyhan Penal Court of First Instance on 3 December, and was concluded on 11 February 1999. All of the defendants were acquitted.

b) The Trials Opened against Akın Birdal

On 21 October 1997, Akın Birdal was sentenced to 1 year's imprisonment and fined TL 420,000 (USD 3) by Ankara SSC in the trial launched in connection with the speech he delivered in the Peace Meeting held by Ankara Democracy Platform on 1 September 1996, the World Peace Day. The sentence was

imposed under Article 312 (2) of the Turkish Penal Code on charges of "inciting people to hatred and enmity on class, racial and regional differences." The Supreme Court overturned the original verdict on 19 February. However, Ankara SSC insisted on its first decision, and the case file was referred to the General Penal Board of the Supreme Court, which upheld the original verdict on 27 October, which meant that Akın Birdal would have to serve in prison, would be prohibited from public rights for life, he would have to resign from the Chair of the HRA, and he would never again be a founder or executive of an association.

Akın Birdal commented that, according to the case file, the following parts of his speech had led to his conviction:

"It is obvious that the Kurdish problem is no longer just a problem of the oppressed Kurdish people. The lack of solution to the Kurdish problem leads to the undermining of politics, economy, social and cultural life of Turkey... Those who eliminated this brotherhood will be sentenced not only in the conscience but also in history of the Kurdish and Turkish peoples."

In the same trial, Cemil Elden, an executive of the HADEP, was sentenced to 1 year in prison and fined TL 600 million under Article 8 of the Anti-Terror Law on the accusations of "disseminating separatist propaganda," Abdullah Aydın, the Secretary General of Halkevleri, and Fikret Şahin, an executive of the Democracy and Peace Party (DBP), were each sentenced to 1 year in prison and fined under Article 312 (2) of the TPC; Haydar Yıldırım, Mamak District Chairman of the ÖDP, Mustafa Kocaoğlu and Mehmet Çoban, ÖDP Mamak District Organization executive members, were each sentenced to 2 years in prison and fined under the same article. All sentences except the one for Birdal were upheld by the Supreme Court on 19 February. Cemil Elden was imprisoned on 15 June, Abdullah Aydın on 14 August, and Haydar Yıldırım and Mustafa Kocaoğlu were imprisoned on 20 August.

More than 20 trials were launched against Akın Birdal in connection with the speeches he delivered, activities he performed, and reports and articles he published as the Chairman of the HRA and as a human rights defender. Akın Birdal was sentenced in some of the trials, "which he himself hardly followed up," and he was acquitted in some of them. Some of the trials against Birdal are still under way.

Details of two more trials in which Akın Birdal was sentenced are as follows:

Akın Birdal was sentenced to 3 months' imprisonment in the trial in which he was prosecuted on charges of "acting in violation of Articles 44 and 82 of the Law on Associations by hanging up posters without authorization" in connection with the placard entitled "Kayıplar Bulunsun (Find the Disappeared)" which was hung on the Monument of Human Rights during the speech he delivered in front of the Monument in Yüksel Street in Ankara on 1 June 1995. In the trial which ended at Ankara Penal Court of First Instance No. 3 on 21 December 1995, the sentence given to Akın Birdal was reprieved.

Akın Birdal was put on trial at Konya SSC under Article 8 (1) of the Anti-Terror Law, on charges of "disseminating separatist propaganda" in the speech he delivered in the Peace Festival held in Mersin on 6 September 1995. In the trial that ended on 2 July 1996, he was sentenced to 1 year's imprisonment and fined TL 300,000 under Article 312 (2) of the TPC. The verdict was overturned by the 9th Penal Chamber of the Supreme Court on 20 April, on the grounds that "when the text of the speech which was subjected to prosecution is considered and examined as a whole, its content are a heavy critique of the country's problems" but could not be regarded as a crime. When Konya SSC was closed down, the file was transferred to Adana SSC, which insisted on the original decision in the re-trial. Thereupon, the case file was referred to the General Penal Board of the Supreme Court, which upheld the original verdict on 20 April 1999.

According to the case file, the text of speech, which led to conviction of Akın Birdal, reads as follows:

"(...) Wars are going on in the world. The bloodiest one of these wars is under way in our own geography; the violence inflicted by the Serbs on the Bosnians in Bosnia-Herzegovina was always on our agenda and we continually reacted to it. But, unfortunately some of us turned a blind eye to the dirty war which undermined human dignity. We witnessed the consequences of an unjust and dirty war... the reason of which is the denial of the rights of our Kurdish people. Due to the dirty war in our country, 20.000 people died, 118 villages were burnt down, and the Kurdish people were expelled from their villages, their home... We long for peace. We long for peace in which the lives of the Kurds are also secured constitutionally."

Details of the trials in which Akin Birdal was acquitted within 1998 are as follows:

The trial launched against Akin Birdal at Bursa Criminal Court No. 1 in connection with the speech he delivered in a TV program of Flash TV on 25 October 1997 ended in his acquittal on 9 February. The trial in question had been launched under Article 159 of the TPC on charges of "insulting the army."

The trial launched against Birdal and 10 members of the HRA Central Board at Ankara Penal Court of First Instance No. 4 in connection with "the Human Rights Week" activities organized by the HRA in December 1996, ended in acquittal on 23 February. The court rejected the demand that the HRA should be closed down. In the trial, EMEP Ankara Provincial Chairman Haydar Kaya was sentenced to 1 year in prison and fined TL 600 million.

A trial was launched against Birdal and the Chairman of the DBP, Refik Karakoç at Ankara SSC under Article 8 of the Anti-Terror Law on charges of "praising an illegal organization" in their speeches they delivered in the "Peace Conference" held in Rome, Italy, between 18-19 April 1997. The trial which started on 21 April, ended in acquittal on 19 November.

The trial launched against Akin Birdal, ÖDP Chairman Ufuk Uras, HRFT President Yavuz Önen, and HADEP executive Ahmet Türk, at Ankara Penal Court of First Instance No. 5 on charges of "violating the Law on Meetings and Demonstrations" in connection with the press statement they made on 13 April 1997, demanding an inquiry to the Susurluk incident, ended in acquittal on 12 February.

The trial launched against Akin Birdal under Article 159 of the TPC on charges of "insulting the Turkish Armed Forces through the press" ended in acquittal at İstanbul Beyoğlu Criminal Court on 27 November. The trial against Birdal had been launched upon a news story published in the journal Aydınlık, which read that Akin Birdal had been interviewed by a Norwegian daily and allegedly he had said that "certain officers were engaged in drug trafficking and cleaning money in Northern Cyprus and run banks and financial organizations."

Details of the trials launched against Akin Birdal, which are still under way, are as follows:

A trial was launched at İstanbul SSC against Akin Birdal, HADEP Deputy Chairman Osman Özçelik and Chairman of the Kurdish Institute Şefik Beyaz under Article 8 of the Anti-Terror Law in connection with their speeches in the symposium "the Kurdish Problem and the Democratic Solution" held in İstanbul in February 1996.

Akin Birdal was put on trial at İstanbul SSC in December 1996 under Article 312 of the TPC in connection with the speech he delivered in İstanbul on 5 September 1995, on the occasion of World Peace Day. In the trial, an imprisonment term between 1 year and 3 years is being sought for Birdal.

Akin Birdal was put on trial in connection with a speech he delivered in Tarsus as an MP candidate of the election alliance of four political parties prior to the general elections of 24 December 1995. The trial, which was launched at Adana SSC under Article 312 of the TPC, is under way.

c) Pressures on the Human Rights Association (HRA)

The pressures on the HRA continued in 1998. For instance, the trial launched against the HRA at Ankara Court of First Instance No. 13 with the demand of its closure in connection with a provision written in the former statute of the HRA, which read, "a person may be refused admittance membership without showing a reason," was not concluded in 1998.

Five branches of the HRA were closed temporarily upon orders of local authorities in 1998. The authorities showed great efforts to keep these branches closed indefinitely especially in the State of Emergency Region and its neighboring provinces. The affected branches are as follows:

Balıkesir: The HRA Balıkesir Branch was raided by the police on 24 February on the grounds that "suspicious mails were sent to the HRA office." The branch was closed by the governor for 1 month. Branch Chairman Bekir Ceylan disclosed that only one copy each of journals and newspapers were sent to the office in the post, and that it was not forbidden to keep one copy of a publication even if it was subjected to legal proceedings.

Kırşehir: The HRA Kırşehir Branch was closed for 3 months by the governor on 10 June on allegations that it had violated the Law on Associations. The HRA office was raided by the police on the same day, and Branch Chairman Ali Dönmez was detained. He was released after testifying. It was reported that the reason for the closure was a statement by the HRA branch. In its statement the HRA branch reportedly criticized the governor. Another reason was, that "illegal publications had been found" during the raid on the office.

Adana: On 15 October, Adana Governor ordered the closure of the HRA Adana Branch for 15 days on the grounds that "illegal publications were kept in the office."

Mardin: Mardin Governor's Office launched a trial against the HRA Mardin Branch on 15 October, demanding its closure. The trial was reportedly launched on the claims that Branch Chairman Cemil Aydoğan had "praised the PKK" in a program broadcast on MED TV, that he had joined by phone, that "he had visited prisoners prosecuted for membership of the PKK in Mardin Prison," and that "illegal publications were kept in the office."

In a comment Cemil Aydoğan disclosed that the HRA Mardin Branch had been closed for 6 months on 5 August 1997 on the pretext of "illegal publications," and he said, "This time they endeavor to close our branch on much more serious claims, on claims of supporting the PKK."

Osman Baydemir, the Deputy Chairman of the HRA, said the following: "They are trying to suffocate our association all the time. Our branches are closed, and they are rendered inactive actually under pressure. Our branch in Diyarbakır, the most important province in the region, has been kept closed for 2 years. Yet, our association will continue to do whatever is necessary against human rights violations all over Turkey."

On 11 December, Mardin Court of First Instance ordered the closure of the HRA Mardin Branch for 3 months on the grounds that the journals *Atılım* and *Azadiya Welat*, which had been found during the police raid on the branch office, were "illegal." The HRA Mardin Branch was re-opened on 5 February 1999, after 6-months' closure.

Bursa: The HRA Bursa Branch was closed by Bursa Provincial Governor on the allegations that "illegal publications were found in the office and "a hunger strike had been staged in protest against pressures on the HRA."

Urfa: Urfa Penal Court of First Instance No. 2 had decided to close the HRA Urfa Branch in June 1997 on claims of "carrying out activities beyond the objectives listed in the statute of the association," but this decision was overturned by the Supreme Court in June. The re-trial started on 9 September. The HRA

Urfa Branch was re-opened on 13 January 1999. Branch Secretary Eyüp Selim disclosed that the branch had been kept closed for 18 months on the basis of an arbitrary decision by the governor, and added, "Pressures on and closure of NGOs in the region, such as the HRA, which uncover violations of rights, make the problems irresolvable." Eyüp Selim emphasized the fact that many human rights violations had been witnessed during the time the branch had been kept closed.

Diyarbakır: The HRA Diyarbakır Branch had been closed indefinitely by Diyarbakır Governor's Office on 24 May 1997 on claims that "activities against the indivisible integrity of the state were carried out." The trial launched against all of the executive members of the branch continued throughout 1998. The trial ended in the acquittal of the defendants, Branch Chairman Mahmut Şakar, Sinan Tanrıkulu, Vedat Çetin, Özlem Çetin, Piruzhan Doğru, Osman Baydemir, Mazhar Kara, Doğan Özdemir, Salih Tekin and Bülent Uçaman on 12 May 1999. The trial launched by the governor demanding the closure of the branch is under way at Diyarbakır Penal Court of First Instance.

İzmir: The trial launched against the HRA İzmir Branch demanding the closure of the branch on claims of "keeping illegal documents in the office," started at İzmir Penal Court of First Instance No. 8 on 22 June. The police had raided the HRA İzmir Branch on 18 June 1997, and seized the books, "Human Rights Panorama in Turkey," published by the HRA Ankara Branch. The HRA office in İzmir was closed by İzmir Provincial Governor's Office on 19 June 1997 on claims that there were illegal publications in the office. The office was reopened after the HRA executives objected to the decision of the Governor's Office. However, the Governor's Office lodged an official complaint with the Prosecutor's Office. İzmir Public Prosecutor's Office requested the closure of the branch because of "illegal publications" in the office and a fax message sent by the HRA İzmir Branch to Diyarbakır Provincial Governor's Office in protest against the closure of the HRA Diyarbakır Branch. Testifying in court, HRA İzmir Chairman Ercan Demir stated that the fax message sent to the Diyarbakır Provincial Governor's Office could not be considered a petition campaign, and that the copies of the book, "Human Rights Panorama in Turkey," had not been distributed and kept in a closed board.

Pressures on executives and members of the HRA

Nazmi Gür, the Secretary General of the HRA, and Tayfun İşçi, the Secretary of the KESK, were detained by the police for giving lectures on human rights and trade unions at the HADEP Headquarters. İşçi was detained on 22 February when he participated in a sit-in act held in Kızılay, Ankara by KESK. The police raided the house of Gür early in the morning on 23 February and detained him. The police officers reportedly did not allow him to call his lawyer, and threatened him, saying, "We did detain Hanefi Avcı. Who do you think you are?" Gür and İşçi were released after testifying to the prosecutor. A decision of non-prosecution was issued after the investigation of their case.

Erbeşit Özdemir, an executive member of the HRA Adana Branch, was detained by the police and kept in detention for five hours on 5 July. Süleyman Kılıç, Chairman of the Branch, stated that the police officers had followed Özdemir when he went to Bahçe Prison in Osmaniye on 5 July to visit a friend of his, and detained him after the visit without showing any grounds.

Nimet Tanrıkulu, former Chairwoman of the HRA İstanbul Branch, and former executive members of the same, Neşe Ozan, Hüseyin Aygül, İzzet Eray, Şaban Dayanan, Mukaddes Alataş and Sebla Arcan, were acquitted in the trial launched against them in connection with a press statement made by the "Platform for Solidarity with the Revolutionary Prisoners" in the HRA office. The trial at İstanbul Beyoğlu Penal Court of First Instance No. 6 ended on 25 February.

In the trial launched by the Prosecutor's Office of the General Staff Chief Office on the accusations that "people were alienated from military service" (TPC 155) in the book "Human Rights Panorama in

Turkey" (which is a compilation of messages, speeches and papers delivered during a conference held by the HRA Ankara Branch on the occasion of Human Rights Week in 1995), the General Staff Military Court issued a decision of non-jurisdiction on 9 December 1997. Upon this, the trial was heard at Criminal Court in 1998.

The military court declared in its decision that demanding the right to conscientious objection did not constitute an offense under Article 155 of the TPC, and said the following: "The European Convention on Human Rights which was ratified by Turkey on 18 May 1954 gives room to the right to conscientious objection. However, its implementation was left to the will of the member states." The court declared that requesting the State to put conscientious objection into effect could not be regarded as an offense as it was also mentioned in a convention, which was duly ratified by Turkey.

On the other hand, a trial was launched at Ankara Criminal Court No. 2 on 16 October upon the official complaint lodged by the military court on the grounds that "the army was belittled" in the book. The trial is under way.

Meanwhile, on 23 July, the Supreme Court approved the sentence of 1 year in prison and a fine of 100 million TL given to İsmail Beşikçi by Ankara SSC because of his article in the aforementioned book. The Supreme Court overturned the sentence given to Hatip Dicle, and requested that he should be put on trial under Article 312/2 of the TPC. In the re-trial that concluded at Ankara SSC on 5 August, Hatip Dicle was sentenced to 1 year in prison.

A trial was launched against Ercan Demir, the Chairman of the HRA İzmir Branch, and executive members lawyer Türkan Aslan, lawyer Birgül Değirmenci, lawyer Songül Ak, Bekir Yıldırım and Muzaffer Çolak for distributing postcards carrying a picture of Osman Murat Ülke, former Chairman of İzmir War Resisters' Association, with a script beneath it, which reads "his offense was to refuse to go to war." The trial at İzmir Penal Court of First Instance is continuing.

The trial launched in connection with the press statement made by representatives of some political parties, associations and trade unions in front of the Human Rights Monument in Kızılay, Ankara, on 17 June 1996 in protest against the oppression in prisons, started at Ankara Penal Court of First Instance No. 9 on 13 February. The defendants, who were heard in the hearing, declared that they had "expressed their concerns during the hunger strikes and death fasts in the prison." The names of some of the defendants, who are prosecuted on charges of "holding an unauthorized demonstration," are as follows: ÖDP Deputy Chairman Yıldırım Kaya, HRA Chairman Akın Birdal, HRA Ankara Branch former Chairwoman Naciye Erkol, Eğitim-Sen Board member Haydar Kaya, HADEP Ankara Provincial Organization executive Nebahat Altuok. The trial ended in acquittal of the defendants.

The trial launched against the HRA İstanbul Branch on accusations of "illegal collection of aid" during a meal given by the HRA İstanbul Branch to its members on 28 March 1997, continued at İstanbul Penal Court of Peace No. 4 on 11 February. Branch Chairman Ercan Kanar said in the hearing: "We did not collect monetary aid. That was a meal we gave to our members to meet and introduce themselves to each other. The money was taken to pay the meal." In the trial, prison terms between 3 and 6 months are sought for the executive members of the HRA İstanbul Branch. The trial continued in 1998.

A trial was launched against the executive members of the HRA Malatya Branch on accusations that illegal publications had been found in the office during the police raid of 2 June 1997. The indictment prepared by Malatya Public Prosecutor's Office sought prison terms for Chairman lawyer Önder Şahiner, and for the executive members Nihal Pekaslan, Abuzer Turgut, Sevgi Altuntaş and Haydar Akıncı. The trial was not concluded in 1998.

The trial launched against executive members of the HRA on the claims that they had "insulted the state" (TPC 159) in slogans they shouted during the funeral of Tahsin Yılmaz -one of the 12 prisoners who died in Bayrampaşa Prison on 26 July 1996 in the hunger strikes which went on for 69 days in the prisons-ended at İzmir Criminal Court No. 2 on 4 May. Alp Ayan (a former member of the HRA General Administrative Board and psychiatrist at the HRFT İzmir Treatment and Rehabilitation Center), Derviş Altun (a member of the HRA Board), Gani Oğuz, and Hacay Yılmaz (an executive member of the ÖDP Provincial Organization) were acquitted in the trial.

The prison sentence given to Yıldız Temürtürkan, former Chairwoman of the HRA Ankara Branch, by Ankara Criminal Court No. 2 was quashed by the Supreme Court on 9 May. Temürtürkan had been put on trial on accusations of "insulting the republic" in a press statement she made on 17 November 1996 on the relations between "the mafia and the state," and sentenced to 10 months in prison on 4 November 1997. The 9th Penal Board of the Supreme Court overturned the ruling on the grounds that "the press statement involves heavy criticism not insult." The Supreme Court Public Prosecution Chief Office objected to the decision, and appealed to the General Penal Board of the Supreme Court, which approved the decision of overturning the original ruling.

Hasan Kaymaz, an executive member of the HRA Mardin Branch, was detained by the police in Bismil, Mardin, on 5 September. Hasan Kaymaz stated that he had gone to Bismil to visit a friend who had a traffic accident, and his friend's house had been raided by the police. Hasan Kaymaz said, "I had been detained in 1995 by police officers, among whom was Hasan Çevik, on duty at the Anti-Terror Branch in 1995. They had threatened me with death, and I had been instructed to leave the town. Among the police officers who raided the house I was visiting on 5 September was again Hasan Çevik. they threatened me by saying, 'We don't want to see you in this town again. Or your corpse will be found near the road, before you reach Kızıltepe. You may not enter this town for a lifetime'."

İsmet Yurtsever, who had taken initiatives to establish a branch of the HRA in Kocaeli, disclosed that some plainclothes police officers had attempted to abduct him in Şirintepe on 8 September. Yurtsever said that he had stepped out of a bus in front of his house and some plainclothes persons, who had got out of a dark blue car waiting at the bus station, chased him up to his house. Yurtsever, the owner of the newspaper "Sömürsüz Bir Dünya İçin Dayanışma" (Solidarity for a World without Exploitation), added that the persons in question had been holding walkie-talkies and had waited in front of his house until the following morning. Yurtsever, who lodged an official complaint with Kocaeli Public Prosecutor's Office against the police officers, stated that he had been continuously threatened after they had applied to the Police HQ on 1 September for the establishment of a branch of the HRA, and that there had been some attempts to abduct him previously. The Branch was opened on 30 October.

Unknown persons broke into the HRA Gaziantep Branch on 21 September, and destroyed the furniture in the office. The assailants reportedly broke down the door and the signboard of the HRA branch.

Banned activities of the HRA

A bulletin published by the HRA, "Hard but Honorable 12 Years," on the occasion of the 12th anniversary of its foundation was banned from distribution and entry to Diyarbakır by Diyarbakır Provincial Governor's Office. HRA Deputy Chairman lawyer Osman Baydemir stated that though there were no legal requirements to get permission for a special bulletin, the HRA notified the Governor's Office in line with the Law on the State of Emergency, but the Governor's Office decided to ban the bulletin.

The Prison Commission of the HRA İzmir Branch and the Solidarity Association of Prisoners' Relatives (TAYD-DER) İzmir Branch made a press statement on 21 August about the problems in prisons.

Many police officers surrounded the HRA office during the press meeting. However, the police officers did not prevent the people entering the building for the press statement.

Members of the "Work Group for Peace," Şanar Yurdatapan (Spokesman of the Freedom to Thought Platform), Ercan Kanar (Chairman of the HRA Istanbul Branch), and Münir Ceylan (former Chairman of Petrol-Is Trade Union) were sentenced to 10 months in prison each on the accusations of "insulting the security forces of the state" (TPC 159). The trial, which ended at Istanbul Criminal Court No. 4 on 3 February, had been launched because of the investigation they carried out in Güçlükonak, Şırnak, to find out the truth about the murder of 11 people in the region on 15 January 1996.

Abdurrahman Saran, Chairman of the HRA Aydın Branch, was put on trial on the accusations of "distributing leaflets without a permission" during the press conference he held on the occasion of the anniversary of the Sivas massacre. The trial ended in acquittal in 1998.

The HRA in the media

The defaming campaign of the media publishing and broadcasting in line with the official policies of the government and the NSC aimed at the HRA and human rights defenders in 1998, similar to previous years. Some members of the media published alleged testimonies of Şemdin Sakık within the context of this campaign. In the news stories, Akın Birdal and the Saturday Mothers were accused of "being PKK supporters."

Some of the newspaper, first and foremost the newspaper Hürriyet, published news stories making HRA Deputy Chairman Osman Baydemir a target when he criticized the execution of Erdal Aksu, who hijacked a plane of the Turkish Airlines on its way from Adana to Ankara on 29 October, and argued that he could have been apprehended alive.

Osman Baydemir had told the following to the reporter of Hürriyet in Erzurum: "We have not received any information regarding the reasons for this incident or how the person who hijacked the plane was made ineffective. It is a requirement of human rights that the hijacker should be apprehended alive, if possible under the conditions. We do not have any technical information about the incident, yet we do not know if excessive force was used. Whoever the hijacker may be, we believe that he should have been apprehended alive."

The newspaper Hürriyet gave this news story under the headline "Look at the Maniac!"

The attitude of Hürriyet was reflected in the editorial by Oktay Ekşi, the President of the Press Council. In his article entitled "What do they advocate?", Ekşi said the following: "These men have been inclined to be the enemies of the State. The legal forces of the State can carry out an operation within the framework of the law, but it makes no difference for them. For instance, in this incident, it is impossible to make them understand that it would be impossible to save the lives of the remaining 40 innocent people unless the terrorist was killed with a single bullet."

Ertuğrul Özkök, another columnist of Hürriyet, also defended the headline and insulted the HRA in his article.

d) Human Rights Foundation of Turkey (HRFT)

"Human Rights Exhibition"

An exhibition on human rights, opened by the HRFT İzmir Representative Office at the 9 September University, on 9 May, was closed as a result of pressure by the police and attitude of the administration of the university. The exhibition included many pictures, photographs, caricatures, sculptures and torture

instruments as well as an animation show by Sema Özyayın, performance shows to be held by Gölge Theater, and short film shows.

LOOK AT THE MANIAC

HRA Deputy Chairman Osman Baydemir, ignoring the human rights of the 40 people in the plane and 3 teachers and one police officer killed by the pirate, said, "Whoever the hijacker may be, he should have been apprehended alive."

The support of Baydemir, who came to Erzurum for investigations in the prisons, to the PKK-member pirate who was killed by the security forces when he did not surrender, aroused indignation.

A high-ranking state official said, "Thanks god, the pirate did not act as the living bombs of the PKK. He could have exploded the bomb at any time. It is a great chance that he had not taken any drugs or amphetamines."

The HRA's protest of "why the pirate was killed"

The Human Rights Association also reacted against the killing of the PKK-member hijacker Erdal Aksu.

Subsequent to the operation, during which the security forces paid great efforts in order to avoid any harm on the passengers, HRA Deputy Chairman Osman Baydemir backed the PKK-member hijacker Aksu, who was wanted in connection with the killing of 3 teachers and one police officer. Baydemir said, "Whoever the hijacker may be, I believe that he should have been apprehended alive."

Hürriyet, 02.11.1998

HRFT İzmir Representative Prof. Dr. Veli Lök explained that Sabancı Cultural Center in the 9 September University was chosen as the exhibition place, and necessary talks were conducted with the university administration for a permission. Prof. Lök said that Deputy Rector Sefa Kuralay had given a positive answer on 5 March to the written application they made, and the studies for the exhibition continued as the situation did not change later on. Prof. Lök said the following on how they were forced to close the exhibition:

"Early in the morning on the opening day of the exhibition (9 May), we felt pressures. First, we were not given permission to hang up a poster to advertise our activity, whereas this is done customarily to inform people of any activities to be held in the Culture Center. All the panel boards, articles and works, as well as visitors, were 'scrupulously' recorded. Especially the part where torture instruments were exhibited seemed to be besieged. The chiefs of civilian security officers and all other officials acted in a very aggressive manner, beginning in the morning. They continued having talks with their chiefs at the center. The tension and the disturbance we felt throughout the day reached the climax when the deputy rector, Sefa Kuralay, requested us not to repeat the animation show, and to exhibit the torture instruments 'where they could not be seen.' The ostensible reason was that the exhibition was barring entrance to the Culture Center. We as the HRFT İzmir Representation Office are always opposing the bars to thought, art and culture. Especially, if one forces anyone, with whatever motivation, to distort the entirety of an exhibition even without taking permission from the artists giving their works to exhibition, this does not comply with moral values, neither with a scientific approach nor a democratic understanding. This is an interference, which could not be interpreted as

a technical obstacle. The embargo and restrictions put on the works of some artists are considered to be against the integrity of the exhibition and collectivity, and against the functions and existence of our Foundation. For this reason, the conditions for continuing the exhibition did not exist any more. We are sharing the considerations of the artists, who participated in the exhibition, and denounce this prohibitive attitude. We would like to say that we'll exhibit the same works as soon as possible. But we had to close the exhibition in the afternoon on 11 May, and we hope that you will give us your support in our works in the future."

The Butchers Rights Association

Ertuğrul ÖZKÖK

Some people were annoyed by yesterday's headline. A person I know, indeed very closely, asks: "How can you put such a headline?" A short and clear answer is: "Yes we can, sure we can!"

Where were your minds

Now it's our turn to ask.

"What was your reaction when that man killed 3 teachers and one police officer?" We looked up documents, minutes, newspaper clippings. Not a single line. It seems that those who kill teachers are immune from punishment, according to their books on law and rights. They are not interested in the killing of non-members of the PKK. The syllables, "Pe-ke-ke" are used to define what is human. What did you do when the children were killed? You beat about the bush but we have not heard; is it so? Then you shall speak loudly. It is not necessary to shout at all. Just speak as you do when the members of the Pe-ke-ke are killed, we will absolutely hear you. We have good ears. But no... Now he comes along and absurdly says, "You should have apprehended the hijacker alive." Attention to the statement! Not a single word criticizing the hijacking. Not a single word on those hours that the people there lived minute by minute with the fear of death.

So what? The guy should have been apprehended alive. You will try to apprehend a terrorist alive when he sees red, a hand grenade in one hand and a gun in the other? Please do if you can. It is necessary to send these men to the USA for practice. That so-called pirate should have tried to hijack not a plane but a car with a gun in the hand, and show them what the police would do. Let them count the bullets on his body. Look who's speaking. The club he speaks for is the "Human Rights Association." What a beautiful name. The value of the lives of 40 innocent people on the verge of death is zero, but that of the terrorist with a bomb in the hand is the subject of human rights. Terrorism cannot be overcome in the world just because of this mentality. These heads are feeding terrorism in greenhouses to cause trouble for humanity. In the 1970s, the human rights phrase was written all in bold, which contained nothing biased. For the only concept that cannot be biased in the whole world is human rights. Now look at the association that contains this concept in its name in Turkey. About 130 teachers have been killed in the last 10 years.

Butchers, don't take this personally, please

Not a single voice. Thousands of children, civilian people, soldiers and police officers have been killed. All was quiet. But whenever a Pe-ke-ke member is killed, the guys wake up. The butchers, who do their job with honor, shall not take this personally. I'm not talking about them. I use the term as a murderer here. The real name of the association does not seem to be human rights, but "Butchers' Rights Association." The man had killed 3 teachers and one police officer in his past. That is to say, he is a butcher of human beings. No bills for the murdered people. But they make the State accountable for a human butcher. "You should have apprehended him alive."

The definition of human

Sure, next time we'll the terrorist, "Our Human Rights Association gets annoyed very much, please surrender alive, and please don't explode that bomb. Who knows, maybe we meet a gentile terrorist, who will

listen to us. I follow this association in amazement. I am waiting for a single word, just for once, on the killing of an ordinary murderer. But no. They cannot wake up unless they hear the name Pe-ke-ke. Its name is human rights. But they have a different definition of human. That's how the human rights concept is spoiled.

Hürriyet-02.11.1998

The Human Rights Exhibition, which was organized by the HRFT, İzmir Medical Chamber, Science-Art-Education Foundation (BİLSES) and İzmir Bar Association, was opened in the BİLSES building on 26 June. Giving a speech in the opening ceremony, Prof. Dr. Veli Lök reminded that the torture instruments in the exhibition were still in use: "Torture still prevails in Turkey. Only last week 80 torture survivors applied to our foundation in İzmir." Lawyer Çetin Turan, the Chairman of İzmir Bar Association, stated that though torture was forbidden by law in Turkey, it was systematically applied on people. He said, "The governing forces maintain their power via torture."

HRFT Diyarbakır Representation Office

The fifth treatment and rehabilitation center of the Human Rights Foundation of Turkey (HRFT) was opened in Diyarbakır on 13 June. In his speech during the opening ceremony, HRFT President Yavuz Önen stated that the foundation aimed at opening more treatment and rehabilitation centers. However, HRFT Diyarbakır Representation Office was closed by Diyarbakır Regional Directorate of Foundations on 17 June on allegations that "it has not fulfilled the official requirements."

Yavuz Önen, making a statement on 18 June, said the following as to the closure decision:

Diyarbakır Representation Office of the HRFT, which was opened on Saturday, 13 June, with the participation of many foreign and domestic guests, has been arbitrarily closed down on 17 June. The pretext for the closure was said to be the lack of the document of permission of the General Directorate of Foundations in the application file submitted to Diyarbakır Regional Directorate of Foundations.

The HRFT, with its eight-years experience and accumulation of knowledge, has gained respect and legitimacy on the national and international level as an organization working to promote human rights. In addition to its offices in Ankara, the HRFT has representation offices in İstanbul, İzmir and Adana and all its activities are known to the public and authorities and inspected regularly by the General Directorate of Foundations. Furthermore, both government officials from the government and local officials were invited to the opening ceremony. Relevant institutions were informed about the opening in line with the tradition. We would like to emphasize that the necessary applications were made to the General Directorate of Foundations and to Diyarbakır Regional Directorate of Foundations.

According to international legal documents, especially to the Final Accord of the Vienna Conference, governments are requested to ease the job of and encourage volunteer organizations which work for the implementation of human rights.

It is obvious that treatment and rehabilitation services will be very helpful to torture survivors in Diyarbakır and its vicinity. Since the establishment of the HRFT in 1990, there have been many applications from Diyarbakır and its vicinity to HRFT's treatment and rehabilitation centers in the other cities. But it is not always that easy to provide our citizens in that region with medical treatment outside the region. Therefore the HRFT decided to establish a representation office also in Diyarbakır in order to carry out relevant services also in Diyarbakır and to fulfill the tasks of humane solidarity for the supplement of such a big and urgent need; it has been a special attempt and enthusiasm to establish the essential content that would enable it to present its services.

Therefore, the HRFT exists in the region for a long while; local people, as well as democratic organizations welcome the opening of the representation office of the HRFT in Diyarbakır and this has once again reminded us how important the HRFT's existence in their immediate reach is.

The HRFT fulfilled all the legal responsibilities and rules of customs that we learnt in the course of eight years before we opened Diyarbakır Representation office to accomplish our ethical and humane tasks. It was up to the authorities whom we invited to the opening ceremony to consider all our attempts with good intention. However, before any warning by the General Directorate of Foundations, Diyarbakır Regional Directorate of Foundations has notified that the opening was against the laws, 15 policemen came to our building and closed our representation office. What lacks concerning this closure is not only good-will, but also the authority to do so; the rules have been roughly handled.

It is clear that the closure is not in line with either the law or the tradition. The authorities of the General Directorate of Foundations which are expected to be used with good intention have been used by the Regional Directorate and Security Directorate unlawful and arbitrarily.

No one should expect us to approve this intervention which has no legal explanation taking into account the humane needs in Diyarbakır and Southeastern Turkey and our willingness to carry out our ethical responsibilities. It is clear for us that this intervention has occurred within the context of intolerance against attempts for democracy and human rights.

The HRFT will continue its activities in Diyarbakır as it has done so for eight years. We have a stronger stand in Diyarbakır today together with our members, volunteers and friends. The closure of our representation office will not prevent us from carrying out our treatment and rehabilitation services in an environment of solidarity formed within the HRFT. We will use all the means of international human rights law and the network of national and international solidarity to open our Representation Office once again by a stronger ceremony.

The General Directorate of Foundations, in a communication dated 15 July in response to the HRFT's application made on 10 June for the opening of the Representation Office, declared that they had approved the opening of the Office. The HRFT Diyarbakır Representation Office was re-opened on 30 July after the seal on the door was broken by the police at midnight on 29 July.

Lawyer Hüsni Öndül, an executive member of the HRFT, was detained by the police employed at the Desk of Associations at Ankara Police HQ., where he went on 19 June on an invitation to receive his testimony. Öndül stated that the police had showed an arrest warrant in absentia issued against him by Zeytinburnu (İstanbul) Public Prosecutor's Office because of a trial in connection with a book published in 1995, as a reason to take him into custody though the trial had ended in acquittal. Öndül stated that when Zeytinburnu Prosecutor had issued the arrest warrant, he had sent it to the prosecutor of his birth place, Havza, Samsun, but he had not withdrawn it when the trial ended in acquittal. After a document was sent to Ankara Police HQ. to inform them of the acquittal, Öndül was released.

e) The Saturday Mothers

The Saturday Mothers, who have been seeking a trace of the whereabouts of their relatives who disappeared in detention and tried to determine the fates of the people who were found dead after having disappeared, continued to stage weekly vigils in front of the Galatasaray High School every Saturday in 1998. However, the vigil was continuously barred, the police attacked the demonstrators almost every week and detained them under beatings. The police did not allow the Saturday Mothers to assemble in front of the Galatasaray High School on 22 August, and detained many people after beating them. The police's interventions continued at an increasing pace after this date, and the Saturday Mothers started to stage the vigil in the office of the HRA İstanbul Branch. (See the section "Enforced Disappearances".)

Six trials were launched against a total of 277 people in connection with the vigils in 1998. These trials, which were launched on the accusations of "acting in contravention of the Law on Meetings and Demonstrations No. 2911," were not concluded in 1998.

The trial launched against 668 people, most of whom are members of KESK who were attacked by the police when they participated in the weekly vigil of the Saturday Mothers on 8 August 1996 and read out a press statement in front of the Galatasaray High School, although the demonstrations were banned on the occasion of the HABITAT II conference in Istanbul, continued in 1998. In the trial, imprisonment terms between 1 year and 2 years are sought against the defendants.

f) Eşber Yağmurdereli

An arrest warrant was issued against lawyer Eşber Yağmurdereli, who was remanded on 21 October 1997 and released from prison on 9 November 1997. Çankırı Public Chief Prosecutor İbrahim Ethem Dikmen who had decided to postpone the prison term given to him in line with Articles 396 and 399 of the CMUK, declared on 16 January that he had withdrawn his former decision granting him a 1-year postponement of the execution of the sentence. Dikmen stated that Yağmurdereli had to apply to the Forensic Institute according to the procedures: "However, he declared verbally and by furnishing a document that he would not apply to the Forensic Institute. His sentence was reprieved because he was on poor health. I have withdrawn my previous decision and given an order to the police to capture him because he did not comply with the legal procedures."

Hakan Tekin, the lawyer of Eşber Yağmurdereli, declared that the decision of lifting the suspension of the execution of the punishment had no legal grounds. He said, "It has been concluded that it would be vital for Eşber Yağmurdereli not to go to prison with respect to his health condition. The withdrawal of this decision is only possible if it is proved that Eşber Yağmurdereli had recovered." Tekin added that the Public Prosecutor's Office did not investigate if there was a improvement in the health condition of Eşber Yağmurdereli, and he evaluated the decision of withdrawal of the suspension as the outcome of a political controversy.

The lawyer of Eşber Yağmurdereli, Şenal Sarıhan, raised an objection with Samsun Criminal Court against the arrest warrant issued against her client. Lawyer Sarıhan said the following in the petition: "The withdrawal of the suspension without certifying any improvement in the health condition by a report of a medical board is against the law and the logic behind suspending a punishment. Thus, the withdrawal of the decision to suspend the punishment has no legal ground and is against the proceedings and the law." This objection was rejected by Samsun Criminal Court No. 2 on 16 February. The Court declared that "the official proceedings are correct and in line with the laws." Yağmurdereli was imprisoned once again on 1 June.

He was first taken into custody by political police while he was in the house of a relative in Ankara, then to Çankırı Prison after a report about his health condition was issued by the Forensic Institute. After being detained, Yağmurdereli stated that he would not accept pardon: "To eliminate the fact that opinions may be an offense is one problem of Turkey. We have to try to eliminate it altogether."

g) Mazlum-Der (Organization of Human Rights and Solidarity for Oppressed People)

One of the organizations affected by the pressure on human rights organizations in 1998 was Mazlum-Der. Its headquarters and some branches were raided by the police, and executive members were put on trial. In 1998, Mazlum-Der was taken under strict financial control. The accounts of Mazlum-Der were seized by the police during the raids and taken under inspection. The trials launched against Mazlum-Der Urfa Branch Chairman Şehmus Ülek and the executive members of the same branch in connection with 5 statements made on different occasions, ended in the acquittal of the defendants.

On 31 December, Mazlum-Der Urfa Branch was closed in connection with a one-page calendar published for the year 1999. An objection was raised with Şanlıurfa Penal Court of First Instance No. 2 on the grounds that the calendar was seized without any legal ground under Article 312 of the TPC. The court decided on the return of the confiscated calendars, but concluded that the Branch should be kept closed until the conclusion of the trial launched by Urfa Governor. This decision was approved by Urfa Court of First Instance No. 2. Mazlum-Der Urfa Branch was closed on 31 December.

h) Relatives of Prisoners and Convicts

Some other initiatives in the field of human rights were also barred or subjected to pressure. For instance, on 27 February, Mersin Solidarity Association of Relatives of Prisoners (TAYDER) was closed indefinitely by Mersin Governor's Office on accusations of "conducting activities in contravention of the Law on Associations." The Association for Solidarity with Families of Prisoners (TUAD), which was closed by İstanbul Governor's Office on 15 May 1997, was re-opened on 9 September, after Fatih Court of First Instance No. 3 rejected the official complaint made against the TUAD on 28 May on the grounds that "there was no evidence to indicate an offense."

Punishment to Eşber for "refusing amnesty"

First the MHP followers started a campaign, shouting, "Eşber in prison, nationalists out." "You released Eşber, you will release Zana, and you will be drowned in the blood of the martyrs," shouted the nationalists, fundamentalists, racists after the execution of the sentence given to Eşber Yağmurdereli was postponed for "health reasons," and they stood against democrats, leftists, socialists, that is to say, every one favoring the freedom of thought, who shouted, "Gangs in prison, Eşber out."

It seems that this campaign has become so successful that Eşber Yağmurdereli is now wanted in order to be put in Çankırı Prison once again for 23 years. How did it come that Yağmurdereli, whose punishment was postponed for one year on 9 November, is now being wanted before 3 months have passed since this decision?

In this period, Eşber was accused even of being "an assailant of a massacre" and being a "bomber." Those who started a campaign against the defenders of the freedom of thought have not even investigated why and how Eşber had been convicted. Hearing the phrase "freedom of thought" is like a red rag for a bull to them.

Eşber had been prosecuted for 8 years after the had been remanded in 1978.

In the first trial launched against him, he was prosecuted with the demand of a couple of years' imprisonment on charges of "hiding material used in a crime." However, the 12 September jurisdiction has entered into force along with the coup d'etat, and he was first given the death sentence, which was later commuted into a life sentence. There was no massacre, nor a single bomb, gun or a bullet, as now claimed by the nationalists, fundamentalists, and racists.

He was released on condition in 1991, and got out of the prison owing a 22-year punishment. Then, he was sentenced to 10 months' imprisonment under Article 8 of the Anti-Terror Law for one of his speeches he delivered in the same year. He would first serve the 22-years' sentence, and then 10 months.

Everybody started to call for an amnesty for him. As Turkey would be "put to shame" by the world. Eşber would get out of prison in the year 2020, should he lives until 75.

The main reason for the efforts was the imprisonment of Eşber just before the summit of the EU Presidents. Throughout 14 years Eşber spent in prison already, President Turgut Özal had also wanted to issue an amnesty for Eşber Yağmurdereli. Even he said to him, "Come and become the Mandela of our country." He was clear in his answer: "The people can create a Mandela, not a State." Özal waited in vain for the "amnesty petition" at the airport before he had went to attend a meeting at the European Council.

That means, the Turkish authorities have become "forgiving" prior to their meetings with the European Council, European Parliament, and the summit of the Presidents. Not restricting themselves to being "forgiving," they appear to become the most determined defenders of democracy and freedoms on their visits to Europe. This was the case again this time, too. A medical report would be given to Eşber, and President Süleyman Demirel would "issue an amnesty" for him. However, Eşber did not play their game. He had given a "statement of will" to the notary prior to his imprisonment, asserting that he would not accept an amnesty on the basis of his health condition and against his will.

Various methods were investigated, and at last a medical report was produced by Çankırı Provincial Health Board for Eşber. According to the doctors, it would be "vital for Eşber" to stay out of prison. Uncountable diseases had been listed in the report: he needed a medical and even a surgical operation because of "guatr", continuous medical treatment because he suffered from "chronic cardiac problems" and he might even need surgery. It was not possible to provide the medical treatment for his blindness in prison.

Basing on this medical report, Çankırı Public Prosecutor's Office postponed the execution of the sentence of Eşber for one year "for health reasons," prior to the summit of the Presidents of the European Council.

However, he was invited to Kadıköy Public Prosecutor's Office a short while after he was released from prison. He was asked "if he would accept to be examined at the Forensic Institute in order to benefit from the amnesty by the President." And Eşber said, "No". After another while he was wanted again in order to be put in Çankırı Prison.

Eşber's lawyer Hakan Tekin was astonished when he was verbally informed by Çankırı Public Prosecutor that Eşber was "wanted again" on the grounds that "the Forensic Institute had not approved the report." He said, "The Forensic Institute is not the office of expertise in this kind of cases." Lawyers of Eşber, Şenal Sarihan and Mehmet Cengiz, appealed against the decision to Ankara Public Prosecutor's Office. The petition read that "the withdrawal of the suspension was against the law issued before the period of suspension expired."

And Eşber also did not understand why he was wanted again. He was sure about one thing: "The problem has become sticky as the authorities attempted to solve it with a showpiece amnesty instead of amending or lifting Article 8 of the Anti-Terror Law, which is the main source of the problem."

In fact, there are two reasons for wanting him: First he does not want to become the Mandela of the State. Second, he does not want to be the reason of hope for the integration into the European Union in the forthcoming months. Here is the new slogan of those who will be happy to see Eşber in the prison again: "Turkey out of the Europe, Eşber in."

Celal Başlangıç, Radikal, 21.01.98

On 3 November, the Association for Solidarity with Families of Prisoners (TAYD-DER) was closed for an indefinite period by police officers on duty at the Desk for Associations of İzmir Police HQ. Certain press statements made by the association and signature campaigns were shown as the reason for the closure.

In line with the decision issued by İzmir Court of First Instance No. 6 under Article 54 § 1 of the Law on Associations, the TAYD-DER was kept closed until the trial against the association was concluded by the court.

Adana Public Prosecutor's Office decided to close Adana Association of Families of Prisoners (TADER) for 3 days in connection with a fair held by the TADER.

HUMAN RIGHTS MOVEMENT IN TURKEY AT THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION:

EXPERIENCES AND PERSPECTIVES

Ankara, 28-29 November 1998

FINAL REPORT AND DECLARATION

The Conference on “Human Rights Movement in Turkey at the 50th Anniversary of the Universal Declaration: Experiences and Perspectives” convened in Ankara on 28-29 November 1998 under the coordination of the Human Rights Association and the Human Rights Foundation of Turkey on the occasion of the 50th anniversary of the Universal Declaration of Human Rights. People who have taken part in the human rights struggle in various periods and representatives of various groups attended the 1998 conference in order to seek for the means of setting forth a common action on certain topics after discussing on them and exchanging information and experience.

Following issues were discussed by four different work groups during the Conference:

1. The Human Rights Struggle on the 50th Anniversary: Sides and Intentions
2. Human Rights Struggle in Turkey: Experiences and Perspectives
3. Human Rights Violations as Method of Governance and the Responsibilities of Governments
4. Methods of Struggle and Strategies for Realizing Human Rights

The Conference started with the opening speeches by Akın Birdal and Yavuz Önen. The moderators were İoanna Kuçuradi, Hüsnü Öndül, Nevzat Helvacı, Mustafa Çinkılıç and Yıldız Temürtürkan; rapporteurs were Yasemin Özdek, Sezgin Tanrikulu, Nimet Tanrikulu and Ender Büyükçulha; and participants were Erol Anar, Gökçen Alpkaya, Bülent Peker, Nurkut İnan, İzzettin Önder, Mithat Sancar, Yeşim İşlegen, Hale Eryılmaz, Feride Eroğlu, Hasip Kaplan, Yusuf Alataş, M.Semih Gemalmaz, Sedat Aslantaş, Osman Baydemir, İlhami Yaban, Leman Fırına, Naciye Erkol, Tarık Ziya Ekinci, Gülşah Tağaç, Tomris Özden, Lütfi Demirkapı, Selim Ölçer, Yılmaz Ensaroğlu, Kamil Tekin Sürek, Aydın Erdoğan, Eren Keskin, Kazım Bayraktar, Zeki Rüzgar, Selahattin Esmer, Şenal Sarihan, Mahmut Ortakaya, Sibel Özbudun, Turgut İnal, Alaattin Aras, Ömer Laçiner, Mahmut Alınak, Berivan Kutlay, Ümit Erkol, Necdet İpekyüz, Ercan Karakaş, Emine Ocak, Sema Bektaş, Gülizar Tuncer, Murat Belge, Şanar Yurdatapan, Fevzi Argun, Koray Düzzören, Mahmut Nedim Eldem, Cemalettin Canlı, İsmail Boyraz, Zeri İnanç, Pelin Erda, Gülden Önal, Aylin Satun, Nihat Bulut, Mithat Can, Nazmi Gür, Gül Erdost and Metin Bakkalcı. Ragıp Duran, from the prison, and Fikret İlkiz have participated in the conference with the presentations they have sent.

PRINCIPLES AND PROPOSALS

The Universal Declaration of Human Rights, which was adopted and proclaimed on 10 December 1948, has been a progress for humanity with regards to its meaning and context. The Declaration has accredited once again that the principles of liberty, equality and fraternity are of vital importance for the human life; and obliged the governments to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms. For this reason, individual, political and economic rights are considered as a whole, and emphasize has been made on the equality of all members of the human family with regards to dignity and rights.

Our Conference has emphasized on the integrity and inalienable nature of the human rights. From this point of view, our Conference has the conviction that the principles of human rights that have been worded in Universal Declaration and other human rights documents should be contemplated one by one in order to reveal out the human rights idea; and that the universality of certain rights, such as the right to own property should be considered.

Keeping in mind that human rights are the set of principles accosting the freedom and security of the person, our Conference has expressed that the values that the governments and the actors of the international order have affiliated with the notions such as “national security”, “national interest” and “national culture” have constituted threats against the freedom and security of the person, and that the regulations basing on these notions have constituted serious obstacles before the protection and realization of human rights.

1. Our Conference has pronounced that the human rights principles are the highest values in determining and assessing the legal, social, political and economic regulations.

2. Our Conference has accentuated that the basic condition for recognition of human rights is the national and international peace as well as demilitarization.

The participants of our Conference have brought into question the adequacy of the notion of equality in the text of the Universal Declaration for the protection and the promotion of the inherent dignity of all members of the human family. Our Conference have observed that the existing economic and social order at the national and international level, especially the globalization, have cast a threat against the fundamental rights; deepening the gaps between the different nations and different social classes with respect to the living standards, right to education, right to health, right to residence and the right to work. As the Multi-Lateral Agreement on Investments (MAI) clearly implies, our Conference has determined that a common approach has gained acquiesce among the governments of the world and the international capital for the uncontrolled

functioning of the free-market and free enterprise that have been ruled by no limitations but the economic benefits. Besides, our Conference has stressed on the increasing role of the Mafia and the “paramilitary organizations” as the counterparts of the “state of security” in the order of the states and on the international arena with the challenge against the notions of “social state” and “state of law” by the globalization and the operations of Lilliputian states.

3. Our Conference has emphasized on the importance of inducing the economic life, in addition to the internal order of the states and the international order, in line with the human rights principles.

According to our Conference, the inequality and conflicts between nations, peoples and individuals will increase unless a legitimate system basing on human rights is established.

In the present time, globalization primarily implies that some of the characteristics of the free-market system, particularly the free flow of investments (free enterprise) which has an alleged value, will have universal covenant that will characterize the law. In this sense, globalization implies a set of principles that will compete against system of characterizing the law by human rights values, and includes a set of legal regulations and practices that obstruct the realization of human rights.

4. Our Conference has drawn attention to the globalization as a threat against the realization of human rights on the universal scale.

In the present time, the international funds have become available for the non-governmental organizations, which have become important actors on the international arena. This tendency implies the threat that non-governmental organizations may become not-so-much independent from the governments, and the fund-holders may take these organizations under control. Human rights organizations should be well aware of such traps.

Our Conference has pointed out attention to the fact that human rights have been abused in the present-time international relations in favor of other interests. The political, military and economic interests have drawn the outline of the policies of powerful governments, and oppressive regimes have been protected in favor of these political, military and economic interests. Besides, our Conference has observed that the powerful governments and international institutions may impose regulations in the name of human rights but in fact as a breach of the human rights so as to serve for certain interests.

5. Our Conference has protested the policy of deploying human rights as an instrument of international politics, and points out attention to the necessity of freedom of rights.

In the international human rights documents, certain rights and even interests that do not comply with human rights have been listed and given the same protection. Certain other rights, in the sense they are perceived in the present time, may result in certain circumstances that cast an obstacle before the recognition or protection of human rights. For this reason, it is essential to make a re-definition of the human rights and revise the criteria that they imply.

6. Human rights defenders should have an active part in defining human rights.

Our Conference has also discussed the international human rights law and the institutionalization of the humanitarian law. International justice has becoming institutionalized on the path from European Human Rights Court to Bosnia Human Rights and former Yugoslavia War Criminals Tribunals, and to the Rome International Criminal Court, and the protection of human rights and humanitarian law has getting out of the scope of internal affairs of states. This situation is especially in conformity with the principles of protecting and promoting the dignity of all members of the human family.

Our Conference has surveyed the mutual influence of and integration between the Human Rights Law and the International Humanitarian Law, which regulate different areas and issues. In order to secure that the organs institutionalizing the international justice become accessible for the citizens of Turkey and people living in Turkey, the government should ratify and promulgate the related international documents.

7. The Turkish government should ratify the international human rights documents that she has refrained from being a party up to the date, including the UN International Covenant on Civil and Political Rights and its protocols, and UN International Covenant on Economic, Social and Cultural Rights. She should end the policy of delaying the entry of international documents into force by delaying the delivery of the approval document to the related international organ.

8. The right to individual applications to the international human rights organs is a legitimate right stipulated in the international conventions to which Turkey is a party. The government and judiciary should be aware of the fact that it is prerequisite of the state of law to provide the means for the utilization of this right. The petitioners and their representatives should be provided with every kind of means for the effective use of this right in line with their liabilities. The Turkish government should ratify the European Agreement Relating to Persons Participating in Proceedings of the European Court of Human Rights dated 5 March 1996 at the earliest convenience.

9. The official translations of the conventions ratified by the Turkish government should be revised, and necessary corrections should be made. The case law and decisions produced by judicial and semi-judicial organs established under these conventions should be translated into Turkish and publicized on a regular basis. This is a liability on the governmental side, and a prerequisite of the right to have information for the citizens.

Our Conference has drawn attention to the fact that the national authorities are liable to exercise promptly and accurately the decisions taken by the human rights mechanisms established under international conventions.

10. National authorities should authorize the publication of the reports by the European Committee for the Prevention of Torture and the government's responses to these reports without any delay.

11. Judges, prosecutors, lawyers and other judicial personnel and law enforcement public personnel should be provided with regular training about the regulations and liabilities regarding the international conventions signed by the government. To this end, the related ministries, Bar associations, universities and non-governmental organization on human rights should develop an effective cooperation.

12. The exceptional governance procedures (court-martial and state of emergency legislation), which can be proclaimed on a temporary basis under the international human rights documents and domestic law and which provide the basis for the breach of rights and freedoms, should end immediately.

13. The government should resort to the opinions of the universities, Bar associations, supreme courts, human rights organizations and similar organizations for the selection of members to be assigned in the organs established under the international human rights conventions, and this process should be open and democratic.

14. Everybody, in addition to lawyers with regards to their profession, should acquire the knowledge and habit of appealing with the protection and investigation mechanisms that have been established by the human rights conventions that the Turkish government has signed. This should not be limited solely with the information how to take a case to the Court established by the European Convention of Human Rights.

15. The public officers or persons who act in the name of public should be held responsible on the individual basis for the violations of rights they have committed. If an international human rights organ

awards a compensation for the victim, the government should collect this money with recourse to the assailant. These people in no means should be assigned for security duties as a requisite of an administrative provision.

16. Reserving the opinion that the international conventions should be directly applicable, our Conference declares that Turkey should revise the domestic law to accord with and base on the international human rights conventions.

17. The Parliament should abolish the death penalty, without making discrimination between peace and wartime.

Our Conference has pointed out that the necessity of making applications with international courts regarding the human rights violations in Turkey stems from the insufficiency of the domestic remedies –not only in the State of Emergency Region but in all country- and especially from the serious obstacles before the institutionalization of the principles of the right to fair trial. Our Conference has declared that the main target should be closure of the state security courts, which are against the principle of independence and impartiality of the judiciary.

Our Conference has drawn attention to the fact that civilians suffer mostly in the civil wars that continue at 55 places on the earth for the time being. Our Conference reminds that the civilian people living in the areas of conflict are under the protection of “humanitarian principles and the public.”

18. Our Conference has invited all parties of clashes in the world to resolutely show respect to the common 3rd Article of the Geneva Conventions, and the principles of the humanitarian law and the human rights law on the right to life, the ban on torture, the ban on discrimination, the ban on slavery and servitude, freedom of conscience, children rights, and protection of elder and handicapped people and other common principles under every condition.

19. Turkey should a party of 1977’s Protocol No 1 and 2 of the 1949’s Geneva Convention.

Our Conference has regarded the stage achieved on the way to the establishment of the International Criminal Court which will have jurisdiction on the crimes of genocide, crimes against humanity, war crimes and attacks as an important step in the development of human rights law and the humanitarian law. We believe that the establishment and operation of the International Criminal Courts is an outcome of and the contributor to the principle of the Universal Declaration of Human Rights which reads, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

20. The statute of International Criminal Courts which has been approved and opened for signature in Rome on 17 July 1998, should be ratified and adopted by Turkey at once.

Our Conference has provided the grounds for the discussions on the experiences and perspectives of the human rights struggle. During the Conference, emphasize has been made on getting organized in the human rights area as a means of a achievements and extending experiences; however, it has been pointed that the young Turkish human rights movement has burdensome tasks in future.

It has been maintained that activities should principally focus on the legal dimensions and reporting of violations because of the vast scale of violations, in addition to focusing on violations that have been committed in the name of the state and that have the characteristic of difficulty of punishing the perpetrators because of various obstacles.

In an atmosphere where violations exists extensively as a method of governance, human rights defenders should drew attention to the violations committed by public officers and carry out an active

struggle against them. Nevertheless our Conference has also pointed out that the human rights defenders should have an active part in the establishment of the circumstances that do not involve violations, should make proposals for this purpose, and especially give importance to the human rights education.

The preliminary necessities have been listed as the use of new media and methods for reaching the citizens, reporting the violations and informing the public; carrying out studies for the education activities concerning all sections of the society; eliminating the deficiencies in the cooperation and solidarity between various organizations that work on various fields of human rights.

21. As the final aim of the human rights defenders, our Conference sets the idea of the establishment of conditions that would not need the human rights defenders; i.e. the circumstances in which all are human rights defenders, no violation takes place and human rights of all members of the human family have been recognized and protected.

22. The primary addressee of the human rights should be the citizens of Turkey.

23. The HRA and HRFT should start a mobilization act that aims at covering all sections of the society in general and all citizens individually.

24. Efforts should be put forth for constituting the measures for the protection of human rights before they would be violated; the human rights education should be improved on a strong basis, and struggle should be carried out for respect to human rights in all aspects of the life.

25. A culture of actively seeking rights should be developed and institutionalized.

26. The Parliament should be informed about the violations and the measures to be taken against them effectively.

27. The objectivity should be considered carefully while reporting the human rights violations, there should be a caution against exaggerations, and uncertain information should not be reported.

28. The illegal practices against the human rights organizations, which get their legitimacy from the human rights law and carry out activity in this respect, should end. Active cooperation should be established with these organizations.

Our Conference welcomes the international efforts for the protection of human rights defenders in a period when attacks against the human rights defenders have intensified all around the world, attacks were carried out against the Human Rights Association and in person against Akin Birdal and against the Saturday Mothers, and the media has carried out slander campaigns against the human rights defenders. Nevertheless, our Conference puts emphasize on the importance of solidarity between the human rights defenders as acquiesced in the nature of their task.

29. The solidarity network between the human rights defenders should be developed. Merely the support given by international human rights organizations should be regarded as sufficient, at the same time the ties of solidarity between the civic organizations and the human rights organizations inside the country should be established and the struggle should be strengthened by establishing international, regional and national network of solidarity.

There can be no restriction in the solidarity of human rights defenders with reference to the nature of their tasks. In the judicial systems where the human rights have been effectively protected, there is no need to set a further measure for the protection of human rights defenders. Our Conference maintains that there should be a caution against the governments and organizations that use the human rights in order to serve for their interests.

Our Conference has pointed out that the independence of the human rights defenders and protection of this independence necessitates a special attention.

30. Human rights defenders and their organizations should persevere their independence under every condition.

31. The human rights defenders in Turkey should not involve in relations between the governments of the states, their authorized bodies or persons other than the required one within the limits of politeness.

32. Human rights defenders should be on the side of the oppressed and weak, being their voices; yet they should not make concessions from the human rights values in favor of the beliefs of the oppressed ones.

Our Conference has discussed the nature of the human rights violations and difficulties in preventing them. Turkey is one of the countries where the human rights violations have been experienced extensively. The administrators of Turkey have signed and most of the international human rights documents, yet they have not established the necessary conditions for the utilization of these rights and they kept in force the domestic provisions that contradict with the international documents.

Our Conference has regarded it unacceptable that on the 50th Anniversary of the Universal Declaration Turkey maintains the provisions of death penalty in her laws, continues to resort to torture as a practice of governance, and restricts the use of freedom of person and rights the personal security as well as the right to fair trial in a way to render them ineffective. Our Conference has opposed against the bans on the use of freedoms of expression, conscience and organization and provisions that stipulate punishments of depriving of freedom.

Our Conference has underlined the anti-democratic nature of the Constitutional and legal framework of Turkey. The democratization of the legal and political structure of our country appears as an urgent necessity. The structure provides the basis for the human rights violations. The inability to find the assailants of enforced disappearances and political murders by unknown assailants, burning down and evacuation of villages, the irresolvable nature of the Kurdish problem and the human rights violations on this grounds, these are all the outcome of this antidemocratic, covert and oppressive state organization. This structure reflects a concept that allows the antidemocratic provisions in the laws on political parties and elections, existence of secret documents that are also binding for the elected representatives, and regards the military will and the civilian bureaucracy superior that the will of the people. Certain bodies are legally above the civilian will.

Our Conference has observed that system has based on the exploitation of labor, the policies of privations have been ideologically oriented and implemented as a policy of plunder, this process has given rise to the policy of dismembering trade unions, and there has been a great deterioration with regards to economic and social rights. Our Conference emphasizes on the grave results of the privation policies especially in the fields of education and health in future.

Our Conference has observed that the human rights violations have been the basic characteristic of the regime since 12 September 1980 military coup, and that they have been set forth as a method of governance.

Our Conference, as the last topic, has provided the basis for discussions for methods of struggle and strategies for realizing human rights. With reference to the human rights violations that have been observed in all sections of the society, our Conference has emphasized on the importance of a human rights movement that has solved its problems, that can address to a large section of the society, and that has not been imprisoned with a limited framework. Despite the esteemed and self-sacrificing efforts by the people who involve in the human rights movement, the things that have been done up to date have been insufficient with respect to the things that should have been done.

It has been maintained that one of the main deficiencies of the movement in Turkey has been its inadequacy of expressing itself to broad sections of the society. The role of the pressure on the human rights defenders and the attitude of the mainstream media can not be ignored in this result, yet it has been emphasized that the human rights defenders should also determine their own insufficiencies. Lacking atmosphere of free speech, bans imposed on expression of thoughts, the insufficiency of the solidarity between the organized sections of the society are all factors that prevented the development of the human rights movement. It has also been pointed out that the democracy and human rights defenders have not been able to voice their demands to the society as many of the media are under the control of cartels and the state. On the other hand, it has also been emphasized that there should be unity in language and style between the human rights defenders and the society.

The Conference has drawn attention to the fact that in the recent years the most influential means of communication, the media has increased the fierce attacks basing on intention and false reports against the human rights defenders. The powerful media has followed policies that aimed at inciting the sensational reaction of the public against the human rights defenders whenever they have an attitude and opinion that contradicted with the official ideology.

Besides, emphasize has been put on being cautious against the threat of involving the political identities of the victims in the daily practice of human rights struggle.

The Conference set forth the proposals for an effective human rights struggle as follows:

33. Alternative methods should be found to voice the human rights defenders; Media watch Committees should be established with the participation of professional journalists and academics.

Our Conference has maintained that the education of the human rights defenders and their expertness is essential for establishing the communication between the victims of violations and other sections of the society, in addition to the contribution to the human rights struggle. For this reason, it has been expressed that the series of Conferences should continue in future, and education meetings should be convened at various levels. It has also been mentioned that activities should be carried out to eliminate the separation between the academics and the human rights defenders.

The Conference has drawn attention to the separation between sections that work in the field of human rights, and pointed out to the necessity of taking measures to eliminate such deficiencies.

During the Conference, proposals have been made for the establishment of a Human Rights Institute and the House of Human Rights.

34. The lack of communication between the human rights organizations and certain “initiatives” which have been formed around certain topics and have a more flexible structure, should be eliminated and solidarity and cooperation should be established among them.

35. An international meeting should be convened for discussing the common practical problems especially to benefit from the experiences and perspectives developed in the third world.

36. Activities should be carried out to draw attention to the pressure on the human rights defenders and to increase the solidarity with them.

Our Conference has also discussed the measures to be taken in connection with certain problems on the agenda.

For example, proposals have been made on following topics:

* An active struggle should be carried out against the recent propaganda activities which have incited the ultra-nationalist tendencies and resorting to violence among different sections of the society; and activities should be carried out for the promotion of peace or non-resort to violence as the fundamental principle of human rights;

* Activities should be carried out for the prosecution of the military dictators and especially the members of the 12 September dictatorship;

* Campaigns should be started for the improvement of prison conditions on the basis of prison human rights;

* Campaigns should be started for drawing attention to the refugee crises that the Turkey has experienced and to the human rights of the asylum seekers.

Our Conference has conveyed respects to the people who carry out the human rights struggle all around the world, and especially to the 14 members of the HRA and all human rights defenders who have been killed all around the world.

On the 50th Anniversary of the Universal Declaration, the human rights defenders regard themselves as the inheritors of the historical struggle for the rights that has continued for hundreds of years. This heritage passes over pain, imprisonment, torture, extra-judicial executions and death sentences on its way to future. This heritage casts a difficult task for the human rights defenders; the task of establishing peace and freedom and a system basing on human rights in Turkey and all around the world.

ANNEX -1

SUSURLUK REPORT BY THE PRIME MINISTRY INSPECTION BOARD

Foreword

This report is neither an “Investigation” report nor a roll of inquiries. It is not an inspection report either. As explained in the introductory part, our board does not have the power to issue an investigation report in terms of both technical and legal aspects. The Ratification of what has been submitted as Annex 1 by the Prime Ministry happened within this framework. The report is only for information and advice to the Prime Ministry. (...)

Since the reports prepared by the inspection boards are usually “secret” and can only be submitted to the public if the concerned body consents and gives permission, our report will be submitted directly and only to the Mr. Prime Minister without involving any advice towards the concerned people or the public.

Introduction

(...) However, the public is disturbed by relations between politicians - underworld - public enterprises and illegal activities aimed at achieving money, interest and power mainly for personal interests only. It is also disturbing are that such activities are reflected and concealed as “anti terror activities in the interest of the country”.

(...) Usually the Prime Ministry Inspection Board would not have to deal with the issue taking into consideration the facts that the Ministry of the Interior Inspection Board alone carried out 18 and the General Directorate for the Security carried out 16 examination-investigations, that the Susurluk accident is being examined by a court in terms of traffic regulations, by a SSC on the aspect of “gangs” involved, that the trial in connection with the Topal murder is examined by another court, and that many trials in connection with the issue are being heard by various judicial authorities, that the Ministries of Finance, Justice and Tourism conducted examinations-investigations on issues of their concern, that the issues in indirect connection to the same issue were handled by relevant institutions, in short: because all concrete issues were taken care of indeed. The only area not considered are the illegal connections that we pointed at above. They need an answer that meets the expectations of the public.

At this point we should touch a special issue. There are statements of the people involved in the Susurluk Accident, that occurred after they jointly been in different places -İstanbul, Yalova, İzmir, Kuşadası- and according to S. E. Bucak on their way to İstanbul when they left first İzmir, then Kuşadası and decided to turn back to İstanbul because their body guards suspected that somebody was following them. Since the events before the accident and the way the accident happened were dealt with according to the reaction of the public and the media and are now a judicial issue, we considered the issues known and did not deal with them to avoid repetition. As another principal consideration we wanted to draw attention to the extensive and mostly illegal relations network known as the “Susurluk Event” and tried to present the event as a whole without being lost especially among events that the police should deal with.

The Susurluk issue, which should be dealt with as a whole, was divided into parts and subsequently the spirit and essence of the event got lost, especially in the judicial area.

Mehmet Ali Yaprak was kidnapped, the event was taken to court, Gaziantep Public Prosecutor’s Office asked the Prosecutor of İstanbul to take and send the testimonies. The prosecutor took the testimonies and sent them and a decision on non-prosecution was reached. Gaziantep Public Prosecutor had written an order on confronting the suspects for identification, but at the later stages that did not happen.

Fingerprints of Müfit Semet were found on the vehicle, used to kidnap Mehmet Ali Yaprak, but it was secured that the issue was not taken to court. A high ranking officer working at a public enterprise intervened in the event. In February 1997 the Prime Ministry wrote to the Ministry of Justice demanding a prosecution into the event. The Minister, Şevket Kazan, gave the order, but the General Directorate on Penal Affairs kept the case pending. The issue was not taken up until we reminded it in writing, in September 1997. The Ministry of the Interior conducted an investigation on weapons that disappeared. But although all information and documents regarding the event had been gathered, the issue was limited to 10 Baretts for some unknown reason.

Our letter to the Ministry of the Interior, which was also sent to the Highest Administrative Court “for information”, caused a reaction by the Highest Administrative Court because of the phrase “(The case is) being examined by the Highest Administrative Court” although the files had not been sent there. (It is obvious that an examination of the Highest Administrative Court is the next step after the ministry confirms the roll of inquiries.) As a result, 5 security officers appeared before court, the arms deal amounting to millions of dollars was not investigated, the warning claiming incomplete investigation, mistaken assessment were not taken into consideration by the ministry, on the contrary, a second report claimed that the first was correct. However, the official complaint of the Highest Administrative Court against the special operation members proved the thesis of incomplete investigation. Nevertheless, the ministry still did not come to a conclusion on the million-dollars arms deal.

Such examples shall be increased and detailed in the course of the report. The matter to be considered is that the issue that should be taken as a whole was divided into parts and in this point no unification can be made with regard to any authority and body.

The Prime Ministry Inspection Board: attempting to avoid from entering the judicial field, the Board performed a study that also aims at providing assistance to the judicial organizations and attempts to unify the issue as a whole. Everybody who is aware of the operating manner of the state and working system of Inspection Boards will see it is not possible to “investigate” the Susurluk Event (in this stage) in all its aspects.

Another aspect that should be attached importance is that such issues cover subjects which are under powers of only the Police and that it is hard to reach a conclusion at the hands of inspectors.

A short while after the murder, Ömer Lütfü Topal was called at home. A person who claims to be the chief of the calling persons and who speaks with an obvious Eastern Anatolian accent was determined. A long time after the murder, some alleged that no security precautions were taken on the periphery of the house.

Such issue was one requiring a police work. General Directorate for the Security was demanded to conduct necessary researches in order to convey the information to be obtained. The investigation conducted by the Security Forces concluded that there was no error or lacking point. However, our questions why MİT İstanbul Region Directorate warned the Security Directorate in connection with the Topal murder and accused a group of police officers were not answered. Furthermore, General Directorate for the Security was also requested to search the computers containing accounting and secret records of Ömer Lütfü Topal using methods of the police.

There is another aspect that should be stressed in relation with our study. The picture revealing after almost every inspection, investigation and examination stressed the manner in which the institutions behaved before the inspectors. The institutions and the executives usually try to seem to be clear and transparent but not to provide any assistance to the supervising officers in fact. They provide assistance about the working place, secretary, telephone, vehicle and such issues, but they hesitate to give information.

As a result, it is normal that the persons who are involved in the issue hesitate. The persons who are not connected with the issue try “not to get involved in it”. Such attitude we usually observe in relation with bureaucracy is certainly ordinary and normal. Especially with regard to the Susurluk event it is more ordinary.

The Prime Ministry Inspection Board never considered such attitude as prevention or concealing of the facts and never needed to take counter measures. Because, the means to overcome such an attitude are careful examinations of all documents, whether they look important or not to get tired with permanent negotiations with the people concerned. The result of a four-hour talk sometimes can amount to two pages of notes being taken. Usually, a name, a relation, an account number, an officer’s being present at a place where he should not be, a telephone number or a bank connection pointed at information to be followed and reached.

In such conditions, the public institutions tried to perform their duties in counterfeit excitement after the Susurluk Event unfolded. Investigations and examinations of that kind were the ones by the Ministry of the Interior and the General Directorate for the Security. Despite the order of Minister Şevket Kazan, the Ministry of Justice could not get one of the two issues examined, that had been transferred to them in January 1997. The Ministry of Tourism dealing with issues regarding casinos (Gambling Saloons), issued a report, demanded legal proceedings against the staff of the judicial records office at the Ministry of Justice for having misled the Ministry that issued a license for Ömer Lütfü Topal on the information that he had no criminal record, but - as far as we conclude from our talks - they did not even think of canceling the permission for the Emperyal Company that had been obtained through illegal means. Our warning in November 1997 also bore no results. Eximbank credited two hotels in Turkmenistan. Finally it turned out that it was the Emperyal Company that managed these two hotels and their casinos and that the real debtor was Emperyal. Despite this information Eximbank approved demands for extension of the credit. They were reminded that the inspection could not intervene in getting back the money, but that they should be careful when extending the loan period of Emperyal another time.

Another interesting issue concerning the Susurluk Event is that the enterprises forgot their own faults and tried to blame each other. The army stayed absolute silent watching the events. Indeed, the gendarmerie could say a lot on the issue. Particularly, they could investigate items such as “Yeşil”, repentant criminals and why and how Cem Ersever was murdered. Politicians, too, did not remain impartial on the

Susurluk issue. We could not even distinguish if the issue was a problem of the country or the government problem as far as politics are concerned.

A Minister of the State criticized that “the Prime Ministry Inspection Board did not talk to him despite his knowledge on the issue”. He made a press statement two days later and revealed that he carried quite a different opinion (on Secret Services, the CIA etc.). It was not possible to give an answer. While the Prime Minister did not try to push us to examine the events through his party’s or personal opinion, the fact that Mr. Minister published his demand for talks that would not go any further than trying to impose his personal points of view, in the press, shows how right our board was in abstention.

Another issue is that each inspector, employed at the Inspection Board for years, is left alone in his study on legal possibilities and the organizations he has to work with. For the first time -and probably for the last time- Mr. Prime Minister responded to request for assistance to overcome any difficulty we might encounter and showed interest and provided every means of assistance for us to get the information which would help us directly or indirectly in our researches.

He accepted without hesitation our position that there should be no intervention to the Inspection Board, and that in case of such an attempt he should get involved to prevent it and that he should remove any disturbances by the bureaucracy. Mr. Prime Minister stayed firm on this condition more than necessary and did not even demand any information from us during various stages of the study. When we observed that this situation created hopelessness of some members of the government and MPs, we felt the need to inform the Prime Minister (on 20 November 1997) that we found out many connections in relation with the state and that many arrangements had to be made in state organizations, and that the government and the public may feel comfortable knowing of precautions to be taken as a result of such findings.

Since the public is much engaged on the “Gang” connections within the state it is useful to shortly comment on it.

The Gangs are discussed only in respect to their armed activities and murders and the drug trafficking groups are mentioned in the first place. Such an illegal structure is a scene which the state can easily handle, which can be seen all over the world and which can be eliminated, in particular if there is a social reaction against it, by each serious state. However, in our country, the gang issue developed in two directions; the first one is the international “Mafia”lizing process on the level and value of the Ömer Lütfü Topal organization, and the second one consists of educated and respectful persons who does not get involved in armed activities and using force. We may call them the white collar groups (wearing ties).

Ömer Lütfü Topal was killed when he had reached a position capable of obtaining an income amounting to hundreds of billions of Turkish pounds where he could enter the state and have things done by means of bribing, and he was just about to give orders to public officers. Thus, the first American type Mafializing process of our Republic’s history, that does not have to fear the police, gendarmerie and judicial powers was not completed. There is no other group which rose so high.

Moreover, “Ömer from Fındıkzade, the gambling house manager” finally decided to become Mr. Ömer getting riff the casinos, beginning to make investments, purchasing factories, and even building his own factories, he was prevented from reaching this goal. Yet, his environment was so large and effective that he did not need guards, to go out with 3 to 5 cars together or take other measures to protect himself. When he found out what kind of measures his men had taken without notifying him, he reacted very harshly. This choice did not cause his death. The system that killed him was so strong to deal with all kinds of security measures.

In relation to our subject we shall deal in more detail with the second type of gang that is much more effective than the first one and is being created by using the strength and the authority of the State for this aim.

The example will be the banks.

The Prime Ministry Inspection Board made an evaluation of 3 public banks and revealed a frightening picture. Millions of dollars and trillions of Turkish pounds would never get back to the banks. Long-term guarantee letter surely will turn into cash. With the risk of minimizing their own profit the banks financed specific persons and enterprises. Credits in the form of leasing and off-shore are a swamp. New buildings are extremely expensive. In the following sections we shall present names of the group that was formed, consisting mainly of politicians and bureaucrats.

It has to be stated that the honorable names mentioned here have not done anything in contravention to the Law on Banks, they carried out activities that fall under the jurisdiction of SSCs. The financial dimension of the events relating to the banks will exceed the sum of the Susurluk Events. We believe that it will not be wrong to see the banking event not as the reason or result of a general contamination, because the aim of contamination is money and the power obtained by money.

It was unanimously accepted that is the frame of the Susurluk Events...

Developments regarding Susurluk

As we explained in the introductory section the Susurluk Event is a unity consisting of a chain of events.

The bombing of Özgür Gündem newspaper in İstanbul, the killing of Behçet Cantürk, the murder of writer Musa Anter in Diyarbakır, the Tarık Ümit event in İstanbul and coupe d'état attempt in Azerbaijan; the killing of Hikmet Babataş in Bodrum, the kidnapping of Mehmet Ali Yaprak in Gaziantep, loans of banks amounting to trillions of Turkish pounds are in fact various aspects relating to the same event in Ankara.

Whatever a current deputy, Mr. Hayri Kozakçıoğlu had in mind when he said "I ordered that Mahmut Yıldırım known under his code name 'Yeşil' had to leave the region when I was the State of Emergency Regional Governor" we think in the same manner, when talking about the Susurluk event. Mr. Kozakçıoğlu meant that the person with the code name "Yeşil" is not useful but harmful for the activities of the State of Emergency Governor's Office. The same person is a useful person for the gendarmerie and MIT. He is even so useful that Kocaeli Chief of Police, asked for the help of "Yeşil" as mediator so that the gang chief named Hadi Özcan would surrender.

This person is so useful that after being taken to and being interrogated at a police station by mistake (or in order to intimidate MIT) they release him by saying - come and take your man - and gets his broken ribs treated at the premises of MIT.

What is the Susurluk Event? As from November 1996, murders by unknown assailants suddenly stopped. That is Susurluk.

A high ranking officer said in September 1997 "... he came from abroad and now causes trouble for us. We have to eliminate him, however the conditions are not suitable". This is what the Susurluk event is.

The beginning of the Susurluk event is perhaps hidden in a sentence by former Prime Minister Tansu Çiller. She said "We have the list of businessmen supporting the PKK". The killings started afterwards. Who took the decisions for the killings? It was inevitable that corruption started and that patriotic

and national plans were replaced by personal ones. And so it happened. This report was written with such a perception of the Susurluk event.

In Eastern and Southeastern Anatolia the ground is even more slippery. Repentant criminals, village guards, tribal chiefs already formed a complex structure. By talking into account the difficulty of finding the criteria for distinguishing between PKK terrorists and ordinary citizens, we can better understand the difficulties of young police officers - soldiers risking their lives for their motherland.

Personal plans came out after a long time.

It is possible to understand the reaction and anger of those living in the region under a state of emergency and the state forces fighting against the PKK, as well as the behavior of some martyrs, since the fight and attacks by the PKK, going on for years, created an ever expanding reaction in the western regions, too. It can even be called necessary. But the institutions and some of the events that developed in this ordinary but complicated situation have to be inspected in detail. Thus it will be possible to see the route taken from the fight with the PKK up to the financial relations in Ankara and İstanbul.

Cem Ersever

Cem Ersever is an officer of the gendarmerie, who founded the intelligence department of the General HQ of the Gendarmerie for southeastern Anatolia and who led it for a long time. He resigned in March 1993.

During his long-lasting duty in southeastern Anatolia Ersever participated in all guerilla and intelligence work related to the PKK. He joined armed clashes and was in command of all activities. He established contacts to groups and individuals of the PKK and its followers. He did this with full authorization and under the direct command of the headquarters. As an officer and the person in charge of the intelligence he either participated or at least had knowledge of all activities.

First, Ersever was on duty as a normal officer of the gendarmerie, later he developed contacts to all groups and illegal groups because he had been equipped with important competence. He expanded his contacts beyond the border and among the KDP leader Barzani and the PUC leader Talabani he was always closer to Barzani, but he played an important role for both to develop contacts to Ankara.

Being from Kerkük himself he had close ties to the Turkmenians in Iraq. He also had contacts to the intelligence of the Iraq. He never denied that these contacts had started in 1976 and defended the contacts for the sake of the fight with the PKK. It was always considered to contact the English and US intelligence during his frequent trips to Northern Iraq.

Having retired he showed some reactions and started to create his own public on subjects where he felt that the fight against the PKK was incomplete, incompetent and ineffective. His declarations were published in the journal Tempo and the dailies Aydınlık, Tercüman and Daily News.

In the meantime he hired (or used) the flat that the KDP Ankara representative Hayrullah Salih was using as his office and started preparations for publishing a political journal. For two books written under the name of Ahmet Aydın cases were filed against him at the military court. Ersever expressed not only views on the region and the Kurdish question, but uttered detailed criticism of appointments, working methods and practices of the General HQ of the Gendarmerie and the Command for Public Order. But he did not get to the desired results and could not find the necessary support. He had criticized the armed forces, entered into problems in financial terms and in the security area.

The killing of Ersever still remains an act of unidentified assailants. According to MIT, Hanefi Avcı called Mahmut Yıldırım, met him in the necessary places and informed him that Ersever had to be eliminated

because of his recent activities. Later he turned to Mustafa Deniz and Neval Boz (lover, wife), won them for cooperation and on orders of Avcı they handed Ersever over to the executing team.

The journal *Aydınlık* places the killing of Ersever into a corner of their own logic and declares that ... in November 1994 (he) was interrogated by Abdullah Çatlı and his team in the Polygon of the Prime Ministry because of his involvement and knowledge of drug traffic and was killed by them together with Mustafa Deniz and Neval Boz.

The explanations of MIT are far from reality. Consistent in its logic is the declaration that Hanefi Avcı, who for what reason ever is constantly being accused by MIT – did it. In his statement to the Susurluk Commission of the Grand National Assembly of Turkey (Parliament) on 4 February 1997 Avcı stated that Cem's archives had been kept in the house of the driver of custom's director Ali Balkan Metel, Kemal Uzuner (staff of the gendarmerie), that he had taken the material (archives) from the gendarme Kemal's house, had captured Ersever who had made an appointment with Kemal and that Mustafa Deniz and Meral Boz had also been detained when they came to the flat. The allegation that Mahmut Yıldırım (Yeşil) was among the interrogators is widespread.

At the end MIT gives a logic explanation in the form of, "it is known that Ersever and his friends had much experience on how terrorists behave and were very cautious for their own security. Therefore, it is striking that he was caught by the murderers without a sign of a fight. In this situation the probability that Ersever and his friends were captured by people they found 'trustworthy' or through their mediation."

The way the action was conducted; that is to say, none of the three was subjected to physical force, eliminates the PKK version of the killing. It cannot be expected of the PKK to kill these people who know many things about the PKK, without "making them talk".

It is not misleading to accept publications in the press leading to interpretations, baring a portion of truth, to the effect that this was the settling of accounts within the State, that the State was not even able to protect those in important positions or to easily sacrifice them. It sheds a light on the event when many police officers said, "we did not expect Cem to be killed, but assumed that he would be interrogated on his recent activities and that he might be intimidated."

Kemal Uzuner, the driver of the customs office said during our interview that he came to Ersever's home and took the closed suitcase. The others had also come to the house and left. He explained his connections to Ersever that had lasted for years, but could not provide any facts on an armed fight and how Ersever and his friends disappeared during those hours outside the house.

Indeed, having talked to tens of people one should not feel doubts on how the event happened. Certainly, Ersever had started to be harmful, increasingly he was targeting the State and its institutions, the wrong dimension of relationships was growing and he deserved a punishment from justice. The basic subject that we explained at length and that we would like to draw the attention of the Prime Minister at, is the importance of this point for showing the atmosphere that had built up in Ankara.

In the words of MIT the capturers had handed Cem and his friends over to execution team. The term execution team is, according to our conviction, at the heart of many events. Who is able to give orders to an execution team? Who can establish such a group? If the competence is with the State, how is the system to work? And to what ends will this system be made operational?

This much is known. In the region under a state of emergency (OHAL) the decision making body has gone down to soldiers of the lowest ranks, deputy commissioners, and even more important, this competence has been handed down to repentant militants who were terrorists yesterday and are potential criminals. When in 1996, the Command of the Army became active in order to put an end to all kinds of

disorder the arbitrariness of such killings could be prevented to some extent. Because it is obvious that in case someone is being handed over from one place to another because of an issue in the interest of a court and his corpse is being found under bridge, while being in the hands of the State, you cannot call this a case of unknown assailants.

While this happened in the OHAL region, the fact that Cem Ersever and his friends became the victims of a murder by unknown assailants in Ankara is an example that this (business) had stopped to be of public benefit and had reached dimensions causing public harm.

Mahmut Yıldırım (Yeşil = Green)

We considered it useful to introduce the statements of MIT about “Yeşil” without further explanations. Certain relations, which are evidence for saddening attitudes by our state organizations and which must be corrected, are not covered here but shall be dealt with later in this report.

All of the following statements are presented in the terms used by the National Intelligence Organization without any changes.

Mahmut Yıldırım with the code name of “Yeşil”

Real Name: Mahmut Yıldırım

Code Name: Ahmet Yeşil-Mehmet Kırmızı (=Red)- Sakallı (the “bearded one”-Terminatör)

- Son of Salih-Derdi, born in Bingöl/Solhan in 1953.

- Bingöl/Genç District Gendarmerie Command benefited from him on 08.04.1973. On the same date, he was referred to our organization on the grounds that there were difficulties in evaluating the information he provided.

- From the date mentioned above onwards our local branch in Tatvan began to take advantage of him.

- The person in question could not be contacted when he was performing his military service between October 1973 and November 1975. After his military service, he was used in connection with (the movement) “National Opinion”. But in May 1989 contacts to him were cut again, due to complications he had created.

- Afterwards, he participated in the routine of security forces gathering intelligence for the Tunceli Gendarmerie District HQ in Nazımiye and Ovacık regions.

- As a result of his work he was decoded by the citizens in that region and was taken to Diyarbakır by the Gendarmerie HQ for Public Order. In this period, the aforementioned person got to know one of our officers from the Tunceli Gendarmerie Command. The person in question said that he worked for the Gendarmerie HQ for Public Order in Diyarbakır.

- In March 1992 while working under Security Commander of Tunceli said in a conversation with our staff member that he would interrogate Aysel Doğan who directed PKK activities in Tunceli and that he would liquidate her in case she did not talk. Our staff member convinced him “not to do that. Our units involved were ordered “to take maximum care not to contact the person in question, because he could cause complications” on 17 March 1993.

- On 27 May 1992 5 PKK members were detained in Muş by security forces. They were killed by the person in question on their way to an interrogation by the Branch Directorate for Special Operations. In relation to the event in which 2 of our staff members from the Bingöl branch were involved, there exists a note containing the name Ahmet Yeşil, his signature and the title "Officer of the Army for Public Order" dated 28 May 1995.

- According to the information transmitted after the event in relation to the person he was identified by our Bingöl branch at the office of the Commander of Bingöl Gendarmerie in the presence of the deputy commander for public order and, when the aforementioned person (M. Yıldırım) asked for money, the deputy commander for public order gave instructions to give money to him.

- The aforementioned person attended the Provincial Security Commission meeting in the presence of Muş Governor, Chief of Police, Provincial Gendarmerie Commander and Bingöl District Director on 5 May 1992. In the meeting he expressed that he did not get any support from our Bingöl branch.

- Upon the insistent request of the person seen in the interrogation office of Elazığ Police HQ on 7 December 1992; a conversation took place, during which he said that he and a team of the gendarmerie captured "dead" 3 terrorists who planning an action against the Gendarmerie Station between Muş and Bulanık district within 1991. He added that he engaged a lady from Hatay who he found out was the courier of A. Öcalan (probably Neval Boz) and introduced her to a major (Cem Ersever) working for JİTEM in Ankara. He expressed his will to work with our organization. His proposal was refused.

- On 27 January 1993 he demanded money from Celal Yaşar by sending two men disguised as PKK militants. Celal Yaşar himself was among some people in Tunceli the PKK had asked for money and, therefore, he was detained but released afterwards.

- On 16 February 1993 Deputy Group Commander for JİTEM in Diyarbakır stated in a conversation with our department concerned that the person in question wanted to establish a contact to our organization. He was accompanied by the responsible person for the Muş area and said that he planned to kill Şemdin Sakık and wanted to get a guarantee that he could go to Switzerland after the action. The proposal was refused.

- PKK member Salih Derviş who surrendered to the Gendarmerie in Elazığ/Karakoçan on 7 August 1993 testified that Mahmut Yıldırım, to whom he was introduced by the Gendarmerie Commander, "worked for MIT, acted as its Southeastern Anatolia Responsible, and told him that he would employ and train him for MIT".

- Muhsin Gül (code name: Kekeç-Pepe-Metin), who was under arrest in Diyarbakır Prison from 1994 on, said in his testimonies which he gave between 22 July 1994 and 16 August 1994 at the department for capital offences at the Police HQ between about Ahmet Demir that;

"- Bayram Kanat was kidnapped from his home in Diyarbakır Şehitlik Mahallesi 75. Sokak No. 31 on 6 April 1994 and found dead under the Gözülü Bridge at Mardin Yolu 10 Gözülü Bridge on 1 June 1994. Ahmet Demir employed at the gendarmerie in Diyarbakır had planned the kidnapping,

- A Star brand gun and Uzi brand automatic gun were stolen from the house during the kidnapping of Bayram Kanat. Besides Ahmet Demir, Ali and Kemal code named persons working at the gendarmerie were also involved in this event and he (Muhsin Gül) had worked for the gendarmerie from time to time,

- Ahmet Demir (code name Yeşil), repentant Alaattin Kanat (code name General Zinnar), İbrahim Babat (code name Mete), a person with the code name Hoca (name unknown) and a 35 years old short man wearing glasses speaking in an Antep accent killed retired major Ahmet Cem Ersever who was murdered near Ankara Elmadağ District. Following the killing of A.C. Ersever his friend Mustafa Deniz and his lover

Neval Boz were killed in the same manner. The persons in question left their guns at the gendarmerie intelligence building in Aydınlikevler district and were sent by bus to the places they intended to go,

- The person with the code name “Yeşil” continuously brainwashed the repentant militants and other persons he gathered around him by continuously saying that “he did this job for 23 years and all the people he had killed were communists”, thereby labeling the persons to be killed as communists,

- In addition, the repentant militants Mesut Mehmetoğlu and Serdar Od were taken by plane to Ankara in order to be used for the C. Ersever event, but they said that “they would not get involved in such an event” and were sent back without taken their guns. This information could be confirmed through the flights’ records,

- Zeynep Baba, the niece of the headman of Hosgeldi Village in Muş-Bulanık (her father is a taxi driver in İstanbul) and Şükran Mizgin from Tatvan district of Bitlis (her father is a carpenter) were sent to Diyarbakır State Security Court after their initial interrogations at the interrogation department of Diyarbakır Gendarmerie HQ. Following their release a person with the code name “Rezzak” living in Elazığ and A. Demir took these women, tortured and raped them for a certain period, then they killed Şükran Mizgin under a bridge at the entry of Mus. What happened to Zeynep Baba is unknown),

- In March 1994 A. Demir and A. Kanat took money from Ahmet Kaya, director of “Yıldız Yapı Koop”, a company established with the aim of founding a public bus company in Diyarbakır, and Musa Fidan acting for the same company under the pretext to find members for the company. They collected a total of 3 billion Turkish Liras (TL) from other people and took 600.000.000 TL from MHP Diyarbakır Branch Chairman İbrahim Yiğit. They deposited the money first on an account at Elazığ Ziraat Bank registered for A. Demir numbered (3003-30). The person in question had stored trillions of Turkish liras in this account,

- A. Kanat began to introduce himself as the person in charge for the MHP in southeastern Turkey. In this period he quarreled with Diyarbakır MHP Branch Chairman İbrahim Yiğit. A. Demir and A. Kanat took him from the tourist hotel he stayed in order to kill him, but released him afterwards for an unknown reason. They took some money from İ. Yiğit for the company in question,

- A sergeant from Devegeçidi, with the code name Kürsad (Gültekin Sütçü), repentant militant İsmail Yeşilmen and repentant militant Burhan Sare witnessed the event,

- (In Batman Alaattin Kanat, Mesut Mehmetoğlu, İsmail Yeşilmen and Yeşil code named Ahmet Demir planned and killed deputy Mehmet Sincar). -After this event A. Kanat told them that he had a “paper of guarantee”,

- Sometimes A. Demir told him and other friends that he “destroyed the İstanbul Mafia, he had planned and killed Behçet Cantürk and he had killed other Mafia bosses and PKK followers in the same way”,

- A. Demir himself planned and executed the killing of Vedat Aydın and Musa Anter,

- the group around A. Demir and A. Kanat collected huge amounts of money in Diyarbakır and neighboring provinces with threatening letters sealed as “PKK”. In 1993 he himself (M. Gül) gave threat letters to the firms “Cezayir Ticaret, Öz Diyarbakır, Diyarbakır Sur and Diyarbakır İtimat” located at Melikahmet Street and trading with household electrical goods and the company “Ceylan İnşaat, İntim”, but the money was collected by Mesut Mehmetoğlu and A. Kanat,

- In 1993 A. Kanat collected 1 billion TL from “Sedef Ticaret” on the pretext that Abdülkerim Avcı, the brother of the owner of “Sedef Ticaret Şirketi” who was imprisoned in Diyarbakır E-Type Prison as defendant of a PKK trial had been taken to the repentants’ ward. They repeated their demand in 1994, but,

when they were not given the money they demanded, they killed one of the partners of the company, M. Şerif Aşar. This event was revealed for an unknown reason,

- In accordance with plans by the “Yeşil” code named Ahmet Demir contacts were established on 10 October 1993 to Lokman Zuhurlu (son of Abdurrahman, born in 1977 in Lice) and his cousin Zana Zuhurlu (18 years old) by pretending to be PKK militants. The persons in question were taken from their homes in Şehitlik Quarter by Mesut Mehmetoğlu, Alaattin Kanat and two civilian dressed soldiers using the “81-82 walkie talkie code” and after a short interrogation they were killed 4 kilometers past Pagivar town in the Bismil direction near the Saran Brick Factory,

- On 20 October 1993, Serdar Od, M. Mehmetoğlu and himself (M. Gül) were given the task of murdering lawyer Hüsnüye Ölmez on the road to Bismil. He was ordered to execute the task himself (M. Gül), but they could not accomplish the action,

- He was ordered to kill the chairman of Diyarbakır Bar Association, Fethi Gümüş, and teacher Suphi Koç working at Elazığ/Karşıyaka Science High School, but again they could not accomplish the action,

- The planners and operators of the events in question were Abdulkerim Kırca, known as Major Kerim in the Gendarmerie Intelligence Department, Ahmet Demir and Alaattin Kanat,

- After finding out that those people deceived repentant militants like himself saying that they would take the country to better days and clear it of terrorism, but started to perform these actions for their personal benefit, raped women and girls, lived a luxury life and obtained estates by the money they collected, he and the repentant militants Adil Timurtaş, İsmail Yeşilmen, Burhan Sare and Serdar Od left the group,

- Yet, they had taken part in actions such as robbery to make a living,

- After each execution, they were given 10.000.000 TL pocket money by Major Kerim, Yeşil and A. Kanat and were told that the remaining amount was given to the organization,

- A house was rented for him (M. Gül), A. Demir, İ. Yeşilmen and B. Şare in “Ofis Gevran Cad. Yeniçeri Apt. Kat.2 No: 6”. A black diary in this flat contained many secrets of Yeşil,

- As to the receipts in the name of the ERNK in the form of pages from a writing-pad, these were receipts taken from a PKK militant when he was captured in a plane in Ankara some 1.5 years ago. These receipts were given to A. Demir by Ankara Gendarmerie Intelligence. He and his friends had collected the money specified on the receipts. Yeşil, Kanat, Yeşilmen and M. Mehmetoğlu had determined the manner of threat and the amount of money to be demanded,

- On the 2nd day of his imprisonment, A. Demir had come to him (M. Gül) and asked “why did you talk about the Czechoslovakian brand 16-bullet gun issue to the police” and “what else did you say about me”. He had answered that he could not bear the torture,

- He did not know the true identity of the “Yeşil” coded person, but he had found out that he was a retired major,

- A. Kanat, Yeşil and İbrahim Yiğit received money contributed for the public bus, he himself (M. Gül), Dalyan Ay, Hakan Pamuk and Mustafa Pamuk were witnesses for that,

- Dalyan Ay was killed with a meat cleaver on 5 August 1994

(so far the explanations of M.Gül)

- In June 1994 the aforementioned person proposed through an officer of our Bingöl Department that if desired, he (M. Yıldırım) was able to form a group conducting activities in various European countries. He demanded that this issue be conveyed to Mehmet Eymür and arrangements for a meeting be made. Upon this demand he was contacted in September 1994.

- The person in question was detained by Ankara Police HQ. in January 1995. Orhan Taşanlar, at the time chief of police in Ankara, personally directed questions to him during his interrogation concentrating on his relations to our organization, the people he was in contact with and the information he gave to us. During the interrogation he asked where he was being interrogated and stated that he found it strange to be asked questions at a department of the Turkish Security Organization on other organization for national security. During the interrogation, they fired his gun without an aim and threatened the person in question that they could leave the cartridges of the gun at the scene of any event. His rib was broken during the interrogation and he was treated by us when he came to inform our organization on the subject. Our connection with the person in question was terminated on 30 November 1996.

So far the statements by MIT; it is obvious that they are discrete on these matters.

We should submit another issue to the honorable Prime Minister. Our statements should in no way be interpreted as an attempt to harm MIT, the gendarmerie, security forces, the Ministry of Tourism or persons we criticize. The Turkish people discovered some mistakes by the state in the Susurluk by using common sense. They expect recognition of them and maybe an apology for these mistakes. Our purpose is to submit to the honorable Prime Minister only the truth or that proportion of the truth that we were able to find.

The person named Mahmut Yıldırım has participated in other events that we have not mentioned on the 10 pages above.

According to the report dated 27 November 1997 and numbered 3/29 issued by Etibank Inspection Board, “Yeşil coded Mahmut Yıldırım worked in the Etibank Elazığ Ferrochrome Plant, received salary and his social insurance premiums were paid between February 1977 and February 1997.

Yeşil worked as a time keeper. He was employed in the Elazığ Information office in 1981. Despite his friends and his chiefs saying that he came to work regularly, we know that each plant director had a brief look at Mahmut Yıldırım’s after he was appointed there, and returned the file without any transaction. They did not even pronounce his name any more. He was not notified about the decision for his dismissal either.

On an account opened at the Heykel branch of Ziraat Bank on the name of Ahmet Demir some of the money he collected as by threats, blackmail, and murder is kept.

The inspection board of Ziraat Bank found out the following issues:

“The person named Ahmet Demir made an application to our Heykel/Ankara Branch and opened an account depositing 50 thousand TL. He wrote down an address in Aydınlikevler first, and then replaced this address with one in Bahçelievler. He carried out some transactions with his Identity Card”.

From 20 June 1994 onwards he began to deposit a lot of money on the account. Mustafa Ank deposited 200 million TL, Ağa Yıldız 250 million, Hurşit Han (drug trafficker) 250 million, Salih Ayten 249.7 million, Yusuf Tan 250 million, Mehmet İsen Kul 659 million, Şaban Bala 100 million, Ahmad Esmâ Eyili 300 thousand DM, a person who claimed to be in charge of the Elazığ branch of Yapı Kredi Bank 500 million, Diele Tourism Company transferred from Diyarbakır Branch 110 million, Mehmet İsen Kul 995.6 million and 737.2 million TL respectively. Yeşil collected this money on various dates. The money was withdrawn in person from either Elazığ or Ankara branch in cash from time to time. (Heykel Branch Account No: 301009-39782-9)

We have to think that Yeşil always had billions of Turkish liras on him. When Ankara Police detained him, he had notes regarding the prices and discounts of Bosch refrigerators in his pocket. His efforts on saving 2 or 3 million TL in times when he collected billions TL proves that he did not made the transactions for himself.

He carried many telephone numbers when he was detained by the police, including Mehmet Eymür (home, work and cellular), İbrahim Şahin, (work, mobile, mobile private, cellular, pager and İstanbul home), gendarmerie commanders of various provinces and districts, Sultan Textile, Aydın İpekli and the same number Mehmet Özbey (added as Çatlı), Sırrı Sakık (home and office), Farma Medical Materials A.Ş (the telephone connections numbered 542-211 89 82 which Yeşil used were investigated and as a result an intense telephone communication with MIT and the Gendarmerie was discovered. He also had relations to Ertem Company that is doing the cleaning job of General Directorate for the Security.

On the one hand there are members of the Mafia, on the other hand special persons of special organizations of public interest...

The list of Yeşil's mobile and cellular phone communications in Ankara, Antalya and Elazığ fills a huge book. Annex 2 includes the list of people who called Yeşil from only the aforementioned numbers. We submit it to the special attention and examination by Mr. Prime Minister.

Yeşil had other documents on him, a driving license on the name of Hasan Tanrıkulu and an ID of the intelligence department of the Ministry of the Interior. This card was stamped "valid for the intelligence specialist until retirement". In addition, he was in possession of an empty card and a card of the intelligence department of the Prime Ministry.

The telephone conversations recorded by the monitoring department of Antalya Police HQ contained conversations of Yeşil, Mehmet Eymür and Duran Fırat; contained foul language that a public officer would be ashamed of. They discussed, among others, the issue regarding Çatlı and Topal's partnership on the gambling house of (former Sheraton) hotel and Veli Küçük's ability to prevent the same.

The security forces, MIT and the gendarmerie knew, pursued, taped and archived information on this person, but they did not stop him. Why? The most reasonable answer to this question should be that Yeşil's activities were not directed against the general preferences of the public organizations. Therefore, we do not have to think of measures similar to those taken against Cem Ersever when talking about Yeşil.

Our National Intelligence Organization said, "Our connection with the person in question was terminated on 30 November 1996". However, we think that MIT should be investigated because of its connection to a person on whom they had such terrible information in their archive. The situation of the gendarmerie is the same. It is worthwhile controlling every transaction carried out by those people (MIT) who sent such a person on duty for the state until 30 November 1996. The reason why Ankara Police which had correct information in the identity of Metin Atmaca deliberately lost this file among one million others after Ankara had given him a passport for the second time on 9 February 1996 is quite obvious. It can also be researched what kind of state problem MİT solved after having solved this problem.

It is also a reasonable question to ask what kind of state service code named Murat Tunç holding a diplomatic passport of MIT and code named Gürcan Bora carried out on 23 November 1996, when they were accompanied by Metin Atmaca (Yeşil) and Vahdet Özer seated in row 3 A. B. C. D. on the İstanbul flight TK. 137 Beirut and on the flight 320 being seated in row 5 B. C. D and 5 F.

On 30 November 1997 during a meeting at MIT chaired by Mr. Prime Minister we expressed our criticism on this point saying that MIT was a respected organization and such affairs saddened us, and

Counselor Mr. Sönmez Köksal responded by asking “Do you think MIT always works together with respected persons?”

We tried to explain to them; that MIT would collect information from appropriate persons who know the area they speak about. However, people could not gain respect because they served MIT and MIT would not go down to their level. However, the facts that Yeşil called Mehmet Eymür “Dad” and discussed the Hadi Özcan issue with Kocaeli Chief of Police are proofs of a problem. Various claims show how severe the problem is.

This is the event that unfolded in recent years and which we call Susurluk. An attitude that despite all such information sends such a criminal person through the VIP hall for public service is also Susurluk.

The issue and connections are not limited to Yeşil. Some of the telephone conversations Hadi Özcan had with an MIT officer might have more affect than what we wrote.

... - Hello.

Hadi - How are you ?

... – Hadi, is that you?

Hadi - That’s me...

...

Hadi - May I have a request?

... - OK, Tell me.

Hadi - That major Veli puts unusual pressure on me. Especially after that Kürşat event. I think they established a connection to Sedat Peker. Or Kürşat himself told him something.

... - I think Sedat is involved.

Hadi - Maybe. Can’t we have anybody talk to him?

... - How does he get on with major Veli and Hacı (Yeşil), well?

...

Hadi - We are 30-40 people here. We earned at least 10 billion TL in that Bingo issue. He now knows that. Trade with women is allowed, but they prevent Bingos. Now it is winter. If you give us 50 million TL each, it is 2 billion TL to 40 people. 4 billion TL I distributed already. Nobody has any money, I swear.

... - Tell Hacı. He has many acquaintances in the gendarmerie forces. I don’t have any. I swear.

Hadi - That major Veli is doing this on purpose.

This telephone conversation is also the answer to Mr. Counsel’s question regarding respect.

Ömer Lütfü Topal

Topal earned his living on bingo and was known as the person who brought cocaine to Turkey. He later became the king of gambling houses. He was imprisoned in Belgium between 1978 and 1981 and in the USA between 1981 and 1984 for drug trafficking. He then earned his living by running illegal gambling houses and was known for his gambling house in Yeşilyurt. He began running the club called “Caddebostan Büyük Kulüp” in 1990. After this date, he founded companies together with Israelites and earned a wealth

with his Emperyal Company that had annual income of 1.1 billion dollars. (The long list of his properties either in real estate or stocks was determined by a board of accounting experts.)

Topal was also the founder and owner of many companies managing casinos, travel agencies, insurance, stocks brokers, foreign currency exchange, food, energy, petrol, construction and other industrial enterprises.

During the 1990's Topal's commercial activities developed rapidly, but we know that he continued with drug trafficking. In 1993-1994 four technicians of Turkish Airlines (Şenol Tunç, Sadık Kara, Süleyman Hanılcı, Mustafa Akman) who were caught with narcotics at European airports testified that they worked for Ömer Lütfü Topal.

Difficulties and trouble in finding couriers forced Topal to find a better solution and he made the highest bid for 60 % of the shares of the privatized Havas.

However, there are claims that the General Directorate for the Security got the document proving that Topal was a drug trafficker from Interpol and stopped Topal. There are also claims that Havas was sold to Yazeks, a company of Park Holding, but that Topal gave some of the money required sum. (The files of the privatization administration contain letters and applications by US authorities.)

The General Director of Havas during its privatization stage was Ahmet Kutlu. The person in question was a close and reliable manager of Topal.

Topal's gambling houses are first to be considered. One of the gambling houses is in Bakü, one in Cyprus and one in Turkmenistan. He had a total of 17 gambling houses. Our investigation revealed that the number of gambling house in Turkmenistan rapidly grew. In addition, there are Emperland Entertainment Centers in İzmir, Eskişehir and Adana.

There is much information we can submit in relation to Ömer Lütfü Topal, but only the issues which may illuminate the subject shall be touched upon.

(...) It is interesting that extensive tax and other transaction examinations were not carried out for years.

In order to reduce the income of the gambling houses, they first did not state expenditures and costs for lodging, food and other catering were paid by credit cards of people whom Topal trusted. Taxes were etc. minimized, the system was operated in favor of the company by accounting records at different places. Although the investigations of the Ministry of Tourism revealed that some of the gambling machines and equipment were obtained through illegal means, no legal measure were taken.

The Emperyal Company also worked effectively in Cyprus and Azerbaijan.

When financial troubles arose during the construction of a guest-house in Baku, it was planned to complete the construction as a hotel and an adjacent gambling house for the Emperyal Company to operate it. Topal invested 8 million dollars for this project.

The President's son İlhan Aliyev is the person who completed the project. There are claims that he had debts to Topal amounting to 500.000 dollars as a result of gambling and that he is the secret shareholder of the hotel.

There are also statements that Topal enlarged the gambling house in Cyprus and made a huge investment in order to meet future demands.

Turkmenistan seems to be occupied by the Emperyal Company. In Turkmenistan Emperyal operates two first class hotels, a big business center and a policlinic. They rented the Grant Turkmen Hotel at the center of Askaabat center for 15 years for 15 million dollars and opened the first gambling house.

The gambling house near Ak Altın Hotel was constructed by the biggest competitor of Topal, Sudi Özkan, however, Özkan was excluded in spite of the existing contracts. Emperyal purchased the gambling house in 1996 for 22 million dollars.

In the shortest time, Emperyal owned many business and enterprises in Turkmenistan. It became the “executive of the social program of Turkmenistan” in Deputy Prime Minister Gurbanmuradov’s words.

The interesting issue is that the Grand Turkmen Hotel was financed through Turk Eximbank and its credits. In addition, 10.6 million dollar of the 75-million-dollar credit Turkmenistan was allowed was used for material used to build the Ak Altın Hotel and therefore, used to develop business and transactions of the Emperyal Company.

Since Emperyal did not pay its debts to Turkmenistan, the credit for Turkmenistan was delayed, and as a result, Eximbank began financing Emperyal directly - and in a manner which could only be revealed when the issue is examined. They hosted with respect the highest ranking authorities of Turkmenistan in İstanbul, established personal relations with them, gave presents and consequently Emperyal consolidated its position in Turkmenistan entirely.

The inspector of the Prime Ministry who investigated files of Turk Eximbank which provided credit for the hotels Topal operated in Turkmenistan did not detect any breach of legislation in the manner the credits were given. However, the inspector depicted some other interesting things. “Another interesting thing is the manner in which the credit loan was delayed. The first delay was not a result of a written request by Turkmenistan, on the contrary, the bank only had a message to hold a meeting on this issue.

The written request in relation to the second delay covers only 75 million dollar of Turkmenistan’s debt, however, the Executive Board of the Bank delayed repayment of an amount of 91 million dollars having added 16 million dollars.

On the other hand, we understand that the Ak Altın Hotel was opened in the 10th month of 1994 and the Grand Turkmen Hotel was opened in the sixth month of 1995, and that later Emperyal Tourism and Hotel Management Corporation was given the operating powers for both... In addition, some articles of the contracts providing that the owner shall be facilitated in taking money out of Turkmenistan raised our attention. Another interesting aspect of the contract for the management and operating of the Ak Altın Hotel is that any breach of secrecy by the parties shall be regarded as a reason of annulment of the contract.

Apart from these issues, it is deemed interesting that some of the members of the Executive Board of Mensel JV (Metis, Nurool and Yüksel joint venture) the company that renovated the Grand Turkmen Hotel, and founders of the Baysa Company of which Güven Sazak and Abdullah Çatlı are shareholders (founders of the Baysa Company are Ant Güven Sazak, Ahmet Baydar, Silva Sazak, Mine Baydar and Alper Baydar as per decision by İstanbul Commercial Court No. 1 dated 24 September 1992 and numbered E: 1992/3924, K: 1992/3674 published in the Turkish Commercial Registry Gazette dated 2 October 1992 and numbered 3127) bear the same surnames. We can see that the AY-SEL company with Yüksel A.S. as one of the partners made investments in other Turk Republics on the lists provided by Eximbank”.

This section will deal with Çatlı’s visit to Güven Sazak’s farm.

Another interesting issue is that the Emperyal company intervned when credits for construction or reconstruction of hotels were delayed and directly dealt with Eximbank.

We cannot claim that Turkish authorities made any mistakes when pursuing activities of a Turkish company doing business abroad. However, the expressions in the application of the Turkmen side for a postponement of the debts in 1997 show that the real debtor was Emperyal. (Annex: 3)

(...) The important issue is: the natural gas and petrol projects of Turkmenistan were shaped in such a way that Emperyal became an intervening party and was effective through Turkmen authorities.

The murder of Ömer Lütfü Topal caused a wide echo and became more important especially after the Susurluk accident.

Because the Supreme Court has been investigating the case, we have abstained from examining it. However, there are some interesting clues we obtained in relation to Topal and we think these should be included in the report.

Topal is an interesting personality who began with bingo, drug trafficking. He was called “Ömer from Fındıkzade” and obtained an incredible power and wealth.

Despite his net income exceeding 3 million dollars a day and although he killed and harmed so many people, Topal did not have bodyguards, lived in an unprotected house, did not have a chauffeur, traveled alone in his or his wife’s car, refused to get an armored vehicle. Although he lived in a triplex villa and communicated with people from all over the world, there was only one telephone line in his house. We know that he never used his wife’s mobile phone. (...)

Topal may have been killed for several reasons. However, there is no pretext for people to approach him with the aim of killing him. The killing of Topal can partially be explained with the words of a responsible police officer in Ankara who said after the murder “I am quite sure they are responsible for this event” blaming Çatlı and a group of a special unit. One of the police officers detained at İstanbul Police HQ said in his statement: “They showed us a target for the sake of the motherland. Then they drank champagne in saloons together with the targets. We did what we did ourselves for the first time, but made a mess of it”. The third clue is the fact that İstanbul Police HQ made a technical examination of the telephone upon a one-page note from MIT. However, these clues are in no way adequate evidences for a court. Although Çatlı’s fingerprints were found on the wrapped up cartridge of a rifle, his death prevents us from solving the event.

The table below used by Sarıyer Prosecutor’s Office is a summary of the work on the connections between and places of the defendants at the time of Topal’s death (details in annex 4).

The attitude of Kemal Yazıcıoğlu, Chief of İstanbul Police, was criticized in absolutely frank terms during the leaders summit at the premises of the State President in Çankaya. Therefore, he is not mentioned in our report.

A responsible officer of the police in İstanbul explained why the officers had been taken to the General Directorate in Ankara without having been interrogated by saying: “Ankara did not take the police officers. Our chiefs were afraid and we got rid of them saying that Ankara wanted them.” In fact, the calculations of Kemal Yazıcıoğlu later changed and, when he informed Ankara, the Ministry and the General Directorate asked for the police officers and İstanbul Police HQ was saved from a problem. Because, when the police officers “had been taken” the chief of police did not come to his office, there was no interrogation until 10pm and the deputy chiefs of police had not left their offices. At 10pm everybody left the police HQ to get a rest. Whether there was an interrogation afterwards Yazıcıoğlu might know.

There are many allegations regarding Topal’s murder. It is obvious that Murat and Elif, his children from his first wife are the people with the greatest benefit from such a murder. But in general we think that Topal was able to cope easily with such a threat.

It was also claimed that a list of Kurdish businessmen supporting the PKK existed and that Topal paid a toll to be taken from that list, but that he was killed because of a disagreement on the amount of money to be paid.

According to common information Topal attended the prayers and fasted, was leading a quiet family life and did not cooperate with Kurdish separatists and terrorists. If these claims were put on the agenda, it is because they wanted to force Topal to pay a toll and reach a great amount of money. In addition, to kill Topal, who was paying huge sums of toll, in this way would mean to kill a chicken and there was obviously no reason to do so.

Another claim is related to a casino that was to be opened in Cyprus. Çatlı, A. Fevzi Bir and Sami Hoştan had become anonymous share-holders of Emperyal, but could not find the necessary sum for the gambling house in Cyprus. When Topal refused to give them shares these people carried out the action with the officers from the special unit. However, this claim, too, does not look very sound, since the share-holders did not benefit from the death. The empire fell to Murat and Elif and Mrs. Hilal.

There are further claims. It has been established by a check of the Garanti Bank from account 012157 owned by the Emperyal Casinos that was paid out to a relative of Çatlı one day before expiry that Murat and Elif Topal paid \$ 535.000 to Çatlı.

This payment cannot be taken as evidence that the killing was the result of a financial dispute. Likewise it cannot be seen as the salary for the henchman to Topal's killing. This payment two months after the killing must have another reason.

It was also reported in the press that after the death of Topal Mrs. Hilal was shown the sum of \$ 105 million as debts. (annex 5)

It is known that Topal owed some profiteers money; that from time to time he was in incredible need of cash; that this need increased after 1995; and that previously he had taken loans from banks showing Necati Kurlmel as his warrantor. Later and for the year 1996 it was told that his need for money reached dramatic dimension and that days had come when Topal did not leave TL 50 million at home. (This confirms the claims of financial experts).

An income of over \$ 3 million a day is not enough for new investments, purchasing of real estate and the transfer of huge amounts of money abroad. The chain of toll demands that starts with bureaucrats at the Ministry of Tourism up to Aliyev and Niyazov abroad covers a large circle. He also spent a lot of money to develop his political connections. In his connections he went as far as building up a front against a political party and its leader. Great financial support from Topal was needed for a candidate to parliament who took Topal to the Sipahi Sect to prove his intimacy to judges and prosecutors and wanted to be strong enough to prevent Mesut Yılmaz from being elected in Rize.

Research has been done on the phone numbers used by Topal and has been put together in a thick book. The table showing the interesting results can be found in (annex 6).

In 1996 Topal knew the number of the HQ of the DYP, 4192363 and 4178748, and used them. He also knew the phone number 2132827 of the board of DYP in İstanbul province and for what reason ever the number 464-2132827 of the DYP chair for Rize province.

The person who Topal called most frequently is his partner Sami Hoştan. Judge Akman Akyürek was connected to Sami Hoştan under the same number. From just one number of Sami Hoştan that was inspected major Veli Küçük was called 34 times, Abdullah Çatlı 13 time and Korkut Eken 6 times in seven months of 1996.

A sudden notice that came in May 1996, when Mehmet Ağar was Minister of Justice created confusion. The claims say that Mehmet Ağar had opened a file on Topal on the allegations that he was a Kurdish activist and given orders to do whatever was deemed necessary. Similar to the time, when Orhan Taşanlar had become Chief of İstanbul Police and said on TV “I’ve come to let heads roll” and some dirty businessmen in İstanbul had been taken to police HQ and were beaten up. Topal first reached Sedat Demir and because the latter was in contact to the new team they looked for protection from higher ranks. The bill was accordingly higher. (There was a panic in Topal’s own surrounding when news were spread that he had send a present worth TL 250 billion to Orhan Taşanlar, but that he had rejected it.)

It is understood that with the motive to protect himself Topal first reached politicians and had his files controlled. He was made to be believe that there was nothing he had to afraid of. It is also claimed that in the meantime he met with members of a special units and received appropriate reactions from this side as well. His fears started in May 1996 and ended in the same month. He told people around him that his name had been taken off from the list. It is said that all these connections led to important donations and payments.

But in June Topal got nervous again and in June his tension reached a peak. In the meantime Ankara had asked for \$ 17 million and he had asked for time to gather the money. The person who told this said, “Had the other side sold goods that the payment could not be delayed? Time was given and the money was paid, but did not reach its destination. The people who should get the money decided to kill Topal for \$ 17 million.” The person added that the event was interpreted in this manner in this sector.

There is one very important topic that has to be expressed about Ömer Lütfü Topal.

The responsible people of the police and MIT share the opinion that there is no American style mafia in our country, that some hotshots formed gangs by gathering 10-20-40-50 men around them, paid bribes, used force, carried out quite a number of illegal activities with the knowledge of the competent institutions of the State and that under an efficient government or even a brave, flexible and moral local administrator these people would be forced to leave the region. Most important of all, since all kinds of information on these gangs are at their disposal it would at any time be easy to stop them.

But there is no structure that has unified with the State, been integrated into the relevant institutions of the State, has bound governors, chiefs of police, and sufficient members in parliament and government to itself and reached a situation in which it can give orders to these people. The person who had gone the longest distance in this context during the history of our Republic is Ömer Lütfü Topal.

Had he not been killed, he would have found the opportunity to get to any position with the most influential connections in the country and after several years he would have reached real immunity. On this point all experts appears to carry the same opinion.

Despite his dirty past he showed the ability of taking a strategic decision on shutting the gambling houses and become a respected businessman. He chose Turkmenistan as supplement, what can be shown by the passport he got from there, and prepared himself in many respects for the future. But he could not prevent his own end, despite his generosity and many State persons he hosted in Cyprus and Antalya, just because of the huge amount of money he earned.

Although he hated bribes, not only the authorities, but their men as well, their bodyguards and the men of the men had their share in Topal’s money. We can be thankful that the developments prevented that it came to the point that Topal aimed at. But this situation is not enough to destroy the sad findings on the point of connections between the State and the gangs.

These things stem from the complicated structure and the lack of discipline and seriousness in State institutions. It is because leftists and rightists, civilians and uniformed men, the straight and the crooked one have met in one place that this area of productive but dirty activities were revealed in this complexity.

At this point the authorities did not prevent the events but promoted them. Until the accident of Susurluk things that took place in this country could be hidden and openings beyond the border had begun.

The kidnapping of Mehmet Ali Yaprak

In connection with the killing of Topal there are attempts of developing some arguments around the claims that the sources for the wealth of Turgay Ciner, Park Holding, the bid for Havas and Topal's bid for Havas were hidden behind Park Holding, that he participated as a secret share-holder and that there are dirty deals of the holding company.

But there is a connection between the killing of Topal and the events that unfolded during the kidnapping of Mehmet Ali Yaprak in Gaziantep.

Mehmet Ali Yaprak is a businessman. He owns a radio and TV station and companies. In fact he is the boss of a pretty strong gang.

Information on Yaprak Holding can be found below:

It turned out that Hidayet Tourism Company had organized the distribution of Captagon.

It is not easy to kidnap a strong boss like Mehmet Ali Yaprak and this is not the work of any ordinary gang.

During the meeting of 30 November 1997 the relations between MIT and the Yaprak group was mentioned and the conversation between Eymür and Haluk Koral was narrated.

This is what MIT presented about the Mehmet Ali Yaprak case:

“Prior to the elections of 24 December 1995 Mehmet Ali Yaprak donated TL 500 billion to Mehmet Ađar and thereby to DYP. İbrahim Şahin, the Chief of the Department for Special Action, who knew about this, later took a bribe of TL 100 billion from the person. M.A. Yaprak owns the TV company “Yaprak” and the tourism firm “Hidayet” in Gaziantep, but his main income is secured by drug trading with Syria and Saudi-Arabia.

Abdullah Çatlı, who knew about the money that M.A. Yaprak had given to Mehmet Ađar and İbrahim Şahin before the elections, hired a team including the police officers Ercan (Ersoy) and Ayhan for the kidnapping of M.A. Yaprak in order to get money from him. Six or seven masked police officers were involved in the event. The intelligence concerning the house and working place of M.A. Yaprak was gathered by someone called Yahya..., who was running a football court with artificial grass in Gaziantep and, holding extreme right-wing views, had had problems with Mehmet Ali Yaprak in the past. It was planned to tape the negotiation with the person in question by a video camera. The kidnappers acted in the early hours of the day and took M.A. Yaprak to Siverek. After the event had been reported to the police, the police in Gaziantep detained the brother of Yahya (Efe), who had gathered the intelligence.

Besides, Mehmet Eymür said in connection to this event that an acquaintance named Haluk Koral called him after the event saying that he knew the kidnapped rich businessman in Gaziantep well and asked for help. The reply to H. Koral was that “direct help is impossible. In addition some bad things have been heard about the kidnapped person, but there are rumors that M. Ali Yaprak had been kidnapped by Abdullah Çatlı and taken to Siverek and, therefore, it might be suitable to talk with the Bucak (clan).” Some time later H. Koral called him (M.Eymür) again informing him that M.A. Yaprak had been released and that his

information had been correct. Some time after the event a staff member of the Operation HQ reported, “the name of Müfit Serment, an old staff of ours, is mentioned in connection to the event. On the day of the event Müfit went to Gaziantep to get us information. He was not directly involved in the action. Abdullah Çatlı asked him (M.Serment) to take his video camera and come to Gaziantep. When he got there before the kidnapping and was informed on the development he returned to İstanbul the same day.” Upon this information H. Koral was contacted and informed that the information given to him in the first place had been received from M. Serment and that it would be nice not to include a person, who had been of some help, among the suspects. H. Koral accepted that.

In a statement of our staff member he gave on 15.02.1997 on aspects relating to newly received information he claimed that “M. Serment was more involved than he told us. He went to Siverek and the interrogation of M.A. Yaprak was recorded on the tape. In addition, M.A. Yaprak was kidnapped twice. The team around İbrahim Şahin and Cengiz Cömert (in the past we benefited from his information) and Hasan Aydoğdu (the one who got involved into the deals of Nafiz Bostancı in England and whose information had been used in the past in Muğla) organized the first kidnapping. Cengiz Cömert had told the group of kidnapers that M. Eymür was also involved and had taken money as his share. Among the police officers the event is known like this.”

In this explanation there are several mistakes and statements that take the event to different places. Yaprak is not the owner of “Hidayet Tourism” company. It is known that the people in charge of “Hidayet Tourism” had organized the kidnapping. The aim was to get information about the place where Captagon was produced and to forcibly get the formula for the drug that was mixed with it, famous in the Arap world as the “stuff of the pilgrim”.

It is claimed that Çatlı and a team of police officers organized the kidnapping and received DEM 1-2 million for his release, but that “Hidayet Tourism” actually paid DEM 10 million of which the kidnapers were not informed and did not get their share. It is said that when the actual amount was discovered the relations between Çatlı, his team and Ankara got worse or even broke down.

In this context it is claimed that the police officers and Çatlı kidnapped Yaprak a second time, made him talk and recorded the conversation on video. One copy of the tape was given to the Bucak (clan), another copy to Mehmet Eymür (by Müfit Serment) and that the original tape was destroyed after negotiations with Ankara.

It is also not correct that Haluk Koral called Eymür and asked for help. Eymür intervened in order to rescue Müfit Serment. He made efforts to have the case close because identification would be done and the fingerprints of Serment would be found in the vehicle.

When the second kidnapping, which happened without the information and approval from Ankara, led to sharp reactions by the police force, Eymür contacted Haluk Koral, an influential name of the Yaprak group, so that the name of Serment would not be disclosed.

In the end the “identification procedure” that had been ordered by the prosecutor did not take place: the wish of the parties involved not to expand the event and to settle their accounts in the future, led to the closure (of the case).

Although the Prime Ministry had informed the Ministry of Justice in January 1997 about the shortages in the procedures of the prosecutor in Gaziantep and despite an order of former Justice Minister Şevket Kazan nothing happened until our letter of September 1997.

This short presentation is an interesting example on how the State authorities approached the drugs problem, smuggling and dirty money for the price of ruining the State.

It also has to be stated that it is a painful example for the kind of relations old staff of the respected institution MIT (Müfit Serment, Hasan Aydođlu) maintained and it shows that that the police forces, also a respectable establishment, did not stop the production of drugs, but entered the services of the drug dealers.

Only with this kind of connection was it possible that the kidnapers could remain untouched after each event. Another point to concentrate on is the fact that they went to the soil under the control of the Bucak (clan) after each kidnapping.

It is obvious that even if the term of principedom (beylerbey) used in the Ottoman Empire is not valid any more the reign of tribes continues and the Siverek region has been abandoned by State control.

In this context it deemed necessary to present the diagram of the Yaprak and Hidayet families to the honorable Prime Minister to gravity of the situation and to open a parenthesis (on this issue).

Even though in technical terms it is necessary to present this information in the annex, it is intended to present evidence for how the gangland moved towards legalization by being fed with this black, dirty and blooded money (the diagrams are presented on pages 58 and 59).

Explanations of the diagram are given in (annex 7). Including additional information it can easily be seen how a system was established that secured millions of dollars income from drugs.

The system continues despite the information with MIT and the police forces. It has to be investigated and questioned why the hands of the State were tied, despite the fact that smugglers cannot be stronger than the State.

The claim was mentioned that the Mehmet Ali Yaprak event was a turning point for the dispute between the groups of Ankara and İstanbul. The conflict was the reason why these groups moved away from each other or that the new developments had already destroyed the possibility of coordinated efforts of the groups. The year 1996 is the year when protective measures for Çatlı were taken under inspection, when attempts started to get the confusion (of authority) in the OHAL region under control and when, likewise, the fears of Ömer Lütfü Topal increased.

The fact that Mehmet Ađar was elected as deputy and that his was known for months ahead, harmed the coordination of efforts for motherland and nation, whatever his influence on the population may be.

The murder of Topal coincides with this formation.

(PAGES 68-71 OF THE REPORT WERE NOT PUBLISHED, AS THEY WERE "STATE SECRETS")

Behçet Cantürk

The short intelligence information on the past of Behçet Cantürk who is of Armenian origin, is below:

- son of Reşit and Hatun, born 1950 in Diyarbakır/Lice;
- he is one of the Kurdish activists, who after the earthquake in Lice on 20.11.1975 claimed that the State did not supply enough aid and tried to provoke the people to an uprising;
- from 1981 on he maintained close contacts to members of ASALA in Syria;
- he is one of the people who organized the Armenian terror act in the closed bazaar of İstanbul on 16.06.1983;

- the person who was interrogated in July 1984 confessed that he was doing the drug business for DDKD (sub-organization of the Democratic Party of Turkish-Kurdistan) and that he was a member of this organization;

- at the end of 1984 he was arrested for drug trafficking and in 1985 he was acquitted;

- in 1990 some Kurdish intellectuals united and founded the “National Platform, later they founded the company Mesopotamia A.S. and tried to publish a newspaper with the name “Mesopotamia”;

- in 1992 he was the mediator for collecting money from the drug dealers to be given to the PKK;

- in April 1992 he brought 6 tons of base morphine and 5 tons of hashish from Pakistan to Turkey, these drugs were bought by Savaş Buldan, Hurşit Han, Adnan Yıldırım, Cahit Kocakaya, Eyüp Kocakaya, Ferda Seven, from time to time B. Cantürk collected money from them to give it to the PKK;

- since 1992 he was one of the financial sponsors of the newspaper “Özgür Gündem”...

This summarized information sufficiently shows the personality of this person.

Even though it was quite obvious who he was and what he did, the State was unable to stop him. Legal means did not help and in the end “the paper ‘Özgür Gündem’ was blown up by plastic bombs. It was expected that Cantürk would give in, but when he became active to establish a new compound the Turkish Security Forces decided to kill him and the decision was executed.” In this way, one of the 100 hundred people on a list that the Prime Minister at the time called the “list of sponsors of the PKK is in our hands”, was eliminated.

We did not enter a discussion on the rights and wrongs of killing Behçet Cantürk and whether or not it was necessary. Yet, there are some questions that need to be asked. Who gave the order for the killing of Cantürk? Who can use such an authority? Under which circumstances can such an authority be used? Who carries responsibility against whom? How has the system to function and in which way does responsibility have to be shared?

Objections to the effect that “these questions are not valid in a state of law” are not justified and in line with reality. Since such practices can be seen in all countries of the world, they certainly will occur in our country as well. But (even of this sentence is not to the link of the Prime Minister) this kind of decision have to be taken in line with the state of law and put in practice with the seriousness of the State.

Our country does not deserve such a primitive situation and structure that allows for operations of an underdeveloped country far from seriousness in which Yeşil and his kind can spread the news that they interrogated and killed an officer of the Turkish Army (the Cem Ersever event); the arrogance of Tarık Ümit and the arrogance of a smuggler saying “we took this or that person, interrogated and killed him” and the ugliness of these people pretending to have an important personality nor a situation in which a person like Abdullah Çatlı working on orders of the State is smuggling, spreading fear in his environment and taking advantage from this by getting his share of bribes for others.

An attitude that allowed such behavior resulted in the fact that a group of people - civilian and public bureaucrats - went over the top and turned from their service for motherland and nation to private advantages.

All relevant institutions of the State know of this business and these actions. A lack of discipline, which in the end became common knowledge when the accident of Susurluk was the drop to make the barrel spill over and subjects that had to be secrets of the State, became main items for the news and critics in the papers.

The fact that everything was revealed and reported so fast is the most important hint for the lack of seriousness of the State regarding matters that were done in the name of the State.

For instance, one of the common points for the killings to be done in the area of İzmir, Adapazarı and Bolu is the fact that the police - gendarmerie and the repentant militants are very active in this region.

The executors did not even feel the need to change location and the fear that they created was evidence for their power.

Looking at the characteristics of the persons who were killed it appears that contrary to the Kurdish persons killed in the OHAL region they owned financial power.

What we said above can also be applied to other issues such as the killing of Savaş Buldan. He was a person known for smuggling and separatist activities in favor of the PKK. The same applies Medat Serhat Yos, Metin Can and Vedat Aydın. Having carried out actions against the unity of the country they deserved a heavy penalty. The only disagreement amongst us is related to the way of execution and its results.

In this respect it was detected that - even those who approve of all events - are sorry for the killing of Musa Anter.

It is being said that Musa Anter had not been involved in any armed action, that he was engaged with the philosophical side of the affair and that the effect of his killing went beyond his real influence and his killing was a mistake (the information on him can be found in annex 9).

Other journalists were also killed.

(PAGE 75 WAS NOT PUBLISHED BECAUSE IT CONTAINED “STATE SECRETS”)

(12)...trusting... I went to Diyarbakır. In the meantime steps for an illegal formation under JITEM had been taken. We had the competency to kill everybody in Diyarbakır and the surrounding that we suspected of contacts to the PKK. We had preferred the method of killing people (perpetrator unknown), rather than detaining them, determine their crimes and hand them over to justice. That is what was asked from us and we received orders to this end. In these groups there were old repentant militants such as Ali Ozansoy, Hüseyin Tilki, Abdulkadir Aygan, Hayrettin Toka, Recep Tiriz, Adil Timurtaş and a former TİKKO militant called Fatih. Code named Numan (Salahattin Görgülü) who was killed by the organization in Antalya collected the intelligence for the group. All the people he showed or presented us as being in touch with the organization we killed at various times and dates. In Bismil we killed Talat who had a petrol station, at the crossroad of Diyarbakır and Bismil we killed another citizen for the same reason. In Batman we took two people, one from his home and the other one in front of his house, and killed them between Batman and Silvan. In Hazro another citizen was killed. The activity lasted for five months. During the same time a person with the code name Celil (Aytekin Özel) was killed according to the information of Salahattin Görgülü in cooperation with Abdülkadir Aygan...” (annex 10)

(PAGES 77-80 WERE NOT PUBLISHED SINCE THEY CONTAINED “STATE SECRETS”)

The brutality is something we have to deal with further. “Çatlı could have been given a new profile, a new ID and the right to live - if he deserved it - or - if he did not deserved - these things could not be given and he could have been handed over to justice.”

None of it was done. When Çatlı came to Ankara he could be with former or new ministers and MPs, he could have tea in the lounge of parliament and have a meal in the restaurant, but when he was tipsy in Erdek and fired to two shots in the air, two police officers immediately took legal action, took his fingerprints and locked him up in a cell. Subsequently the phones started to work and even if he was released it is not difficult to imagine his psychological state of mind. Leave alone the judge and prosecutor of the State, to

him any odd police officer, unable to know him, was a potential threat to him. What could a person in touch with the ranks of the State do to solve the contradictions, what should he do?

When he went to the farm of Güven Sazak he could be together with Ahmet Baydar, Drej Ali, Undersecretary of the Treasury Osman Ünal, in the office of Sedat Bucak he could be together with politicians, but when he wanted to file a bid for the BOTAS pipeline he was forced to speak to Hadi Özcan on financing problems.

In many pictures of Susurluk Abdullah Çatlı can be found. But the basis to the clear picture of Çatlı needs the silhouette of Ankara.

In connection with Topal's killing the finger prints of Çatlı were discovered. But when considering the fact that Çatlı left his family the total of DEM 2 million, one has to ask what happened to the other millions squeezed out of Topal. (This estimate is not directed at the Prime Ministry, but some sympathizers of Çatlı.)

Çatlı's file has to be reopened. All his connections and contacts are known. It has to be researched how he came from Switzerland to Turkey. All information on his duties has to be investigated. It has to be revealed how MIT got the information that Topal was killed by Çatlı and police officers, in which way they informed the chief of İstanbul police by a one-page note, why they reached this conclusion. The details of the relationship between Mehmet Özbay, whose identity is still in clouds and who is connected to drugs and Çatlı also have to be unfolded.

It also has to be established how Abdullah got the 12 IDs, passports and possibly driving licenses. It must be found out from which dates onwards he carried out what kind of activities under whose orders.

In this way the public can come to a more objective conclusion and the institutions of the State can with their faults and achievements - without being preventive - be cleared.

Our proposals on this can be found in the last chapter.

One subject concerning Çatlı that has not raised public attention is also being submitted to the attention of the Prime Minister. (annex 11)

The subject of annex 11 developed as a natural result of the judicial system, creating a difference between right and left-wing terrorists, activists and groups.

The Ministry of Justice should evaluate the note that was prepared by a professor of criminal law and a judge in higher position.

Sedat Bucak and the Bucak clan

The information on the Bucak clan has been listed below. It should not be forgotten that the civil servants who put the information together used very careful language.

The Bucaks are originally from Diyarbakır. Some 200 years ago they came to Siverek. During the uprising of Sheyh Said, after the foundation of the republic, they acted in favor of the republic and fought against the rebels. Yet, the Bucaks were not saved from 3 deportations (at Atatürk's time, the time of İnönü I. and the 27th of May). But since Sheyh Said they always supported the State.

Although the leader of the Bucaks, Celal Bucak and Hakkı Bucak, the father of Sedat Bucak, were imprisoned for some time after the 27th of May on Yassıada, they preserved their reign in Siverek.

* it is known that clashes between tribes took place in the district of Urfa/Siverek before 1980. Accordingly it is a region in which Kurdish organizations such as the PKK and KUK got tribes to support

them and tried to intensify the events. The Bucak tribe is “Zaza” and since the time of the Democrats’ Party they are represented in the Parliament.

Following the death of his uncle Mehmet Celal Bucak, Sedat Bucak has been the chief of the Bucak clan.

The Bucak clan, whose leader Sedat Bucak is MP for Urfa province, is more or less in control of Siverek and Hilvan districts and there is no important quarrel, dissidence within the tribe.

It is known that parallel to the attempts of the PKK that gave importance to Urfa/Siverek and wanted to gain control, the Bucak clan armed 350 to 400 members after September 1993.

The clan, which supported the State in its efforts to fight the PKK since September 1993, has some 1.000 village guards in Siverek and Hilvan and 350 of them have the status of “temporary village guards” who receive a salary from the State.

The majority of the guards, who are carrying arms with the permission of the State, are termed “voluntary village guards”. In addition, there are armed members of the tribe who are the special bodyguards of their clan. The special and the voluntary guards do not receive a salary from the State.

Among the existing information are reports that after September 1993 Sedat Bucak visited the villages of Siverek one by one and called upon the inhabitants not to shelter PKK members. The second biggest clan in region, the IZOL clan abided by the decision of the Bucaks and took up arms.

The activities that were developed under the leadership of the Bucak clan raised doubts as to whether the people in the region and the members of the tribe might act outside the control of the security forces. Claims that some former criminals joined the Bucak groups and shots that were casually fired in some quarters created fear and panic among the population.

S. Bucak armed his tribe in close coordination with the security forces of the State and held meetings in his house in Siverek with the authorities at various times.

During a meeting in December 1993 S. Bucak shortly briefed Korkut Eken in his house in Siverek and expressed that he would like to get rocket launchers and similar arms from the State. Similarly he asked major Seral Saral, in command of the gendarmerie in Siverek permission to “employ illegal people” in the area of the gendarmerie. The same person said that PKK activities in the Çermik district of Diyarbakır had intensified and they had intended to intervene there, but the commander of the gendarmerie in Çermik had created difficulties. Similar problems had been experienced with the commander of the gendarmerie in Viranşehir. Subsequently major S. Saral and K. Eken had promised to see that these problems would speedily be solved.

After this period the PKK received heavy blows in Siverek and the neighborhood. But the fact that the local security forces tended to leave the operations completely to the Bucak clan and the planning to its leader led to the situation of continuously weakening control of the State in the region.

Later members of the tribe deliberately fired shot in the center of the town, took some people from their home for interrogation without the knowledge of the security forces. On 29.11.1993 the Bucaks used guns. On 07.12.1993 two terrorists were captured dead and the militia Harun Taşkaya who had been captured alive during the event close to Siverek and should have been taken to show places died in an accident in a car of the Bucaks together with 3 members of the tribe. The Bucak clam also tried to get tribes such as the Kirvar and Karakeçeli tribe under their rule. All this shows the uncontrolled development of the Bucak clan.

The fact that the tribe was effective against the PKK resulted in granting some privilege to them. When their names were heard in connection with smuggling tolerance was shown, most of their demands for arms were met, even their demonstration of power by firing shots in the air was regarded as normal.

In this context the relationship between the State and the Bucaks did not remain on a local level, quite close contacts were made to the General Chief of the Security at the time, Mehmet Ađar and the Governor for the OHAL region, Erkan Ūnal. (The political connections of the tribe's leader are not mentioned for whatever reason.)

On the other hand, the number of members of the tribes involved in drugs and arms smuggling raises specific attention.

In this time it was discovered that Adil Akpınar, a leading guard of the tribe * was captured by the narcotic dept. of Urfa Police HQ with a large amount of heroin. (Radikal of 17.11.1997)

But all detentions were kept apart from the tribe and shown as individual activities. Actually it is not possible to take another position regarding the structure of the tribe.

It can be stated that the true reason for the enmity and clashes between the clan and the PKK was not so much rooted in ideological differences but the fact that the PKK developed propaganda in a way that could destroy the structure of the tribe and that they demanded huge amounts of money from the tribe under the term "taxes".

Starting in the late stages of 1993 the guards of the Bucak clan participated in ambushing activities of the police or gendarmerie. In addition, the members of the tribe had developed a system of walkie-talkie communication amongst each other with the house of Sedat Edip Bucak as the switchboard.

Rumors were received that "Bedir Yigitbay, leading guard of the Bucak clan held speeches to the effect that the 'Bucaks are the State. The State has not done a single thing for them. There are two people in our hands in Susik village, aylarbaşı-Siverek (Bükeç 09-72). The State's interrogations are of no use."

In addition, when Ahmet Kiran, the leader of the Kejan tribe in Siverek said that Haluk Kırıcı, whose name was involved in the massacre of Bahçelievler and the killing of Topal, had been hidden in the house of Sedat Bucak and that he received a new ID (Radikal of 21.10.1997) parts of his house were destroyed by Siverek Municipality governed by the DYP (Milliyet of 01.11.1997)

(It is believed that the leader of the Kirvar tribe is not Ahmet Kiran, but Ahmet Kirvar)

This can be seen as a sign that the persons within the tribe saw themselves as privileged.

On the other hand, we have no possibility to say something about whether or not the leaders of the tribe received a sum or monthly payments from the State. In any case, the voluntary guards do not state that they received any money from the tribe.

But it is a fact that the income of the tribe is being used for the employment of special and voluntary guards. In other words, the clan was able to make a good deal with the State for its armed struggle against the PKK in order to protect its own existence and structure, and was also able to hide its actual behavior.

It was observed that the Bucak community, which lost their reputation at State institutions after the Susurluk event, conducted their local contacts more carefully.

Apart from this, the leaders of the tribe in the region, who wanted to abandon their position as chiefs of clans (aghas) when the Southeastern Anatolian Project (GAP) came on the agenda, have now entered a competition in building industrial plants.

GAP has started to change the social role of the tribes in the region, the aghas are not competing by the number of villages and land they own, but by the number of industrial plants they built. Murat Bucak, a brother of the chief of the Bucak clan and DYP MP for Şanlıurfa, bought a plate factory that was to be privatized and started industrial business.

This situation has encouraged some chiefs of tribes who for many centuries owned more than one village and square miles of land, to leave their village for investments, abandon their status as aghas and settle in towns.

As a result it is argued that during the rehabilitation measures aimed at quickly recovering from the appearance of the tribes and their armed members as a “State within a State” - even if it is just on a local level - it would be advisable to abstain from radical measures such as breaking up the groups of voluntary guards or collecting their arms in a short time, because that could push them closer to the PKK.

The Bucak clan is explained in the lines above, in particular:

340-400 temporary village guards, who are paid by the State, voluntary village guards, who carry arms with the State’s permission and armed members of the tribe who are called special guards; Sedat Bucak asked major Seral Saral, commander of the gendarmerie in the province “to employ illegal men”; the security forces in the region showed a tendency to leave the operations completely to the Bucak clan; the operations were planned by the leaders of the tribe; steps were taken by the Bucak clan to get tribes such as Kirvar and Karakeçili under their control; tolerance was shown for people involved in smuggling; the demands for arms were largely met; there was a large number of members of the tribe involved in drug trafficking and gun-running; leading guard Adil Akpınar was captured with a large amount of heroin.

The sentence “It can be stated that the true reason for the enmity and clashes between the clan and the PKK was not so much rooted in ideological differences but the fact that the PKK developed propaganda in a way that could destroy the structure of the tribe and that they demanded huge amounts of money from the tribe under the term ‘taxes’”

The interpretation “the clan was able to make a good deal with the State for its armed struggle against the PKK in order to protect its own existence and structure” is also worthwhile to be noted especially.

As a result it is obvious for measures aimed at getting rid of the appearance of tribes and their armed members as a “State within a State” to abstain from radical measures, that could push them closer to the PKK.

We think that the connections of the tribe and its leaders to the State have to be examined, and all actions and measures taken have to be disclosed by a special effort.

The Gangs

Several gangs were formed and have come to the attention of the public. Among the gangs the Kocaeli Gang (Hadi Özcan), the Söylemezler Gang and the Yüksekova Gang have raised most attention.

The formation of all three gangs was subjected to the judiciary. But the events have not stopped. The arrest of Hadi Özcan and news based on the claim that he was a gang leader, have shown his importance, (but) his imprisonment has not prevented him from sending messages from prison and have tolls collected by his men and to increase his power like Alaattin Çakıcı. It is interesting that a weird and mentally ill person like Hadi Özcan reached such a position. The police, MIT, the Eymür group and the gendarmerie have had connections, contacts to him. If the file of Cemal Sencan, deputy chief of Kocaeli Police is investigated it will turn out that he was chosen as the victim to disguise the events.

The fact that the turning point for the drugs from Afghanistan and Iran, that came to our country and were prepared in the triangle of Adapazarı-Bolu-İstanbul for the transport to Europe, was Kocaeli and that the gangs developed here and also the fact that the names of gendarmerie commander Veli Küçük, chief of police, Nihat Camadan and Affan Keçeci were recalled in connection with several events, increased interpretations and speculations and resulted in the area being called the “devil’s triangle”.

The greatest evidence for the existence and continuation of the gang is the fact that there was no sound evaluation of the region, no satisfying explanations and investigation on the authorities whose names were connected to specific events. The killings of Asgar Smitko and Lazem Esemæili, who were working with the permission of the department for foreign capital in our country but killed by unknown assailants, also resulted in several accusations.

Both came out of a gambling house at 3.40am and entered a Mercedes with the plate number 34 RZU 47. In Ataköy they were stopped by a police car with a burning headlight, controlled and the vehicle was found empty under a bridge on the road to Yeşilyurt.

Among the information we gathered you can see that these persons were involved in drug trafficking since 1993, detained for having issued false passports, that the police repeatedly tried to extradite them, but that each time their stay permits were extended by interventions of MIT, that Ahmad Esmaili from the same family “was together with people conducting drug trade on the highest level” and that the police files show that it was not advisable to grant these people citizenship. We have to remind that after they disappeared, but before they were killed the family paid a bribe to Yeşil.

According to the intelligence and findings of the police Asgar Smitko, apart from many illegal activities, had bought arms in huge numbers and for much money from the Khomeini regime in Iran and had ordered the killing of opponents to the Khomeini regime by informing the secret service of Iran. Upon this information the police wanted to extradite this person immediately. The decision was sent to all governors by facsimile, but the secretariat of MIT prevented this by five or six consecutive messages saying that they benefited from him. But nobody prevented his kidnapping and killing in January 1995.

These findings are so obvious that they do not need any interpretation for the honorable Prime Minister.

The developments regarding the Söylemezler Gang are even more interesting. Söylemez brothers and M.Sena Söylemez were detained on 11.06.1996 in the Adana-Pozantı region after having had a shoot out with the police from İstanbul and Adana. They were accompanied by Colonel Can Köksal from the gendarmerie in Siirt and the killer Fevzi Şahin and were on their way to kill Osman Bucak, one of the leading figures of the Bucak clan.

During the investigation of the case another 20 people, including 3 police officers and 7 members of the armed forces were detained.

In the end it was established that the Söylemez brothers had formed a huge criminal gang, employing members of the police and armed forces to gather intelligence and get arms and protection and that they had bought immobiles in order to wash dirty money that they had earned in illegal manners. Several cases were combined and send to İstanbul SSC.

In annex 12 you can find a list of confiscated arms and ammunition, actions and other information on the gang

By studying the list it become obvious that the events cannot happen “secretly” and you will see the dimension of connections, cooperation and protection. There is no reasonable ground to believe that such a group can be established without the knowledge and interest of all units concerned. Should the formation of

the gang have slipped the attention of the security units then the complete internal security system of the State has to undergo a serious revision. If they have turned a blind eye on this period then the need for revision is different, but even greater in its dimensions.

The Yüksekova Gang is the most concrete example for the events that happened in the Southeast.

The events unfolded like this:

The events in the Hakkari/Yüksekova region started to unfold after PKK militant Kahraman Bilgiç (code name Havar) had surrendered to the security forces in 1994 and participated as repentant in operations of the Command for Commandos (specially trained soldiers) in the Mountains and at the Border against the PKK.

In his statement taken by Diyarbakır SSC he said, “Kanber Ogur, the commander of the unit to protect the border, proposed that we formed a group to collect money in the name of the PKK, but I refused. I constantly participated in operations of the mountains and commando units against the PKK and during these operations members of the temporary village guards made a similar proposal.”

In continuation of his testimony he said, “in the area money was collected in the name of the PKK; during operations against drug trafficking illegal steps were taken for private interests; members of leading families in the region were kidnapped in order to get a ransom; between Northern Iraq and Turkey sheep and goats’ smuggling was conducted; these activities were carried out with the knowledge of the Commander for the Unit to Protect the Border, Kanber Oğuz, the Commander of the Gendarmerie in Yüksekova, Major Hamdi Poyraz and the Commander for the Unit in the Mountains, M. Emin Yurdakul.”

The public started to receive information about the events after the nephew of Esat Canan, former MP for the CHP in Hakkari, Abdullah Can disappeared on 17.01.1995 on his way from Yüksekova to Hakkari and was found dead near Yüksekova on 21.02.1995. The Canan family and the people in the area claimed that major M.Emin Yurdakul was responsible for the death of Abdullah Canan.

The events became the subject of the judiciary when sergeant major Hüseyin Oğuz connected to a person called Tahir Baskın went to the Command of the Gendarmerie for the Protection of the Border in Yüksekova and filed a complaint about the “Yüksekova Gang”. Hüseyin Oğuz also testified in front of the Susurluk Commission of the Parliament. Havar coded Kahraman Bilgiç, repentant PKK militant, testified at Diyarbakır SSC.

According to the information of Kahraman Bilgiç, the narcotics dept. of Diyarbakır Police HQ started an operation on 02.03.1997 and detained İsmet Ölmez, Kemal Ölmez, Hasan Öztunç and Abdullah Ölmez. They also confiscated arms of various types.

Afterwards the related people Ali İhsan Zeydan, the nephew of DYP MP for Hakkari, Mustafa Zeydan, and Mayor of Yüksekova, Tahir Akarsu, Mayor of Esendere, Fahrettin Akarsu, Director of the Meat and Fish Enterprise were detained on 03.03.1997, major M.Emin Yurdakul on 15.03.1997 and colonel Hamdi Poyraz was detained on 18.03.1997.

It was established that the financial situation of Ali İhsan Zeydan who had been working for the Meat and Fish Enterprise until 1993, had been bad, but that he recovered very quickly after having been elected as mayor. By using the municipality, service for village, the directorate for agriculture and the post office he was dealing with drugs.

The list of arms that were confiscated during this operation sheds a light on what was possible to do in the eyes of the security forces.

The weapons and materials captured in the operation are listed as follows:

In the residence of İsmet Ölmez:

- 4 licensed Kalashnikov rifles,
- 1 Kubi brand gun,
- 1 cartridge,
- 1460 Kalashnikov bullets,
- 3 guns in miscellaneous calibers and brands and 5 cartridges and 41 bullets for them,
- 2 sights pertaining to long barrel rifles,
- 2 walkie-talkies used by the PKK,
- 2 Russian made hand grenades with special effect,
- 1 Ericsson brand mobile phone,

in the residence of Kemal Ölmez;

- 3 Kalashnikov rifles (one of them without license),
- 15 cartridges for that and 1040 bullets,
- 4 licensed guns in various calibers and brands and 7 cartridges and 11 bullets,
- 2 MKE brand hand grenades with special effect,
- 1 Ericsson brand mobile phone,

in the residence of Abdullah Ölmez:

- 1 Kalashnikov rifle,
- 4 cartridges and 120 bullets for it,

in the residence of Cemal Ölmez;

- 4 Kalashnikov rifles (two of them without license),
- 18 cartridges and 500 bullets for them,
- 1 lava weapon,

in the residence of Hasan Öztunç;

- 5 Kalashnikov rifles (four of them without license),
- 18 cartridges and 1672 bullets,
- 1 Kubi brand gun,
- 2 licensed guns in various calibers and brands,
- 2 cartridges and 25 bullets for them,
- 1 walkie-talkie,
- 1 walkie-talkie charge box,
- 1 mobile phone,

- 3 grams of opium chewing gum;
- in the residence of Ali İhsan Zeydan;
- 12 Kalashnikov brand infantry rifles,
 - 8 cartridges and 1660 bullets for them,
 - 1 G-3 brand rifle,
 - 2 cartridges and 33 bullets for it,
 - 3 bazookas,
 - 12 bazooka bullets,
 - 1 bombing weapon,
 - 1 Star brand gun,
 - 1 Uzi brand machine gun and 6 cartridges for it,
 - 1 shotgun,
 - 2 guns in various calibers and brands,
 - 5 cartridges and 21 bullets for them,
 - 2 Thomson brand guns and 50 bullets for to them,
 - 320 bcs bullets,
 - 1 pair of binoculars,
 - 1 dagger,
 - 1 mobile butt,
- in the residence of Ömer Ağırbaş, the bodyguard of A. İ. Zeydan;
- 1 Kalashnikov brand rifle,
- in the residence of A. İ. Zeydan's chauffeur Oğuz Baygüneş;
- 1 14 mm caliber gun,
 - 14 bullets were seized.

It is not possible to call such a development an isolated incident.

In previous sections we presented some information concerning phone numbers. Even if these are not evidence for the judiciary it should give an administration that is determined to destroy the gangs some hints on measures that can be taken.

The person Ömer Lütfü Topal called the second frequent times is Ali Fevzi Bir. A.F. Bir is in contact to the police officers Oğuz Yorulmaz, Mustafa Altunok and Abdullah Çatlı.

One person looking into the financial issues of Topal is in possession of the private number of the Minister of Finance and all bureaucrats down the line.

Anybody you can think of in connection with Susurluk is in touch with the Kurmel - Saray Carpets group.

Mehmet Eymür uses his phone to call Meral Akşener, the HQ of the DYP, journalist Nurcan Akad, Tolga Şakir Atik, Özer Çiller, Mehmet Açar and Adil Öngen.

Sedat Peker uses the phone of Memiş Tavukçu (532-2436111) to call the intelligence of the gendarmerie. Sedat Peker is called on a phone registered for Ali Yıldız (532-264 27 01 and 262 83 14).

Sedat Peker calls Veli Küçük many times. If investigated, one will see that the amounts of money detailed in the invoices for these phones exceed the legal income of the persons in question.

Yeşil uses the same phone to call the intelligence of the gendarmerie in Ankara, Nurettin Ata, the commander of JITEM and the people who attacked the honorable Yılmaz in Hungary.

In continuation of the investigation it is established that Sedat Peker, Sami Hoştan, Abdullah Çatlı, the real Mehmet Özbay and the phone of Topal's casinos are used to call Yeşil under 542-2145021.

Another point is the police IDs given to many people. It is argued that the driving licenses and passports issued by Ankara Police HQ also have to be examined. Another important claim is the allegation that Cemal Serhatlı had them re-collected. One witness said that the same person furnished Tarık Ümit with a green passport.

The directorate of our department is in possession of a diskette that contains phone numbers and the list of numerous phone calls in connection with the attack on our Prime Minister when he was in Hungary. We think that an investigation will show surprising connections.

If all these kinds of gang activities are not summarized under the term Susurluk Event and included in an overall rehabilitation program it will not be wrong to say that very soon the gangs will pose a serious threat to the State.

Another subject that has not been related to Susurluk are the groups that were established, even if they cannot be called gangs. It is absolutely wrong to tale the events, persons and activities that have been presented so far as isolated cases that have nothing in common.

The weed on one side of a field may not have much similarity to the weed on the other side of the field, but rather than wondering why the weed could grow on his field the farmer should accept that he left his field unattended. It is obvious that the events in this country have been affected by the conditions in the Southeast and fed by the preferences of the administration.

One concrete example is that of the public banks.

A group of bureaucrats from the Şekerbank worked as board members of public banks from 1992 onwards. Between 1992 and 1996 this group was passed around from one bank to another like it can only be seen in holdings that belong to one family. On first sight this may just look interesting, not leaving room for much interpretation. But it is rather astonishing that there was an attempt to make Nurettin Şenözlü first a member and later President of the High Council of Control, even though the laws did not allow that. Halkbank, Ziraat Bank, Vakıfbank and Emlakbank are supervised by the Higher Inspection Board. If the appointment had succeeded all measures and its control would have been left to the same team. If during the last five years there had been no irregularities in bank business it would not be appropriate to look suspicious at the bureaucratic measures. But there have been alarming developments in the public bank sector. The public banks paid credits to certain groups, holdings and firms that exceeded by far the amount they would be

able to pay back. When they came to the limits, the banks continued with accepting credits in off-shore manners. Many firms were subjected to leasing and if that was not enough, credits were taken from banks that had partners abroad.

Some banks appeared to the bank of specific firms, made investments only on a limited number of banks, and thereby increasing the risks of existence.

The problems of the banks created another trick. Using letters of guarantee from Turkish banks they applied for loans from abroad and used tens of millions of dollar as credit. When the time for repayment comes a large amount of the guarantee letters will have to be paid by the banks.

There are countless examples for such firms. For instance, the investment of the Vakıflar Bank is related to a small amount of firms.

Despite its debts Emlakbank continued with the building of houses, although it did not find customers for the existing one. Instead of small and medium sized enterprises Halkbank concentrated on specific firms, conducting countless transactions that do not conform with banking rules.

The loss for the community because of such transactions is not even clear. Loans taken in foreign currency from a bank were deposited with the same bank in Turkish currency by using a rate far above the actual rate; thus knowingly creating a loss for the bank in two ways and an advantage for the firm.

A group that took a loan from Vakıfbank for $\text{libor} + 2$, sold the same money as foreign currency for $\text{libor} + 7$.

(PAGE 99 OF THE REPORT WAS NOT PUBLISHED, SINCE IT WAS A "STATE SECRET")

Evaluation:

In general the Susurluk Event provides a picture of distress.

Events, groups, blusters, illegal earnings and unlawful actions on the one hand and on the other hand complaints and public institutions. Among these public institutions are the armed forces, something that the Turkish people and public administration are very sensitive about and that tries to stay out of odd discussions. We thought it might be useful to clarify this point first.

At what point are the armed forces and the Susurluk Event related to each other?

Susurluk is rooted in the preferences from Ankara, was developed in the OHAL region, moved to the great centers of the country and grew among relevant events, people and groups there. In the end a ball of relations developed in many directions and dimensions and the institutions and leaders of the State get knowingly or unknowingly involved. Had State institutions and leaders not been involved it would have remained an important case for the police and would not have engaged the press for longer than 3 or 5 days.

The fact that the armed forces and in particular the gendarmerie were frequently mentioned increased the curiosity in public.

In addition to the gendarmerie, the department for special warfare and, though little known by the public, the Command of the Special Forces were much discussed.

We though we should dwell a little on this point.

The chain of command never broke in the military hierarchy of the military intelligence. Accordingly the military intelligence, unlike the intelligence of the gendarmerie, the police and –from time to time- MIT, was never really harmed.

The department for special warfare developed through the years as the Command for Special Forces and since mainly high-ranking officers were employed the number of temporary soldiers always remained small. Currently it has been established in form of the kernel of a professional army with a size of some regiments.

This structure did not seek the support of civilians and since the military discipline did not weaken at any point it was saved from confusion.

The Gendarmerie

In the past the intelligence was very small and powerless on the level of local intelligence for law and order. During the time of General Hulusi Sayın as President of the General Staff JITEM was developed. Persons who spoke the local language enlarged the organization and it gradually become more powerful. But at no time did it reach the level of MIT or the military intelligence. There was no need for that. The situation of armed struggle created by the PKK in the 1980s was the source for the intelligence of the gendarmerie. Accordingly JITEM developed in connection to the Southeastern problem, the reason for its very existence.

But JITEM became the source for a great problem when it went out of control by employing repentant militants and local elements. Not only the local elements, but also the staff working on intelligence stayed outside the military hierarchy. Although high-ranking officers existed major Cem Ersever was able to act on his own.

The groups formed by local elements and repentant militants always were used by the gendarmerie. Even if it is correct to “hold burning coal with pincers” the groups of repentant militants became free and unattended during the time. Alaattin Kanat is a well known repentant from such a group. The most famous among them because of the number of people he killed and because of his brutality is Mahmut Yıldırım (Yeşil). Yeşil is a Şafî Kurd. This group looks at the Alewite Kurds as their greatest enemy. This atmosphere, in which Yeşil grew up, contributed to his extreme actions that were not only directed on personal interest, ransom etc. from Alewite Kurds, but also supported by religious motives.

The staff, officers and lieutenants, working for the intelligence of the gendarmerie continued to build groups of old personnel, when they were transferred to the West or for retirement.

It is worthwhile noticing that not those who fought the war in the Southeast, but in particular the elements of the intelligence continued to use their knowledge in later life. The roughness of the means used and the cruelty of the methods applied by the PKK, was the reason why some of those people involved in the fight continued to use similar methods later on.

(PAGES 103 and 104 WERE NOT PUBLISHED, BECAUSE THEY WERE CONSIDERED “STATE SECRETS”)

... what was directed at (them) reached its targets and (these actions) put more damage to the PKK than the direct clashes. But what was done to ordinary people in the southeastern provinces who had no direct contact to the PKK and were only known as Kurdish (activists) did much harm to all efforts.

This has something to do with the fact that some officials and repentant militants who had taken part in such activities in particular in the Southeast moved towards the big cities and degenerated for material advantages.

The developments that have been summarized above, the passage on developments after 1993, represent the preferences of the top-level administration and also the problems of such a short period.

In fact the frame shown and the lines that describe the cooperation of public institutions do not coincide much with reality.

It is obvious that there were successes in the fight against terrorism, that the PKK started to withdraw and that difficult days have come for the PKK. Doubtlessly this result was achieved by an overall effort.

But if this is combined with the events and developments described above it is also known that serious differences arose, certain attitudes among public institutions developed and that there was a division into camps.

The main problem is that the undercover activities of the police, the gendarmerie and even MİT were presented as an institution to the public (in particular the police) and that this created an obstacle to their activities.

Among the institutions that deal with security the armed forces are the dynamic and directing power. The Special War Branch carried out effective actions by the teams for special operations. But the soldiers were not (apart from exceptions such as Şenar Er and Nafiz Karacan) involved in affairs of private interests. Those who did were discharged. The difference seems to be in the leadership, leaders and their approach.

Assuming that the problem can be explained in terms of discipline than you have to explain why the gendarmerie is not close to other military units, but the police.

When talking about the sources for illegal activities, their reasons, developments and results the basic finding is that all of them developed within the fight against the PKK. In order to gain control over the threat posed by the PKK the first choice was to take advantage of tribes loyal to the State. In the framework of the Repentance Law the repentant militants and the system of temporary village guards were introduced as elements of the fight against the PKK.

When officials tending towards criminal offences intervened and private interests coincided with central preferences the degenerated connections that we got used to term as “gangs” appeared.

“The feudal structure in the East and Southeast, the conflicts between the tribes, the facts that the temporary village guard system is based on the feudal structure, that the tribes have extensions in Iran and the Iraq and that the economy of the region is based on smuggling, particularly of drugs, contributed to the resources for illegal activities.

It was observed that in case that the people and repentant militants who participated in illegal activities in the OHAL region, were identified or that the security forces stopped to benefit from their services or that those people who had put them on duty were transferred to western provinces, these people also moved towards the big cities. In a short time new illegal formations were added to the existing ones. The police and the judiciary possess a lot of information on this point in their archives.”

The steps to be taken are shaped at this point. We have to create an obstacle for the continuation of illegal activities and formations and to address the issues with courage and determination.

But before that coordination has to be established or re-installed. The experts are pointing at a lack of coordination in particular in the area of intelligence. The problems concerning (1) resources, (2) subjects that need a collective effort, (3) issues that need technical efforts are investigated one by one. But these problems are also experienced as a confusion of competence between the police-gendarmerie and MİT. Therefore, the first aim has to be coordination with clear borders of competence and responsibility.

Drug trafficking

When talking about the gangs you must certainly have to speak about drug trafficking. This sector has a large proportion of profit. The smugglers have gone along way in washing their income and becoming respected people in society.

At this point we introduce a small section of a documents prepared by experts:

“As a result of the evaluation of information concerning detentions in connection with drugs it is striking that the detainees were close relatives, were partners and living in the same area. It turned out that these people developed organized activities and became family organizations that financed in particular terrorist organizations by contacting international persons or groups and establishing organizations beyond borders.

The vast majority of organizations that are active in our country originate from the eastern and southeastern Anatolian region. The groups that started their activities by trafficking small amounts of hashish, moved towards heroin trafficking since the 1980s because the demand for it and the amount of profit grew bigger.

Looking at the drugs’ organization in general it can be said:

a) that they are chained to each other and work in close contact to other criminal groups; aiming at an improvement of their joint forces and trust in each other, they are creating bounds of relatives or improve existing bounds by marriage; another element that secures relations between the organization are key persons.

b) that organization have tended to develop a division of duties, thus minimizing the risks and conducting their smuggling activities with much safety.

It can be seen that the organizations are divided into “acid dealers”, “transporters”, “suppliers”, “white-washers” (black money laundering), but working in close contact to each other.

While the organizations first conducted drug trafficking in the country, they later entered the European market with the base morphine they got from abroad (Iran, Iraq, Afghanistan, Syria) and turned into heroin, in order to increase the share of profit. They were involved in the production, transport and distribution of the drugs.

It is known that drug trafficking is the most important income for terrorist organizations worldwide. It was observed that the terrorist organization PKK in particular started an organized drug trade in Middle East, Turkey and Europe in order to meet the need for arms and logistics for its cadre of militants, that became bigger and bigger after the PKK started its armed actions in our country in 1984. By inspecting the incidents of drug trafficking that the organizations in this sector were involved in, it was established that the organizations of Baybaşın, Bayram, Kasar, Ay and Sitoçi were in close contact to the PKK and that they provided material support for the organization.

Efforts to identify members of the family to enter politics or become respected businessmen who could organize money laundering were conducted by these organizations in order to increase their power in the region and to pursue their aims on State level. They also consider to gain people from outside their organization, either from politics or the administration and to use them for their own targets.”

While the drug dealing organizations developed in line with national and international trends the fight against them stayed on the level of provincial measures.

Below another civil servant presents his view and experiences in the framework of our report.

“The actual work is being done by the police HQ of the provinces. Is it possible to find out, how effective the persecution on the level of a province is, how much regional or political pressure is exerted, how much evidence is destroyed? Are we able to prevent this? As someone who was the chief of police for a province I can say that an official, director or chief of police who carries out this fight without concessions, will be dismissed, another person will be appointed in his position and even if that person is not close (to them), in general he will be made ineffective because of (their) power. I think that the State starts to affect the fight at this point. When a prosecutor says that he wants to conduct the investigation, but does not want to find out the details/connections of the case, the investigation will be limited and the drugs will become wheat/henna. Destroyed evidence will be put in front of the judge and in the end the crime remains with the courier. Politics can remove a person from his position, prevent that a determined teams is established and the administration keeps watching all this.

The state of law provides for the opportunity that the administration can do what it wants and work for its own defense. For instance, was it not just a traffic accident in the region of the gendarmerie in Susurluk? The investigation was carried out and the duty was completed (annex 13).

Considering that this legal structure that is not bound to the government also was equipped with the latitude of opinion we see that the fight against illegal events is made difficult. For instance, the distance between Anamur and Bozyazı is 10 kilometers. Anamur is an unprotected border gate, but another border gate was opened at Bozyazı. Taşucu lies 5 kilometers from the landing stage of Seka. Taşucu was a border gate for continental traffic, but there were attempt to make the landing stage of Seka a border gate as well...

It has to be stated as another fault of the State, that the tribes whose supremacy received heavy blows in the past, were made partners of the government as politicians or loyal village guards. Is it the weakness of local authorities or did the State turn a blind eye on the events in Van that is known in the Southeast as a place where many arms and drugs enter the country and why was the fight in particular in the Hakkari province that ineffective? I reckon that this is an important subject that needs to be questioned...

I believe that these defects and disturbances developed because of individual views on how to conduct the fight. A bureaucrat who takes care of his State and his nation will apply his own correctness whether that includes personal benefit or not. Because of this MIT and the police have their own lists of rights and wrongs and the conflict is based here. But the character of what is done for the State increasingly changes and measures are being taken for personal or political ends.”

These opinions, painful complaints of a leading official on the current system were seen valuable enough to present to the honorable Prime Minister, even if they are partly showing resignation and in other parts own faults.

Proposals

The issues that have been presented and detailed above, are not based on individual opinions and information, but to a large degree on statement by officials and the authorities and official information received in writing from the archives of the institutions.

Since we did not prepare a report of investigation or develop documents to be presented to the judiciary, we did not insist on technical details such as providing the names of the institutions that submitted the sections in inverted commas. It was our aim to prepare a sound document of facts for the honorable Prime Minister and put forward some proposals, aiming at correct findings and information.

As stated in the introduction the public institutions were not willing to provide information on the desirable level. This resistance was broken by long talks that lasted for hours and that created an atmosphere

of friendship and trust. We explained to everybody that it was not our aim to blame them or their friends, but we followed the aim of bringing light on the events and facts.

We talked, discussed and explained the fact that the public had shown a reaction and that it was necessary that MİT and the police regained their (positive) image. This approach found support. The report was completely prepared in this framework and the proposals could only be developed in this atmosphere of trust.

Proposal 1:

The first proposal to our honorable Prime Minister is the orientation of the General Directorate for the Security on a general fight against the formation of gangs.

A definite decision has to be taken on this point and the Prime Ministry has to follow up the developments. The General Directorate for the Security has to be equipped with all urgent and commonplace needs.

To this end a group of special and high ranking officials of the General Directorate for the Security has to be appointed for this duty. This group should be able to act in the name of the general director or the minister and should coordinate the investigations.

Those directors of the provincial departments for law and order, intelligence or departments to fight terrorism that do not harmonize with the work being done, shall be employed for the period of 3 months in Ankara and in their place young and unsuspecting people shall be appointed.

The time for success of the General Directorate for the Security shall be 3 months.

If it is established that there are no serious developments that can satisfy the public, it should be expressed that the higher ranks of the Directorate will be changed and this should be expressed in appropriate words to the public.

The police force should complete our works towards findings on the Emperyal enterprise that we started on a written request by our Board but which was not finished.

Proposal 2:

A coordination channel shall be opened in order to get support for the central work of the General Directorate for the Security by all resources of MİT. This channel shall be supervised by the Prime Ministry.

Therefore, a coordination committee shall be established in which the Prime Ministry is represented. Any disturbances and problems shall immediately be resolved by talks without being written on paper.

There should be firm decisions on such disturbances holding both institutions responsible.

Information exchange has to be conducted with the intelligence of the general staff.

Proposal 3

The criminal efforts will result in temporary silence by the gangs and groups. But it is also necessary to eliminate the financial resources that exist and that are known.

The criminal proceedings will have to be supported by financial research. The investigative work against Ömer Lütfü Topal and his companies that was started on written request by the Prime Ministry has to be finalized and extended to cover the other gangs, mafia and their bosses.

To this end the demands by the group that ensures the coordination should be met with priority by the Undersecretariat for Customs, Ministry of Finance and Ministry for Industry and Trade and all other control boards. It is necessary that the Council of Ministers makes a decision on these three points and that the ministers issue circular for that.

Proposal 4:

A law on confession concerning gangs and illegal income, centered on Susurluk shall be passed, but one should benefit from the experience with the repentance law for the Southeast.

Proposal 5:

In the respective chapter the activities of the Department for Special Warfare were presented and the problems described.

Therefore, the activities of the Department for Special Warfare should be restricted to the OHAL region. The staff of the Department for Special Warfare shall only use their titles in the OHAL region. Outside this region all units shall be disbanded and integrated into the police force.

The first implementations shall be conducted by administrative decisions. Legal amendments should be made, if necessary. The place for the first implementation should be Antalya.

Proposal 6:

An order should be issued by a Prime Minister's decree that except for the Interpol connections all connections of the General Directorate for the Security to outside services and foreign institutions shall be established by the Foreign Ministry and MIT and it should be announced that all other foreign intelligence and operations outside these channels are forbidden.

The realization of the proposal has to follow a decree prepared on the views from the General Staff, MIT and the General Directorate for the Security; legislation has to be passed, if necessary.

Proposal 7:

The draft law on an "institution for public security" prepared by the Secretary General of the National Security Council should be studied and evaluated for the government.

One should think of the institution for public security as an organ under the command of the Prime Ministry, that has no wings in the provinces, only little staff, but equipped with operations powers, that is in touch with all units of the State and that can direct itself towards all kind of formations that threaten the public order, moral values including hidden or open gangs.

For the time being the membership for such an organization could be established within MIT with an administrative decision. It will be possible to reach a final decision on legal requirements in the light of a fast evaluation and the preparations carried out by the National Security Council.

Proposal 8:

The fight against drug trafficking should be seen as one of the routine activities of the General Directorate for the Security, but should be taken as the most important duties among the tasks with priority and urgency.

While these activities are being carried out the legal and administrative frame for the extension of this fight from the provincial to the national level has to be determined.

To this end, staff that was employed in the department for smuggling and organized crime at the General Directorate for the Security and on provincial level for specific purposes should be changed immediately and speedily to the necessary extent and new staff should be chosen carefully.

This department should later continue with the task described in the first three proposals.

Proposal 9:

The issue of drug trafficking shall be chosen as a special struggle area and shall be initiated with special activities including financial research against persons and families.

There is enough information in the archives. The pieces of information have to be unified in a short time by a coordinated effort and an implementation plan should be prepared to take speedy action.

Proposal 10:

There is information in the State archives on smuggling and illegal activities and even graphics.

It is a problem in itself that such activities continue. The relevant units of the State (Finance, MİT, Police, Customs and the Treasury) have to develop their cooperation. The rules for such cooperation have to be developed.

Proposal 11:

While evaluating the information of the General HQ of the Gendarmerie, MİT and the Police in a joint effort, the personnel in all three institutions that were involved in illegal connections and formation in the Western regions shall be excluded (from the state mechanism) in a short time.

The confession law shall speed up the development at this point. There is sufficient information anyhow. It is enough to collect the information and solve the problem of evaluation.

In case that the General Directorate for the Security and MİT carry out this work in their own ranks first, this would contribute to the solution of the problem, honor the institutions and speed up the process.

Proposal 12:

The use of repentant militants has to be limited immediately. It should only be allowed to use repentant militants in limited numbers on certain occasions. Detailed reports from the provincial governors, the governor for the OHAL region on the existing situation, steps recommended and implemented should be asked for and turned into a definite decision within two weeks.

One should not forget that the repentant militants are former criminals, who, if they leave control, will and do use their initiative for personal interests. Therefore, one should not include repentant militants in activities that give room for speculation.

Proposal 13:

The number of temporary village guards shall be frozen in. Open positions shall not be filled.

Those temporary village guards who are willing to and whose position is appropriate should be employed as special security members.

Sensitivity must be shown in the implementation of Article 22 on regulations for temporary village guards dated October 1986 and concerning the termination of duty. The maximum age should be reduced from 65 to 45. Those older than 45 should receive two times the compensation mentioned in Article 24 and leave duty in two months. In suitable cases these people should be employed in public institutions.

Because of the system of temporary village guards the structure of tribes that was about to be dispersed started to get stronger again. The tribal chiefs or leaders of the families have become more powerful with the income and different criminal and terrorist organization came up.

It is necessary to break the influence in this system of particular families and tribes.

It is proposed to start the implementation in Urfa region.

Proposal 14:

The measures of the Ministry of Tourism concerning gambling saloons have to be subjected to wide ranging scrutiny.

What were the procedures for the Ministry to permit gambling houses? The identity of the people who were given permission is shameful for the public. From all gambling saloons offences such as violence, restriction of freedom, forcible signing of checks, fraud, robbery have become subject for the judiciary. It has to be revealed what the Ministry has to done in a chain of gambling saloons where the security of life did not exist.

Proposal 15:

The records for taxes and accountancy of gambling saloon owners have to be examined.

In the file 1994/412 at İstanbul SSC No. 2 Topal has declared his possessions as of 1989. For others the same information exists. The billions put together can only be explained in this way.

Proposal 16:

The findings of the Susurluk Investigation Commission of the Parliament on crime and investigation procedures have to be forwarded by the Prime Ministry to the relevant units and measures taken shall be observed.

There are many findings and recommendations in the report by the Susurluk commission that require clarification. They should be taken up according to their importance.

Proposal 17:

The subject of donated arms to General Directorate for the Security has to be taken under close scrutiny in order to clarify the confusing information that exists at the General Directorate and the Undersecretariat for Customs.

Transfers from various funds amount to billions of Turkish liras, excluding the transfers from hidden (state) funds. There is a need to clarify the places of spending, if not the ways of spending this money.

There is also a need to prevent a speculative exploitation of the subject of (donated) arms.

In addition, in connection with events and persons that were mentioned on various pages of the report, it is necessary to take the following measures:

18 - The situation and position of Abdullah Çatlı has to taken up in an investigation. The connections of Çatlı - if they exist - before and after the 1980s have to be researched.

19 - Another subject for investigation should be the attempted coup on Azerbaijan and the attitude of the Turkish side.

20 - A detailed list of the payment to village guards and the people, tribes and families that received them has to be prepared and irregularities have to be evaluated in a wide ranging effort. If necessary, local universities should be involved.

21 - A synchronized effort to research the income - tax of owners of gambling saloons has to be stated. Money laundering transactions shall be investigated with the help of the financial police.

22 - The kidnapping of Mehmet Ali Yaprak has to be investigated again, together with a financial research. The trade and production of Captagon has to be taken up by a special police unit.

23 - The killings of Nesim Malki and Yener Kaya have to be investigated again, together with a financial research. Persons and firms that owed money to these usurers have to be included in the financial research.

24 - The Bodrum Sun Club case, claims of blackmail for \$ 40,000 and its distribution and the killing of Hikmet Babataş on which sufficient information exists have to be re-investigated in the frame of the information provided by the repentant İbrahim Babat.

25 - As explained in the relevant sections, the connections of Eximbank - Turkmenistan and the Emperyal company have to be researched in detail and if necessary taken up in an investigation.

26 - The reason for the debts of \$ 105 million that turned up after the death of Ömer Lütfü Topal and the company that showed this sum in their balance sheet have to be researched separately.

27 - A decision has to be taken concerning legal measures that have to be taken as a result of the investigation against the banks.

ANNEX II

THE THIRD MIT REPORT

REPUBLIC OF TURKEY PRIME MINISTRY

Undersecretariat of the National Intelligence Organization MIT

Subject: Investigation

TO THE PRIME MINISTRY

1. A substantive investigation has been started after receiving instructions of our Prime Minister, mentioned in ref. (a), regarding the establishment of an illegal private organization within the state and illegal activities carried out through this organization.

2. Understandably the Undersecretariat of the MIT has no authority to investigate and scrutinize cases and claims of the past, that are known to the public and have been referred to the judicial organs, by ignoring the authorized, operational and responsible bodies. Actually, the authority of scrutinizing such cases and claims, which have been disclosed, is vested with the security forces (police and gendarme) and the judiciary. Naturally, it is a legal condition that information, documents and evidence, on which the investigation would be based, should be kept by the bodies mentioned above.

3. In this respect, the case and claims in connection with the case, and the situation of the persons involved in this case have been scrutinized in line with the file attached to the instruction mentioned above and within the framework of the information in our files. The information formerly included in our files regarding the persons whose names are mentioned in the claims covers the incidents that come under the duties of our Undersecretariat and incidents related to our activities.

Attached please find the file on the results of the investigation carried out within the framework of the principles mentioned above. With respect,

Sönmez Köksal

Undersecretary

Annexes:

Annex 1: File (one)

1. INTRODUCTION

The traffic accident that took place in the Çatalceviz region of Susurluk District on the Balıkesir-Bursa Highway at about 7.25pm on 3 November 1996 has been a matter for a big debate overall in Turkey. The discussions climaxed because of the identities, occupations and the status of the persons who were travelling together in the car of the accident, and also because of the media coverage. The debate focussed on the “state- mafia-politics” connections, a term chosen by the media. Reactions and discussions also occurred on the political basis, and reached a level where the state and certain instruments of the state have been questioned because of the its alleged actions.

The incident has gradually moved beyond its dimensions, and has become the most serious topic on the agenda of Turkey in respect to political, social security and psychological aspects.

2. THE INCIDENT

Sedat Edip Bucak, DYP Şanlıurfa MP, Hüseyin Kocadağ, Director of the "Kemalettin Eröge“ Police School in İstanbul, Abdullah Çatlı who carried a faked ID on the name of “Mehmet Özbay,” and Gonca Us, born in 1970, had come to the Onura Hotel in Kuşadası on the evening of 1 November 1996. The group had taken the road to travel to İstanbul in the car of Bucak, a Mercedes with the plate number 06 AC 600. The car was driven by Hüseyin Kocadağ. In the accident the car hit a truck with the plate number 20 RC 721, driven by Hasan Gökçe, when the truck left a gas station in Çatalceviz region of Susurluk District at about 7.25pm on 3 November 1996.

In the accident, Hüseyin Kocadağ, who was driving the car with the plate number 06 AC 600, Abdullah Çatlı, who was carrying the fake ID under the name of Mehmet Özbay, and Gonca Us lost their lives, whereas MP Sedat Bucak survived the accident wounded.

The driver of the truck Hasan Gökçe was believed to have the main responsibility for the accident, and was arrested on 04.11.1996 subsequent to his interrogation.

Guns and documents found in the car belonging to Bucak after the accident.

- 2.2.1 Material found on Çatlı:
- Yapı Kredi Bank card
- Yapı Kredi Bank Visa card
- An invoice
- Barclays Visa card

- An ID card on membership of the İstanbul Trade Chamber
- TL 44.500.000, 2900 US\$, DM 305
- A driver's license on the name of Mehmet Özbay.
- An ID as an expert of the Security General Directorate, on the name of Mehmet Özbay, signed by Mehmet Ađar
- 2.2.2 Material found in the car with the plate number 06 AC 600:
 - 9-mm. caliber Saddam branded pistol with the serial number 930647, clip of this pistol, and 9 bullets.
 - 9-mm. caliber Baretta branded pistol with the serial number U544265, 2 clips of this pistol, and 10 bullets.
 - 9-mm. caliber Baretta branded pistol with the serial number L534618, one clip of this pistol, and 45 bullets.
 - 9-mm. caliber Baretta branded pistol with the serial number B178902, one clip of this pistol, and 10 bullets.
 - 22-mm. caliber Baretta branded pistol with the serial number A925710, 2 clips of this pistol, and 12 bullets.
 - Silencer of the 22-mm. caliber pistol.
 - 9 mm. caliber MP 5 machine pistol with the serial number 21995, 2 clips.
 - 9 mm. caliber MP 5 machine pistol with the serial number C42952, 2 clips, 82 bullets.
 - 13 BKC (Biksi) branded bullets, 7.62 mm. caliber.
 - 100 bullets, 5.56 mm. caliber.
 - 8 bullets, 22 mm. caliber.
 - 3 mobile phones, various brands.
 - One projector.
 - Two suitcases with dial locks on; inside of them 19 pieces of clothes from the cleaner, 2 cards of membership of the International Hospital, a digital diary and various credit cards.
 - An entrance card for Parliament for the car with the plate number 06 AC 600, approved for the name of Sedat Edip Bucak with the serial number 0514 and 46 pieces of various things and documents.
 - An entrance card for Parliament for the car with the plate number 06 EMR 15, approved for the name of Uluđ Gürkán with the serial number 1070.
 - Two license plates numbered 34 NUL 63.

On the other hand, in his statements to journalists, Sedat Bucak mentioned that he continuously received death threats; that he carried guns continuously for that reason; that the weapons found in the car belonged to him; that he used them in his struggle against the PKK; but that he had nothing to do with the

silencers found in the car; that the silencers in question had been placed in the car after the incident; and that this was a plot against him.

Meanwhile, in the testimony he gave to the SSC Prosecutor in his house at the Parliament's compounds, Sedat Bucak asserted that he had no information regarding the weapons and silencers which were found in the car after the accident.

3. PERSONS WHOSE NAMES ARE INVOLVED IN THE INCIDENT

Persons in the accident:

The information found in our files regarding MP Sedat Edip Bucak, Hüseyin Kocadağ, member of the security organization and Abdullah Çatlı, who were in the Mercedes with the plate number 06 AC 600, which had the accident, is given in Annex 1.

There is no information in our files regarding Gonca Us, daughter of Üner and Gül, born in İzmir in 1969. Besides, the investigation after the incident revealed that an application had been made on 3 August 1994 in order to receive a special passport for Abdullah Çatlı with a fake request form on the name of Mehmet Özbay, who was shown as an inspector of the Ministry of Finance at the first degree, and that the Ministry of Interior Affairs had issued a special passport for him with the serial number TR A 245202.

Persons Whose Names were Mentioned in the Aftermath of the Incident

"Seventeen" of the 59 people, whose names are involved in the claims, are not alive any more.

Of the 59 people, 9 are only known by their name, 4 are politicians, 4 businessman, 14 former nationalists who allegedly have connections to the Mafia, 5 are members of the Turkish Armed Forces, 13 members of the security organization, 1 is a member of a religious organization, 1 member of the MİT, 1 person allegedly has connections to MİT, 2 persons are of Iranian origin, 8 are drug smugglers said to have connections to the Mafia, 1 is a driver, 1 a repentant militant of the PKK, 1 a woman of Syrian origin, 2 are lawyers of Kurdish origin and 1 is the owner of a brothel .

4. RELATIONS BETWEEN THE PERSONS

The investigation regarding the persons in the accident could not find any information in our organization that would prove that the persons had connections to each other until that day. Contrary to the claims they were only natural connections of official persons stemming from their duty. However, looking at information covered in the newspapers, one can see that the names of Tansu Çiller, Özer Çiller, Mehmet Açar, Haluk Kırcı, Sedat Bucak, İbrahim Şahin, Korkut Eken, Hüseyin Baybaşın and the dead ones, Abdullah Çatlı, Ahmet Cem Ersever and Tarık Ümit carry a special importance among names mentioned in the claims.

The alleged relations among these persons and their activities have been listed in draft form in Annex 4.

Besides, the claims presented in the media regarding the people whose names were mentioned in connection to the incident and their relations have been listed separately in Annex 5.

5. CLAIMS

(The claims are given in the form they appeared in the media and in relevant sources.)

Details of these claims are given in Annex 6. The text below lists the claims in headlines.

Claims published in issues of the journal "Aydınlık", dated 22 September 1996 and numbered 483, dated 17 November 1996 and numbered 491, dated 24 November 1996 and numbered 492;

Claims Regarding the "Çiller Organization"

- "DYP Chairwoman Tansu Çiller has established a "Special Crime Organization" which includes certain members of MİT and security officers and ultra-nationalists.
- The organization in question, named 'special office' by its members, has connections to the CIA and MOSSAD."

Claims Regarding the Structure and the Members of the Organization:

- "Among the 700 members of the Special Office are DYP Chairwoman Tansu Çiller, Özer Çiller, Mehmet Ağar, MİT Deputy Undersecretary and Counter-Terror Branch Director Mehmet Eymür, Advisor of the Security General Directorate, Retired Colonel Korkut Eken, Special Operations Branch Director İbrahim Şahin, ultra-nationalist mafia boss Alaattin Çakıcı and Abdullah Çatlı." The table on the structure and the members of the alleged Special Office is given in Annex 7.

Claims Regarding the Mafioso Connections and the Gunmen of the Organization:

- The relations of the Organization to the ultra-nationalist group headed by A. Çatlı.
- The relations of the Organization to the ultra-nationalist group named 6th Fleet
- The relations of the Organization to the Söylemez gang.
- Claims Regarding Activities of the Organization:
- Coup attempt in Azerbaijan to overthrow Haydar Aliyev.
- Intervention in Chechnya and hijacking of the Avrasya Ferry.
- Connections of M. Ağar to the drug smuggler Hüseyin Baybaşın.
- Özer Çiller's smuggling of nuclear substance.
- Assassination attempt against Manukyan.
- Killing of Gendarme General Commander General Eşref Bitlis.
- Killing of Cem Ersever and his friends.
- Killing of Askar Smitko and Lazım Esmali.
- Killing of Behçet Cantürk and his friends.
- Killing of Tarık Ümit.
- Killing of Lawyer Yusuf Ekinci, Savaş Buldan, Hacı Karay, Adnan Yıldırım and Medet Serhat.
- Killing of Tevfik Ağansoy.
- Information regarding the relations between Haluk Kırcı and Fethullah Gülen.

- In 1994, the Organization started to extort money from nightclubs, casinos and bars in Ankara.
- It is claimed that the Bucak Tribe, which received support from the State amounting to trillions of TL for its men, exaggerated the number of its men.
- It is said that smugglers, who did not want to perform military service, bought village guard IDs from the Bucak Tribe, and they performed their military service as “village guards” at a place determined by the Tribe.
- After Sedat Bucak was discharged from hospital, he left his house at the Parliament’s Compound for 12 hours. It is said that Sedat Bucak met Mehmet Ađar and a retired general regarding the statement he would make to the journalists, and Ađar and the retired general had formulated the statement he had given later.
- The TV program broadcast on HBB, in which Bucak participated, had been arranged by former MİT officer Bülent Öztürkmen, an executive member of the HBB TV, upon the request of his friend Korkut Eken.

Other Claims

- The claims covered by the newspaper after the accident in Susurluk are given in detail in Annex 8. Among these, the following information is of importance:
- While the investigation regarding Abdullah Çatlı was under way, Çatlı’s relations in England raised attention. It is known that the British government used foreigners such as Çatlı in order to stop the flow of drugs to England.
- Before the accident in Susurluk, Hüseyin Kocadađ, Abdullah Çatlı and Sedat Bucak had gone to Yalova in order to find land for a casino.
- After Mehmet Ađar resigned, the fake IDs, licenses, passports distributed among the members of the “Çiller Special Organization” were recollected, and the members were ordered to be out of sight.
- Meanwhile, it was also claimed that Hüseyin Kocadađ had been in the car in order to act as negotiator and to put an ending to the disagreement between İstanbul Public Order Branch former Director Sedat Demir and Sedat Bucak, and that he was going to Bursa.

Claims which have been verified:

- Various claims were made by Dođu Perinçek in the issues of the journal *Aydınlık*, dated 2 September 1996 (numbered 483), 17 November 1996 (numbered 491) and 24 November 1996 (numbered 492). Among those claims, it has been observed that certain points in the text published in the journal *Aydınlık* on 22 September 1996, which was said to be a “MİT Report,” have been verified by information compiled in the media after the accident.

The claim that Çatlı used a fake ID:

- The media reported that documents at the foreign missions and the security organization had verified that Çatlı had carried a fake ID in the name of Mehmet Özbay; that he had received 3 passports on the names of Mehmet Özbay and Mehmet Özbey from the Consulates General in London and Chicago between 1980 and 1996; that he had attempted to go abroad with a passport on the name of Şahin Ekli in 1992. (Published in the issue of

the newspaper "Sabah" on 4 December 1996 with reference to the report prepared by the inspectors of the Ministry of Interior Affairs. The mentioned press clipping is presented in Annex 9.)

The claim that Çatlı was a drug-smuggler:

- Çatlı was convicted and sentenced to imprisonment in France and Switzerland for drug smuggling. The information on Abdullah Çatlı given in Annex 3 and the statements of his wife Meral Çatlı covered by the media (Annex 10) verified this claim.

The claim that Çatlı had relations to Ali Yasak and members of the Bucak Tribe:

The relations of Çatlı to Ali Yasak and members of the Bucak Tribe were verified by statements of the persons in question.

The claim that Çatlı had relations to security officers:

Despite the fact that after the accident Ağar had declared that "Hüseyin Kocadağ had been in the car in order to deliver Çatlı to the security authorities," Sedat Bucak made a contradictory statement when he said that "Kocadağ knew Çatlı under his fake name, Mehmet Özbay." In any case, their existing company is enough to clearly demonstrate that Çatlı had relations to the security organization.

The claim that Mehmet Ağar had relations to Haluk Kırcı:

Ağar had stressed that he did not know Haluk Kırcı. When the newspaper Hürriyet subsequently published his photographs as the witness to Kırcı during his wedding ceremony, he attempted to rationalize the incident as the relation between "a governor and a citizen."

The claim that Çatlı had relation to Ağca before 12 September 1980:

The relation of Çatlı to Ağca is explicit since 1978. The claim has also been verified by the statements of Ağca, which appeared in the media on 24 November 1996.

The claim that Çatlı was a cocaine addict:

After the accident in Susurluk, various newspapers reported that cocaine had been found on Çatlı. The claim that Çatlı used cocaine has been verified as a result of the tests at the gendarmerie laboratories in Ankara.

The claims worth scrutinizing:

The claims of importance and worth investigating are listed below:

- It would be possible to find out if a structure acting under the name Çiller Special Organization exists or not by investigating all the claims related to this accusation in order to find out if they are true or not.
- The operation against ASALA at the beginning of 1980, which was brought on the agenda in an attempt to correlate it to the state, is not connected to the claims under investigation and our organization has no information regarding this issue.
- It is sustained that the claim that Çatlı was able to escape from prison in Switzerland with the help of CIA's Turkish Desk Chief could be verified by an investigation of the Ministries of the Interior and for Foreign Affairs in coordination with the authorities in Switzerland.

- Ayvaz Gökdemir, then-Minister of State responsible for Turki Republics, Mehmet Ağar, Security General Director, İbrahim Şahin and Korkut Eken had outlined the coup attempt against Azerbaijan President Haydar Aliyev in March 1995 with consent of Tansu Çiller, but the coup attempt had failed when the MİT informed President Süleyman Demirel about the coup and he informed Aliyev.
- In the course of its intelligence work, the MİT Undersecretariat determined that there would be an assassination attempt against Haydar Aliyev; and this information was transmitted to Haydar Aliyev via the competent authorities, thus the assassination was prevented. The MİT Undersecretariat performed its duties, and other claims on this issue have no relation to the MİT Undersecretariat.
- It was concluded that the claim that Fethullah Hodja was the secret partner of Çiller's money-laundering business and that the organization of the people adhering Fethullah Hodja was the most important civic organization in our region acting under the control of the CIA can be verified after the financial status of Fethullah Gülen is inspected by inspectors from the Ministry of Finance and an investigation is carried out by the Ministries of the Interior and for Foreign Affairs in coordination with the competent authorities.
- In order to find out if H. Baybaşın, who is on remand in Austria, had any relation to M. Agar on drug trafficking, the activities of Baybaşın in England and the Netherlands, where he was kept in prison formerly, and in Austria, where he is still kept in prison, should be scrutinized by the Security General Directorate of the Ministry of Interior Affairs in contact with the security organizations of these countries. Besides, it was concluded that the testimony of Baybaşın's lawyer İlhan Ongan, who is said to know about the relation between H. Baybaşın and M. Agar, should be taken.
- The claim that one of the leaders of the ultra-nationalist Mafia, Abdullah Çatlı, and his men, worked within the organization under the team of Ağar and the claim that this team had killed many persons on orders of Ağar, could be investigated by an authorized body to be formed within the security organization by taking the testimonies of those involved in the claims. Indeed, an examination by the security organization revealed that the fingerprints of A. Çatlı were found on the weapons used in the killing of Ö. Lütfü Topal, which verifies the claims to some extent.

The claim that Ömer Lütfü Topal had been killed by M. Ağar, S. Bucak and H.. Kocadağ in order to get an increased share from the income of the casinos:

- It has been concluded that an examination of Topal's and his companies' money transfer starting 3 months before the murder and the properties owned by his relatives by inspectors from the Ministry of Finance and an examination of the telephone calls he made prior to the murder by getting a breakdown from Turkish Telekom would contribute to a great extent to determine the murderers of Topal.
- It has been concluded that the claim that Tark Ümit was killed because of information he had regarding the "Çiller Special Organization" could be clarified by re-interrogating the police officers, said to have been the last persons Ümit had been seen with, by the prosecution office.
- Meanwhile, Tark Ümit's daughter Hande Bilici declared that "her father had been a member of the MİT for 17 years; that she had documents signed by her father with the title of a MİT officer; that she had the document of assignment with a special license number signed by then-Security Director Mehmet Ağar; that 2 MİT officers sent by Mehmet Eymür subsequent to the abduction of her father had told her that her father had been abducted by police officers from Special

Teams with the knowledge of Mehmet Ađar and on instructions by his advisor Korkut Eken; that M. Eymür had called M. Ađar and received the promise that no harm would be done to her father; later she had met M. Eymür and he had told her that her father had died; but in the meeting with Korkut Eken, Eken had told her that her father had been sent abroad on a special mission and that he was curious what those who claimed that he died would do when he came back; that she would publicize the documents she possessed, in case that she was not provided with information about the fate of her father.”

- Tarık Ümit was known as a person providing various organizations with information. Indeed, he gave information to the MİT Undersecretariat occasionally on certain issues that fall under the duties of the MİT. For this reason, it is recommended that the names mentioned in the statement of the T. Ümit’s daughter should be taken within the scope of the investigation. The information note on Tarık Ümit can be found in the Annex.
- In order to find out whether or not Sami Hoştan, in addition to his relations to the Dev-Sol (Revolutionary Left) organization, was involved in drug trafficking with connections to Spain, Holland and Columbia, it has been concluded that the Security General Directorate should contact the security organizations of the countries in question and thus compile the information on the issue, and it is necessary to examine the breakdown of the telephone calls of the person in question.
- It can be determined by the General Staff Chief Office whether or not Captain Hüseyin Pepekali is currently on duty at the armed forces and if he is, at which unit he works.
- The claim that “gangs in uniforms,” said to have been established in Yüksekova, Hakkari for drug smuggling, and similar other gangs were controlled and directed by Mehmet Ađar, should be investigated by a commission to be established within the Gendarme General Headquarters and the Security General Directorate equipped with full authority for such an investigation.
- The relations of Lazım Esmaili and Askar Simitko, Iranians of Kurdish origin who were killed in Turkey while active as smugglers, to Özer Çiller and M. Ađar, the question whether or not these persons were involved in the killing of the Iranians, and the claim that Askar Simitko provided the MİT with information, could be clarified by an examination of the Turkish Telekom’s breakdown of the mobile phone calls of the persons before they were killed, and an investigation to be carried out by the Security General Directorate.
- Askar Simitko of Iranian origin had come to İstanbul in 1985, and had relations with various security units in this city. It has been claimed that he occasionally was detained and then released by the security officers because of his activities. He had no contact with our organization. The information in our files regarding the person in question is given in the Annex.
- In order to find out whether or not S. Edip Bucak distributed the money he got from the state among the village guards from his tribe and the form of the payment can be established by the Ministry of Finance. In addition, testimonies of the persons who took part in the installment can be taken to clarify the claims.
- It has been claimed that T. Şakir Atik, former advisor of Tansu Çiller and Advisor of the Prime Ministry, had been assigned to work in the MİT by Özer Çiller in order to leak information from the MİT. The information note on the relations of the mentioned person to the MİT Undersecretariat is given in Annex 13.

- It has been claimed that the bombing of the newspaper Özgür Gündem (Özgür Ülke) in 1994 had been ordered by then-Prime Minister Tansu Çiller and carried out by the “Special Office” under the command of Mehmet Ağar.

Claims that are not necessary to take into consideration:

- The journal "Aydınlık“ published a report on 17 September 1996, which was said to be the Second MİT Report and which found widespread coverage in the media. In response to this claim, our Undersecretariat sent a statement to the General Directorate of the Anatolia News Agency on 5.11.1996, which read, “There is no report given to any organization or any person in the form which has been attributed to the National Intelligence Organization in the media.”
- The claim that Hiram Abas was killed by the Çiller Organization is not worth mentioning as it is known that this attack was conducted on 26.09. by the Dev-Sol militants Hayri Koç, Ferit Eliuygun, Bahattin Anık and Ahmet Fazıl Ercüment Özdemir.
- The claim that there was a romantic relation between H. Kocadağ and Gonca Us is not worth mentioning because of the statements of Çatlı’s wife Meral Çatlı on this issue.

6. RESULT AND EVALUATION

The content of the file sent by the Prime Ministry has been scrutinized together with the information in our files and other available information. The result of the investigation was given in the above text in headlines and in the annexes of this report in detail.

The traffic accident has clearly revealed an alliance that is hard to define and defend. The weapons, documents and other evidence found in the car of the accident, provide concrete proof that the persons in the car were involved in an action with the aim of committing crimes. Indeed, certain documents and evidence actually prove this alliance.

However, the duty of investigating the actual case naturally lies within the state institutions (judicial organs, and the security forces that should carry out the investigation along with the judicial organs) which have been vested with the authority of preserving these documents, information and findings.

Incidents that took place in the past but which came on the agenda after the accident were investigated by the authorized and competent institutions at the time and the information, documents, testimonies and other evidence is at the deposition of the institutions mentioned above. It is obvious that the institutions that have the authority of administrative inspection and judicial investigation would give a much more healthy account of these incidents (in case that they had formerly investigated the incidents).

For this reason, the Undersecretariat decided to carry out an investigation in the light of the available information, without entering the field of jurisdiction of other authorized bodies of the state and assuming that they had formerly carried out the necessary investigation.

The accident in Susurluk has paved the way for questioning certain organs of the State, the activities of these organs, and certain politicians and bureaucrats.

Intentionally or unintentionally, the debates have gone beyond the dimensions of the incident; and they have been broadened to cover the period of the last 20 years. For this reason, the incident has gone far beyond its true aspects on the one hand, and on the other hand have many issues, related to the incident or not, been merged and included into the discussion.

As can be seen in the section on "the Claims" in this report, it is not possible to relate certain "claims" to this incident regarding the time of the events and their context. Nevertheless, there are attempts to particularly keep them on the agenda in order to open the way to question the state and its deeds.

Some circles who have connections to the incident tend to introduce certain issues, such as the struggle against the ASALA, which was carried out in the past and discussed on various occasions, in order to conceal their involvement in the incident and broaden the [extent of the] discussions.

Many serious claims and accusations do exist. All of them belong to the past. Indeed it is difficult to base them on concrete evidence. This situation creates some difficulties in determining the criminal impact to coincide with the enormity of the incident. On the other hand, there are certain issues that could easily be investigated administratively by the relevant organizations and institutions. Cases of issuing fake IDs, passports and other documents and the issue of commercial relations can easily be scrutinized.

The way the media covered the incident and gave a platform to everybody, regardless of their relations to the incident, provided enormous means for the ones who wanted to distort the incident; the discussions have gone far beyond the facts; and the focus point of the discussions have become the state and the deeds of the state instead of the actual issues and the real persons involved in the incident. It is another fact that this situation suits the interests of the real criminals in the incident and evil-minded circles who have got accustomed to attack the current administration system on every occasion.

The political level that the discussions reached is known to everybody. This case has constrained the efforts in reaching real information and documents, and resulted in a flow of rather speculative issues on the agenda.

In addition, the Susurluk gave reason for remarks that the case allegedly demonstrates that:

There are unobstructed forces within the state;

These forces can also take part in some undesired activities outside the need of the state;

The security forces have used certain elements, other than the official forces, in the name of a mission of the state;

Certain documents of the state (passports, etc.) can be given to illegal elements;

Persons within the state organization, if they contradict each other, can enter a struggle against each other by employing the means of the state;

There is polyphony in the intelligence activities and secret operations; and the control in the central administration is not sufficient;

The documents and the activities of the state, which should have been secret, can easily be publicized and put under discussion;

The unobstructed forces have been supported by certain political forces or persons;

There have been huge financial interests behind the activities declared to have been carried out in the name of the state (for instance; the shares of companies and the fortune A. Çatlı possessed).

With respect to the briefly listed facts above, each of them of remarkable importance, it would be advised that the necessary measures should be taken regarding the following issues with priority:

It would be favorable for the security forces carrying out their duties to carefully observe the principle of utilization for any element to be employed by the security forces and to impose central control over these principles.

There is polyphony in the field of intelligence activities as the related institutions have broadened their field of responsibility. As a result of this, all institutions which have intelligence units within their organization have the opportunity to receive information and means not related to their field of interest through the intelligence activities they carry out. As they are employed at the provincial level, they fall outside the control of the central authority, and as their control at the provincial level could not be systematized effectively, some uncontrolled forces come out. For this reason, it is a necessity that the situation of the organizations which have the authority to carry out intelligence activities under the current legislation should be revised and that the coordinating role of the Undersecretariat of MIT, which is the legal body to provide the central control in this field, is made operational.

Secret operations are one method of struggle utilized by all democratic countries in cases of emergency in order to protect the national interests. However, in all these countries, these activities are carried out by the legitimate forces of the state upon the decision of the central administration and under an effective central control. Violation of the principles mentioned above, whatever the reason may be, may cause troubles in respect to the governability of the state.

It is a precondition of democracy that the bodies of the state should act in accordance with the decision of the political authority. However, this condition should not be understood as moving these institutions in the political arena; thus, the political parties should not approach the state institutions to get them in line with their political orientation and interests. For the benefit of an objective official task and security it is believed to be an inevitable condition that politicized staff is sorted out by administrative measures.

In order to eliminate the problems arising from the implementation of system of temporary village guards, those who have been involved in harmful activities should be identified and dismissed from duty; and the system should acquire a reliable structure.

In the same way, it would be favorable that the principles of benefiting from repentant militants is systematized so that control over them is possible.

On the other hand, the ongoing discussions, influenced by the factors listed above, have negatively affected our security forces and lead to a loss of respect in society. It could be said that all of these developments are undesirable for our social security and the democratic constitutional order. Besides, the incidents have also resulted in a loss of respect for Turkey abroad and raised serious criticisms regarding the future of democracy in Turkey.

For this reason, it would be favorable to rapidly conclude the judicial and administrative investigation, which would end the discussions or at least lessen them, and then take the legal and administrative measures that would eliminate the findings listed above in Article 6.8.

Tolga Sakir Atik:

- While serving as the Advisor to the Prime Minister, the Prime Ministry General Directorate of Personnel and Principles gave its consent for his transfer to our organization with a communication dated 30. and numbered B.O2.O.G.O.11 315 15515; he has been assigned under the order of our organization with the Consent of the Undersecretariat of 03.11.1995 numbered 21266.
- The Prime Ministry General Directorate of Personnel and Principles, with a communication dated 06.11.1995 and numbered B.O2. O.PPG.O.11 315, declared that his assignment under the Prime

Ministry was convenient under Article 36 of the Law numbered 3056 which was amended with a Decree with the power of a law numbered 311.

- The Prime Ministry General Directorate of Personnel and Principles, with a communication dated 18.01.1996 and numbered B.O2.O.PPG.O.11 315 1, declared that the person “has been made available for his duty starting from 18.01.1996 upon his request,” and he started to work in our organization on the same day.
- The person in question attended the Basic and Preliminary Course, which is given to candidates for Professional Officers when they start to work in our organization, between 22.01.1996 and 14.06.1996.
- Subsequent to this course, he was assigned to Malatya Regional Directorate and started to work there on 15.07.1996, and then he was assigned under the order of Ankara Regional Directorate with the consent of the Undersecretariat, which was dated 02.10. and numbered 19426 24231.
- The person in question, whose relation with our unit in Malatya ended on 21.10.1996, received a medical report for 10 days (inability to work) starting from 05.11.1996, the date when the permitted delay (for change of office) ended, and got another report for 30 days starting from 18.11. He has not started to work at the new place of duty yet.

Ömer Lütfü Topal:

- Son of Mahmut, born in Doğanşehir/Malatya in 1942.
- He has a criminal record at İstanbul Police HQ for the years 1962, 1969 and 1971 for threatening people and force them to sign debt bills, stabbing, injury, beating and murder.
- According to Belgian newspapers, he was arrested in Anvers province of Belgium while carrying 6 kilos of heroin on 20.06.1978. A fake passport was found on him on the name of Sadık Sami Onar, which had been issued by Gaziantep Police HQ.
- Besides, he was accused of drug transfer to the USA over Belgium. He was imprisoned in Belgium between 14.06.1978 and 23.07.1981, and then he was extradited to the USA in order to serve a sentence passed on him for heroin trafficking. He was prosecuted in New York and sentenced to 5 years in prison.
- His name was mentioned in testimonies of persons who had been apprehended in the Netherlands with vast amounts of heroin between 13.01 and 20.02.1981.
- He was captured by officers of the İstanbul Narcotics Branch on 05.05.1989 in connection with the aforementioned incident, and he was released by İstanbul SSC Prosecution Office on 05.05.1989.
- In 1995, he made certain attempts to take over the management of some hotels and casinos in Askabat in Turkmenistan.
- Certain information reached us, according to which he had sold drugs at the Emperyal Casino that he owned in İstanbul, and that he had bribed certain members of the security organization in foreign currency.
- He was killed in İstanbul on 28.07.1996.

Sedat Demir:

- Son of Hasan, born in Artvin in 1958.

- His name is listed among persons who at various times were detained by the HQ of Ankara Martial Law on various accusations, and who were subsequently released in line with Article 15 of the Law numbered 1402.
- As he had become a member of the (trade union of police officers) "Pol-Der" in 1979, during his time as Deputy Superintendent of the Narcotic Branch at Ankara Police HQ, his testimony was taken in 1982 on claims that he had formed a unit within the police organization in line with the political opinions of the "Revolutionary Path" organization.
- There are claims asserting that he was involved in the cocaine business with Tevfik Ağansoy during his time as İstanbul Public Order Director; that he had been ousted from this business by Tevfik Ağansoy; and then he, together with Alaattin Çakıcı, built a front against Ağansoy.
- Currently he is wanted by the security forces in connection with the investigation launched against him.

Nurullah Tevfik Ağansoy:

- Son of Yaşar and Ayşe, born in Bitlis in 1960.
- He is a follower of ultra-nationalist opinions.
- Prior to 12 September 1980, he was arrested by Military Court No. 1 on 20.5.1979 on charges of being involved in killing and wounding persons and various bombings in Şişli and Gültepe in İstanbul.
- However, the court decided to release him pending trial, and he was acquitted subsequently.
- He was arrested on 10.07.1981 as one of the persons involved in the killing of Zafer Ereske in 1980.
- He was convicted on 29.01.1981 for planting bombs and carrying a gun without a license.
- During the period he served in Metris Prison, he handed in a petition on 24.04.1988, requesting to benefit from the Repentance Law.
- On 27 August 1996, while he was together with Celal Babür and Ferda Temel, the police officers in charge of protecting Tansu Çiller, in İstanbul, he lost his life along with Babür in an attack carried out by the gunmen of Alaattin Çakıcı.

Medet Serhat:

- Son of İsa and Bahar, born in Iğdır, Kars, in 1943.
- He graduated from the Faculty of Law at İstanbul University.
- He was kept in prison for 13 months in connection with a Kurdish case he was involved in 1959, and he was released subsequently. When the Supreme Court quashed the verdict, he was sentenced in a re-trial to 10 months 20 days in prison.
- He was prosecuted without arrest in 1963 accused of having disseminated Kurdish propaganda in the journal "Denge," which he published in İstanbul.
- In 1965, he was sentenced to 1 year 4 months in prison for establishing a Kurdish organization.
- In 1977, he attended the International Lawyers Meeting in Zagreb, Yugoslavia, and then he went to Moscow and met officials from the Youth Organization of the Soviet Communist Party on the issue of financial support to be given to the Kurds and the DDKD (Revolutionary East Culture Centers).

- In 1978, he was elected İstanbul Representative of "İttihad i Vatani Kürdistan" (Union of the Kurdish Nation) which was active abroad parallel to Jalal Talabani.
- He was a candidate for Kars from the list of the CHP in the local elections held in 1979.
- In 1980, he joined the TKP (Communist Party of Turkey) as a provisional member.
- He was detained on 27.01.1981 on charges of disseminating communist and Kurdish propaganda and was released on 29.01.
- In 1982, he joined the defense in a PKK trial that was launched in Erzurum.
- In the same year, he was arrested for membership of the Executive Board of the Peace Association. He was released in November 1983. Since 1984, he was acting as the lawyer of Behçet Cantürk, who was involved in drug trafficking.
- He was among the founding members of the "Kurdish Rights and Freedoms Foundation," which was established in İstanbul in 1990 with the aim of establishing the Kurdish National Union, and in this respect establishing a national assembly and a Kurdish political party on a legal platform.
- In 1991, he was among the lawyers who clients among the defendants of the "Peace Committee Association" trial.
- He was among the persons who signed the declaration of "Call for the Democracy Assembly," which was written during the General Assembly of the Democracy Party (DEP) held in Ankara on 18 and 19 December 1993.
- He was among the lawyers who defended MPs from the defunct DEP in the trial launched against them at Ankara SSC in October 1994.
- He was killed along with his driver outside his house in Erenköy, İstanbul, on 12.11.1994.

Adnan Yıldırım:

- Son of Selim, born in Diyarbakır in 1957.
- Along with Savaş Buldan and Hacı Karay, he was abducted by armed persons from Çınar Hotel in Yeşilyurt, İstanbul, on 2 June 1994.
- The abducted persons were found dead on 04.06.1994 on the road of Yukarıkaraş village of Yığılca District of Bolu.

Hacı Karay:

- Son of Fehim, born in Yüksekova, Hakkari, in 1950.
- On 13.02.1993 he participated in the action of closing shops in Yüksekova in support of the hunger strikes staged at Diyarbakır Prison.
- In August 1993 he was among the persons who were involved in drug trafficking in Yüksekova, Hakkari.
- He had connections to Savaş Buldan.
- In March 1995, his sisters Gülcan and Gülsen Karay went to the rural area in order to join the PKK.
- Along with Savaş Buldan and Adnan Yıldırım, he was abducted by armed persons from Çınar Hotel in Yeşilyurt, İstanbul, on 2 June 1994.

- The abducted persons were found dead on 04.06.1994 on the road of Yukarıkaraş village of Yığılca District of Bolu.

Savaş Buldan:

- Son of Şükrü, born in Yüksekova, Hakkari, in 1964.
- Since 1979 he carried out activities in Yüksekova in line with the PKK.
- The Public Prosecution Office launched a trial against him in connection with the incidents that took place in Yüksekova, Hakkari, in March 1979.
- In 1980 he sheltered some members of the PKK in his house after the clashes that took place between the PKK organization and the Kurdistan National Liberators (KUK) in Kızıltepe and Diyarbakır.
- In the same year, he and some other sympathizers carried out propaganda activities in the neighboring villages on the issue of “tribes.”
- He was among the persons who provided lawyers for the persons who were detained in connection with the Nevroz incidents in March 1992.
- In June 1992, when he was living in İstanbul, he got involved in drug trafficking and he transferred most of the income to the PKK.
- He was detained on 28.07.1992 in connection with certain guns seized in Haznedar, İstanbul, and he was arrested by the SSC he was referred to.
- Along with Adnan Yıldırım and Hacı Karay, he was abducted by armed persons from Çınar Hotel in Yeşilyurt, İstanbul, on 2 June 1994.
- The abducted persons were found dead on 04.06.1994 on the road of Yukarıkaraş village of Yığılca District of Bolu.

Yusuf Ekinci:

- Son of Kamil, born in Lice, Diyarbakır, in 1942.
- In June 1963 he was a student for 2 years at Ankara University Faculty of Law and he was known as a socialist Kurdish nationalist in the school.
- He was among the members of the youth organization of the Workers Party of Turkey (TİP) which started its activities in Ankara in December 1963, and he worked as the editor-in-chief of the newspaper Emekçi (the Laborer), which was the publication of the Party.
- Following his graduation he went to Diyarbakır in April 1969 to do his compulsory practice, and he participated in the rally held here in protest to the draft bill of the Law to Protect the Constitution.
- During the period of his arrest in 1970 and 1971, he was put on trial on charges of carrying out activities within the Revolutionary East Culture Centers (DDKD).
- As of 1972, he was working as a lawyer in Diyarbakır trying to strengthen the Kurdish movement.
- In the Fourth General Assembly of the TİP held in April 1974, he declared that he had dissident opinions to his brother Tarık Ziya Ekinci, and that his main purpose had been the establishment of “Kurdistan” and that he was a “Kurdish nationalist.”

- Starting from December 1984, he worked as a lawyer in Ankara.
- After he was dismissed from the Social Democrat People's Party (SHP) in February 1990, he started to work for the foundation of a Marxist party along with M. Ali Eren.
- He was found dead in the Doktorlar region in Gölbaşı District of Ankara on 25.02.1994.

Behçet Cantürk:

- Son of Reşit, born in Lice in 1950.
- He is of Armenian origin.
- Starting in 1975 he became a partner of some smugglers by providing money for them.
- In 1975 he participated in organizing the protest rally in Diyarbakır Lice held by the Progressive Youth Association (İGD) and financially supported the rally.
- In the same year he received a medical report through bribes from Konya Military Hospital certifying that he was not suitable for military service.
- In 1997 he started arms smuggling.
- At the end of 1978 he became a member of the Revolutionary East Culture Centers (DDKD), which cooperated with Jalal Talabani's Party of Union of Kurdish Nation, which aimed at establishing an independent Kurdistan in the eastern parts of Turkey and some parts of Iraq and Iran, and financially supported this organization.
- In the same period, he started to smuggle weapons, ammunition, drugs and customs goods in order to strengthen the DDKD financially.
- In 1979 he illegally brought weapons to the PKK from Bulgaria.
- In 1981 he illegally went to Syria and met members of the ASALA. They decided that ASALA and the DDKD would cooperate in drug trafficking.
- Between 1981 and 1983 he was involved in the smuggling of gold and brilliants with jewelers of Armenian and Syriac origin in Kapalıçarşı Mall in İstanbul.
- In 1983, when Dündar Kılıç and İsmail Hacısüleymanoğlu started to put pressure on the non-Muslim and Diyarbakır-born jewelers in Kapalıçarşı in order to take control of gold and brilliants smuggling, he organized the bombing and the armed attack carried out by ASALA on Kapalıçarşı.
- As of 1983 he was controlling the heroin market in Diyarbakır and sale of heroin abroad with the assistance of Armenians in İstanbul and ASALA.
- On 22.06.1984 he was arrested by Ankara Military Court for membership of the Kurdistan Workers Party and the Kurdistan Avantguard Workers Party.
- He and Hüseyin Baybaşın were partners of 3 tons of heroin on the ship "Kısmetim 1" that sunk in the Mediterranean in March 1993.
- He was the mediator between the PKK and smugglers for collecting money for the PKK.
- In April 1992, along with a person named Iranian Hüsno, he brought 6 tons of base morphine and 5 tons of marijuana from Pakistan. While distributing the drugs, he chose smugglers who supported the PKK financially.

- On various dates, he collected money in the name of the PKK from drug smugglers named Savaş Buldan, Hüseyin Erez, Hasan Erez, Cahit Kocakaya and Eyüp Kocakaya.
- He was abducted by unknown persons on 14 January 1994, and his corpse was found the next day in the vicinity of Sapanca.

Sedat Edip Bucak:

- Son of İsmail Hakkı, born in Siverek, Urfa, in 1960.
- The chieftain of the Bucak Tribe in Siverek, Urfa.
- As of 1997 he is MP for Şanlıurfa province, elected from the list of the DYP.
- In October 1993 he held a meeting with DEP Siirt MP Zübeyir Aydar and Şırnak MP Selim Sadak. In this meeting, he declared that the state had done everything to destroy the fraternity between the Turkish and Kurdish nations.
- In December 1993 he organized the distribution of a leaflet entitled “Siverek Youth” in the district center of Siverek, Urfa.
- He was elected DYP Şanlıurfa MP in the general elections held on 24 December 1996.

Mehmet Ağar:

- Son of Zülfü, born in Elazığ.
- On 19 October 1984, when he was İstanbul Deputy Chief of Police, he held a meeting with ultra-nationalist activist Celal Adan.
- On 3 July 1985, while serving as Public Order Branch Director at İstanbul Police HQ, he contacted owners of a company, İbrahim Aslan and Mahmut Şahin, who were followers of the Süleyman Sect, and gave them the files and other information about the investigation carried out against members of the Süleyman Sect, which should have been kept secret.
- On 4 September 1986 ultra-nationalist activist Selim Kaptanoğlu declared that “they had been engaged in collecting of checks and vouchers; they had collected money from the Mafia bosses in the name of Alpaslan Türkeş; they had given part of this money to Alpaslan Türkeş and another part to the ultra-nationalist activists in the prisons; and while doing this they had been in close contact to the Deputy Chief of Police, Mehmet Ağar.”
- It was determined that on 5 December 1990 he took a bribe from Kemal Kaçar from the Süleyman Sect.
- He pushed for ultra-nationalists candidates to be chosen to the Police Academy in the examinations of the Academy held on 29 September 1993.
- He was elected DYP Elazığ MP in the general elections held on 24 December 1995.
- He was assigned the post of Minister of Justice in the cabinet of the 53rd Government (the Coalition Government of ANAP and DYP) in 1996.
- He was assigned the post of Minister the of Interior in the 54th Government (the Coalition Government of REFAH and DYP) formed in the same year; and he resigned on 8 November 1996.

Abdurrahman Buğday:

- Son of Süleyman, born in Palu in 1959.
- In 1976 he was a board member of Malatya Branch of the Idealists' Union [Ultra-nationalist youth centers].
- In 1977 he was among the ultra-nationalist activists who carried out the bombing during the meeting held by the CHP in Malatya.
- On 20 September 1979 he killed engineer Hüseyin Tuluk in Malatya.
- In 1979 he was among the persons who killed TÖB DER member Bektaş Mutlu.
- In 1981, when he was wanted by Malatya Military Court, information was received, that he had been hiding in İstanbul with the assistance of Erol Taş, and he used his as a meeting-place.
- In July 1989 he fled to Europe and he cooperated with the PKK in drug trafficking after establishing close relations to members of the PKK. Certain information was received in July 1989, according to which he would come to Turkey.

Haluk Kırcı:

- Son of Şükrü and Hafize, born in Erzurum in 1958.
- Known among the ultra-nationalist activists under the nickname "İdi Amin".
- He was wanted for the killing of Public Deputy Prosecutor Doğan Öz in Ankara on 24 March 1978 and 7 members of the TİP in Bahçelievler, Ankara, on 9 October 1978.
- He was captured with a fake ID in İstanbul on 8 September 1978 and brought to Ankara.
- In 1986, he applied to the Public Prosecution Office in order to benefit from the provisions of the Law numbered 3419. He accepted responsibility of the Bahçelievler massacre in his testimony, but he did not add any new information.
- On 16 July 1989, he attempted to escape from Bursa Prison with a fake ID on the name of Ali Ekinçi during an open visit.
- On 26 April 1991, he was conditionally released from Bursa Prison.
- In 1991 certain intelligence was received, according to which he would go to Germany to join the administration of the Turkish Federation.
- The person in question, who has a remarkable influence among the ultra-nationalist activists, has relations to persons at the top level of the MHP.

Ayvaz Gökdemir:

- Son of Süleyman, born in Gaziantep in 1947.
- Former Director General of the Teacher Schools.
- In May 1990, he was removed from the ultra-nationalist circles by MHP Chairman Alparslan Türkeş.
- He was elected MP for Gaziantep from the list of the DYP in the general elections held in December 1991.
- He has actively worked for getting the ultra-nationalists organized within the DYP.

- In the general elections held on 24 December 1995, he was elected Kayseri MP from the list of the DYP.

Ali Yasak (Drej Ali):

- Son of Halil, born in Urfa in 1956.
- On 19 December 1977 he was elected a board member of the Urfa Branch of the Idealists' Union (ÜOD).
- In 1978, he was the Chairman of the Students Association of Urfa Education Institute.
- On 12 January 1978 he was arrested for participating in an illegal demonstration and he was released on court's order on 25 January 1978 to be prosecuted without arrest.
- On 26 January 1978 he was wounded in an armed clash with opposing groups.
- Since 1990, due to his ties with the mafia, he was involved in the activity of collecting money for checks and vouchers in İstanbul. Besides, he had correspondence with fugitives and wanted ultra-nationalist activists abroad.

Hüseyin Duman:

- Son of Reşit, registered in Kavaklı village of Hakkari Province.
- He is one of the persons who were detained in connection with the seizure of 37 kilograms of marijuana in 38 pouches in 2 bags by security officers on 26 January 1993.

Mustafa Deniz:

- His real name was İhsan Hakan.
- Son of Mehmet Emin and Sabiha, born in Ankara in 1965.
- He was given the code name "Mustafa Deniz" as he was a repentant militant of the PKK.
- In June 1993, together with A. Cem Ersever, he founded a firm in Ankara, named Mezopotamya Film, Video, Broadcast, Publication, Industry and Trade Company.
- On 1 November 1993 his corpse was found in the vicinity of Avcılar Village of Polatlı District of Ankara. He was shot dead by a bullet to his head.

Neval Boz:

- Daughter of Hasan, born in Antakya.
- She was the translator of A. Cem Ersever.
- She was dismissed from the Medical Faculty in Damascus, Syria, as she did not attend the examinations.
- The person in question, who had a romantic affiliation with A. Cem Ersever, made efforts to be transferred to one of the medical faculties in Turkey.
- She was found dead on the highway between İstanbul and Ankara on 9 November 1993.

Askar (Asko) Simitko:

- Son of Tahirhan, born in Urumiye, Iran, in 1953.
- As of September 1985, he was dwelling in İstanbul, and along with his father he secured communication between members of the Barzani organization.
- In the same period he had connections to persons from the Iranian intelligence organization, who requested from him to collect information regarding names and activities of followers of the former Shah and members of the People's Warriors Organization.
- In 1993 he applied for asylum in a third country.
- In January 1995 he and Lazım Esmaceli, who was accompanying him, were abducted by unknown persons when they left the casino in Polat Renaissance Hotel in Ataköy, İstanbul.
- Askar Simitko and Lazım Esmaceli were shot dead in Kerev Stream in Silivri, İstanbul. Their corpses were found on 28 January 1995.

Lazem (Lazım) Esmaceli:

- Son of Selim, born in Urumiye, Iran, in 1945.
- As of September 1991 he was the partner of the Beyazıt Foreign Trade Co. in İstanbul. He worked as the director of this company.
- He received a work permit from the Ministry of Interior Affairs, Security General Directorate covering the period between 20 May 1991 and 20 September 1992.
- On 11 September 1993 the Ministry of Interior Affairs, Security General Directorate issued a residence permit for him for two years.
- In January 1995 he and Askar Simitko, who was accompanying him, were abducted by unknown persons when they left the casino in Polat Renaissance Hotel in Ataköy, İstanbul.
- Askar Simitko and Lazım Esmaceli were shot to dead in Kerev Stream in Silivri, İstanbul. Their corpses were found on 28 January 1995.

Fethullah Gülen:

- Son of Ramis, born in Erzurum in 1942.
- As of 1968, he worked as a preacher in İzmir and as an instructor at the Kestanepazarı Quoran Course of the İzmir Association to Prepare Students for Religious High Schools and Theology.
- In the same year he participated in the *mevlit* competition [reading of the poem depicting the birth of Mohammed] in Isparta in commemoration of Said i Nursi.
- In August 1969 he held a summer camp in Buca, İzmir, with 100 students from the Association under his administration and from Kestanepazarı Quoran Course. In this camp, in addition to the activity of reading the Quoran, the students were given courses on the Pamphlet of Nur [*Risale-i Nur*, which is one of the basic doctrines of the religious and political tariqa/sect, *Nurcular*, founded by Said-i Nursi].
- In 1970 he organized certain seminars on "Nurcu" philosophy [the doctrines of the aforementioned sect], and gave lessons in these meetings.

- In January 1971, he was dismissed from the executive board of the İzmir Association to Prepare Students for Religious High Schools and Theology on the grounds that he carried out "Nurcu" activities within the association.
- In the same year İzmir Military Court took his testimony related to his "Nurcu" activities and he was put on trial.
- As a result of the trial launched by the aforementioned court, his license to preach was withdrawn.
- He went to Erzurum in September 1972, met the leaders of the "Nurcu" sect there, and participated in various meetings of this sect.
- In 1973 he was assigned to Edremit. However, he continued to live in İzmir; preached at Edremit Alemzade Mosque every Friday; and each time he went to Edremit, he held seminars on the doctrines of the "Nurcu" sect at different theological schools of this sect.
- In the same year, while he was working as the main preacher in Edremit, he carried out activities regarding the "Nurcu" sect in summer camps set up in the vicinity of Edremit and attended by students from the sect.
- In September 1974 he was assigned as Preacher in the Center [of Edremit].
- He gave lessons on various issues in conferences held all over the country between 1974 and 1976.
- In July 1976 it was learnt that F. Gülen would give lessons on Islamic rules in summer camps of the "Nurcu" sect planned to be opened around Aydın.
- In August 1976 he was assigned as the preacher of Bornova District of İzmir.
- Fethullah Gülen, one of the followers of the "Nurcu" sect supporting the defunct National Salvation Party (MSP), longs for an Islamic revolution in Turkey like the one in Iran and stresses to get organized all over the country for such an Islamic revolution in Turkey.
- During his time as main preacher in İzmir-Bornova he had his lectures recorded on tapes and distributed all over the country to propagate the "Nurcu" doctrines.
- He delivered a speech in the meeting of the "Nurcu" sect held in İzmir on 19.04.1980, denoting that the Sprint Movement [Huruç movement] would be started in a couple of days, that the leaders of this movement had been determined in almost every province, and thus would start the Islamic movement, which was set out in Iran, in Turkey, too.
- In his speech at the meeting of the "Nurcu" sect held in İzmir in 1980, he declared that "for the success of the sprint movement, it was necessary to open dormitories for the students at high schools and universities all over the country at the buildings owned by them or suitable places to be rented; the students trained at the dormitories should start to give fruits; various books and periodicals should be published in line with their ideology; and most of the teachers in Turkey should work in line with their opinions."
- On 24.06.1980, in his speech at the opening ceremony of the Denizli Branch of "High School and University Education Foundation of Akyazılı Village of Denizli Province," he uttered some phrases such as "The current contemptible situation of our nation is because of teachers serving the devil and the infidel students they raised. Russia has been sending money to Turkey every year to weaken Islam and spreading communism. Immorality, adultery and anarchy have reached a peak."

- Fethullah Gülen, the leader of the “Yazıcı” followers of "Nurcu“, criticized the work of the government while preaching at Bornova Central Mosque.
- In 1980 he occasionally wrote articles in İzmir under the nickname “MFD” in a publication of the "Nurcu“ sect, called “Sızıntı.”
- On 12.09.1980 he fled from İzmir to Erzurum when he was informed about an operation, initiated by İzmir Military Court, to apprehend him.
- He received a medial report in Erzurum for 20 days [inability to work] on 16 November 1980 and later for another 45 days from Kayseri Medical Faculty Hospital, and sent them to the Bornova Office of the Mufti to be considered as resigned from duty.
- In December 1980 he managed to get an assignment of transfer from his post as İzmir Bornova Central Preacher to Çanakkale.
- Starting from January 1981 he was hidden at the center of the “Association for Protection and Education of Students of Religious High Schools and Theology” at Islah Site in Uluborlu District of Isparta.
- On 27 February 1981 he received a medical report for 20 days [inconvenience] from İstanbul Eyüp Official Doctorship at the Psychiatry Service of Cerrahpaşa Medical Faculty.
- On 22 March 1981 he resigned from his post as Çanakkale’s Central Preacher.
- In 1981 he was hidden in the house of dentist Hayrettin Toprak, a follower of the "Nurcu“ sect, who run the “Toprak Dental Clinic” in Ankara.
- In May 1982 he held a meeting with the leaders of the "Nurcu“ sect in Konya.
- After 7 August 1982 he was hidden in a village of Keşan, and used the nicknames “Molla” and “Dahhak.”
- Starting in the same year, persons active for the "Sızıntı“ group, sold the tape of the person in question to Turkish pilgrims at a shop they rented in Mecca during the pilgrimage period.
- After 10 June 1983 he was hidden by student Yaşar Erdoğan in his house at Helvacıköy village of Menemen.
- His name was put on a list of wanted people by the military courts of the Aegean and İzmir-Antalya on 7 February 1985.
- On 18 May 1985 he addressed rich people, who supported him financially, in Altunizade, İstanbul, and tried to convince them to make financial supports for private schools.
- On 23 September 1985 Sabri Kadioğlu, a follower of the "Nurcu“ sect supporting the Fethullah Gülen group, started to distribute, free of charge, the book “How the Caliphate was Overthrown,” written by Abdülkadir Zülüm, among members of the "Nurcu“ sect and followers of the "National View“ in Biga District of Çanakkale.
- On 1 October 1985, Muhammed Kürdi, a member of "Hizb üt Tahrir“, who was studying in İzmir, met with Fethullah Gülen upon instructions by his party, but no positive result came out of this meeting.

- The name of Fethullah Gülen was listed in the second section on 15th page with the number 588 among wanted persons in the book “Wanted Persons” released by the General Staff Chief Office on 15 April 1985 with the number 7130 97/85/Synt. Istihbarat HRK. S. Ks.
- In 1987 he started to give lectures to adherent priests (*imam*) at his house in İstanbul.
- In August 1987, while addressing his students during a lecture, he denoted that “he had met Alpaslan Türkeş, requested from Türkeş to educate his circles in line with Islamic rules, and Türkeş had accepted this.”
- In support of Turgut Özal he made sure that the followers of the "Nurcu“ sect voted against the referendum on the bans of elections on 6 September 1987.
- In February 1990 he attended a meeting at the house of the father-in-law of Korkut Özal on the “Future of the ANAP.”
- In March 1990 he took part in the Islamic Council, which was established for controlling Islamic activities in Turkey from one center.
- In 1990 he went abroad several times because of his illness.
- Prior to the general elections held on 20 October 1991 he gave financial support amounting to TL 3,5 billion to the now-defunct Nationalist Work Party (MÇP), and supported the RP in the elections, which entered an alliance with the MÇP for the elections.
- In the same period he secretly went to the USA in order to guide the activities of the *Risale i Nur* Institute in this country. Then he went to Australia and visited schools, where Turkish students received academic education, and the dormitories they stayed in. Besides, he met some professors in these countries on the subject of giving lectures in universities he would establish.
- In April 1992 he went to Azerbaijan and initiated a TV channel in this country.
- In 1992 he financially and morally supported Muhsin Yazıcıoğlu, who resigned from the MÇP and started to establish another political party.
- He is among the founding members of the “Foundation of Journalists and Writers,” which was established in Ankara on 19 January 1994.
- Within 1995, he was visited at different time by members of the foreign missions of the USA, Germany, England and Russia to Turkey.
- In August 1995 the leader of the İBDA-C, Salih Mirzabeyoğlu, threatened him with death for statements in the newspaper, in which he defended the state.