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Human Rights Foundation of Turkey

■ **1996** ■
Human Rights Report ■

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HRFT
Human Rights Foundation of Turkey

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T U R K E Y
HUMAN RIGHTS REPORT

Ankara, September 1998

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PREFACE

One more annual human rights report by the Human Rights Foundation of Turkey is brought to the public attention, although belatedly. This report, (*) dealing with human rights abuses observed in 1996, was prepared by the Documentation Center of the HRFT. We produced this report with the aim of informing and warning the public at home and abroad, as well as authorities, about human rights abuses, and enabling them to reach their own conclusions. For this report, we assessed the news received from our own sources, newspapers, journals and other publications, evaluated HRFT's daily reports, the information given by the Human Rights Association Head Office and branches, and other human rights activists, as well as official statements and speeches of authorities at every level.

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

This report evaluates the human rights abuses witnessed in 1996 under several headlines: "Introduction," "The Kurdish Problem," "Murders by Unknown Assailants," "Extra-judicial Executions," "Capital Punishment," "Torture," "Freedom of Thought, Press and Belief" and "Freedom of Organization." These sections were divided into sub-sections, which include numerous sample cases. However, the examples do not cover all of the developments and abuses observed during the year; but a small portion of them. Therefore, one should take into account that there were many more human rights violations in 1996 than figures and examples show.

HRFT President Yavuz Önen's article entitled "Governments change, but human rights violations continue" evaluates the human rights situation and present human rights problems, and enumerates the measures that should immediately be taken on this issue. Yavuz Önen touches on the approach of the Foundation towards certain important subjects in Turkey and abroad and provides information about the pressure and obstacles the Foundation faced.

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

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

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

- 1990 Press Report (Turkish-summary in English)
- Report - 1990 (Turkish-English)
- Torture Report - 1991 (Turkish-English)
- Turkey Human Rights Report - 1991 (Turkish-English)
- 100-Day Report - 1992 (Turkish-English)
- 6-Month Report - 1992 (Turkish-English)
- Turkey Human Rights Report - 1992 (Turkish-English)
- 500-Day Report - 1993 (Turkish-English)
- Following the Coalition Government - 1993 (Turkish-summary in English)
- Turkey Human Rights Report - 1993 (Turkish-English)
- File of Torture -12 September 1980/1994 (Turkish-English) Prosecuted and acquitted.
- Education in the Emergency State Region 1984/1994 (Turkish-English)
- The DEP File - Deputies are on Trial (English)
- Turkey Human Rights Report - 1994 (Turkish-English)
- Education in the Emergency State Region 1984/1995 (Turkish-English)
- File of Torture -12 September 1980/1995 (Turkish-English)
- Turkey Human Rights Report - 1995 (Turkish-English)
- Journalists in Prison - March 1998 (Turkish-English)

We are sorry for the delay in the publication of the report. We are thankful to all our friends who took part within the activities of the Documentation Center, who paid efforts for the publications and reports, who worked for days and nights for the continuation of the works, and who supported us in prosperity and in hard times. We present our warm regards to all friends and all human rights advocates who supported us in every stage of our work, who provided us with documents and information, and together with whom we struggled for years. We miss our lovely friends who passed away.

1 September 1998 / ANKARA

GOVERNMENTS CHANGE, BUT HUMAN RIGHTS VIOLATIONS CONTINUE

The Customs Union Protocol, which was adopted by the European Parliament in December 1995 and came into effect on 1 January 1996, compelled an accord in commercial, economical and democratic spheres. Amendments were to have been made in numerous laws and regulations regarding technical and political issues, to meet the standards of the European Parliament. However, the first half of 1996 was a period of political instability and ambiguity stemming from the search for a new government. The Welfare Party/True Path Party (“Welfare-Path”) coalition government, which was established at the end of this period, appointed for the first time in the history of the Turkish Republic a prime minister who longed to regulate social life in accordance with Islamic rules. The governmental experience of political Islam, which lasted about one year, caused many problems for the coalition government. The Welfare Party implemented a special program to enlarge the area of jurisdiction of political Islam and to ensure its success at the highest level, and began to determine the public agenda. But this agenda was no different from the previous years in respect to the problems of democratization and human rights.

Systematic and widespread torture, threats against the person, political murders by unknown assailants, forced migration, and the burning and demolishing of villages continued under the government of the Welfare-Path coalition as they had under other governments. Investigations were not conducted against assailants or others responsible for violations. Neither were any serious trials conducted against the few who were indicted. No steps were taken in regard to democratization to meet promises made to the domestic and international public. The government continued to pay lip service, making new promises, and making speeches emphasizing democracy and human rights, but with the aim of deceiving the public.

Political instability and civil unrest also continued in this period. Corruption was covered up in the National Assembly with the overwhelming votes of the Welfare Party and True Path Party (DYP) MPs when the case files against Mercümeç (Welfare Party) and Çiller (DYP) for abuse of duty were brought onto the Parliamentary agenda.

Injustice in the distribution of income, lack of investment, increasing unemployment, a high level of inflation, an economy based on illegal earnings and the laundering of money gained through drug trafficking and arms trade were all factors determining the economy, which works against wage earners.

1996 was witness to an important incident, which exposed the depth of the anti-democratic structure and the sources feeding it. In this incident, which has gone down in history as the Susurluk Crash, a car carrying an extreme right-wing militant who had been wanted by the police for over 20 years for the murder of many young people, a security director who was one of the founders of the Special Team organization in the police, a parliamentarian who was also the chief of a tribe of over 10,000 armed village guards, as well as many assassin weapons, crashed into a lorry. The parliamentarian was the only survivor. However, the state was badly damaged by the accident, which exposed the gangs rooted within the state structure. It was revealed that many murders by unknown assailants and political murders, other illegal activities such as drug trafficking and the arms trade, the organization of gambling and extortion were all carried out under the control of these gangs, a fact which had been expressed by the defenders of peace and human rights for many years.

Mehmet Ağar, the Minister of the Interior, had to resign when it became evident that he had offered state facilities to the leaders of gangs involved in drug trafficking and the arms trade. It also became evident that the village guard chief, parliamentarian Sedat Bucak, had been involved in these activities too.

The “One Minute’s Darkness for the Sake of Permanent Light” campaign brought about a widespread civil protest movement against the gangs, but this civil action proved unable to bring about the prosecution of the Susurluk players. The Welfare part of the coalition government regarded the Susurluk incident as a strong trump card in negotiating with the DYP and the army. İstanbul State Security Court (State Security Court) records against Mehmet Ağar and Sedat Bucak were shelved by the Prime Minister for a long time; these records were referred to the National Assembly 3 months after their preparation.

Official bodies, including prosecutors, a Susurluk Investigation Commission within the National Assembly, the government and the National Security Council, did not display any sincere initiatives to solve the 15-year old problem of the counter-guerrillas after they were revealed to the public. This phenomenon is known as the second Susurluk case. The system once again preferred to cover up incidents instead of prosecuting the responsible people.

Discussions within the National Security Council (MGK) at the end of 1996 put the problem of political Islam and effective struggle against its future potential on the agenda of the Turkish public. Tension and disputes between the MGK and the government were aired, often openly before the public. At the end of the MGK meeting on 28 February 1997, it issued an 18-point decision, composed of demands which would restrict the effectiveness of the political Islam. This decision was submitted to the government for implementation.

In the same period, the media started publishing statements indicating that the national defense policy had been significantly altered. The National Security Council Strategies Concept, abbreviated to “MASK”, indicated that the internal enemy had changed. As well as the PKK, the internal enemy, was now also reactionary fundamentalism, which was in fact more dangerous than the PKK. A program of struggle was declared against the rise of political Islam, against the policy of certain sects to try and make Islamic rules the way of life, and against the armed wing of the political Islam, the Turkish Hizbullah.

The most important topic on the public agenda in the first area of 1997 was discussion of military intervention. Social polarization accelerated. Violence became dominant, and people prepared themselves for armed conflict. People advocating democracy, human rights, peace and freedom were pressurized to take sides in the conflict between the military and the Islamic forces. One side of the conflict was the Welfare Party, which called for Islamic Law. Members of and institutions supporting this party, such as mayors, parliamentarians, party leaders, employers, journalists, charitable foundations and radios and TV channels, began to declare openly that violence might be a way of implementing Islamic Law. At the same time, they tried to show themselves as defenders of democracy and human rights, proclaiming that the rights of Muslims were being violated, for example by the closure of the Imam Hatip High Schools, (religious schools) on the grounds that they did not provide 8 years of continuous education.

There is still a risk of civil war because of the social conflicts that are fed by the direct intervention of the Turkish Armed Forces in politics via the MGK.

Another development was that Tansu Çiller, Deputy Prime Minister and Minister of Foreign Affairs, admitted the use of torture for the first time, when she said that the torture apparatus in the police stations should be removed. The government attempted to present a positive front by decreasing the pre-committal detention period for ordinary crimes committed by individuals to 4 days. However, it cannot be said that a 4-day period will prevent torture. In order to avoid arbitrary detention, a judge should authorize the detention. The suspect should be given the right to meet his/her lawyer, doctor and members of his/her family without any preconditions. It has been known that detainees were sometimes registered by security forces a few days after the initial detention, or not registered at all, and that judges do not take seriously complaints in this matter. There is a big difference between the context of the legal provisions and their actual implementation, which demonstrates that legal amendments alone are not sufficient to prevent torture.

The recorded incidents of torture and deaths due to torture in 1996 strikingly demonstrate the basic approach in Turkey. For example, Metin Göktepe, a reporter on the *Evrinsel* newspaper, was killed by police officers after having been detained at Gaziosmanpaşa, İstanbul on 8 January while he was carrying out his duty. In this incident, which is just one example of the

use of violence and torture by the police against the people, a significant development was the visible protection of the perpetrators. The investigation against the police officers have been prolonged, the trial was not taken seriously, and was forced along a line which would give no result. The trial against the perpetrators was transferred to another province for “security” reasons. The trial is still underway in Afyon.

Thousands of remanded or convicted prisoners staged a hunger strike, which subsequently became a death strike with a demand for improvement in the prisons, in many provinces in May, June and July. The Welfare-Path government was indifferent to the strike, and Şevket Kazan, the Minister of Justice, was particularly slow to take action to end the strike, which caused the deaths of 12 prisoners and led to serious health problems for many others. The incidents that took place in the course of the hunger and death strikes, which ended thanks to the efforts of certain intellectuals, were an indicator of the hostile approach of the government towards the prisoners.

Another massacre took place in Diyarbakır Prison. An attack was carried out against the prisoners when they had been taken out to the corridors for visiting hour. Ten prisoners were brutally killed by prison warders and Special Team members brought from outside. The forensic reports indicate that the beating of the prisoners was intended to kill.

In a country where journalists are killed, prisoners are left to die in hunger strikes and beaten to death, another problem is official inquiries launched against organizations defending human rights, whilst the perpetrators of the human rights violations wander around freely. In 1996, the Headquarters, the Documentation Center and the Treatment and Rehabilitation Centers of the HRFT have all been subjected to official inquiries. After prolonged surveillance and investigations by the police, prosecutors, the Ministry of Health and the General Directorate of Foundations, it was finally concluded that there were no grounds for legal proceedings in Ankara and İzmir. However, our Adana and İstanbul Representative Offices were put on trial on charges of opening unlicensed health centers, and our doctor in Adana on the charge of failing to notify the names of torture victims to the competent authorities.

During the course of the trials, the HRFT stated that its treatment and rehabilitation centers were unique, and that for this reason their status may not be in full conformity with the current laws and the physicians cannot be forced to give the names of the torture victims. In court, we defended ourselves saying that the medical ethics bound physicians to confidentiality in the patient-doctor relationship. The trial launched against Şükran Akın, İstanbul Representative of the HRFT ended in her acquittal at the first hearing. However, the trial in Adana took eight hearings. Lawyer Mustafa Çinkılıç, Adana Representative of the HRFT, was acquitted, and Dr. Tufan Köse was convicted and fined. An appeal will be made against the verdict of the court. If the Supreme Court upholds the original verdict, the trial will be brought to the European Court of Human Rights.

In the course of the trials in İstanbul and Adana, we have received the widespread and continuous support of national and international human rights organizations and of professional organizations of lawyers and physicians. Many individuals and the representatives of many organizations have protested to the Ministries of Foreign Affairs, the Interior, Health and Justice because of the trials against the Foundation and also because of the systematic pressure against us. We thank all individuals and organizations who have supported us. This solidarity has paved the way for further steps to be taken in the national and international arena in the future.

In a meeting in Stockholm in April 1997 in which over 80 representatives from over 30 organizations took part, we took the initial steps for establishing support committees in Europe.

The Kurdish problem, which is the direct or indirect reason of many human rights violations in the country, was again approached in 1996 by state of emergency legislation and military methods. The clashes, the deaths and the use of violence against the civilian population were widespread. The illegal activities of the gangs and secret organizations, which gained power during the conflict, were ignored. As defenders of human rights, we will continue to emphasize peace, democracy and human rights against the drums and policies of war.

Human rights defenders need more solidarity and support than most, and we call all people to join the ranks of the struggle for human rights.

June 1997 / Ankara

Yavuz Önen
HRFT President

BALANCE SHEET OF 1996

DEATHS

Deaths in custody or in prison	32
Deaths due to torture or medical negligence	6
Deaths during hunger strikes	12
Deaths during Newroz incidents	None
Deaths during attacks on settlements	5
Deaths during house and workshop raids	42
Deaths due to fire on demonstrators	4
Deaths for disobeying stop warnings, etc.	52
Deaths in mine explosions	40
Murders by unknown assailants	113
Deaths in attacks on civilians	41
Deaths in suicide attacks	21
Deaths in armed attacks and assassinations	68
Security officers killed in clashes	680
Militants killed in clashes	791
Deaths in clashes between village guards	20
Deaths in political clashes and incidents	5
Total number of people killed	1932

TORTURE

Deaths in detention or in prison	32
Disappearances	21
The number of tortured people (*) (known to the HRFT)	1404

FREEDOM OF PRESS, THOUGHT AND BELIEF

Killed journalists/press workers	1
Killed newspaper vendors	1
Press workers who disappeared	None
Journalists attacked by public officers	97

(*) 107 of the torture survivors were children and 377 were female. 375 people verified the torture with medical reports they received from official institutions. 122 of the females who reported that they had been tortured, stated that they had been raped or sexually harassed.

Confiscated newspapers and journals	633
Confiscated books	27
Closed newspapers and journals	26
Total period of closures	56 months 24 days
Convicted journalists, writers, etc.	118
Total imprisonment terms	160 years 1 month
Total amount of fines	23 billion 445 million TL
(*)	
Prisoners of thought imprisoned after their sentences were approved	31
Arrested journalists and writers	91
Arrested deputies	5 (**)
Arrested political party executives	51

FREEDOM OF ORGANIZATION

Killed İHD executives	None
Closed down İHD branches	2
Closed down democratic mass organizations	22
Killed political party executives	5
Dismissed mayor	1
Killed teachers	7
Killed health personnel	None
Closed down political parties	1
Political parties demanded to be closed	3

(*) Amounting to almost USD 295,000. (1 USD=80,000 TL)

(**) If we include İbrahim Aksoy and Hasan Mezarıcı, the sentences against whom were approved and whom were put in prison, in this category, the total number rises to 7.

TURKEY HUMAN RIGHTS REPORT

1996

SAMPLE CASES OF HUMAN RIGHTS ABUSES



ABBREVIATIONS

ANAP	Motherland Party	İHD	Human Rights Association
CHP	Republican People's Party	KESK	Conf. of Public Laborers' Trade Unions
CMUK	Code of Criminal Procedures	MHP	Nationalist Movement Party
DEP	Democracy Party	MLKP	Marxist Leninist Communist Party
DHKP-C	Revolutionary People's Liberation Party	ÖDP	Freedom and Solidarity Party
DİSK	Confed. of Progressive Trade Unions	RP	Welfare Party
DYP	True Path Party	SHP	Social Democratic Populist Party
EP	Labor's Party	SSC	State Security Court
HADEP	People's Democracy Party	TİKKO	Workers' Peasants' Liberation Army
HEP	People's Labour Party	TTB	Turkish Medical Association
HRFT	Human Rights Foundation of Turkey	Türk İş	Confed. of Workers' Trade Unions

INTRODUCTION

Turkey remained in the red on the human rights balance sheet in 1996, as in the previous years, and no significant improvement was witnessed. Throughout the year, human rights and freedom, first and foremost the primary right to life, were continuously violated. Torture continued to be applied systematically and widespread, pressure and deaths in prisons continued, expression of peaceful opinions was punished. No evident steps were taken for a solution to the Kurdish problem, which has not been even regarded as a problem and which was tried to be solved with more killings and through cross-border operations into Northern Iraq.

At least **1932** people lost their lives as a result of clashes and armed attacks and bombings against civilians in the Southeast. Persecution of those who spoke, wrote and expressed their opinions on the Kurdish problem, continued. For example, branches of the Human Rights Association (İHD) were closed, leaders and executives of mass organizations were put on trial when they expressed their desire for the peace, journalists and writers were prosecuted. Security officers used excessive force against the people during demonstrations, they occasionally opened fire on the people at random. Students were sentenced to tens of years in prison when they expressed their demands for a free, scientific and democratic university education.

The car crash in Susurluk town of Balıkesir in the night of 3 November and subsequent statements revealed out a phenomenon which has not been clearly understood in all aspects up to this date, i.e., the “gang” phenomenon, as commonly named by the public. The public learnt the real identities of the ones who had attacked on the human rights defenders, who subdued the democratic demands with the slogan of “shall we feed them despite hanging them.” The ties between top level bureaucrats, politicians, police chiefs, mafia bosses, extreme nationalist armed groups, repentant militants and village guards regarding money laundering and drug trafficking were brought to light. It was especially noteworthy that these persons at the same were nationalists, defending the “indivisible unity of the country” with their blood.

Another “gang” came out in Yüksekova in the State of Emergency Region, some time after the car crash in “Susurluk.” It came out that this “Yüksekova gang” composed of special team members, soldiers, village guards and repentant militants, who engaged in drug trafficking, who kidnapped people and demanded ransom “in the name of the PKK,” and who murdered numerous people. It was revealed that members of these gangs and similar organizations were responsible for some of the murders by unknown assailants who could not be identified for many years, some of the disappearances, and certain extra-judicial executions.

Apart from the human rights issue, Turkey also witnessed important political developments, could not get out of the economic bottleneck, and was in trouble in foreign policy in 1996. The coalition governments established within the year, once again, made no efforts to defend human rights and took no important steps to put them into practice. The “human rights” problems were considered as foreign policy issues which negatively affected the government’s relations with the “West.” The government officials, who frequently gave promises on “democratization” and an “administration respectful to human rights” throughout the year, did not keep the promises, but acted in contradiction.

Political developments

1996 witnessed interesting political developments. These developments reached a level that affected the essence of the regime, starting from the last 2 or 3 months of the year. The army has openly become a party in “secular/anti-secular” contention, starting from the first 6 months of 1997. The influence of the army extensively increased at almost every sphere of the public life during this period, which led the demolition of the government under the RP leadership. An

important phase in this period, which ended with resignation of Prime Minister Necmettin Erbakan in June 1997, was the National Security Council (MGK) meeting on 28 February 1997. The decisions taken in this meeting were declared to the public as sanctions taken to end “secular/anti-secular” contention and to stop the rising of reactionary political Islam. However, it is also possible to define these decisions and the attitude of the army as the army’s prompt to remind its place in administration “with an apropos language.” the decisions taken in this meeting are as follows:

- The principle of laicism, listed among the basic principles of the Republic in the Constitution and guaranteed under Article 4 of the Constitution, should be protected with great care and sensitivity, the present legislation should be implemented without any discrimination for the protection of this principle, new regulations should be made if the current laws prove out to be insufficient in practice.
- Private dormitories, foundations and schools affiliated with tariqas should be taken under control by the authorized organs of the state and they should be attached to the Ministry of Education in line with the Law on Union of Education.
- The fresh brains of the young generations should primarily be given a consciousness in line with the love of Republic, Atatürk, nation and country, and the aim of bringing the Turkish nation to the level of contemporary civilizations, and they should be protected from the influence of various circles. To this end:
 - a- 8-year primary education should be implemented all around the country.
 - b- The necessary administrative and legal regulations should be made to maintain that the Koran courses, to which the children may attend after completing their primary education and on the choice of their families, be function under the control and responsibility of the Ministry of Education.
- Our national education institutions, which are responsible for educating religious men who are loyal to the Republican regime and Atatürk’s principles and reforms and who are intellectuals, will be kept at a level to meet the genuineness of the Law on Union of Education.
- The personnel who are dismissed from the Turkish Armed Forces because of their religious activities, undisciplined condition or relation with illegal organizations, should not be encouraged by being assigned in other public institutions.
- The activities of the tariqas and all similar establishments, which have been banned by the Law numbered 677, should be given an end, the harm to the democratic, political and social state of law of the society should be avoided.
- Various religious compounds built in the country should not be abused politically by being kept on the agenda in order to give messages to certain circles; if needed, these compounds should be built after the examinations by the Directorate of Religious Affairs and in coordination with the local administrations and authorized bodies.
- The publication and broadcast of certain media against the armed forces and its members, by showing them as being against the religion, and by abusing the issue of the personnel who are dismissed from the Turkish Armed Forces (TAF) by the decisions of the Supreme Military Council, should be taken under control.
- The precautions taken within the current legislation by the TAF in order to prevent leaking of extreme religious circles into the TAF, should be put into implementation in other public organs and institutions, particularly at the universities and other education institutions, at all levels of the bureaucracy and in the judiciary.
- Dangerous activities of the extreme religious circles that may lead to polarization in the society and divide our society into hatred camps by emphasizing on the differences between religious sects in Turkey should absolutely be avoided via judicial and administrative channels.
- The necessary legal and administrative proceedings initiated against the ones who are responsible for the incidents performed in contravention of the Constitution, Law on Political Parties, Turkish Penal Code and especially the Law on Municipalities, should be concluded without any delay, and the necessary precautions should be taken to avoid repetition of these kind of incidents.
- The practices that are against the laws on clothing and which will direct to an uncivilized vision, should be prevented; the legal stipulations and decisions of the Constitutional Court on this issue should be implemented cautiously primarily and especially at public organizations and institutions.

- The proceedings of giving licenses to short and long barrel guns, which were given for various reasons, should be amended on the basis of police and gendarme regions, limitations should be brought in this issue, the demand for the rifles should be taken into consideration carefully.
- The collection of the hides of sacrificed animals by uncontrolled organizations and institutions activating against the regime as a source of income should be avoided, the hides should not be allowed to be collected by any organization other than the ones authorized by the laws.
- The legal proceedings against the guards wearing private uniforms and those who are responsible for this should be concluded at the earliest convenience, and taking into consideration the limits of such illegal implementations, guards which are not specified in the laws should not be allowed.
- Initiatives that aim at solving the problems of the country on the basis of “community instead of the nation,” and which approach to and encourage the separatist terror organization on the same basis, should be prevented by legal and administrative proceedings.
- The law numbered 5816, which is on disrespectful actions against Atatürk and on the crimes committed against Atatürk, should not be abused by any means.

An account for the main topics of political developments in 1996 shall start with the general elections held on 24 December 1995. (*) Following the elections, the Parliament began work on 8 January. President Süleyman Demirel entrusted Necmettin Erbakan with the authority of establishing the new government on 9 January, who, in the interim, failed in contacts with other political parties. Thereafter, ANAP leader Mesut Yılmaz was entrusted with establishing the government on 1 February. The ANAP and the RP first reached a consensus in the negotiations for a coalition government, but the ANAP withdrew from the negotiations with the RP when the army expressed its disapproval for such a coalition through various channels. The ANAP and the DYP began negotiating for the coalition government.

On 3 March, Mesut Yılmaz and DYP leader Tansu Çiller reached a consensus for coalition. Mesut Yılmaz was announced as the first Prime Minister, according to the protocol signed between the two leaders, prescribing that the post would be alternated between them. The list of the new “ANAYOL” government was approved by President Demirel on 6 March. Names of some of the ministers to serve in the cabinet were as follows: “Deputy Prime Minister Nahit Menteşe (DYP), Minister of Interior Affairs Ülkü Güney (ANAP), Minister of Justice Mehmet Ağar (DYP), Minister of Foreign Affairs Emre Gönensay (DYP), Minister of National Defense Oltan Sungurlu (ANAP), Minister of Labor Emin Kul (ANAP), Minister of National Education Turhan Tayan (ANAP), Minister of Environmental Affairs Mustafa Taşar (ANAP), Minister of State (responsible for the women and the family) İmren Aykut (ANAP). A Minister of State responsible for the human rights was not assigned within the new cabinet. The DYP-ANAP coalition government won the vote of confidence in the cast on 12 March. 257 deputies voted for the government, 207 deputies (from the RP and the CHP) voted against, whereas 80 deputies (from the DSP and the BBP) abstained. However, the government came to a level of collapsing due to the conflicts between the ANAP and the DYP, the investigation files on malpractice cases, and the rigid opposition by the RP. And the Constitutional Court, with its judgement on 14 May, annulled the vote of confidence, for the first time in the history of the Turkish Republic, which occasioned the DYP to announce that it withdrew from the coalition government on 24 May.

Necmettin Erbakan, who was again entrusted with establishing the government following the resignation of DYP-ANAP coalition, reached a consensus with DYP leader Tansu Çiller. In the end of June, President Demirel approved the government presided by Erbakan. Names of some of the ministers were as follows: “Vice Prime Minister and Minister of Foreign Affairs Tansu Çiller (DYP), Minister of Interior Affairs Mehmet Ağar (DYP), Minister of Justice Şevket Kazan (RP), Minister of National Defense Turhan Tayan (DYP), Minister of Labor

(*) The RP which collected the 21,3 % of the valid votes won 158 seats in the Parliament, the ANAP won 132 seats with 19,6 %, the DYP won 135 seats with 19,2 %, the DSP won 75 seats with 14,6 %, the CHP won 50 seats with 10,7 %. The MHP (8,2 %), the HADEP (4,2 %), New Democracy Movement, Nation Party, the Re-Birth Party, the Worker’s Party and the New Party could not win any seats as they could not pass over the ten percent national threshold. The HADEP, which was able to collect the 4,2 % of the votes nation-wide, became the first party with a great difference in Diyarbakır, Batman, Siirt, Hakkari and Van, and became the second party in Ağrı, Mardin, Şırnak, Tunceli and Muş. The failure of the HADEP in passing the national threshold, resulted in an important increase in the number of the seats won by the RP.

Necati Çelik (RP), Minister of National Education Mehmet Sağlam (DYP), Minister of Environment Ziyaettin Tokar (RP).” the “REFAHYOL” government won the vote of confidence in the Parliament on 8 July. In the cast, the 278 ayes won over the 265 noes.

The REFAHYOL government was in black sheet in its approach towards the human rights problems. Persistent pressure in the prisons began to increase. Upon this, hunger strikes were staged in the prisons. The hunger strikes, which was participated by thousands of prisoners, lasted long as Minister of Justice Şevket Kazan, who was assigned this post after Mehmet Ağar, was again indifferent to the problem. Twelve prisoners died during the hunger strikes, which lasted 69 days, and hundreds of prisoners were life-long crippled as they did not receive the necessary medical treatment. After a short while, on 24 September, soldiers, prison warders, police officers and special team members in Diyarbakır E Type Prison brutally attacked the prisoners. Ten prisoners were killed due to the “blows especially aiming the head.” Again, police attacks against the relatives of prisoners, who make sit-in acts in front of İstanbul Galatasaray High School every Saturday, intensified in this period.

The RP-DYP coalition government was in power until June 1997. The debates on “secularism,” which came on the public agenda with the policies of the RP, reached a peak after the MGK meeting held on 27 February 1997, following to the tank parade in Sincan, Ankara in January subsequent to a celebration in the town, the “Jerusalem Night,” which turned out to be a demonstration for Sheria (Islamic law) demands. Then, as the rumors on a possible military intervention reached a vehement level and as the pressure of the army on the government extensively intensified, Necmettin Erbakan resigned on 14 June 1997. In addition, the Constitutional Court decided on the closure of the RP on 16 January 1998, in the trial launched by the Chief Prosecutor of the Supreme Court in May 1997.

However, it came out that Admiral Güven Erkaya, the then Commander of the Navy, had prepared a “Sheria report” to be discussed in the MGK in November 1996, long before these developments. The report was taken in the agenda of the MGK meeting in December, Admiral Erkaya went the USA for health problems. It was discerned that Admiral Erkaya had reported the army’s repulsion for activities of the Sheria adherents for being assigned to important posts within the state, and given examples of pro-Sheria activities aiming at the army. The report was handled in the notorious MGK meeting held on 28 February 1997.

Corruption

In 1996 one of the most important discussion points was forgery and accusations towards political leaders most of which was discussed in Parliament agenda. For instance, a man called Selçuk Parsadan called Prime Minister Tansu Çiller using the retired general Necdet Öztörün’s name and demanded money saying that “an association established by retired officers” would support DYP against ANAP in the election and he was given TL 5.5 billion, this event caused many discussions about “discretionary fund” in 1996 and 1997. As a result of the investigation by Ankara Prosecution Office, it was revealed that these claims were true. It was proved that amount of money was transferred from the banks to the discretionary fund at the same date indicated by Parsadan. The trial launched against Parsadan in Ankara ended in his conviction in 1997. Thus, it was clarified by judiciary decision that Tansu Çiller used discretionary fund which was provided for confidential state affairs for her private affairs and party works.

The prosecution of Süleyman Mercümeç, who transferred the money collected to help Bosnia-Herzegovina people from the Turkish people living in Europe in 1994 to the account of the RP, reached its last stage in 1996. In May, the Supreme Court overturned the sentence of 4 years 1 month in prison and the fine of TL 21 trillion given to Mercümeç. The Supreme Court ruled that Mercümeç should be prosecuted on charges of “embezzle.”

The Parliamentary investigation motion given for about Tansu Çiller in connection with the bid for the privatization of the TEDAŞ (Turkey Electricity Distribution Ltd.) was accepted in April with 232 ayes against 179 noes. The Parliamentary Scrutiny Commission completed its studies in November. In the voting at the Commission, Çiller was found non-guilty thanks to the votes cast by RP-member MPs. DSP MP Metin Bostancıoğlu, the head of the commission, disclosed that two separate voting were held in the cast, one for the accusations of “abusing the duty” and the other of “negligence in duty,” and that Çiller was found non-guilty in the voting. The RP-members of the Commission, while talking about their attitude in the voting, said, “We in fact had not signed the motion.” As to the DYP-members of the Commission, they said that it would not be fair to accuse Çiller while Şinasi Altın, then-Minister of Energy and Natural Resources, was not found guilty regarding the TEDAŞ bid.

The RP-DYP coalition government that was established in June, enabled the RP to be free from Süleyman Mercümelek interrogation. Parliamentary Scrutiny Commission completed its studies in December. "RP-Mercümelek relationship" was not found guilty by the votes of DYP deputies just like Tansu Çiller was not found guilty regarding the TEDAŞ. In the voting on 11 December, the report of the sub-commission, which read that "15 milliard Turkish Liras in Salesman Mercümelek's account did not reach Bosnia as an aid and there were no documents regarding the issue and there was an illegal monetary liaison between RP and Mercümelek," was discussed. The sub-commission report was rejected by the votes of RP and DYP MPs. The report prepared by RP MPs Mehmet Ali Şahin, which read "It is accepted that Süleyman Mercümelek is a member of RP. However, there are no illegal liaisons between RP and Mercümelek," was accepted. CHP MP Mustafa Kul, the Chairperson of the commission, resigned from the Commission, saying that he would not undersign the report.

In September, a second contract was made with the American consultant Jay Krigel, who worked as domestic politics strategist for Tansu Çiller as well as for conducting lobby activities for Turkey's membership to Customs Union. The amount of money to be paid to Krigel who reappeared as Tansu Çiller became Foreign Affairs Minister could not be agreed upon. Krigel worked with the US President Clinton's political strategist Bob Squire as the consultant to Tansu Çiller after 1994. While Kriegel was paid from advertisement budget, the source of the money paid to Squire could not be clarified. After his contract ended when the Customs Union was signed, Kriegel came to Ankara to sign his contract, but Emre Gönensay, the ANAYOL Government's Minister of Foreign Affairs, did not renew the contract.

Foreign Protests

Turkey, which frequently came on the international agenda because of the human rights violations, was in trouble in 1996 because of subsequent reports by the international organizations such as the Human rights Watch and Amnesty International criticizing her. These reports especially focused on the Kurdish problem, torture incidents, extra-judicial executions and freedom of expression. The protests against and the pressure on Turkey intensified because of the DEP MPs in the prison, closed down political parties, incidents in then prisons that resulted in the deaths of ten prisoners, the killing of Metin Göktepe, torture incidents, brutality of the police during public rallies, trials against journalists and the campaign of pressure and attacks against the HRFT and the İHD.

The campaign by Amnesty International, which was started worldwide in the beginning of September and which emphasized on all aspects of human rights violations, occupied the first place in the protests against the Turkish government. Pierre Sane, the Secretary General of Amnesty International, came Turkey on 25 September, and met with the executive members of the Türk-İş, İHD, HRFT, Mazlum Der (the Association for Human Rights and Solidarity with the Oppressed), TTB, some members of the Parliamentary Human Rights Commission, and authorities from the Security General Directorate. Prime Minister Necmettin Erbakan, Minister of Justice Şevket Kazan and Minister of Internal Affairs Mehmet Ağar did not give an appointment to AI delegation. Pierre Sane and the members of the delegation met with RP İstanbul MP Bahri Zengin upon the directives of Necmettin Erbakan.

After holding meetings in Turkey, Pierre Sane held a press conference in İstanbul on 1 October, during which he disclosed 82-page AI report on Turkey and started the international campaign that aimed to end the human rights violations in Turkey. AI Secretary General Pierre Sane stated that the campaign was in favor of Turkey, and that emphasized that the human rights violations in Turkey increased in 1990s and that the authorities covered up or neglected the incidents of torture, political murders and disappearances for the sake of the security of the state. Sane added that they had applied to the Turkish government twice in the beginning of June and September for a meeting in order to submit the report, but received no reply. Pierre Sane stated that there were opinions which attempt to justify the human rights violations on the basis of the conditions in the Southeast, but human rights violations were observed not only in the Southeast but all around Turkey. Upon a question, Pierre Sane said that they defined the PKK as an "armed opposition group," and that the civilian people were in cross-fire in the conflict, that the illegal organizations were also responsible for human rights violations, and that Amnesty International condemned such violations. Sane invited these organizations to give an end to their attacks against civilian people and unarmed soldiers.

Sane emphasized that the attitude of the Western countries regarding the human rights violations was biased, and said, "The Turkish government did not fulfill its responsibilities, which she voluntarily undertaken under the international conventions. As the police and

gendarme are seen as the protectors of the state, they are given complete impunity. It has been observed that the Turkish government managed to be immune from the researches, criticisms and sanctions of the international community as she is the border guard of the Western world and because of its commercial and economical capacity.” Sane noted that US-made helicopters and armored vehicles were used in human rights violations. The report is as follows in brief:

Evaluation of Turkey: Recent Turkish history has been characterized in the state’s failure to maintain the security through oppression. The governments have taken certain steps in establishment of the parliamentary democracy and basic rights, but issues on the internal and external security have been deposited to the security forces, who overwhelm both the international human rights standards and the laws. Torture and ill-treatment have long been implemented systematically on the persons detained for ordinary or political reasons. Disappearances and extra-judicial executions are recent violations which appeared in 1990s, taking lives of hundreds of people. The Turkish citizens do not have freedom of expression in the real sense. Within 6 years, tens of prisoners of conscience have been convicted for expressing their opinions. Hundreds, including writers and intellectuals, are prosecuted at the SSCs, threatened with imprisonment for bearing to express their political opinions.

Covered violations: The Turkish government has been continuously denying, legitimizing and covering up the torture, extra-judicial executions and disappearances performed by the security forces. Domestic and foreign threats, either be true or imaginary, are utilized to legitimize the violations. In the absence of the parliamentary and governmental control, the violations have been continuously and inevitably ignored.

Turkey is supported: Certain sections of the society make calls for reforms against the violations, but international protests fails to be effective. NATO members and the governments of the European Union, which are influential on the Turkish government, refrain from using the mechanisms they developed to combat human rights violations. When hard-pressed, they repeat the same excuse. Turkey is an ally. It is seen as a strategical shield before the instability in certain regions of the Middle East and in the former Soviet Union. Besides, Turkey is an important partner for commerce and an attractive market for military weapons.

Attacks against the İHD: Human rights defenders and supporters are under fire. The state began to use bullets and bombs in order to cope with the opponents. Those who report violations have become targets themselves. 10 members of the İHD were killed in the last 5 years. Its work provided many enemies against the İHD, both at the state level and among security forces. The government has been taking intentional steps in order to avoid reporting of the human rights violations to the Turkish public and international society.

Killing of journalists: Foreign journalists and observers are banned, whereas the forces within the state are using illegal methods to silence the journalists in Turkey. Turkey is one of the countries where journalists face utmost danger while performing their job. Since 1992, 16 journalists, who worked on the human rights violations in the Southeast, were killed or disappeared. No official statements were made to reproach the murders of journalists, but statements have been made to accuse the journalists for their articles.

Torture: Torture is widespread and systematic, regardless of the crime attributed to the detainees. None of the detainees has the guaranty to escape torture. The torture is basically inflicted in police and gendarme stations. Those detained under the Anti-Terror Law face a high risk of torture, as these people may be kept in detention for a longer period and are not given the right to see their lawyers in the law. It has been reported that 90 people died under torture at police or gendarme stations in 6 years from January 1990. The legal proceedings were not initiated in most of these cases.

Disappearances: Disappearances and extra-judicial executions have become among the established forms of violations. Most of the disappeared people are the Kurdish villages who have no political activity in their past but arrested during the raids carried on the suspicion of providing food and shelter for the PKK members. The relatives of the disappeared persons assume that their relatives were either killed under torture or arbitrarily killed in revenge of soldiers killed during the clashes with the PKK. The disappearances also take place in big cities such as İstanbul and Ankara.

Extra-judicial executions: In 1991, certain elements within the security forces began to act more fearless. They began to implement illegal methods and carry out a definite dirty war. Unbelievable wave of murders began to burn the Southeast and seen on the streets in Ankara and İstanbul. Most of the victims are seen as public enemies by the security forces. These are persons

who worked for leftist or pro-Kurdish publications, arrested or convicted on charges of membership to the PKK or other illegal organizations. Over 1,000 people died in these murders since 1991. In the same period, over 90 people were killed in the house raids in Ankara, Istanbul and Adana. Some of these houses were occupied by militants who opened fire against the police. However, the way the raids carried out implies arbitrary executions by the security officers.

Perpetrators are protected: State officials inflict torture, lost people, carry out extra-judicial executions, knowing that they will be unpunished. These officials are protected by high-rank police chiefs, gendarme officers, prosecutors, courts, Turkish laws and silence of the international community. Even in the case of existence of strong evidence, these persons were rarely put on trial. As for the Southeast, prosecution of police or gendarme officers is most none.

False medical reports: Another face of the system that facilitates the human rights violations such as torture or extra-judicial executions is the concealing of the medical evidence, or furnishing of false medical reports. On the last day of detention, most of the detainees are taken to a doctor assigned by the state. The medical examination is usually consists of casting an eye on the patient who stands in his/her clothes on the other side of the room.

The Ministry of Foreign Affairs defended that the report by Amnesty International was no different from AI's former reports, which was biased and prepared with certain intentions. The statement made by the Ministry on 1 October read that various organizations had dealt with the various aspects of the human rights situation in Turkey, but not single positive development was reported. The statement asserted that the work for an improvement in the legislation continued, and emphasized that Amnesty International refrained from defining the PKK "as a terror organization" and added, "This report, which aims at showing the PKK as a party in war, encourages the terrorism with this approach. Amnesty International has lost the respect and belief against it with its approach."

Amnesty International made a statement on 18 June, and accused the developed countries of "selling weapons and security equipment to the countries which are red on the human rights violations," and of "denying responsibility." The report on the human rights violations in 146 countries demanded from England, France, Germany, China, Russia and USA not to sell "security equipment" to countries which may use them for torture. The report disclosed that death penalty was executed in 63 countries, including Bahrain, Colombia, India, Russia and Rwanda, that 4,500 people had died in 54 countries, including Egypt, Kenya, Burma and Turkey, due to the inhumane treatment and torture, and that 3,000 prisoners had died according to the official figures for 41 countries. The report read that 140,000 people had disappeared in 49 countries, including Rwanda, Colombia, Iraq, Sri Lanka and Turkey.

Making a statement after the annual report of Amnesty International was released, Spokesman of the Ministry of Foreign Affairs Ömer Akbel accused Amnesty International of being "biased and prejudiced." Akbel criticized the report, saying that it attempted to disregard the PKK attacks against the civilians, and attribute unlawful meanings to the words such as "guerrilla, political prisoner, prisoner of conscience." Ömer Akbel said that the report did not mention the Constitutional amendments of July 1995 which brought improvement in the fields of human rights and democratization, and added, "As clearly understood in the international forums, Amnesty International is not impartial. Amnesty International, which thinks that it could exist and maintain financial support only by releasing such kind of reports, assists to any kind of violence against the state as well as terrorism, and even supports them."(*)

The report by the HRW

In 1996 World Report by the Human Rights Watch published in March, it was stated that human rights violations increased and the cases of evacuation of villages, violations of freedom of thought and torture continued. The report stressed the fact that there were evidence implying the connections of the state authorities with murders by unknown assailants, and that there were pressures against *Yeni Politika* and *Özgür Ülke* newspapers. The report narrated the suspicious death of Safyettin Tepe, the reporter for *Yeni Politika* newspaper, under detention and emphasized that reporters were frequently detained and put on trial, noting also that the İHD and the HRFT were exposed to pressures because of their activities. It was stated that the USA congress would reduce military aid to Turkey due to human rights violations, but failed to do this "because of Turkey's strategic importance." The Ministry of Foreign Affairs condemned the human rights advocates instead of verifying the claims in this report. In the statement made by

(*) Amnesty International has begun to carry out activities in Turkey starting from March.

the Ministry of Foreign Affairs in response to the report, like Amnesty International and the İHD, the HRW was accused of supporting the PKK: "As usual, Helsinki Watch intentionally confuses the human rights law with humanitarian law. The report regards the PKK not as a 'terrorist' but as an 'armed group' and considers Turkey's struggle against the PKK as a 'war.' The report supports the PKK's desire to be evaluated according to Geneva Convention, and there are attempts at granting a legal status to the PKK." The Ministry condemned the report for devising connections between the murders by unknown assailants and the security forces: "If the HRW wants to maintain its credibility, it should make claims on certain bases. The Turkish public and press know that the murders by unknown assailants have been exposed to light. The report stated that the security forces lead to disappearances. However, no evidence is included in the report." In the statement, it was claimed that the PKK killed 320 civilians and injured 399 in 1995.

Another report issued by the HRW on 10 December, defined Turkey as "a country struggling for democracy despite severe human rights violations." The report read that the USA and the European countries were not sincere with respect to human right, in particular the USA gave more importance to its economic benefits than human rights. Many countries and organizations including the USA, Japan, European Union countries and the World Bank were accused of "inviting" human rights violations through their political and economic policies.

Report by the US Department of State

One of the reports criticizing Turkey was the annual report of the US Department of State, which was released in March. "1995 Human Rights Report" read that the human rights situation in Turkey improved in a number of areas, but "torture" continued to be a very serious problem. Turkey was one of the countries covered at most with 36 pages. The report read that "the PKK committed murders at random and killed civilian people in order to suppress the people." Following is the report in brief: "The human rights situation improved in a number of areas, but very serious problems remain. The situation in the Southeast was of particular concern. Government security forces and the PKK continued to forcibly evacuate and sometimes burn villages, though at a significantly lower level than in 1994. Various sources estimate that as many as 2 million people have left their homes in the southeast over the past 7 years; village evacuations have been one significant contributing factor and economic reasons were another. In Tunceli province, police 'special teams' harassed and mistreated civilians. Public outcry by Members of Parliament caused the special teams to be transferred and led to fewer abuses. There appears to have been a substantial increase in the number of PKK terrorists who were captured or surrendered; in the past very few were taken alive. The number of deaths in detention, safe house raids 'mystery killings,' and disappearances was down considerably from 1994. Some other forms of extra-judicial killings rose, including those associated with crowd control situations. Torture also continued to be a very serious problem. Police and security forces often employed torture during periods incommunicado detention and interrogation. Limits on freedom of expression remained another serious problem, although Parliament's October revision of Article 8 of the 1991 Anti-Terror Law and the subsequent court-ordered release of 143 detainees were significant positive steps. Officials of various government agencies continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas which they express in public forums. Serious prosecutions of police or security officers for extra-judicial killings and torture continued to be rare."

The Ministry of Foreign Affairs condemned the İHD and the HRFT in its evaluation about the report. In the statement made on 7 March, it was maintained that the report was prepared with a "more balanced style" compared to 1995 report and the improvement of human rights was expressed objectively. In the statement, there were references to the İHD and the HRFT, claiming that these organizations published misleading information through foreign support. It was reported that this claim was made since that some executives of the İHD were MP candidates and they proposed political solutions to the Kurdish problem. The statement said: "In the 'Treatment and Rehabilitation Report' published by the HRFT, misleading information is given with reference to these essentially non-existing centers. The USA report contained too many claims made depending on such organizations, which led misleading results, therefore it is not convincing and trustworthy."

In the letter he sent to the Ministry of Foreign Affairs on 11 March, Yavuz Önen stated that their publications did not receive any objection or denial from any institution during their 6-year activities, and that the trails launched against their publications ended in acquittal. Yavuz Önen accused the Information Department of the Ministry of Foreign Affairs of being disturbed by the existence of the foundation and attempting to slander it.

The European Union and the European Parliament

Turkey was frequently condemned by such organizations as the European Union and the European Parliament (EP) as well as by independent international organizations in connection with human rights violations. In the resolution issued by the European Parliament in mid-January, the elections on 24 December 1995 were evaluated, and the new government was invited to be respectful for human rights and to enhance the democratic reforms. With regard to the election results, the EP stated: "The European Parliament believes that, according to election results, 80 percent of the Turkish people object to religious extremity and to isolation which may occur as a consequence of this and that Turkey prefers strengthening its relations with the EU and other western countries." And in connection with photographs published in *The European* newspaper (the picture showing a soldier holding two beheaded heads in his hands), it is said: "Such kinds of barbarian behaviors can not be tolerated." (Detailed information is on page 85)

The EP reiterated its invitation to the European Commission and the European Council for monitoring regularly the progress in human rights and democratization and presenting annual reports on these issues. The EP requested the European Commission and the European Council to make an attempt for the solution of the Cyprus issue and to appoint a mediator. In the resolution, it was stated that the cease-fire declared by the PKK must be accepted by Turkey: "We hope the Turkish government will evaluate it as a positive contribution for the solution of the problem." In the resolution, it was noted that Leyla Zana must be immediately set free and it was demanded that the new government should continue the reforms on human rights and democratization. In its resolution dated 13 December 1995, which approved the establishment of the custom union between Turkey and the European Union, the EP implied that the Turkish government should begin negotiations "with the PKK and other Kurdish organizations."

Yet Turkey protested the EP's resolution including the opinion that "the cease-fire will be a beginning for the solution of the Kurdish problem." It was claimed that the EP was "biased, imprudent and hostile" towards Turkey: "The EP's resolution about Turkey shows that this organization is once more under the influence of radical and militant circles against Turkey." Ömer Akbel, the spokesman of the Ministry of Foreign Affairs, said: "In this resolution adopted by a little minority of EP members, although terrorist organization PKK put a minibus on fire and thus killed many innocent a few days ago, (*) taking the so-called cease-fire by such an organization seriously would infringe the creditability and reliability of the EP." In another resolution adopted in June, the EP suggested the government "to give a positive answer to the cease-fire by the PKK" and "to negotiate with the Kurdish groups." In the resolution draft submitted jointly by all political groups, it was demanded that the Red Cross should be allowed to visit the political prisoners, amnesty should be declared for political prisoners, laws should be made to conform to the European Convention on Human Rights, the obstacles before the freedom of speech and thought should be eliminated, DEP MPs should be released, and operations in the Southeastern Region should be stopped.

Since the human rights violations continued and the number of prisoners of thought increased in Turkey, the European Parliament, in the vote for "the European Union 1997 Budget" on 24 October, decided to suspend the aid of 53 million ECU (almost 6.3 trillion TL) which will be granted to Turkey in 1997 as part of the total aid of 375 million ECU (almost 45 trillion TL) to be given to Turkey in five years within the framework of the Customs Union, and the EU special aid amounting to 3.5 million ECU (almost 420 billion TL) to be granted to Turkey.

The suspension of the financial aid by the EP was interpreted as "the European countries' distrust to Minister of Foreign Affairs Tansu Çiller. Before the voting, Tansu Çiller declared that a series of reforms would be put into force with a view to improving human rights in Turkey. Çiller noted that torture claims would be prevented by shortening detention period for the crimes which are within the scope of the SSCs, and claimed that Europe could not find any other reason to isolate Turkey after human rights package. However, western diplomats mentioned that they were expecting "implementation" from Turkish authorities, specially on human rights, and they had adopted a cautious approach to Çiller's statements. The western diplomats reminded that Çiller established the government with Welfare Party just after six months despite her warning

(*) In the press meeting held on the same day, İHD Chairman Akın Birdal said that "Güçlükonak massacre" was a provocation by the state. Reminding the EP's resolution on Turkey, Birdal said: "The most important Article is the one demanding that Turkey should respond to the cease-fire. Güçlükonak incident on 15 January, was an attempt at preventing this decision." (See page 136)

saying that “If Customs Union is not realized, the Welfare Party would gain more power and be the party in power” during her visits to European capitals before Customs Union’s voting.

Intolerance

Protests against Turkey enhanced the illegal implementations against international human rights organizations, officers of foreign countries, and even foreign parliamentarians. (**)

Personal belongings of a Swiss delegation of 11 persons, who carry out investigations in Diyarbakır and Mardin regarding the problems of Kurdish women, were confiscated by the police at Diyarbakır Airport, where they went to take off from Diyarbakır to İstanbul on 19 February. Film rolls, tapes, notes and other personal belongings of the delegation were seized. The members of the delegation said that the state forces had tried to hinder them throughout their mission. They said, “Relatives of the persons who have been disappeared have applied us. We deem it incredible that the police seized our notes containing the names of these persons and their photographs.” A member of the delegation, Swiss Greens Party MP Pia Hollenstenn, held a press conference at İHD İstanbul Branch on 20 February, and said that a Swiss MP, Angelina Fankhauser, was denied entry to Turkey although she wanted to take part in the delegation, and that they were not able to meet with the ministers they applied.

The statement made by Claudia Roth, the Chair of the European Parliament’s Greens Group, as to the police attack against the members of the EMEP in Ankara on 24 June and the pressure on the HADEP led to reactions. The right-wing groups as well as certain “environmentalist” groups protested Roth. A press statement made outside Ms. Roth’s correspondence office in İstanbul with the participation of certain environmentalists such as the Committee for Initiative for the Green Party, Green Peace Environmentalists, Radical Greens, Independent Animal Rights Platform, Greens from Kadıköy, the journal *Çepeçevre*, the journal *Yeşil Çevre* and Independent Greens, accused Ms. Roth of “being in solidarity with Marxist, Leninist, Stalinist and Trotskyist organizations.” In protest of this statement, a common statement was made by İstanbul Social Ecology Group, Socialist Greens, Bosphorus University Greens, the journal *Peace against the War*, and the closed-down Greens Party Chairman Bilge Contepe, which said, “Green policy necessitates to defend human rights in all aspects and to be against any attempt that aims to feed enmity between the people. For this reason, these groups are unaware of the principles of the ‘green thought.’ Nationalism does not accord with the green thought.”

European Parliament Union 90/Greens Party MP Angelika Beer, who demanded that a weapons embargo be put on Turkey, was proclaimed “persona non grata” in Turkey. Angelika Beer had arrived in Turkey on 27 July and met with the arrested prisoners and Minister of Justice Şevket Kazan. While these meetings went on, the German Embassy in Ankara notified Angelika Beer that “she was a persona non grata in Turkey and that she was expected to leave the country at once,” upon initiatives by the Turkish Foreign Ministry. Upon this, Angelika Beer had to return back to her country on 2 August.

Danish MP Soeren Soendergaard, who came to Turkey in order to investigate the case of a prisoner named Kemal Koç, (*) who had applied to the European Human Rights Commission

(**) As of August 1994, foreign delegations coming to Turkey to monitor human rights and democratization were forbidden to meet with judges and prosecutors. This policy was put on the agenda by Minister of Foreign Affairs Mümtaz Soysal. The first foreigner affected by this policy was Michael Angel Martinez, the Chairman of the Parliamentary Assembly of the Council of Europe, who came to Turkey in September 1994. His appointment with Constitutional Court Chair Yekta Güngör Özden was canceled. Besides, he was not allowed to meet with the executive members of the HRFT and İHD. On the same days, Jonathan Sugden, the Chief of the Turkey Desk of AI, denied entry to Turkey on the accusations of “spreading propaganda of the PKK.” Sugden reported that he was not allowed to visit Turkey although he wanted to come in September 1994. Besides, Helmut Oberdiek, who came to Turkey on behalf of AI, was detained by the police on 6 June 1995 in Adana. Oberdiek, who was interrogated for 24 hours brought by plane to İstanbul under police surveillance, was deported back to Germany. In the same period, over 20 German citizens were denied entry to Turkey. These bans were lifted upon the demand by German Prime Minister Helmut Kohl prior to Turkish Prime Minister Mesut Yılmaz’s visit to Germany in late 1997.

(*) Kemal Koç, who came to Turkey because of his brother’s death, was detained on charges of “having connections with the PKK.” Ankara SSC Prosecution Office launched a trial against Kemal Koç, who was tortured in detention. He was released pending trial in the first hearing on 15 July, but subsequently he was detained again. The torture inflicted on him has led a tremendous diplomatic correspondence between the Turkish and the Danish governments. Minister of Foreign Affairs Tansu Çiller, in a letter sent to Danish Minister of Foreign Affairs Niels Helveg Petersen in January 1997, claimed that Koç had not been tortured.

on the grounds that he had been detained and tortured in July, was deported on the accusation of “entering Turkey through illegal channels.” Soendergaard was detained at Ankara Esenboğa Airport on 29 November, when he was about to leave the country, on the grounds that “there wasn’t the entrance check in his passport.” Soendergaard was deported after his testimony was received at Çubuk Prosecution Office. The Ministry of Interior Affairs reportedly circumscribed entrance of Soendergaard in Turkey on 6 August. Soeren Soendergaard’s “entering Turkey through illegal channels” with an expired passport, led out problems between Ministries of Interior and Foreign Affairs. As to Soendergaard’s entrance to Turkey, Ministry of Foreign Affairs Spokesperson Ambassador Ömer Akbel said, “According to his claim, he entered to domestic lines instead of foreign lines mistakenly at the airport in transit from İstanbul.” the Danish government protested Turkey by Turkish Ambassador in Copenhagen, Turan Morali, regarding the deportation of Soren Soendergaard.

In November, Minister of Justice Şevket Kazan disclosed that he would not permit European delegations to carry out examinations in the prisons. Kazan said that the prisons could be regarded as “insane,” and that the European delegations would not be allowed to meet with the prisoners until the conditions were improved. Kazan said that he did not meet with German prisoners but carried out a technical examination when he visited the prisons in Germany.

Şevket Kazan went to Strasbourg and met many competent authorities of international institutions like European Human Rights Commission and European Court of Human Rights. While negotiating with European Council General Secretary Daniel Tarchy, Kazan was discomforted by human rights violation issue. It was learned that Kazan said, “We will adjust ourselves to European norms,” about the violations of human rights. One of the most important issues of this visit was Kurdish Human Rights Project (KHRP) centered in London.

During his visit, Şevket Kazan mentioned his disturbance about the activities of KHRP and especially about the head of the institution, Kerim Yıldız. He also made some accusations about Kerim Yıldız. Şevket Kazan claimed that some 300 lawyers, who are the members of the İHD Diyarbakır Branch, made people living in the State of Emergency Region to undersign blank sheets, and added, “these lawyers who are paid by foreign sources persuade the people to sign blank sheets. These sheets are then sent to England. After some research we find out that this is planned by a Kurdish Project Center in London. This center, headed by a man called Kerim, employs many English lawyers. These lawyers also play active role in this event.” Kazan told that these papers were filled by KHRP and by deputing English lawyers they appeal to European Court of Human Rights with exaggerated allegations. Kerim Yıldız replied to Kazan’s accusations by saying: “If a minister made this statement without any basis then the issue should be taken very seriously. If he consciously made his statement on baseless grounds then he has to apologize.” Yıldız asserted that the claims of obtaining signed blank sheets and filling them in London were “hideous and baseless,” and he wanted Kazan to prove his accusations. Yıldız went on by telling that these claims were not only aimed at himself and the KHRP but also the European Human Rights Commission and the European Court of Human Rights, and that that the KHRP was a legal entity established under British laws and had the status of a foundation. Yıldız also emphasized that the KHRP carried on its studies not only on Kurds in Turkey but also on human rights violations regarding Kurds in Iran, Iraq, Syria and former Soviet Union.

Lawyer Hasip Kaplan claimed that Turkey bribed some lobby institutions in USA in 1992 in order to conduct activities in the trials against Turkey at the European Court of Human Rights. Lawyer Kaplan claimed that Turkey, along with Egypt, Sudan, Angola, China, Peru, Indonesia and Kuwait, had given 14 million dollars to Public Relations Firm Hill and Knollton, and asked Şevket Kazan to disclose the amount of the Turkish contribution to this 14 million dollars. Lawyer Kaplan pointed out Şevket Kazan’s comments on “European Court of Human Rights is biased” and said that Şevket Kazan is hostile to Western world and this comment results from his view that these appeals are “indecent” rather than “demanding the rights.” Lawyer Kaplan said, “Şevket Kazan did not have any influence on the judicial decisions. If he had had that much influence and knowledge then he should have defended Turkey in the court.”

Lawyer Kaplan also harshly criticized Şevket Kazan’s claims that “the lawyers had connections with illegal organizations.” Lawyer Kaplan said, “Not only Lawyer Kaplan but over a hundred lawyers including professors and academicians appealed with the European Court of Human Rights. I want to ask Kazan if he knows the number of these lawyers. I am among those who brought many cases. Do I have connections with an illegal organization? If so, why does not he prove it? the first lawyers defended Turkey in ECHR were foreigners. One of them was Heri Bert Golsonck. How much were they paid? It is utterly possible for foreign lawyers to undertake

the cases of Turkish citizens at the EHRC. It is also legal for the lawyers in London to participate in the trials at the EHRC. If this was not so, the ECHR would not have accepted the appeals they make. The lawyers in London are experts in EHRC's proceedings. The attendance of these people to the trials are closely related with the fact that Turkey has just recently accepted the right to make individual appeals. It also stems from the lacking number of expert lawyers and from the fact that lawyers are not provided with information and trained in Turkey. Today, the number of Turkish lawyers bringing cases to the Court are increasingly high."

The trial launched in connection with the report

The comprehensive report (*) titled "Weapon Transfers to Turkey and War Violations in Turkey" published by the Human Right Watch (HRW) on 21 November 1994, was a significant example of the dimensions of intolerance. The Ministry of Foreign Affairs prepared a counter-report, and regarded the HRW report as "not serious, unfounded, untrue and prepared in order to support the PKK." The reactions were not limited to this. The December issue of the journal named "Savaşa Karşı Barış," which published the report, was confiscated upon a decision by İstanbul SSC. And a trial was launched against the executives of the journal on charges of "inciting people through regional differences" under Article 312 of the Turkish Penal Code.

A trial was launched against Ertuğrul Kürkçü, who translated the report into Turkish, and Ayşe Nur Zarakolu, in charge at Belge Publications, which published the book. In the trial, it was demanded that Ertuğrul Kürkçü and Ayşe Nur Zarakolu be sentenced to one year to 6 years in prison on charges of "insulting the military forces of the State" under Article 159/1 of the Turkish Penal Code. The trial, which started on 18 October at İstanbul Heavy Penal Court No. 2, ended in fining Ayşe Nur Zarakolu 1 million 500 thousand TL, and sentencing Ertuğrul Kürkçü to 10 months in prison on 14 March 1997. The sentence passed on Ertuğrul Kürkçü was repealed.

In the meantime, a former Minister of State from DYP, Ayvaz Gökdemir, who had called three European women parliament members as "prostitutes" on their visit to Turkey in June 1995, was sentenced to a compensation of 500 million TL to Claudia Roth, the Chairman of Greens Group in the European Parliament, who had brought an action against him. The trial ended at İstanbul Court of First Instance No. 7 on 11 September. Roth stated the he would donate the compensation she would receive to an association protecting the women rights in Turkey: "I am very pleased with a decision protecting the women rights in a country where Erbakan is the Prime Minister. I know that most of my unexpected behaviors disturb the Turkish Government. This verdict clearly shows that the Turkish justice is highly reliable." On the other hand, Gökdemir stated that Claudia Roth was not a friend of Turkey: "She is primarily engaged with the PKK." Gökdemir claimed that Claudia Roth "was not a sincere advocate of human rights"; he said: "In fact, he is not an important politician in her own country."

The judgements by the Commission

Distressed by the reactions and criticisms by the international human rights organizations in connection with human rights violations in Turkey, Turkey was also troubled by the individual applications to the European Commission of Human Rights (the Commission) and judgements by the Commission. Most of the time, Turkey had to pay compensation to those subjected to violations. The European Commission of Human Rights issued the decision of admissibility for many applications from Turkey in 1996.

For instance, in the trial launched by Nasuh Mitap and Oğuzhan Müftüoğlu, who were arrested in connection with the Revolutionary Path trial in 1981, at the European Court of Human Rights, the Court accepted the application filed on the claim that "the trial exceeded the reasonable period" while declining the claim that "they were not put on trial at independent courts and their detention periods were extended." In the trial which ended in March, the ECHR decided that Turkey should pay a compensation of 80 thousand French Francs (1.1 billion TL) for pecuniary damages for each person since "the trial exceeded the reasonable period" and cover the court expenses amounting to 60 thousand Francs (825 million TL). following 12 September

(*) In the report titled "Weapon Transfers to Turkey and War Violations in Turkey," it was documented that the weapons bought by Turkey from the USA and other NATO countries were used in human rights violations in the Southeastern region. The report also criticized the human rights violations by the PKK, and listed the weapons used by the PKK and its income resources. Joost Hilberman and James Ron, the representatives of the HRW, held a press meeting in connection with the report, and they said: "We do not object to Turkey's struggle against the PKK, but strongly condemn the attacks on civilians." They stated that both Turkey and the PKK violated seriously the international human rights law.

1980, the Revolutionary Path trial in which 750 persons were put on trial at Ankara Martial Law Military Court, had ended in sentencing of 389 persons on 19 June 1989.

The application by Ferda Atatür and Abdurrahman Atatür, who were not paid the nationalization price of their land in Narlıdere, İzmir, to the Commission was admitted on 15 April 1996. The Commission held that Turkey violated Article 1 of the Additional Protocol No. 1 by not paying the nationalization price. The Atatür family had found the price for their land nationalized for a road construction insufficient in 1991 and launched a trial for increasing the price at İzmir Court of First Instance. The court had decided that about four times the land prices should be paid to them and this verdict had been upheld by the Supreme Court. However, the Atatür family had not been paid the price, and they had applied to the Commission.

The Commission held that the trial of Diyarbakır former Mayor Mehdi Zana in connection with his statement that “he supported the PKK’s struggle” could not be considered as a human rights violation on the ground that “praising the violence cannot be regarded as within the scope of freedom of thought and speech.” However, the Commission referred the trial to the European Court of Human Rights on the ground that the trial period was long and the verdict was issued in absence of the suspect. In his statement he made to the journalists while in prison in Diyarbakır Prison in 1987, Mehdi Zana had stated that “he supported the PKK’s national struggle” and that “women and children were killed by mistake,” and therefore he had been put on trial and sentenced to 12 months in prison. When the sentence had been ratified by the Supreme Court, Mehdi Zana had applied to the Commission.

8 persons, who applied to the ECHR on the ground that their houses in Kelekçi village of Diyarbakır were burned down by the gendarmerie and they were forced to migrate in 1992, won the trial in September. The Court held that Turkey violated the Article 8 of the European Convention on Human Rights on private life, family and house rights and should pay a compensation to Hüseyin Akduvar and his seven relatives. Turkey would also cover the court expenses amounting to 2.5 billion TL. The trial had been launched on the claim that “the gendarmerie came to the village on 10 November 1992 and gather the village inhabitants in the public square and burned down nine houses, and after the villagers migrated to Diyarbakır, they came to the village again in April and put the whole village on fire.”

In the meantime, for the first time, Turkey demanded the European Commission of Human Rights to refer an application against it to be sent directly to the European Court of Human Rights. In the application in question, Mehmet Erdagöz had claimed that he had been detained, tortured and ill-treated by the police in Bağlar district of Adana in 1992. Erdagöz had stated that although he had launched a trial against the police officers in Adana, he did not get a favorable result. The ECHR declined the application by Mehmet Erdagöz in October 1997.

On 12 November, the Commission decided that the application by the United Communist Party of Turkey (TBKP), which was closed down by the Constitutional Court, should be referred to the European Court of Human Rights. In the application, it had been stated there had been a discrimination against their political views by closing down the party and seizing the party property and the freedom of speech had been violated. The Commission had previously held that Turkey had violated Article 11 of the European Convention on Human Rights by closing down the TBKP. European Court of Human Rights found Turkey guilty in connection with the closure of the TBKP and held that Turkey should pay compensation.

The European Court of Human Rights found Turkey unjust in the trial launched by Titina Loizidou, a citizen of South Cyprus Greek Region. In August 1989, Titina Loizidou had been kept in detention for a while in the Turkish Region on the ground that she had trespassed the Green Line and the buffer region during a protest by a group of women. In the trial to which the Cyprus Greek Region Government was a side, it had been argued that Titina Loizidou’s lands in North Cyprus had been taken from her and her right to stay in her house had been prevented. The Court held that Turkey violated Article 1 of the Protocol No. 1 of the European Convention on Human Rights on “the right of respect for everybody’s property rights”, but did not violate Article 8 on “the respect for everybody’s private, family and house life.” In the hearing on 18 December, Turkey’s claim that Turkey would not be responsible for an incident outside its territories, was declined on the ground of the military existence of Turkey in Cyprus. The Court stated that Turkey’s defense that “Turkey had recognized the judgements by the European Court of Human Rights after 12 January 1990,” and therefore, the Court judgements issued before this date would not be binding, was rejected since the violation was still underway. Turkey argued that it was a “political” judgement. In the statement by the Ministry of Foreign Affairs, it was claimed that the judgement ignored the facts in Cyprus, was inapplicable and the addressee was

Cyprus Turkish Region. And in the statement made by the Ministry Foreign Affairs and Defense, it was said: “The judgment will seriously impair the solution attempts and peace in Cyprus.”

When applications to the Commission and trials launched at the ECHR ended unfavorably against Turkey, officials were gripped in a panic. They started to intimidate the applicants or traditionally made promises. The following are the cases of pressures on applicants:

Hüseyin Akduvar: In the trial launched by Abdurrahman Akduvar, Ahmet Akduvar, Ali Akduvar, Zülfükar Çiçek, Abdurrahman Aktaş and Mehmet Karabulut in connection with the burning down of Kelekçi village, the Commission held, for the first time, that Turkey violated Article 25. It was found out, later, that most of the applicants had been taken to the police stations and forced not to speak against the Government.

Zeki Aksoy: He was detained in Kızıltepe district of Mardin in November 1992 and he was subjected to intense torture, but he was released on grounds of “lack of evidence.” In April 1994, he was found death in the vicinity of his house. It was found out that the judgment by the Commission had been notified to Zeki Aksoy 3 days before his death. In the report, it was stated that there were findings implying Aksoy had been murdered in connection with his application to the Commission. On 20 May, The relatives of Aksoy applied to the Commission in connection with the death of Zeki Aksoy. They stated that Zeki Aksoy had been threatened by the police. On the other hand, the officials claimed that Aksoy had been killed “in a conflict within the organization.” In the trial, it was decided that Turkey would pay the family of Aksoy a compensation of 4.283.450 TL and cover the court expenses amounting to 20.710 Sterling.

Zübeyir Akkoç: Following the murder of a teacher named Zübeyir Akkoç by “unknown assailants” in Diyarbakır (13 January 1993), his wife Nebahat Akkoç, the former Chairman of Eğitim-Sen Trade Union Diyarbakır Branch, was detained and interrogated in connection with her application to the Commission. After she was released, the threats of death on her continued. When she told about the pressures on her to Diyarbakır Governor Doğan Hatipoğlu, Hatipoğlu gave her a telephone number and demanded that she should tell about the threats via this telephone number. After that, the threats came to an end. Nebahat Akkoç was detained again on 26 September 1995 and interrogated in connection with her application.

Ferhat Tepe: Upon applying to the Commission in connection with the murder of Ferhat Tepe, the reporter in Bitlis for Özgür Gündem newspaper, on 28 July 1993, İshak Tepe was threatened with death for many times. İshak Tepe was detained in Bartın on 23 February and sent to Bitlis. On 29 August 1995, Safyettin Tepe, the reporter for Yeni Politika newspaper, died in Bitlis Security Directorate. The police claimed that Safyettin Tepe had committed suicide. Safyettin Tepe would testify as a witness in the trial concerning the killing of Ferhat Tepe.

The article entitled published which was written by Prof. Dr. Bakır Çağlar, who is a member of the teaching staff in İstanbul University Faculty of Law and who has represented Turkey for a long period of time with the EHRC, published an article in the 15 May 1996 issue of the daily *Yeni Yüzyıl*, which entitled “Null Law at the Southeast East.” the article read as follows:

On the last days of May 1996, two critically important trials were heard in Strasbourg at “the Human Rights Palace,” which is made of glass and steel beams that look alike “G. Pompidou Center” in Paris. These were Akduvar and Aksoy trials which were launched against the Turkish government. “Southeast,” Kelekçi Village of Diyarbakır, Mardin, Kızıltepe Security Headquarters of 1992 have all been taken to Strasbourg (...). Today, Strasbourg is the intersection of the Human Rights Law and Implementations (...). During the days when the Akduvar and Aksoy trials have been carried out, the “Report” of Hungarian Barsony from the socialist group has been approved at the session of the European Council Parliamentary Assembly.

The main topic of the report is human rights in Turkey and especially “Southeast Problem.” the parliament monitors the allegiance of the member states to their commitments or undertakings within the framework of a supervision process. When the parliament, in its recommendation project, was evaluating the conformity of the constitutional and legal changes with the principles and norms of the European Council, it was placing the emphasis especially on the Article 8 of the Anti-Terror Law, Southeast Policy, and the legal status of the “MPs of Kurdish origin.” there has been 25 appeals made with the European Human Rights Commission in connection to the Article 8.

The applications by the “former MPs” from the Democracy Party, whose parliamentary immunities were lifted, are also on the agenda of the Commission. The applications made

with Strasbourg regarding the Constitutional Court's judgements on the closure of certain political parties should also be added to this pile of trials. The Constitutional Court, while ordering the closure of 16 political parties in the period when 1961 and 1982 constitutions have been in force, grounded 8 of its decisions on the "ban on forming minorities." Today, the case files on TBKP, SP, HEP, ÖZDEP, STP and DEP are on the agenda of the Commission. The increasing number of the appeals against the Turkish government before Strasbourg organs have brought the matter onto the public agenda.

In his article headed "Will the Court of Human Rights convict Turkey?," Hasip Kaplan, a lawyer who is associated with the Strasbourg Files, said, "One of the wise actions which are to be taken by the Turkish government within the short term is to allocate a special fund from the budget" (the article by Hasip Kaplan is in this section in full length). As to Ass. Prof. Süheyl Batum, he considers the amendment of legal regulations as to the freedom of expression in accordance with the European Convention on Human Rights to be the only way of being immune from the prosecution. The first of these recommendations is on the compensation to be paid when the European Court gives a decision against the government in connection with the violation of rights, and on the way providing "humanitarian aid" by reaching a "friendly solution," which the Turkish government has recently become acquainted. As to the second measure, it gives the leading role to the judges. However, the issues are not limited to these and they are not as simple as these.

The vital issue at the southeast trials, as it is especially seen in Akduvar case, is the possibility of appealing to Strasbourg courts without fulfilling the prerequisite of exhausting the domestic remedies. The claim that the inhumane treatment is an established administrative practice. Ineffective domestic remedies is one of the conditions that paves the way to direct application. There is only a single face of Southeast cases, be its name Akduvar or Aksoy, and that is to prove that the judicial system in the Southeast is totally deteriorated. At the first glance, Akduvar case is a case of village evacuation and burning, and Aksoy case is a case of torture and the violation of the regulation about the detention period. But only at the first glance. There is a "legal guerilla" behind both cases.

The lawyers of Akduvar and Aksoy cases are Kevin Boyle and Françoise Hampson, two members of the teaching staff at University of Essex. The "Kurdistan Human Rights Project" in London is the organization which provides the lawyers with logistic support. The common "project" of the Southeast cases is to bring, though staggeringly, up "the issue of national minority" before Strasbourg organs, which are the Parliamentarian Assembly of the Council of Europe in political aspect, and Strasbourg law courts in legal aspect.

The judges of ECHR are the old judges of "Ancient Europe" (...) While today, the judges of this profile are dying out, the new judges of "the other Europe" of the post-communism which started to penetrate into European Council have a tendency towards changing this general profile. The judges who have been assigned to Aksoy's case are from Hungary, Estonia, Poland and Lithuania. The personal values, experiences, and the understandings of law which have been shaped by these concepts are effecting and changing the "Strasbourg Law" inevitably, and making the prediction of the judgement of courts more difficult. However, there is a fact though that is the new judges of "the other Europe" who are confronting with their pasts will change the European Law on Human Rights.

Within the last five years, 2,927 appeals have been made to the European Commission against England. 538 of these appeals have been found admissible. One of the recent convictions of England has been resulted from "the Case of the Gibraltar Trio." SAS commandos under British Secret Services have shot three IRA militants in order to "protect the others against illegal violence." England has been acquitted in the European Commission but she has been convicted in the European Court.

And then, England started to claim that "a variable geometry" should apply to human rights in locations where violence is widespread. The thing that should be done here in Turkey is surely not to defend this thesis of "variable geometry," but it is to bring resolutions to the problems that produce this variability and, by doing so, to take the "legal guerilla" seriously which is desired to be maintained by means of Southeast cases. With their true faces.

Prof. Bakır Çağlar has pointed out many times the stressful situation of Turkey in front of European Human Rights Commission or the European Court of Human Rights within this year. Çağlar who made a statement at the end of October, pointed out that in case the trials are concluded against the Turkish government, Turkey's membership to the European Council

might fall at stake and a process of difficulty will start. Çağlar also stressed that the process of full membership to European Community will fall into hardship and Turkey's membership of European Council will be suspended like it was done during the era of 12 September should Turkey fails to abide by the judgements of the court or takes back the authority which she has granted to the court.

Prof. Bakır Çağlar stated that the court had offered friendly solutions at the recent stage and the legal proceedings were ended by accepting to pay a certain amount of compensation. He said, "It should not be considered that this process would ever go on like this. The court has adopted a new approach which will allow the trials to be concluded within a short time. This means that a large number of cases which are currently on the agenda will be concluded in the near future. If the cases start to be concluded against Turkey one after another, European Council will naturally review its relationship with Turkey regarding her membership."

According to the official figures which were announced in July 1996, 111 out of a high number of appeals made with the Court have been found admissible, 489 cases were notified to the Turkish government for her defense, and 611 of these appeals are on the list of the Commission. Prof. Çağlar said that the Court considered the Kelekçi village-Akduvar case as a "sample case," and that similar cases would be concluded by taking this case as an example.

Bakır Çağlar resigned from his post 3 or 4 days after making this statement. Bakır Çağlar explained the reason for his resignation as follows; "I have fulfilled a warning duty. Actually, I haven't resigned from my post. I am going to continue to defend Turkish people in Turkey in presence of Turkish people. Only the location has changed. It has been said that I am egocentric, that I have accepted this post in order to make my abilities and talents stand out, and that I have resigned because the cases have reached to an extent that they cannot be defended. I am not the traitor who abandons his ship which means I am going to continue to defend Turkey. Strasbourg is not the only place in which Turkey is to be defended. Turkey can also be defended in presence of Turkish people. I perhaps made a mistake. I believed that the cases could be defended in Strasbourg, but the cases are actually to be defended in Turkey." Bakır Çağlar also made a statement regarding the "defense of Turkey," saying, "Turkey will not gain anything by winning a case in Strasbourg. The thing that should be done is to refurbish the national legal system so as to be in accordance with the international agreements. Then, Turkey will win."

Prof. Dr. Aslan Gündüz, who has undertaken the representation of Turkey after Bakır Çağlar, stated in mid-December that the prosecutors, due to lack of authority, are not capable of investigating the cases of human rights violations which are said to have been committed by the security forces. In the press bulletin of ECHR dated 21-31 October 1996, it was pointed out that Turkey has been convicted by the Commission as a result of İsmet Gündem case because of "ineffective proceeding." Much serious accusations of violations within the same case file, such as burning of villages by the security officers or opening fire at the villages, were not discussed during the proceeding. The Commission referred the case to the ECHR. Commenting on the decision by the Commission, Gündüz stated that the acquittal of Turkey of certain charges such as burning down of villages was quite important, and defended that "the assumption that the European Court of Human Rights is prejudiced has lost its validity with this judgement." According to Gündüz, the prosecutors' failure to carry out proper investigations has led to the decision of "ineffective proceeding." Gündüz said, "The prosecutors should investigate the incidents at least until the connection of the security forces with the incidents are clarified, and the prosecutors should submit the files which are composed of the evidences that have been collected to the Provincial Administrative Board. Thus, the evidence as to the incidents will have been collected, and the Provincial Administrative Board will be obliged to process the file which includes the evidences of the crime. The judgement which has been reached by the European Human Rights Commission indicates this deficiency."

Will ECHR Convict Turkey? (May 3, 1996-Yeni Yüzyıl/Hasip Kaplan)

Turkey, a member of the European Council, has accepted the right to individual applications to the commission in 1987 although she signed the Human Rights Convention in 1954, and recognized the compulsory jurisdiction of the European Court of Human Rights (ECHR) in 1990. Exhausting of the domestic remedies is a prerequisite for the individual applications.

Admission of individual applications made without exhausting of the domestic remedies is exceptional. And the majority of the applications made from Turkey, especially from the State of Emergency Region, in connection with burning of villages, evacuation of villages, murders by unknown assailants, torture etc. have been found admissible and thus, it has been concluded that the law in a certain part of our country is not functional. Although the number of individual

applications against the Turkish government have only been few in the beginning, but it has increased recently. It may be useful to take a look at the figures in order to have a better understanding of the current status of Turkey. The number of applications is 1725 as of 25 April 1996. The number of rejected applications is 262, the number of files which have been closed is 15, the number of files which are under review is 235 and the number of "admissible" applications which have been made so far is 98. Out of the admissible cases, 17 have been ended in friendly solutions.

If we examine the judgements made by the ECHR in recent years, it can be seen that the developed European countries have been playing the leading role in the human rights violations. However, when the convictions are examined, it can be seen that they have been resulted mostly from the violation of the right to a fair trial, violation of the property rights and individual rights, and the freedom of expression. However, the applications made against the Turkish government are related with torture cases, murders by unknown assailants, arbitrary detention, violation of the right to a fair trial, burning of villages, evacuation of villages, bombings, closures of political parties, and freedom of expression. It is also necessary to emphasize that the majority of the applications which have been concluded unfavorable to Turkey are originated from the State of Emergency Region.

The developed western European countries have made the necessary amendments in their legislation in accordance with the European Convention of Human Rights, and thus the complaints on the violations of, for example, freedom of thought, freedom to organization, freedom of expression, and on ethnic discrimination and torture have been minimized. There are law firms in these countries which have been specialized in this field.

When we take a look at the recent judgements of the Court against some of the European countries, Turkey's destiny can be clearly seen. For instance, in its decision dated 10.2.1995 and numbered 3/1994/450/529, the ECHR found the French government guilty of violation of the Article 6 of the European Convention on Human Rights which is on the right to a fair trial, and convicted the French government to pay a compensation of FFR 2 million for compensation in the amount of FFR 2 million and to pay the prosecution expenses which are in the amount of FFR 100 000. The abstract of the incident is as follows: A person who is under police supervision in connection with the murder of a member of parliament in France was referred to as criminal along with the Minister of Interior by the police chief during a press conference. England was found guilty of her act which was not considered to be a guilt at the time when it was committed according to national and supranational law and of the violation of the agreement in accordance with the Article 7/1 of Convention upon the judgement dated 9.2.1995, numbered 1/1994/448/527 and sentenced to pay GBP 13,852 in addition to the prosecution expenses which were in the amount of FFR 10 420 within three months.

The cases which have been given as examples have been concluded recently. Hundreds of similar judgements have been made. These judgements are not considered to be disasters in the countries which have been convicted. Nobody, especially the politicians do not make ignorant comments such as "they are making complaints about us to Europe." They know that they have to obey the agreement to which they are a party and fulfill their responsibilities.

The lawyers of the European Council member countries have professional law firms which have been specialized in this field. European Council member countries have to meet their obligations in accordance with obeying the agreement. This is considered to be the difference between the civil state and the state which is governed by the tribes. While Turkey is on the verge of this process, she has to be prepared for it. Today, Turkey is represented by a very few jurists of "Human Rights Division" which was established under the Ministry of Foreign Affairs, and this division is not competent and it fails to process any case within the given time due to the increasing number of recent cases.

Human Rights Division has recently been given the title of "the Ministry of Foreign Affairs, European Council, Human Rights Deputy Directorate." There is a serious shortage of qualified staff. The constitution, Law of political parties, crimes of thought, the restrictions on right to organization, murders by unknown assailants, burning of villages, ever-lasting tortures, disappearances and 650 code of laws which have been promulgated during the era of National Security Council subsequent to 12 September and which have not been changed yet do not promise Turkey a bright future. The TBKP, SP and HEP cases, which are numbered among the judgements of abrogation of political parties which have been reached by the Supreme Court, have been found admissible by the Commission, which indicates that the jurisdiction should be more sensitive in the implementation of the provisions of the agreement.

It is obvious that it is not possible to expect a rapid improvement in Turkey. In that case, one of the clever actions which is to be taken by Turkey is to meet the shortages in the defense mechanism (i.e. shortages of personnel and funds etc.) and to comprehend the binding power of the supernatural law and the supranational jurisdiction over the national jurisdiction and the security forces, and to ensure the allocation of a private fund from its budget in the amount at least one trillion TL.

Turkey-Greece relations

The relationship between Turkey and Greece was also bad in 1995 due to the reciprocal vetoes in connection with the problems of increasing the territorial waters to 12 miles, claims of support to the PKK, pressure on the West Thrace Turks, (*) and establishment of a NATO headquarters at Aegean Sea. Tension reached a peak with the incidents witnessed in Cyprus.

Mehmet Emin Aga, the selected mufti of İskeçe Turks, was found guilty of “assuming the identity of officials and hindering the activities of the officials who were assigned by the government” and sentenced to imprisonment for 12 months on 7 May. In his defense, Aga said that “he has been assigned to this task by the Turks of Western Thrace and he considers this task holy and he would report only to the God.” Mehmet Emin Aga appealed to the Supreme Court following the verdict was released. Aga had been sentenced to imprisonment for two months as a result of being found guilty of a similar charge and released after he served 6.5 months in prison for health reasons. Mehmet Emin Aga who barely survived an attempt of lynch which was committed by the fanatic Greeks during the incidents which took place in January 29, 1990, was given treatment in İstanbul. Aga has been taken to court several times more being charged with going against the government by means of assuming the title of “mufti.”

Ahmet Haciosman, the general secretary of Friendship, Equality and Peace Party (DEB) in Greece, was sentenced to imprisonment for 7 months being found guilty of assisting the return of the Turkish textbooks which had been prepared by the Greek authors for the Turkish students in Western Thrace, to the Presidency of Greek Education and Religious Affairs after they had been collected. Ahmet Haciosman was released upon his appeal to the superior court. Dr. Sadık Ahmet, a member of parliament, who was prosecuted in the same trial died in a suspicious car crash in 1995, and the case regarding Mustafa Hafız Mustafa, the reporter, was dismissed.

In the mean time, the European Court of Human Rights refused the application of Sadık Ahmet against Greece on the grounds that the application had been made before the occurrence of the “failure of the national legal system in Greece to produce a resolution” in November. In his application to human rights commission which he made in 1993, Ahmet had pointed out that he was sentenced to imprisonment for 18 months on January 25, 1991 on the grounds that he had said that “he has Turkish origins” and that he was not allowed to defend himself properly at the trial. Ahmet also pointed out that he was arrested and sent to prison for he had used the term “the Turkish minority in western Thrace” in the bulletins which he had handed out prior to the elections which took place in West Thrace in 1989. European Human Rights Commission reached the conclusion that Greece has violated European Agreement on Human Rights and the case was decided to be heard in ECHR. In his second application which he made to the commission in 1995, Ahmet claimed that the 3 % limit for the eligibility of the independent candidates which was imposed in the general elections was against the Agreement.

In 1996 report of Human Rights Watch, it was stated that the cases of human rights violations in Greece had increased and that especially the minorities and the refugees were subject to ill treatment” in this country. In the report in which it was mentioned that the freedom of speech was restricted, it was also mentioned that “human rights violations in Greece during 1996 and reached a dangerous stage.” In the report in which it was mentioned that the conflict between the Turks of Western Thrace and Greece become more serious with the Cyprus issue and Kardak crisis, it was also pointed out that Greek government maintained its attitude towards the denial of the existence of the Turks of Western Thrace. In the report in which the restrictions on the freedoms of education and religion and labor rights were mentioned, it was also noted that the employees of “Işık” radio station which broadcast in Turkish language were unjustly sued

(*) For instance, the Greek authorities have assigned managers to the Turkish Foundations in Western Thrace which was an act against Lausanne Treaty. This situation led to conflicts in Western Thrace. The meeting which was held by the Turkish minorities in order to determine the action to be taken against these attempts, took place despite the impediment by the Greek police and chauvinists. On 2 July, security forces locked the doors of Yeni Mosque where the meeting was to be held. The meeting took place at a later time.

and were subject to moral pressure. In the report in which it was pointed out that the people who had Macedonian origins had also been subject to discrimination, it was also stated that no news had been heard from the 29 Albanian refugees who had been previously deported. In the report, it was pointed out that the prisoners who were serving in the various prisons in Greece had rioted in demand for safe and healthy conditions in prisons in 1996. The report, which mentioned that European Court for Human Rights convicted Greece on the grounds of violation of freedom of religion in 1996, also pointed out that the Greek government banished the religious activities of the Jehovah's Witnesses by means of closing down the places of worship.

Incidents in Cyprus

In addition to the above mentioned conflicts, some incidents which resulted in the killing of 4 people took place in Cyprus between August and October. The incidents which took place as a result of the provocation by the chauvinists from both sides caused tension between Turkey and Greece. A Cyprus citizen named Tassos Isak (24) who was beaten with iron bars by MHP supporters died during the act of violating the border which took place on 11 of August in Lefkoşa and 56 were wounded. On the Turkish border, 12 people five of which were police officers were wounded. During the incidents, the demonstrators entered the buffer zone (no man's land) passing over the barbed wire, however, they were confronted with UN peace force troops. Then a clash in which stones and bats were used took place as a result of the UN peace force troops' failure to handle the situation.

The demonstrators who marched on with bats, iron bars and Greek flags in their hands after the funeral of Tassos Isak (*) on 14 August, entered the buffer zone passing by the UN peace force, and they wanted to lay a wreath and hoist the flag where Tassos Isak died. In the meantime, after the Cypriot named Solomon Solomou (26) who attempted to take the Turkish flag down after passing the border was killed as a result of the fire which was opened from Turkish side, and 12 were wounded in the incidents. 2 police officers and 6 demonstrators were subject to minor injuries during the incidents which took place on 15 August. Hayrettin Karateke photographer for Hürriyet newspaper, was wounded during the incident. A UN authority claimed that two English troops were also wounded.

In his statement, Özker Özgür, former Chairman of Republican Turkish Party (CTP) and member of parliament from Lefkoşa pointed out that the major responsibility is carried by the ones who brought the MHP supporters to Cyprus. Özker Özgür who reminded that the incidents on the borders have taken place following the arrival of the MHP supporters in the Island, pointed out that "these developments are also the indicators of the quality of the regime. A left wing should be formed against these incidents. Greek chauvinism is feeding Turkish chauvinism. The governments of both sides seek profit from this kind of incidents. The ones who are to deactivate the bomb are the socialists, patriots and the progressivists themselves. Cyprus issue cannot be discussed in Turkey. At the same time, Kurdish issue cannot be discussed either. These subjects are taboo like in Turkey. Both issues should be freely discussed."

Gustave Feissel, the Deputy Representative of Cyprus of the UN Secretary General, pointed out that the murder of Solomon Solomou is "terrifying." Feissel claimed that UN peace force had taken the situation under control although the Cypriot demonstrators entered the buffer zone, and Turkish troops had opened fire for no obvious reason while the demonstrators were being taken out of the buffer zone by UN Peace Force.

The dispute on the discretionary fund

The incidents which took place in Cyprus have brought another matter which is how and on what purposes the discretionary fund is used onto the agenda. (**) It has been discovered that

(*) An arrest warrant has been issued for the Turkish citizens Haşim Yılmaz, Mustafa Ergun, Polat Fikret Koreli, Mehmet Mustafa Aslan, Erhan Arıklı and Fikret Veli Koreli who were said to be responsible for the killing of Tassos Isak which took place on 22 November. Aleksos Markides, the Greek public prosecutor, pointed out that there were evidences on the defendants and the Interpol had been informed about the arrest warrant. An arrest warrant was issued for 5 other Turks upon the murder of Solomon Solomou as well.

(**) The information which was given by Abdullah Gül, then-Minister of State, in response to the parliamentary questions which was given by Yüksel Yalova and Yusuf Pamuk, MPs with the ANAP, and Önder Kırılı and Mehmet Sevigen, MPs with the CHP, constitutes a good example of the payments which have been made from the Prime Ministry Promotion Fund. The information which was provided by Gül has revealed that in 1996, an amount of payment which was more than the total amount of payment which has been made

then-Deputy Prime Minister Tansu Çiller has given the Prime Ministry Promotion Fund which was under the authority of Abdullah Gül, then-Minister of State, to Ufuk Söylemez of DYP, then-Minister of State, and 65 billion TL has been allocated from this fund in order for the expenses of the MHP supporters who went to Cyprus to be covered. This situation gave rise to disputes. Mehmet Ali Talat the chairperson of TRNC (Turkish Republic of Northern Cyprus) Republican Turkish Party, pointed out that it was known that the MHP supporters provided with a covered up support by the government and he noted that “200 nationalists came onto the Island. It is definite that they received a covered up support from the government. Everybody knows that. It could be understood from their attitudes when they got here. They were acting in a relief which was ensured by this governmental support. Talat who drew the attention to a branch of the *ülkü ocakları* which support MHP and which was opened on the Island, pointed out that the decree of the Cabinet is required in order for an association to open a branch in a foreign country.

Azmi Karamahmutoğlu, who is the chairperson of *Ülkü Ocakları* (ultra-nationalist youth centers activating in line with the MHP ideology) has denied the claims. Karamahmutoğlu who said that *ülkü ocakları* were not associations, also pointed out that “we do not have to take permission from the Ministry in order to open a branch. Besides, we open a branch of a journal not an association.” Following this statement, the branch offices of *Hürriyet* newspaper in İzmir and Antalya were attacked by MHP supporters in the evening. The group, composed of about 100 people, held a demonstration in front of *Hürriyet* building in İzmir and stoned the building and broke all the window glasses. The police did not interfere the group which organized another demonstration later on in Cumhuriyet square which is next to Kantar Police Station.

In the press conference which they held separately on 18 September, Pauline Green, who is the leader of AP socialist group, and Wilfred Martens who is the leader of Christian Democrat Group pointed out that the contribution which are to be made to Turkey within the coverage of Customs Union should be questioned. Green accused Turkey of “giving rise to incidents by means of dispatching the young people who are members of *ülkü ocakları* to Cyprus.”

Another incident which resulted in death of a person took place on 8 September 8. Enlisted man Allahverdi Kılıç was killed and Burhan Cihangir was wounded as a result of the fire which was opened by a group who approached to TRNC Security Forces Headquarters watch zone which is situated in Güvercinlik area in the vicinity of Magosa, by taking advantage of darkness. As a result of the investigation which was carried out by UN Peace Force authorities, it was pointed out that “the assault was realized by two specially trained Southern Cyprus troops who carried night vision equipment according to a plan which was previously made.” Rauf Denктаş, the republic president of TRNC pointed out that the Southern Cyprus authorities who put the troops under the oath to “drink Turkish blood” were responsible for the incident. On 13 October, the Cypriot named Petros Kakulides who entered the Turkish land as far as 200 meters in the Güvercinlik border zone of TRNC was killed as a result of the fire which was opened by Turkish troops.

Iranian refugees

In 1996, the Iranian refugees who fled from Iran to Turkey and sought refuge or who wanted to go to other countries accounted for a great part of the foreigners who were subjected to pressures as in 1995. They were frequently detained or disturbed and sometimes were deported to the risk of death. Thus, the government continued to violate its international and local legal undertakings on refugee rights. The armed attacks on the opponents of the regime in Iran continued. (*)

for the last ten years was made from the Prime Ministry Promotion Fund to the various organizations under the title “other organizations” whose names had not been declared. Between 1985 - 1996, more than the totality of the payment which were made to the ministries and the organizations such as MGK was allocated to “the other organizations”. Gül pointed out that “the other organizations got paid 450 billion TL between 1985 - 1996, and 687 billion 710 million TL in 1996. According to the statement, MGK has been granted a total of 387 billion 716 million TL from the Prime Ministry Promotion Fund. MGK became the third organization which was granted the highest allocation for the promotion activities following the Ministry of Foreign Affairs and the Ministry of Culture with the payment in the amount of 287 billion 370 million which was allocated from the fund in 1995. The payment which was made in 1996 in the amount of 687 billion which introduces an enormous increase to “the other organizations” which had been paid a total of 450 billion from the fund within the last ten years have drawn attention.

(*) Iranians in Turkey had been attacked frequently in previous years: Major Behruz Şehmuz Şahverdu, who supported Shah, was killed in İstanbul Küçükyalı on 16 May 1985; Colonel Hamdi Muradi in İstanbul

Some people raided a house at Millet Street in Aksaray, İstanbul at night on 21 February and killed the Iranian regime opponents Abdül Ali Moradi (31) and Zehra Racabi (Makiem Jowkarep Juadem-37). The victims were reportedly members of National Resistance Council of Iran (People's Combatants). The attack was reportedly organized by Iranian secret agents.

The National Resistance Council of Iran made a statement in Paris on 29 February, and maintained that Abdül Ali Moradi and Zehra Racabi were killed by Iranian secret agents, İbrahim Taroodi and Seyit Hasan İslami. In the statement, it was claimed that the murderers entered into Turkey via diplomatic passports and they were assisted by Muhammed Esfahlanin, who was supposedly an employee in Iranian Embassy in İstanbul and a secret agent. The Council had previously declared that one of the two Iranians was their member and the other was their sympathizer. And Mesut Racavi, the leader of the National Resistance Council of Iran, had sent communications to the Presidency, the Prime Ministry and the Ministry of Foreign Affairs, and requested that the murders should be discovered and sentenced at once. In the statement, it was also claimed that Uğur Mumcu, Çetin Emeç, Turan Dursun, Muammer Aksoy and Bahriye Üçok had been killed by the Iranian secret agents, and that the armed attack against businessman Jak Kamhi had been plotted by the Iranian secret agents as well.

On 22 April, two Iranians who were claimed to have acted as gunmen in the killing of Racabi and Moradi, and another Iranian and 3 persons who allegedly assisted them were apprehended. A trial was launched against a person named Abdülhamit Çelik and an Iranian named Reza Berzeger in connection with the incident. In the trial which started at İstanbul Heavy Penal Court No. 7 on 22 May, it was demanded that Reza Berzeger should be sentenced to death penalty on charges of "participating in the act of premeditated murder" and Abdülhamit Çelik should be sentenced to 20 years in prison on charges of "assisting the murder." Abdülhamit Çelik was released in the first hearing. Berzeger testified in the hearing and stated SAVAMA had threatened to kill his mother in Iran and his wife and child in Turkey: "Therefore, I started to inform SAVAMA of the activities of the People's Combatants Organization. SAVAMA demanded I should contact with Racabi and Moradi. The agents from SAVAMA and I went to the house of Racabi and Moradi in Aksaray and I knocked the door in the way as we had decided before. When the door was opened, the agents from SAVAMA killed them."

An Iranian named Bezfan (Bijan) Seifhanı Hasanzadeh Kaideh, who was claimed to have connections with the illegal fundamental organizations and who had been deported from Turkey for 7 or 8 times, was detained in the villa in Florya İstanbul he had rented for 20,000 US Dollars. It was found out that Kaideh, who was a secret agent for SAVAMA, had entered into Turkey with a false ID card. Kaideh, who was released due to lack of evidence whenever he was detained by the police teams from the Foreigner Branch Directorate, was interrogated in connection with the murder of Çetin Emeç. It was maintained that Hasanzadeh Kaideh, who was claimed to provide false ID cards for the militants of Islamic Movement Organization, cooperated with pro-Iranian organizations and collected information about the opponents of the Iranian regimen in Turkey. It was stated that Bezfan Seifhanı Hasanzadeh Kaideh, who was also interrogated by the MIT, had concealed, in Turkey, the murderers of former Prime Minister of Iran Şahpur Bahtiyar, who was killed in Paris, and arranged their travel to and from France.

Two corpses were found in Zeytinburnu, İstanbul, in mid-October. One of them was found under the Cevizlibağ overpass on O-1 Free Road on 14 October. This was the corpse of a man at the age of 35-40 who was strangled to death and whose eyes were scooped out, and no document specifying the identity of the corpse was discovered. The other corpse was found in a garbage area on 15 October. It was discovered that this was the corpse of an Iranian citizen named Ali Rıza Takovili, who was living in Zeytinburnu. The search conducted in his house revealed as blood-stained clover. It was reported that the home-mate of Ali Rıza Takovil, Recep Ali Sehrabi, another Iranian, was being searched. In 1997, it was found out that Ali Rıza Takovili was killed by a special team member "for money."

Bahçelievler on 23 December 1985; Colonel Ferzane Ahmet Hamid, a former bodyguard of Shah, in İstanbul Ataköy on 24 October 1986; Muhammed Hassan Mansuri, a leader of People's Combatants Organization, and a regime opponent named Behnan Fadıl in İstanbul Levent on 25 July 1987; Hüseyin Mir Abdi in the vicinity of İstanbul Atatürk Airport on 14 March 1990. Ali Ekber Gorbani, a leader of the People's Combatants Organization living in France, was abducted in İstanbul Beşiktaş on 4 June 1992. It was reported that Ali Ekber Gorbani was killed by the militants of Islamic Movement Organization, claimed to "have connection with the SAVAMA." Ali Akbar Nasir, who was kidnapped in the same period, was found dead in İstanbul Bağlarbaşı on 16 June 1992.

Sit-in act

The refugees from Iran that started a sit-in act in the Main Office of United Socialist Part and then in Mamak District Organization building (the said building was used by the Mamak District Organization of Freedom and Solidarity Party, ÖDP as of January 1996) of the same party in August 1995 in order to be able to go to any country they would like to and in order the pressures to be ceased were subject to intense pressures in 1996 also. They were often detained or threatened. The Iranians that requested refuge were exchanged with the Turkish opponents in Iran and sent to torture and death.

Nearly 60 refugees held a demonstration outside the Iran Embassy on 10 February. They burned the flag of Iran and picture of Khomeini and they were detained. The refugees stated the following after they were released: "We want to live. The revolutionist act of the Iran society which was the demand of the people that have been living under tyranny failed to achieve the contemporary freedom and advancement. This regime has neglected the fundamental rights and freedoms of the people and suppressed the Iran society with a reactionary system".

The Iranian refugees held a demonstration on 29 March in Güvenpark in Ankara. The number of the refugees was 64 and this included 27 children and 13 women and they emphasized that "31 March when the Iran regime was founded was the date of foundation of the most tyrant and bloody regime throughout the century." The police intervened with and detained the refugees whose slogan was "Long Live Freedom". Two of the refugees became ill during detention and hospitalized. Afterwards, the police raided the houses of the refugees that participated in the demonstration. Kemal Behrami, Mesut Kahramani, Muhammed Salih Hudai, Talah Hudai, Siyavaş Hudai and Araş Hudai who were said to the members of Iran Communist Workers' Party and Iran Democratic Party.

The refugees started a 5-day hunger strike in Ankara Branch of Human Rights Association (İHD) on 4 June in order to protest the UN. The Iranian refugees stated that they had been carrying out a sit-in act for 11 months, that the world public should impose the required pressure on the UN in order that the status of refugees could be granted to them and that the Ankara Representative of the Office of the United Nations High Commissioner for Refugees was silent to their problems. A teacher refugee named Aziz claimed that Iran requested Turkey to exchange the Iranians in Turkey with the members of PKK in Iran. Aziz said that they had no security of life, that their visas were about to expire and that they were concerned about the request of Iran. Aziz recalled that SAVAMA agents have killed many refugees in Turkey and said the following: "They are following us. They will kill us when we are not with NGOs and party representatives. The interest and support toward us may persuade the UNHCR Office."

On 27 June, the police intervened with the activists in the Mamak districts organization building of ÖDP and detained 50 Iranian refugees. Rıza Torun, lawyer of the refugees, said that the Directorate of Public Security did not permit him to see the refugees and that they were beaten under detainment. After they were released, the Iranian refugees said that they were ill-treated under detainment and they were not permitted to see their lawyer. Yıldız Temurtürkan, Secretary of İHD Ankara District, said that he refugee named Muhammed Milan was beaten during detainment and taken to hospital at night. He further said that the refugees had no security of life in Turkey since they were subject to the threat of being returned to Iran and that distributing them to different cities was a violation of human rights.

The police learned that the three regime opponents that have been staging a sit-in action in İstanbul Main Office of Democracy and Peace Party (DBP) would hold a press conference on 11 June and blockaded the building. The text was signed by the managers of HADEP, ÖDP, İP and EP and was read by Kemal Yüksel, İstanbul Provincial Manager of DBP. The text reported that the 3-month residence permission that was given to the Iranian opponents was about to expire and requested that Iranians should be granted the status of political refugees and accepted by a third country. The text further reported the following: "there are two parties to solve this situation. First is the Turkish government and the other is the Office of the United Nations High Commissioner for Refugees. We want the government to cease the pressures imposed on the refugees and help them to go to a third country."

The Iranian refugees staged another hunger strike on 23 September. They held a press conference on İHD Main Office and claimed that the RP - DYP coalition government wanted to use them against PKK during the negotiations with Iran. A refugee who wanted to remain unknown related the raid against ÖDP Mamak District Office on 27 June as "At that time, one of the policemen said 'Call the Iranian civilian.' He came and wandered among us. He disappeared after we warned him. Then they accused us of lying and beat some of our friends." The refugees

said that they heard the refugees that were returned to Iran were executed and claimed that RP “could sacrifice the Iranian opponents”.

İHD Chairman Akin Birdal made a statement on the 40th day of the hunger strike and recalled that the hunger strike was started to “protest the violation and insensitivity” of the Office of the UNHCR. He said that it was impossible for the refugees to return to Iran, that no positive initiative was made till today and that this institution would be responsible for their death.

As the health conditions of 4 of the refugees got serious, 15 refugees 3 of whom were women were taken to hospital with the order of the Ministry of Interior and by Osman Öztürk, Deputy Director of Ankara Public Security, Köksal Avcı, Director of Foreigners’ Department, Dr. Sabri Metin, Provincial Health Director who went to the main office of İHD; the police that blockaded the building helped them. The Iranian refugees rejected treatment and turned their hunger strike into a death fast. Kamil Ateşoğulları, İHD General Secretary, said that the refugees were taken to hospital regardless of their will and that it was their free will to turn the strike into a death fast. TTB Central Council made a statement which condemned the transfer of the refugees to hospital although they rejected treatment and since they were taken to hospital with force and under negative conditions. The statement said “we expect the reasons for this hunger strike to be resolved. We will continue to make medical and humane contributions.” The Iranians that were discharged from the hospital continued their action. The said action stopped on 17 November after the Office of the United Nations High Commissioner for Refugees accepted the demand of the Iranians to go to a third country.

The Avrasya Ferry

Another event that was in the agenda of the public for days was the hijacking of the Avrasya Ferry on its route from Trabzon to Sochi on 16 January. The action was as follows: “the Avrasya Ferry was anchored in the harbor in 16 January evening and it was raided by armed persons claiming to be “Chechnyan resisters”. The fire by activists aiming at the buildings around Trabzon harbors was responded with fire by the police and Commissar Rahmi Tunca, Director of Marine and Tourism Department of Directorate of Public Security, was wounded seriously from his back. The activists shouted slogans favoring Chechnya and said that they would kill a Russian in every 10 minute in case the captain would not go to the ship. The negotiations with the activists via megaphone was fruitless. The engines of the ferry started at 21:00 and it left the harbor at 21:30. There were 177 passengers and 65 crews in the ferry and it arrived at the İstanbul Strait on 19 January. The bargains continued and the action was stopped after 72 hours. 4 activists yielded. 5 people that hid among the passengers were found in the ferry (National Security Organization) on 20 January and detained.” Selim Gösterişli who was claimed to have a relation with MİT acted as a mediator in order to stop the action. Muhammed Emin Tokcan, Tuncer Özcan, Sedat Temiz, Erdinç Tekir, Ertan Coşkun, Ertan Coşkun, Ceyhan Mollamehmetoğlu, Roki Gitsba (Abhasian), Ramazan Zubarayev (Chechnyan) and Viskan Abdurrahmanov who were detained after submission were taken to Directorate of İstanbul Public Security, Anti-Terror Department, detained for 12 days and arrested in İstanbul State Security Court on 1 February. Muhammed Emin Tokcan, leader of the activists, recalled that “he would kill a Russian in every 10 minutes” and said “I shot a Russian youth near in the ear and told him to lie down as if dead. I told three Russian women to scream”.

The indictment prepared by the İstanbul SSC Prosecution Office stated that the İBDA/C organization supported the action and requested the defendants to be sentenced to imprisonment punishment between 19 years, 9 months and 34 years with for “establishing a terrorist organization, taking a marine transportation vehicle to another place by force and producing and carrying explosives”. The case began on 19 June in State Security Court. The case ended on 7 March 1997 and Muhammed Emin Tokcan, Tuncer Özcan, Sedat Temiz, Erdinç Tekir, Ertan Coşkun, Ceyhan Mollamehmet, Roki Gitsba, Yamazan Zubarayev and Viskan Abdurrahmanov were sentenced to imprisonment for 8 years, 10 months and 20 days. Emin Tokcan escaped from Dalaman Semi-Open Prison on 3 October 1997, Viskan Abdurrahmanov escaped from Bursa State Hospital where he was taken for treatment the same day, Tuncer Özcan escaped from Ankara Ulucanlar Semi-Open Prison on 9 October 1997 and Ramazan Zubaryev and Roki Gitsba escaped from İmralı Semi-Open Prison on 21 October 1997. It was claimed that they were permitted to escape in order to exchange some people between Turkey and Chechnya.

Other noteworthy incidents, and political and economic developments witnessed in Turkey in 1996 are as follows:

Cevdet Volkan was assigned as the Chief Prosecutor of Ankara SSC in January, after the retirement of Nusret Demiral. Prior to the assignment of Cevdet Volkan to this post, the name of Nuh Mete Yüksel was mentioned as the new Chief Prosecutor, but he was not assigned, and remained as Deputy Chief Prosecutor. Nuh Mete Yüksel, although he was not assigned as the Chief Prosecutor, determined the public agenda on many occasions.

Özdemir Sabancı (55), an Executive Board member of the Sabancı Holding, was shot dead in an armed attack he confronted in his office at about 11.00 a.m. on 9 January. In the incident, Haluk Görgün (43), director of an automotive firm within the holding, and secretary Nilgün Hasefi (40) were also killed. The armed attack provoked great protests in Turkey. The DHKP-C claimed the responsibility for the attack. A statement made by the DHKP-C after the incident read that the attack was carried out in reprisal for the incidents in İstanbul Ümraniye Special Type Prison on 4 January, which resulted in the killings of 3 arrested inmates.

İdris Erdinç (Driver İdris), the eldest communist of Turkey, died on 17 January. İdris Erdinç, one of the oldest members of the Communist Party of Turkey (TKP), was laid to rest on 18 January. İdris Erdinç had undertaken important responsibilities within the TKP, had been detained, convicted and tortured for many times. İdris Erdinç had also been prosecuted at İstanbul SSC on charges of “disseminating separatist propaganda” in an interview published in the daily *Özgür Gündem*, and he had been wounded in the head because of the police attack during the Mayday celebrations in 1994.

Five persons died when their car fell into a hole full of water in İzmir on 5 February. The trial launched in connection with the incident against Bornova Mayor Aysel Bayraktar, Deputy Director of Construction Works Servet Mücella Çelik, Construction Site Head Murat Ak and Yasin Türkeli, person responsible for vehicles, started at İzmir Penal Court of First Instance No.9 on 25 September. In the trial, Bayraktar was indicted on the demand of an imprisonment term between 3 months and 1 year, and the remaining defendants between 4 and 10 years.

In February, two prosecutors and two judges were put under investigation on charges of receiving bribes in their trials at İstanbul SSC. The incident was revealed when a person, whose name was not revealed, called SSC Chief Prosecutor Erdal Gökçen and gave information as to the bribes. In this phone call, it was stated that Prosecutor İsa Geyik, who was dealing with the trial in connection with the capture of 600 kg heroin at Oktay TIR Garage, and Uğur Çorumluoğlu, the temporary judge of SSC No.4 who released Gülizar Konuk, who had been captured together with drugs which amounted TL 1 milliard, had received bribes. Certain accusations were also made against Judge Saim Ekinci and Prosecutor Abdülkadir Diriarın. Thereupon, Chief Prosecutor Erdal Gökçen invited inspectors from Supreme Board of Judges and Prosecutors. Two inspectors scrutinized the trials of Saim Ekinci, Uğur Çorumluoğlu, İsa Geyik and Abdülkadir Diriarın, and received their testimonies. In the course of the investigation, testimonies of certain lawyers, security directors, and certain prosecutors and judges in charge at the SSC were received. Judges Uğur Çorumluoğlu and Saim Ekinci were assigned to Diyarbakır for a temporary period in order to carry out a healthy investigation, whereas Prosecutor Abdülkadir Diriarın was assigned to Kayseri and Prosecutor İsa Geyik to Konya.

The Committee of the Minister of the European Council elected Prof. Dr. Rona Aybay as the Chairman of the Human Rights Commission that was established in Bosnia-Herzegovina in line with the Dayton Treaty. The election for the 8-member Commission was made among 25 candidates in March. Other members of the Commission were from Germany, Austria, Denmark, Italy, Iceland, France and Poland. Rona Aybay is also works for the “Committee Against Racism” that was established within the European Council.

Ankara SSC former Chief Prosecutor Nusret Demiral was ousted from the MHP on 16 March, for he giving statements demanding Turkish version of the *ezan* (call for prayer) prior to the general elections on 24 December 1995.

Said Emin İbraginov, former Minister of Chechnyan Human Rights and Transportation and President of Human Rights, was attacked with knife by three unidentified people and seriously wounded. The translator of İbraginov said that İbraginov was out to phone Chechnya and was attacked in front of the building he was living in. The statement made on behalf of İHD said that İbraginov had declared in the Association that he would participate in the Peace to Europe Demonstration a short time ago, that phone calls of threat toward İbraginov and the Association were received. The statement further said “We informed the related people of these phone calls. Where were the security staff that were blockading the building during declaration at

the moment of the attack? Unfortunately, the opponents of peace are resorting to such attacks to achieve their dark objectives”.

Prof. Dr. Eralp Özgen from Ankara University was elected the Chairman of the Union of Bar Associations of Turkey during the general congress held on 17 March.

Writer Nihat Behram, who had taken up to living in Sweden as a political refugee following the 12 September coup, returned back to Turkey on 27 March. Nihat Behram arrived at the İstanbul Atatürk Airport by plane around 4.30 p.m., and then he was detained at once by the police, in connection with the “orders to apprehend.” Nihat Behram spent the night at İstanbul Department of Order Directorate. Protesting his detention, Nihat Behram said, “I really regret to have faced such a situation like this in my own country where I have returned after 16 years.” He was released in the morning of 28 March, when it was understood that he was actually acquitted in the trial, during which the arrest warrant in question had been issued.

President Süleyman Demirel confronted an armed attack by a person named İbrahim Gümrükçüoğlu during a ceremony in Kocaeli on 18 May. Demirel survived the attack without any wound, but Şükrü Çukurlu, the Guarding Director and İhsan Yılmaz, the correspondent for the newspaper *Milliyet*, got injured. Detained following the attack, it was reported that İbrahim Gümrükçüoğlu (58) was a sharia adherent and that he had carried out the attack “in protest of the military co-operation treaty between Israel and Turkey.” The İstanbul SSC Prosecution Office launched a trial demanding capital punishment for İbrahim Gümrükçüoğlu, who was remanded on 22 May, on charges of “definitely attempting to kill the President,” under 156 of the Turkish Penal Code. The prosecution of Gümrükçüoğlu commenced at İstanbul SSC on 8 August. Meanwhile, it was asserted in an article published in the French daily *L'Express* on 14 November 1996 that “two Islamists, who were apprehended in Algeria, had claimed that the attack against President Demirel had been planned by an Islamist organization.” According to this article, İbrahim Gümrükçüoğlu had been trained at a camp under the control of the Turkish Revenge Brigade (TİT). The daily based on its story on the testimonies of Algerian militants named Hüseyin Bendavi and Layfa Habu. Bendavi and Habu had fled to Turkey after clashing with the police in Roubaix on 29 March. Among the 4 people who were killed in this clash was a Turkish citizen named Nuri Altınkaynak. Bendavi and Habu said that Islamist organizations in Turkey had given them a warm welcome. They were captured when they went to France in August. During the search at the house of Bendavi, the police had found the photographs of 4 persons, whom, Bendavi claimed, were the ones who had participated in the armed attack. The prosecution of İbrahim Gümrükçüoğlu is under way.

Of the defendants who were put on trial at the military court on charges of corruption in the tender of construction of two motels in the camping area of Special Training Central Command in Gümlüdüz, İzmir, and causing a loss of 14 billion TL to the state, Pilot Colonel Ersev Asutay, Saffet Ertem, the owner of the contracting company, and Teoman Güneş, the director of the company, were sentenced to 18 years in prison each, Captain Derya Demir, Captain Kürşat Alpaydın and non-commissioned officer Münir Kandemir to 14 years in prison each. The officers and non-commissioned officers were removed from office. In the hearing held on 27 June, the court reprieved the sentence of 10 month imprisonment and 2 year and 6 months removal from office passed on Colonel Erol Gürmen and Colonel Hüsnü Karacaova. And the sentences passed on 9 officers and non-commissioned officers were commuted to fines and reprieved. The court filed an official complaint at Military Prosecution Office of the General Staff against Full General Halis Burhan, the former Commander of Air Forces, and Full General İlhan Kılıç, the former General Secretary of the National Security Council, who were claimed to have ordered the alteration of the tender. Captain Kürşat Alpaydın and Non-commissioned Officer Münir Kandemir, who were put on trial without arrest, were arrested upon the verdict.

Ten people were killed in a raid against a house in Esenler Quarter of İstanbul at about 04.30 a.m. on 19 October. The incident supposedly took place when 2 persons raided the house in which were their wives, whom they suspect that they had affair with somebody else. The names of the killed people are as follows: “Remziye Tekin (51), Nurhan Aydın (30), Aycan Aydın (24), Sibel Aydın (7), Dilber Tekin (11), Zübeyde Tekin (11), Tülay Tekin (19), Rıdvan Tekin (19), Atilla Oktay (26), Bünyamin Oktay (27).” In November, a trial was launched against Abdullah Aydın as being the assailant of the massacre, and his brothers Mehmet Nasuh Aydın, Hüsamettin Aydın and Suat Aydın, who were claimed to have assisted him, on demand of death penalty each for 10 times.

Some people that were celebrating the victory of Fenerbahçe after the Fenerbahçe-Manchester soccer game shot around and killed 3 people and wounded 3 people in Küçükyalı,

İstanbul. 3 people were wounded in Güngören and Çağlayan. One of them was a kid. Hüseyin Çakıroğlu and his friends who came to Küçükalyalı Megastar Casino argued with the waiters who said that the casino would be closed. They began to shoot around and Şenol Topyay (26), waiter, and Erol Bulut (22) died. Haydar Saraç who was wounded died in the hospital. After the event, Mehmet Kaşkin, Fuat Çakı and Necdet Çakır were searched for and Hüseyin Çakıroğlu was detained. In Çağlayan, Erdem Menteşe (25) went out the balcony after the game was over and shot around with his unlicensed gun. He was drunk and Şükran Menteşe (22) and her baby on her lap were wounded while trying to prevent him.

Colonel Sabri Arıkan who served as Provincial Gendarmerie Regiment Commander in Balıkesir and who was involved in various acts of fraud was sentenced to imprisonment punishment for 21 years in the proceeding on 5 November. Balıkesir Heavy Penal Court decided that he would be acquitted from the four of the seven crimes claimed against him. However, Sabri Arıkan was sentenced to 9-year imprisonment for taking bribe from the owner of Dilek night club in Havran, 9-year imprisonment for having another person pay the price of the furniture he bought for his summer house and 3-year imprisonment for using the timber in the regiment for his own furniture. His total imprisonment period was 21 years. Colonel Hanefi Erkan and two other non-commissioned officers who were prosecuted with him were acquitted.

The draft bill which dissolves certain SSCs and which re-defines the jurisdiction areas of the SSCs was adopted in a session of the Parliament in November. Accordingly, Erzincan, Konya and Kayseri SSCs will be dissolved, and new SSCs will be established in Erzurum, Adana and Van. The draft bill will be discussed at the Parliament. According to the draft bill, the jurisdiction areas of the SSCs are as follows: “Adana SSC: Adana, Aksaray, Antep, Hatay, İçel, Karaman, Kilis, Konya, Niğde. Ankara SSC: Ankara, Afyon, Amasya, Bartın, Bolu, Çankırı, Çorum, Eskişehir, Karabük, Kayseri, Kastamonu, Kırıkkale, Kırşehir, Kütahya, Nevşehir, Samsun, Sinop, Tokat, Yozgat, Zonguldak. Diyarbakır SSC: Diyarbakır, Batman, Bingöl, Mardin, Siirt, Şırnak, Urfa. Erzurum SSC: Erzurum, Ağrı, Ardahan, Artvin, Bayburt, Erzincan, Giresun, Gümüşhane, Iğdır, Kars, Ordu, Rize, Sivas, Trabzon. İstanbul SSC: İstanbul, Balıkesir, Bilecik, Bursa, Çanakkale, Edirne, Kırklareli, Kocaeli, Sakarya, Tekirdağ, Yalova. İzmir SSC: İzmir, Antalya, Aydın, Burdur, Denizli, Isparta, Manisa, Muğla, Uşak. Malatya SSC: Malatya, Adıyaman, Elazığ, Maraş, Tunceli. Van SSC: Van, Bitlis, Hakkari, Muş.”

Out of the 71 people who were prosecuted at Konya SSC for “being members of the PKK (Adana PKK trial)”, 14 were given life imprisonment, 44 were sentenced to various prison terms while the remaining 13 acquitted. The names of the 14 people who were life sentenced in the trial that ended on 13 November are as follows: Naif Özkılıç, Hicran Binici, Şehmuz Çelebioğlu, İbrahim Alkın, Güler Bilen, Tarık Taş, Mehmet Resul Öztıp, Şehmuz Kalır, Cemil İvrendi, Felemez Bilekçier, Abdullah Demir, Murat Aslan, Abdülvaki Aslan and Cahit Özkan. Those who were given 12 years 6 months’ imprisonment are: Türkan Çetin, Handan Dora, Nismiye Sunar, Remzi Paçraz, Mehmet Çalışkan, Sakine Kayran, Cesim Uçak, Eylem Zana Adıbelli, Mehmet Naif Yılmaz, Sadık Sülük, Refik Bayav, Beşir Corav, Ömer Barut, Aysel Ceylan, Medine Ösün and Seyfettin Yıldız.

Out of the 31 people who were prosecuted at Konya SSC on the same charges (Mersin PKK trial), Nurettin Çelebi and Hakim Eriş were each given the death penalty, but the sentences were commuted into life imprisonment. In the trial, Sara Aktaş was sentenced to 18 years 9 months in prison, Mehmet Halil Oral, Adil Erkek, Mehmet Kayhan, Vedat Toprak, Kadri Memiş, Burhan Uğurlu, Nurettin Yekda, Faruk Dinç and Ahmet Yiğit were each sentenced to 12 years 6 months, and Fatma Şanlı, İsmail Kayhan, Şehmuz Özçelik, Fahrettin Çapın, Kadri Karaman, Salih Şen, Kerem Koltuk, Gülihan Yavuz, Cumali Özer, Osman Eken, Şefik Emek, Suna Karasu, CebraİL Ölmez, Mehmet Eren, Aziz Şanlı, Ahmet Yeşil, Abdülhamit Tunç, Emine Çiftçi and Talip Oral to 3 years 9 months.

Atalay Coşkunoğlu, former General Director of Highways, was sentenced to imprisonment for 3 years and fine punishment of 10 million TL since he acquired unfair wealth, he did not declare his property and opposed to the Law on Struggling with Bribery and Fraud. Besides, it was decided that he would reimburse the amount of 14.306.000.000 TL which he had acquired unfairly with its legal interest. Ayhan Coşkunoğlu, his wife, Altay Coşkunoğlu, his son and Melike Coşkunoğlu, his daughter-in-law, were acquitted. The case ended in 4 years. In the last proceeding which was held in Ankara Court of First Instance No. 7 (on 28 November), Atalay Coşkunoğlu made a defense and stated that the case was brought against with fake supervisor reports and said “the Council of State decided that I could not be prosecuted and the Supreme Court decided that that I should be acquitted as a result of 9 of the 10 reports prepared about me by

the supervisors. I was prosecuted since I misused my duty, provided benefit to other people and acquired unfair gain. Since it was decided that I have not misused my duty, it can not be said that I acquired unfair gain.”

A German woman named Ewelina Dolata (36) who sabotaged a house in which Turks lived in Duisburg, Germany in August 1984, caused 7 people to die and 23 people to be wounded and who attempted to sabotage a refugee dormitory in 1993 was sentenced to imprisonment for 17 years and 6 months by Duisburg State Court. Ewelina Dolata was found guilty for heavy sabotage and murder in the case ended on 4 December in Duisburg Court. Dolata was sentenced to imprisonment with hard labor for 9 years for sabotaging a building in which Turks lived mostly and causing Döndü Satır (40), Songül (4) Çiğdem (5), her daughters, Zeliha Turhan (18), Rasim Turhan (18) and Tarık Turhan (1 month) to die and 23 people to get wounded. The court further decided that Ewelina Dolata would be sentenced to imprisonment with hard labor for 8 years and 6 months for attempting to sabotage a refugee dormitory in Duisburg city. The Court decided that Ewelina Dolata would have psychiatric treatment.

The Supreme Court of Appeals rendered its judgement in the DHKP-C trial, in which 24 defendants were prosecuted, on 29 December. The life imprisonment given to Orhan Özpolat, Mehmet Güngörmez and Nevzat Şahin in the original trial was upheld, whereas the one given to Feridun Yılmaz was overturned. The Supreme Court upheld the sentences judgements made against Lawyer Murat Demir (12 years 6 months), İbrahim Çuhadar (12 years 6 months), Necmi Suna (12 years 6 months), Güncel Şahin (12 years 6 months), Lawyer Bedii Yarayıcı (3 years 9 months), Yakup Şahin (3 years 9 months), journalist Osman Dağlı (acquittal) and journalist Deniz Teznel (acquittal), whereas overturned the ones against Hülya Dede (conviction), Ümmet Suna (conviction), Sefer Ergüven (acquittal) and Sinan Duru (acquittal).

THE KURDISH PROBLEM

The most important issue in Turkey in 1996 was again the Kurdish problem. The Kurdish problem, which is the primary reason for most of the human rights abuses in Turkey, was more complex than the previous years as a result of new and negative developments. The use of violence continued to be the most significant aspect of the Kurdish problem. Those with political power remained deaf to all democratic calls for a peaceful solution to the problem. Military methods were passed off as, and applied as if they were the only solution. Policy-making and practice in the Kurdish issue were once again left to the discretion of the National Security Council and the Offices of General Staff.

As a result of the continuing struggle between the administration, who insist on a military solution, and the PKK, (*) which continues its attacks, the Kurdish problem was caught up in violence and death, and appeared almost insoluble. Hostility, divisions and near irreparable differences emerged between Turks and Kurds. (On the one hand, many Kurds who lost relatives or were forced to leave the land on which they had been living for years witnessed violence. On the other hand, relatives of soldiers killed in clashes and guerrilla raids, or security officers disabled and the Turkish people in general, restless because of continuing attacks against civilians.)

The dimensions of violence in the State of Emergency Region grew day by day. Persecution and inhuman treatment continued incessantly. Hundreds of villages were evacuated and burnt. Towns and districts were damaged in attacks. Thousands of people left the settlements they had been living in for generations and migrated to other places, sometimes abroad. Shanty towns, where tens of thousands of people who had to leave their homes lived, were thrown up in the cities of Diyarbakır, Van, Adana and Mersin. Most migrants were preoccupied with the struggle of survival, only finding accommodation in highly unhealthy conditions. Extra-judicial executions, murders by unknown assailants and cases of torture continued. Numerous ground and air operations were carried out against the PKK both in Turkey and outside its borders.

Every day corpses of young soldiers (*) killed during clashes, raids or ambushes were delivered to cities in western parts of Turkey. The funerals of soldiers fired up the reactions

(*) The establishment of the PKK dates back to 1970s. Abdullah Öcalan started the activities while he was a student. The first meeting was held at Ankara Çubuk Dam (May 1973), then meetings were held at Ankara Tuzluca and Ankara Dikmen (1976). A draft program was prepared in the summer of 1977. The PKK was established in the first congress held in Fis Village in Lice, Diyarbakır, on 27 November 1978. Abdullah Öcalan, Mazlum Doğan, Hayri Durmuş, Mehmet Karasungur, Şahin Dönmez, Cemil Bayık and Baki Karer were elected as the members of the first Central Committee. Öcalan left Turkey in May 1979, and the PKK militants began to receive training in Palestine. Hundreds of PKK militants and supporters were captured after the military coup in 1980. The second congress of the PKK gathered on 25 August 1982. Armed groups began to be sent in Turkey in the same period. Eruh and Şemdinli raids were carried out on 15 August 1984. The ERNK (Kurdistan National Liberation Front) was established on 21 March 1985. The third congress was held within the same month, and ARGK (People's Liberation Army of Kurdistan) was established. The PKK has changed its organizational structure in the fifth congress held in 1995.

(*) For example; 14 soldiers, who died in clashes in the State of Emergency Region, were laid to rest in various parts of Turkey on 26 August. The names of the soldiers and the places they died are as follows: Adem Uzundal (24 August, Selvi Gendarmerie Station in Genç, Bingöl), Yılmaz Korkut (wounded in Tunceli, died in Ankara Gülhane Military Hospital), Yusuf Kaya (24 August, Selvi Gendarmerie Station in Genç, Bingöl), Yunus Arkan (25 August Silopi, Şırnak), Non-commissioned officer (NCO) Fikret Tunç (24 August,

(which were also persistently provoked by certain TV channels, newspapers and political parties) against the Kurdish people.

The voices of those calling for a peaceful solution to the Kurdish problem could not be heard among the clamour of those who defended and applied methods of persecution. Ideas and initiatives which strayed from the official ideology were subject to severe punishment. Journalists and writers were arrested and sentenced to imprisonment. Pressure on political parties, democratic mass organisations and human rights activists intensified. All that had happened in the State of Emergency Region, and everything that had taken place there, was hidden from the public or made public with the facts distorted. Chauvinistic and nationalistic emotions within society were incited by media hype of certain incidents. An example of this was the attitude of aggravation witnessed after the tearing down of the Turkish flag during the HADEP Congress in Ankara on 23 June.

The legislation of the state of emergency, which has prevailed in Southeastern Turkey since July 1987, and the village guard system, were not lifted despite numerous promises. The legislation of the state of emergency was extended four times in 1996, once for a period for 45 days. The legislation had been extended 29 times by the end of 1996. However, on 30 November 1996, when it was extended for the 29th time, Mardin province was taken out of the area of legislation. The 9 provinces covered by the State of Emergency legislation as of the end of 1996 were Van, Bitlis, Tunceli, Şırnak, Hakkari, Diyarbakır, Batman, Bingöl and Siirt. In October 1997, the state of emergency was lifted in Batman, Bitlis and Bingöl. The legislation still prevailed in Diyarbakır, Hakkari, Siirt, Şırnak, Tunceli and Van.

Although the State of Emergency rule was in force, a bill was prepared to spread a similar rule throughout Turkey. In June, the Provincial Administration Bill, which was publicised under headings of “democratisation” and “preparing the ground for the abolition of the practice of the state of emergency” was in fact destined to conclude in the spreading of the emergency state practice throughout all Turkey, was submitted to the National Assembly. The bill was enacted by the National Assembly on 29 August, and brought amendments to the Law of Provincial Administration, the Anti-Terror Law, the Law of Those Provided for from the enlisted men’ Mess, the Law of Firearms and Knives and the Law of Declaration of ID. The bill, which became known as “martial law in disguise,” abolished the procedure to be followed by security officers when intervening in incidents (the stop warning, warning shots into the air, warning shots at the legs and general warning shots) authorised security officers to fire directly at the people not obeying the stop warning. In the bill, this authority had been limited to the State of Emergency Region. The act also authorised provincial governors to launch cross-border operations. Cross-border operations shall be launched upon the request of provincial governors, with permission from the government and the approval of the neighbouring country. The act also provided the village guards with the right to keep their unlicensed guns.

The highly damaging effects on the Turkish economy of the Kurdish problem continued at an increasing pace. As a result of the violence, Turkey was forced to take on financial burdens amounting to trillions of TL. The economic balances, which had been shaky for years, were completely disrupted. The bill for this economic bottleneck was again met by workers, state employees and other people of low income. In his response to a parliamentary question by RP MP for İstanbul Azmi Ateş in mid-December, Minister of National Defence Turan Tayan, stated that an average US\$ 3,750,000 was spent daily for the combat against the PKK. Tayan said “The total daily expenditure is approximately US\$ 1,250,000, of which \$400,000 was spent by the Land Force Command, \$800,000 by the Gendarme General Command and \$50,000 by the Air Force Command. This amount does not include the money allocated for other public institutions, mainly the Ministry of the Interior (excluding the Gendarme General Command). Taking these institutions into account, one must conclude that the daily figure triples. These figures do not include money spent on operations by the security forces. When making such calculations, one must also take into consideration the amount spent by other bodies.”

In a meeting held in November, Prime Minister Necmettin Erbakan presented the report prepared by Diyarbakır MP Ömer Vehbi Hatipoğlu, entitled “Terrorism and the Southeastern Issue: the Economic Aspects,” in which it was claimed that “most of the funds allocated to the

Selvi Gendarme Station in Genç, Bingöl), Hasan Korkmaz (Şırnak), Mecit Bayram (Şırnak), NCO Levent Karaçulu (Bitlis), NCO İrfan Yılmaz (Otluca region, Hakkari), Muzaffer Arslan (Genç, Bingöl), NCO Hacı Hüseyin Kütükçü, NCO Mehmet Renzi Yersel, Nurullah Sabirer, Mehmet Şahin. Five soldiers were laid to rest on 27 August. The names of the soldiers are Engin Özcan (Hakkari), Mehmet Şimşek (Hak-kari-Omurca), Yusuf Yitmez (Hakkari), Hakan Korkmaz, (Bağdattepe Silopi, Şırnak) and Erol Sunma.

fight against terrorism to date have been wasted due to a vicious circle.” The report proposed that the State of Emergency Region should be denoted a “Disaster Area.” The report explained in detail the historical and economic situation of the East and Southeast. In the section entitled “State of Emergency, Expenditure in the Fight against Terrorism and the Regional Economy,” it was recalled that an annual average of 8-10 billion US Dollars was used for each stage of the fight against terrorism, and it said: “Apart from discussion related to such expenditure, measures taken failed to address the destructiveness of terror on the economic situation of the region. In general terms, the lowest estimate is that approximately US \$ 48 billion have been allocated to the fight against terrorism within the last six years. However, since the expenditure was limited to one angle of the problem, it has been unsuccessful, and success against terrorist actions has been less than expected over the years. The increase in terrorist acts has led to the collapse of the economy, and economic collapse has resulted in social unrest. Disruption of this vicious circle will only be possible by dealing an economic blow to it. Attempts at disrupting it via military means have failed and caused the loss of lives and property.”

The following are the sub-sections covering information about developments related to the Kurdish problem, inhuman treatment in the State of Emergency Region, attacks by the PKK and similar events in 1996. (*)

a)- Calls for peace and cease-fire

Despite all negative aspects of the Kurdish problem and all the serious incidents, individuals and organisations demanding a peaceful solution for the problem continued their activities at an increasing pace throughout 1996. These demands, which were frequently voiced especially in the first half of 1996, called for a positive response to the cease-fire declared by the PKK in 1995 (detailed information on page 58), a permanent cease-fire, and a start to negotiations between the parties. Numerous initiatives were started both in Turkey and abroad in support of a peaceful solution. The most notable of these initiatives was the campaign “A Million Signatures for Peace.” A million signatures collected within the framework of this campaign over all of Turkey were submitted to the National Assembly in 1997.

In the “Workshop for Peace” conference held at the Marmara Hotel in İstanbul on 28 January, the main issues discussed were the cease-fire and the Kurdish problem. Şanar Yurdatapın, the chairman of the conference which included participants from various political circles and organisations, stated that their aim was to make the cease-fire permanent and to form a single peace movement supported by the people in general by pulling together the various peace initiatives. İHD President Akın Birdal said that Turkey was being offered another chance in the unilateral cease-fire declared by PKK, and articulated several proposals for the maintenance of peace. At the meeting, Mehmet Atay, Secretary General of the DİSK, Ufuk Uras, President of the ÖDP, Murat Bozlak, President of HADEP, Aydemir Güler, the President of the Socialist Workers Party (SİP), Siyami Erdem, the President of the KESK, academic and journalist Fikret Başkaya, journalist- writer Altan Tan, former secret service employee Mahir Kaynak and İhsan Aslan, President of the Islamic human rights organisation Mazlum-Der, presented their views. In the declaration published following the conference, the following views were aired: “The current war is one of most important reasons for the economic problems in the country and this economic bill affects the wider public sectors”; “The Kurdish problem should be resolved through democratic, peaceful and political methods under free conditions on the basis of equality”; “Attempts should be made to make the cease-fire declared by PKK bilateral and permanent”; “A single peace movement should be formed by the various peace initiatives preserving their differences.”

Following the Workshop for Peace conference, the “Kurdish Problem and the Democratic Solution” symposium was held by the Kurdish Institute on 4 February at the İstanbul Hilton. Among the communications presented in the symposium, which had an audience of almost a thousand, it was stated that there must be a response to the cease-fire declared by PKK. The speakers, including pro-Islamic author İsmail Nacar, Welfare MP Bahri Zengin, author Altan Tan, İHD President Akın Birdal, prominent liberal academic Doğu Ergil, former secret

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

service employee Mahir Kaynak, and Deputy President of HADEP Osman Özçelik, demanded that there should be a response to the cease-fire declared by PKK, that a general amnesty should be declared, and that the Kurdish identity should be recognised. The following are some of the demands included in the final declaration of the meeting:

- The Kurdish problem relates to the existence and lives of the Kurdish people with their own identity. The laws which prevents the discussion of this problem, and the freedom of thought and organisation should be amended, and any non-violent thought and organisation should be free.
- Each and every opinion should be represented at the National Assembly in Turkey. The laws concerning political parties and elections should be re-arranged and made more democratic.
- Turkey should abide by human rights, which are a compulsory element of contemporary democracy, and comply with international conventions to which it is a signatory; the Kurdish national identity should be recognised and secured constitutionally.
- The state of emergency and village guard system should be abolished, and the village guards should be commissioned for the reconstruction of destroyed villages.
- The immunity of MPs and others in torture, summary executions, and violation of human rights should be abolished.
- The perpetrators of the murders by ‘unknown assailants’ should be apprehended; those who have committed murders, tortures, or summary executions should be brought to light and put on trial.
- The Kurdish side should be allowed to articulate their peaceful and democratic demands like the right-wing, left-wing, pro-Islamic, social democratic and other groups.
- For the maintenance of permanent peace, an environment of mutual confidence between the side needs to be established; the concept of citizenship ignoring the differences of the various cultural entities and peoples needs to be redefined; and the state needs to be restructured with a democratic content with all its institutions and organs.
- Policies of assimilation need to be abandoned; pressures on the Kurdish language and culture need to be abolished, and allowances need to be made for their development.

Another initiative, highly symbolic of to demands for peace, but which caused waves, was the “Peace Train” organised by the İHD. The Peace Train set out on the night of 21 April in İstanbul, travelled through Adapazarı, Ankara, Kayseri, Sivas and Malatya, and arrived in Diyarbakır on 23 April. In Diyarbakır, people who wanted to meet the train were prevented from doing so by the police. Of 20,000 people who gathered to meet the train, approximately 5,000 people were not allowed into Station Square. The police controlled the entry into Station Square and prevented people trying to enter the square from doing so by opening fire into the air and beating them with truncheons; 16 people were detained. The detainees were released on 24 April. Among them, Şükran Aydın, the wife of Vedat Aydın, the murdered Diyarbakır Provincial President of the People’s Labour Party (HEP), stated that they had been subjected to torture. In the ceremony organised for the arrival of the train, Ercan Kanar, İHD İstanbul Branch President said “Many people from Adapazarı, Ankara, İzmit, Kayseri, Sivas, and Malatya sent us to you with embraces burning with desire for peace. During the trip, soldiers, waved to us too. They want peace too. We will accelerate our struggle for peace, not wasting a second, to put an end to the war which has caused to the death of 25,000 people. As peace advocates, we demand that the unilateral cease-fire should be made bilateral, that war institutions like the State of Emergency, Special Teams, and the Village Guard system be abolished, and that a non-discriminatory general amnesty be declared. We are determined to established peace in these lands.”

At an international seminar entitled “the Kurdish Problem and Turkey: Which Political Solution?” organised on the initiative of the Swiss Social Democrat Party in Bern on 29 and 30 June, proposals for a solution to the Kurdish problem were discussed. Representatives from Spain, Switzerland, England, Sweden, Italy, Germany, Belgium, and Austria took part in the seminar. The seminar emphasised that despite the cease-fire declared by PKK on 15 December 1995, operations continued in the region, and it was decided that international initiatives should be taken. The final 13-point declaration, adopted unanimously at the meeting, resolved that an international co-ordination office be established within the Swiss Parliament to participate in the Kurdish peace process in Europe, that steps should be taken for organisation of an international Kurdish conference in Switzerland, that the unilateral cease-fire declared by PKK should be taken into consideration, that contact with Turkey should be established requesting that the Red Cross be allowed to visit the prisons, and that weapons blockade should be imposed on Turkey.

Another meeting was held in Bonn, Germany between 5 and 7 July. Attempts by Volkan Vural, the Turkish Ambassador for Germany, at preventing this meeting failed. In his speech, İHD President Akin Birdal stated that the lack of solution to the Kurdish problem led to the insolubility of economic, political, social and cultural problems. Birdal accused the United Nations of not reacting to the numerous human rights violations. Since there was no-one to address, Birdal went on to suggest that “the opposing powers in Turkey should form a counter-force against the ruling power” and all civilian community organisations, opposition parties and institutions should be included in this force.

Initiatives for peace were not limited to meetings and similar activities. For instance, Abdullah Öcalan, the leader of the PKK, spoke by telephone on a programme on the Kurdish TV station MED TV on 17 March, and explained that he had sent a letter to the Prime Minister Mesut Yılmaz, saying “The other side needs to be more open and we need to see the extent to which he truly desires peace. He should specify clearly what he expects from peace and what he opposes. He should respond within the framework of the letter I sent. He should say ‘I will do these things.’ Let us open a way for dialogue on the basis of the integrity of Turkey. We do not want to divide Turkey and are not desirous of impoverishing it. Rather, we want to make it rich. No achievement can be made though the pompous words ‘We have completely finished [the PKK]’. They may kill us as individuals, but they cannot finish us off completely. If we are regarded as a side, there are the representatives of the Kurdish people. This senseless war should be brought to an end. We will not give up on our democratic rights. But everybody is playing deaf. I will not be responsible for any possible unhappy consequences.”

How the letter had been conveyed to the Prime Minister Mesut Yılmaz was a point of discussion. Öcalan stated that the letter was given by Heinrich Lummer, the German CDU MP, to Prime Minister Mesut Yılmaz in a meeting in Damascus in November 1995. Lummer said “Öcalan sent the letter to me via his couriers so that I could give it to Mesut Yılmaz. And I sent it by post to Yılmaz.” Öcalan, who replied to questions of the BBC in a live broadcast on 3 April, stating that he had learnt that the letter had been conveyed to Mesut Yılmaz and that “We heard that the letter had been received by Mesut Yılmaz; it is in his hands. We have sent the letter via another channel as well. For the moment Mesut Yılmaz thinks it not suitable to reply, but at the same time he has not rejected it.”

Secret Letter by Apo (7 August 1996-Hürriyet/Ertuğrul Özkök)

Abdullah Öcalan has stated that he sent a letter to Mesut Yılmaz during his term as Prime Minister. However, whether it was received by Yılmaz has never been clear. Yılmaz always replied to questions saying “I have not heard of it.” During our conversation yesterday, for the first time, the Motherland Party leader declared that he had received the letter.

Öcalan wrote the letter on 13 March 1996. The letter was sent to Yılmaz by post by a German MP named Heinrich Lummer on 15 March. Naturally here a question arises. If it was to be sent via mail, why was a German MP a mediator? Yılmaz says “Perhaps they want to imply that they were being supported by a major power.” It is a 3-page “confidential” letter. I myself did not see the letter. Yılmaz told me about it. He had sent copies of it to President Süleyman Demirel and to the National Intelligence Establishment (MIT). What about the reply?

He says “I did not reply to it.”

What was written by Öcalan? Yılmaz said a part of it to me. Öcalan wrote that “They did not want war, but peace.” And he defined his target as “an egalitarian federation on the basis of fraternity of the Turkish and Kurdish peoples and a restructure of the republic within the framework of these principles.” In addition, he wrote that such figures as Turgut Özal tried to be a party to cease-fire, peace and political solution initiatives, but they were impeded. The essence of the letter can be summarised as follows: “As we enter into a new period with the Motherland/True Path (ANAYOL) coalition government, I would like to remind you that we are ready for the democratic and peaceful solution of the problem, that any dialogue to be established will give a significant impulse to the politics, and that the success of your government depends basically on this issue. Otherwise, a period of war still more intensive than before will settle in.”

The last part of the letter recalled that even in unitarian states, the different elements could co-exist and that countries subject to such problems such as Britain, Spain and Palestine prefer to establish dialogues. The last sentence is interesting. Öcalan says “I would like to state that everyone wants to take your attitude and speeches during the election process as a guarantee with respect to the issue in question.”

The existence of this letter was known, but this is first time its content has been released. Öcalan's demands focus on two points: "restructuring of the Republic" and "federation." Now Prime Minister Necmettin Erbakan is trying to find a way of establishing an indirect dialogue with Öcalan and the PKK. What does Yılmaz think of this? Although four days have passed since the start of the discussion, the Motherland Party Leader was silent on this issue.

Yesterday he stated his views for the first time:

"From the start we have said that this issue cannot be resolved by military force. But, as long as the PKK exists, military measures will be in force. If the level of success in the struggle against the PKK is measured by the numbers of PKK militants killed, the numbers of militants killed was highest during my term of office. That was in April 1996. There is a change in our attitude towards the PKK. The PKK should be completely abolished. But our struggle should also be conducted within legal limits. As for the civilian authorities, their duty is to strengthen individual and local democracy without ethnic discrimination. More freedom, more rights."

Yılmaz says that he is seeking a way to dialogue. He explains as such:

"I said to Ahmet Türk (HADEP member and former MP) 'If you curse the PKK, we can form a common platform with you.' They said that this would be a proper act, but they were not able to do it. I was the first political party leader to visit the [Kurdish] People's Democracy Party (HADEP). I saw HADEP as a civilian group which rejected the terrorist methods of the PKK. But after the Turkish flag was lowered at the HADEP congress, my thoughts changed."

Yılmaz says that during his term of office they planned to abolish the State of Emergency, to initiate economic campaigns in the region, and then to undertake certain cultural ventures. Now at last we come across the initiative by Prime Minister Erbakan to establish dialogue with the PKK. Will Yılmaz support this initiative? "No, we will strongly reject any attempts at a solution by establishing dialogue with the PKK. We will reject them more strongly than the army do. If I had the slightest doubt in this regard I would reply the letter sent to me by the leader of the organisation, and establish a contact with them. But I did not do it."

Initiatives by İsmail Nacar

Another initiative at establishing peace, which produced no fruit, was on the agenda in July. The first steps towards the pro-Islamic author İsmail Nacar becoming a mediator were taken by Zübeyir Aydar, former Democracy Party (DEP) MP for Siirt and the President of the Executive Committee of the Kurdish Parliament in Exile. After Necmettin Erbakan became Prime Minister, Aydar called Nacar and said "Let us solve the Kurdish Problem through peaceful means. Is it possible for Erbakan to establish dialogue with us?" Then Erbakan invited Nacar for a meeting. The first meeting was held in the Head Office of the RP on 27 July. In the meeting in which RP MP for Van Fetullah Erbaş was involved, Nacar told Erbakan about earlier conciliation attempts (*) and proposals for a solution. Erbakan, Fetullah Erbaş and State Minister Fehim Adak met with Nacar after two days. Later Nacar made a statement and explained the attitude of the state: "The state will not bargain with terrorists. But everything necessary to solve the problem and stop the bloodshed will be done. The start of the initiative should not be understood to mean bargaining with the terrorists." At the meeting the idea that in order to encourage the PKK to stop fighting and to end the tension, contact should be established with civilian community organisations including DEP and HADEP in particular came onto the agenda. On 2 August Nacar and Erbaş met with HADEP Leader Murat Bozlak and his colleagues in Elmadağ Prison in Ankara.

When Nacar provided information about his initiative he said that Necmettin Erbakan had made no suggestions to him, and that he had given Erbakan a file including comments and information on "the characteristics of the region, the attitude of the countries in the region towards PKK and the terrorism issue, the attitude of the other Kurdish groups towards the issue and which of these can be recruited." Nacar said "We have to analyse the psychology of PKK and other Kurdish groups. How will you remove those who want to go on with fighting, either within the PKK or on the Turkish side? It is necessary to create a ground base of public opinion in this regard and to draft policies taking popular demand into consideration."

(*) On 19 October 1993, İsmail Nacar wrote a letter to DEP and stated that he could mediate for the solution of the Southeast and on 29 October 1993 he made a press release in which he made public his attempt at "mediation." Although Nacar, and Mikail İlçin, who was known to be closer to the Islamic wing, got an appointment from Öcalan the meeting was not realized since Lebanon and Syria did not issue visa to them.

Nacar said that Erbakan had not made any assessment and had said nothing concrete other than expressing his goodwill, and stated that Murat Bozlak had said “The government appears to be showing goodwill and we are waiting for it to take steps. We are contented with the attitude taken by the government towards the prisons. If goodwill is demonstrated in this regard, Turkey will have good prospects.” When Nacar was asked whether these meeting implied bargaining with the PKK he said “Nobody says we should bargain. I myself cannot say such a thing. It would be a mistake for the State to act in such a way. But if the State takes democratic steps appropriate to the era for establishing conciliation with its citizens in a manner suitable to itself, and in return the other side does their best with goodwill and does not kill soldiers, and if this process goes on in this way, and everybody proves their sincerity, then we can come together and discuss what should be done in order to establish internal peace.”

Cease-fire

One of the most significant topics in the Kurdish issue in 1996 was the cease-fire unilaterally declared by the PKK leader Öcalan of the for the period starting from 15 December 1995 “until the new government took office after the elections.” (*) Joining a news programme on MED TV via telephone on the night of 14 December 1995, Abdullah Öcalan stated that the duration of the cease-fire could be re-determined in accordance with the attitude of the government to be established. Öcalan said, “Unless there is an attack aiming at our destruction, we will not end the cease-fire. If our call does not receive a positive response, we will turn Turkey to hell. The cease-fire is not a short-term tactic to save the day. It is to provide an opportunity for the choice of peace. The other side should at least consent to political dialogue. We are not in a position to divide Turkey.”

In fact, the possibility that Abdullah Öcalan would declare a cease-fire had been indicated in November 1995. Öcalan participated in a panel discussion on MED TV via telephone on the night of 20 November 1995, and disclosed that he was ready to go to Ankara in order that a prevailing peace be maintained. He said, “I want an unconditional bilateral cease-fire without interruption, and then negotiation. We will hold a referendum. People from every minority, nation, sect and sex shall decide how to live together on a constitutional basis. Let us discuss this and submit it to the public. I will obey every decision regarding me. The sole thing I want is a fair discussion. I do not want anything else. I will come and say, ‘The interests of Turks regarding the Kurds can be such and such.’ The opposing party will say, such and such can also be interests.’ We will put the outcome to a referendum. I am ready to bear all legal responsibilities, if the result turns out to be against us.”

In a statement he gave to the newspaper *El-Hayat* in the same period Öcalan noted that they were ready to give up the armed struggle if the US would take the role of a mediator for the solution of the Kurdish problem, and asserted that the ultimate solution for the Kurdish problem would be the establishment of a federation on the territories of Turkey, Iraq and Iran. He said that he wanted a federation within the borders of Turkey as a first step, and added “We are ready to lay down our arms if the Unites States wishes to solve this problem through negotiation and peaceful means. We are also ready to solve the problem within the borders of Turkey, without trying to change them.”

In the same period, it was revealed that Öcalan had sent a letter to US President Bill Clinton, and asked for his “intervention for a peaceful solution to the Kurdish problem.”(**) In

(*) Abdullah Öcalan, in a press conference held on 17 March 1993 in Bekaa Valley, declared a unilateral cease-fire. Öcalan, in another press conference held on 16 April, disclosed that the cease-fire had been indefinitely extended. While the attacks of the PKK against the security officers almost stopped, operations, village raids, torture and inhuman treatment by security officers continued. Provocative and harsh speeches and statements made by various state authorities, particularly by the then Interior Minister, İsmet Sezgin, affected the cease-fire period negatively. The only positive witnessed act was a change in one of the articles of the “Repentance Law.” The killing of 13 PKK militants on 19 May 1993 in the vicinity of Kulp, Diyarba-kır, was one of the events which brought an end to the cease-fire. A group of PKK militants who pleaded this event, retaliated in an unacceptable manner by blocking the road between Bingöl and Elazığ in the night of 24 May 1993. The militants captured a total of 37 persons, 33 of whom were soldiers and 4 were teachers, and executed them by shooting. Thus, the cease-fire ended *de facto*. In a press meeting he held on 8 June in Bar Elias in Lebanon, Öcalan announced that the PKK put an end to the cease-fire.

(**) Abdullah Öcalan had sent a message to an international meeting held in Belgium in March 1994, and said that they did not want to separate Turkey, that they were ready to discuss every alternative, including federation, and were open to all proposals on that issue, and that they would clear the way for an end to the

the letter, dated 13 October 1995, copies of which were also sent to Bob Dole, the leader of the Republican majority in the US Senate, and the Leader of the House of Representatives, he claimed that massacres like those against the Greek and the Armenian peoples in the past, were being directed at the Kurdish people now, and he accused the Turkish government of violating human rights continuously. The letter said that the PKK had applied to the armed struggle as all the other paths had been closed to them, and continued, "Unless we are attacked, we will not attack. We are ready to declare a unilateral cease-fire." The letter said that the PKK was "not a communist party in the classical sense of the word," it did "not aim at changing the borders of the Turkish state" and "not insist on separating from Ankara," and also said, "At the same time, we are against acts of terrorism. We are open to a federal solution, similar to the structure in the US."

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

However, the cease-fire declared by the PKK did not receive a response from the Government. Military operations in the Kurdish region, cross-border operations, large-scale clashes and killings continued. For example; the operation launched on 26 December 1995 by security forces in the region between Çukurca and Şemdinli districts of Hakkari and the Iraqi border continued until 2 January 1996. Clashes also broke out in the Suki region of Yüksekova, in Hakkari, and near Uzundere town in Çukurca. Military operations were carried out in Sivas, in Çukurca, in the Lice, Hani and Kulp districts of Diyarbakır, and in the Genç and Karlıova districts of Bingöl. In the same period, a large-scale military operation was launched in the rural area between the Silvan, Hazro and Kulp districts of Diyarbakır. A clash broke out between soldiers and PKK militants in Geliye Goran region on 5 January, and continued on 6 and 7 January. An operation was launched by soldiers from Hakkari Mountain Commando Brigade and Van Commando Brigade in Ertoş (Uzundere) town in Çukurca, Hakkari, and on the Iraqi border on 8 February.

According to the numbers provided by the Kurdish News Agency DEM in the beginning of March as to the clashes and military operations in the region, a total of 150 operations had been launched, 76 of which were large-scale, within the previous two and a half months. The Agency claimed that 26 soldiers, 20 PKK militants, 40 civilians and 19 village guards had been killed in the operations, and 20 PKK militants and 14 soldiers had been wounded. About 100 villages were totally evacuated and numerous others partly evacuated within this period, and most of these were villages in which HADEP had received votes in the general elections of 24 December 1995.

At the beginning of April, security officers launched a large-scale operation in the Sağgöze region between the Hani and Lice districts of Diyarbakır and the Genç district of Bingöl. The operation continued throughout the month, and many soldiers and PKK militants died. (Detailed information is on page 67)

While large-scale operations, clashes and raids intensified in the region as of March, the PKK began to make harsh statements. Öcalan, in a statement on MED TV on the evening of 20 March, said that despite the cease-fire, they would carry out suicide attacks in city centres in addition to the activities on mountains should the Turkish government hesitate to start negotiations or continue its operations. Öcalan called the US government and Germany to stop supporting Turkey, and said, "Don't harass the PKK. If you annoy us, you will also suffer extensively as our enemies. We have declared a cease-fire. We sent a letter to Mesut Yılmaz, but he doesn't even dare to said it. We are constrained to our letter. We don't want the division of Turkey. But, this government is not seeking a solution."

The cease-fire was praised abroad. A draft was submitted to the US Congress at the end of January, addressing the Turkish government and the PKK as the sides to the conflict and as

war, if a ground for political solution and independent political activities was prepared. He had indicated that if a bilateral cease-fire was announced and negotiations for a solution were started under international observation, they would not ignore them. Öcalan had said, "Untrue discourses about our struggle such as 'The PKK is not in favor of a solution' or 'It does not have any approach except founding a separate state' are baseless attributions."

equals. The aim of the draft was denoted as, “settlement of the conflict between the Turkish government and Kurdish militants.” It said that the ongoing clashes in the Southeast constituted a threat against regional security and US interests, and proposed that a political solution respecting the territorial integrity of Turkey should be found and implemented.

Öcalan’s house in Damascus was bombed on 7 May while the debates on the cease-fire were under way, but Öcalan survived the attack. There were claims that Öcalan had left the house as he had learnt about the assassination attempt. Öcalan appeared on MED TV on the night of 12 May, and mentioned the assassination attempt. He said, “It has been said that Çiller used 500 billion TL (c.\$5 billion) against us. God knows how many times we have survived similar attempts during her 3-month term. Turkish people should investigate and follow up incidents of this kind if they are concerned about the tax money taken from their pockets. Indeed the Turkish government should disclose the individuals responsible for ordering this attack against us. This is not an ordinary incident, but a declaration of war, and it will cause grave damage to Turkey.”

Öcalan said that an operation had been conducted in Northern Iraq with 40,000 troops as a follow-up to the assassination plot, and stated that spies had misinformed Mesut Yılmaz, upon which he had permitted the troops to enter Northern Iraq; however, when he realised that he had been misinformed the army withdrew. Öcalan stated that “Ecevit’s plan was the intention in the South (Northern Iraq). The army was to stay in the South. The guerrillas were to be hit by comprehensive attacks in Garzan, Amed and Tunceli. But this plan was not realised because the assassination attempt failed. Ecevit wanted to become a second Atatürk through such plans. It seems that he wants to conduct this war together with Mesut Yılmaz. Does the US, which claims to be against terrorism, not know of this operation? The same question should also be asked about Israel, and to Turkey. Who ordered this operation and how? In the same period there was news about us in the US and Israel press and we were made clear targets. More-over in the same period, Clinton stated that they had concerns about the expansion of PKK and Iran’s mobility in South Kurdistan. We have disturbed the US plans for Iraq, the South and the region in general, and they may have wanted to warn us, and even to destroy us. Several co-operating forces in the South want us to be eliminated in this way. All people should be extremely careful in their plans about us. I hereby warn those who have such relationships with Turkey and the US. They must review their positions. Otherwise we will resort to our right to defend ourselves.”

Abdullah Öcalan declared the end of the cease-fire in a statement he made to MED-TV on 16 August. He stated that although the cease-fire, declared on 15 January 1995, was ended, the “political solution was inevitable,” they thought it necessary to impose a new scheme of activities until the “mutual cease-fire” was attained, and that they intended to increase their activities in the cities.

In response to the questions about the initiatives by deputies of Kurdish origin and by İsmail Nacar, Öcalan claimed that there were groups which rejected the war, the State of Emergency and the military solution within the Welfare Party. He said that the steps taken in the recent initiatives were “regarded as treacherous voices, and silenced by the special war staff.” Claiming that of the Kurdish movements, the organisation which was most inclined to conciliation and peace was the PKK, Öcalan replied to a question about a “Palestine-Israel” type solution by saying that “We are ready for an Palestine-Israel type solution and conciliation. What we want is to have an identity; direct or indirect talks need to start. These may be held in Diyarbakır or Ankara. There are legitimate political parties, associations or certain people taking the initiative for peace; talks or a conference can be held with them, provided that the state is willing to take such a step.”

b)- The Newroz festival

Anxiety and tension prevailed in Turkey before the Newroz [Kurdish New Year] festival, as in previous years. Provocative statements and actions multiplied towards 21 March. Security measures and persecution in the State of Emergency Region increased. Concern prevailed in society. On the other hand, official celebrations were held over all of Turkey in 1996 in line with the proclamation that “Nevruz is a Turkish festival,” which was first made by the government in 1995. Official activities were organised from primary schools to military units. State institutions were instructed to celebrate the “Nevruz” festival.

A group of about 100 students built a bonfire at noon on the day of the Newroz festival at Dicle University Faculty of Education in Diyarbakır, and started demonstrating, but they were

dispersed by the police. During the dispersal of the group, some were slightly wounded. Besides, films belonging to cameramen Hakim Çetiner and Salih Dünder (of the local TV stations “Can TV” and “Metro TV” respectively), who were filming on the spot, were forcibly seized.

A delegation of 7 people, who had come from Germany to Van to observe possible incidents during the Newroz, were forced to board a plane under police supervision and sent to İstanbul. In Adana, about 100 people were detained “on suspicion” during police operations conducted on 19 and 20 March. Students, who had intended to celebrate the Newroz at the Edirne Campus of Trakya University on 20 March, were barred from entry by the police.

Demonstrations were held in Diyarbakır on the evening of 20 March. The security officers usually did not intervene in the demonstrations of small groups who gathered together in empty fields or back streets, building bonfires and dancing the *halay* as it grew dark. However, 75 people, most of whom were high school and university students, had been detained in police operations carried out prior to the Newroz.

The Newroz demonstrations in Diyarbakır continued on 21 March. In the Kuruçeşme area of Bağlar, the police tried to disperse a group of 2000 people, who wanted to celebrate Newroz by blocking the traffic on Sento Street. When the group did not disperse but continued demonstrating, and refused to put out their bonfire, a clash broke out between the police and the demonstrators with sticks and stones. The clash went on for some time, and ended when the police withdrew and allowing the demonstration to continue. During the clash, Latife Aksoy (60), Abdullah Taş and Nisam Akın were injured with truncheons, and a child named Sait Çetinkaya (13) was injured when struck by a panzer car.

HADEP leader Murat Bozlak, ÖDP deputy leader Saruhan Oluç and writer Haluk Gerger held a press conference at the Diyarbakır office of HADEP on 21 March, saying that the state had wanted to lower the emphasis on the Newroz festival, but had failed to do so. Meanwhile, the video camera of Marjut Karilahti, a Finnish MP, who was present in Diyarbakır to observe possible developments from the Newroz festival, was seized by the police at the lobby of the hotel where he was staying. The camera was returned to him after 2 hours, following the efforts İHD officers.

Ten thousand people assembled and celebrated Newroz outside the Abdi İpekçi Sports Hall in Zeytinburnu in İstanbul. During the 3-hour demonstration, people chanted slogans praising the PKK and its leader Abdullah Öcalan, built bonfires and danced the *halay*. The demonstration ended without incident as the police did not intervene. But a group started marching towards Topkapı afterwards and was dispersed by the police. At this point, some people were wounded and 75 were detained. Demonstrations were held and bonfires built in various districts of İstanbul, especially in Sarıgazi, Okmeydanı, Gazi, Gültepe and Nurtepe. The demonstrations were mostly uneventful.

A group of people were forcibly prevented by the gendarmes from demonstrating and 7 people were detained on the occasion of the Newroz festival on the night of 21 March in Esenyurt in İstanbul. Of the detainees, Gonca Dönmezer, Ali Eflak and Cüneyt Tışkaya were remanded in custody on 22 March. These people were reportedly tortured at the Gendarme station where they were kept under custody.

Various demonstrations were held in the Petrolkent, İpragaz, Ziya Gökalp, 19 Mayıs and Pazaryeri quarters of Batman on the occasion of the Newroz festival. The executive members of the Batman HADEP Provincial Organisation held a press conference at their office when their application to the authorities to celebrate Newroz was rejected, and protested to the government. Someone called Ali Çelik had his arm broken when the police forcibly dispersed the demonstrators in Pazaryeri. Nevzat Aytemur and Ramazan Eker were also beaten by the police in the İpragaz area.

Bonfires built in the Evren, Conkbayırı, Alan, Ulus, İnönü, Algül, Dumlupınar and Çalı quarters of Siirt were put out by the police. A man by the name of Ali Erbek and two people by the names of Mustafa and Abdullah, whose surnames could not be learnt, were detained by the police. The student residences of Siirt Education High School was raided by the police, who reportedly threatened the students to prevent them from celebrating Newroz.

In İzmir, celebrations which started on the evening of 20 March ended on 21 March when the police intervened. The celebrations took place in front of the Konak HADEP District Organisation building, as the İzmir HADEP organisation was not allowed to celebrate the Newroz festival at Cumhuriyet Square or Konak Square. People began to gather in front of the

district organisation building, which was surrounded by the police, early in the morning, and started to dance the *halay* and sing folk songs. The group attempted to march, chanting slogans, but they were dispersed with beatings by the police. During the dispersal of the group, 15 people were detained. The detainees were released on 24 March.

In Adana, Newroz celebrations started on the evening of 20 March with the building of bonfires. In the Barbaros, Dağhoğlu, Gülbahçesi, Denizli, Mithatpaşa, Narlıca and İsmetpaşa quarters, which are inhabited by Kurds, groups of people assembled in the evening and built bonfires in back streets. The police occasionally intervened in the groups when they were dancing the *halay* by the fires, but the incidents did not reach a serious level. The celebration on 21 March was rained out.

The police intervened in Newroz celebrations in the Mithatpaşa area of Adana on the night of 21 March, after a German delegation, who came to the area to observe possible developments from the Newroz festival, left the area. A clash broke out between the police and the demonstrators with sticks and stones. Some police officers broke the windows of shops on the street between İsmetpaşa and Mithatpaşa quarters, and beat up the shopkeepers. Selahattin Dede, who was injured during the incident, disclosed that police officers had broken into his shop and hit him over the head with a chair. He said, “The police officers left me when they saw my head was bleeding. I went to the hospital, and the police officers there asked me if I intended to make a complaint. I said I wouldn’t. My face is in bruises, there is pain on my feet and left arm, and I had to have stitches in my head.” In addition, people by the names of Tahsin Yıldız (who was wounded in the head and had his nose broken), Veysi Yıldız, Yıldırım Yıldız, Zafer Tekin, Hayriye Yıldız, Nezahat Yıldız and İsmet Lale were also beaten by police on the night of 21 March.

A group of Nationalist Action Party supporters attacked about 200 students while they were celebrating the Newroz festival in the canteen at the Balıkesir University Faculty of Education. The students, who opened banners that said “*Newroz piroz be*” [Kurdish - Happy Newroz], chanted slogans calling for fraternity between the peoples. Meanwhile, a group of about 70-80 Nationalist Action supporters gathered in the grounds, and sang songs. A fight arose between this group and the students, and a student named Sadık was wounded by the Nationalist Action supporters.

In some settlements, official meetings held under the title of “Nevruz Festival,” were significant. Delegations from Turkic Republics such as Azerbaijan, Kirghizistan and Turkmenistan also participated in the meetings. Throughout these meetings, it was stressed that “Nevruz was a Turkish festival which had its origins in the Central Asia.” The official meetings did not attract much attention from the public. Meanwhile, a group of Nationalist Action supporter students gathered in the Beşevler area of Ankara, and demonstrated, chanting slogans against the PKK and Abdullah Öcalan. The police did not intervene in this demonstration.

On 24 March in Elazığ, some Nationalist Action supporters attacked a German delegation, who were in the town to observe possible developments during the Newroz festival. The police simply stood back and watched the attack against Christian Von Kügelgen, Helga Von Horn, Jörn Ulrich, Andrea Sievers, Melanie Schröder, Pascal Begerich, Gisela Renneberg and their translator, Hans Kempner. Andrea Sievers, Melanie Schröder, Gisela Renneberg and Hans Kempner were wounded in the attack, after which the assailants left the scene. The wounded foreigners received medical treatment at Elazığ State Hospital. Hans Kempner related the incident as follows: “First we visited the Republican People’s Party office and the offices of some Alevi organisations. Then we went to a restaurant. We left the restaurant after having meal. We walked about 50 metres when about 10 people stopped us. They began to hit us with clubs and stones. There were three plainclothes police officers around before the attack, but they disappeared when the attack began.”

Trials and investigations

Abdullah Dağ, former leader of the Mersin HADEP Provincial Organisation, was put on trial on a charge of “using a language other than Turkish.” The trial launched against Abdullah Dağ, who was interrogated by the prosecution office and indicted for saying “Happy Newroz” in Kurdish during the celebration held by the Mersin HADEP Provincial Organisation in 1995, started at Mersin Primary Penal Court on 7 February.

A trial was launched against HADEP leader Murat Bozlaş, and some executive members of HADEP, the Liman İş Trade Union and the İHD, on charges of “waving yellow, red and green ribbons [the colours of the Kurdish flag] and chanting illegal slogans” together with the people

attending Newroz celebrations in Mersin in 1995. The indictment indicated the ribbons as evidence. The investigation had been launched by Mersin State Prosecution, and the case file had been referred to Konya SSC for proceeding. However, Konya SSC had issued a decision of non-authorisation, and referred the case file back to Mersin State Prosecution Office. The names of the defendants, who were put on trial at Mersin Primary Penal Court No.3 under Article 312 § 1 of the Turkish Penal Code, are as follows: Murat Bozlak, Abdullah Dağ (former leader of the Mersin HADEP Provincial Organisation), Sedat Kalaba (former leader of the Mersin HADEP Central District Organisation), Medeni Metin, Servet Özkan, Musa Kulu, Hacı Karayığit, Mehmet Akyol, Ömer Aksu, Halit Çağlar, Ahmet Kızmaz, Süleyman Deprem, Hasan Biber (President of the Liman İş Trade Union), Fevzi Aslan (President of the Mersin Liman İş Branch) and Hamza Yılmaz (President of İHD Mersin Branch). The trial started on 15 May. The defendants, who were heard in the hearing, rejected the accusations and stated that the slogans had been chanted by the people attending the celebration.

The Supreme Court upheld the sentence of 4 years imprisonment passed on a worker named Ahmet Kemal, who had been put on trial for attending the Newroz celebrations in Cizre, Şırnak, in 1992. Ahmet Kemal, who worked for Turkey Coal Enterprise, was arrested and imprisoned in Cizre Prison in mid-June.

c)- Clashes, operations and attacks

Bloody clashes, (*) operations and raids continued in the State of Emergency Region and around in 1996. Military operations and PKK attacks in the region continued. Turkey conducted numerous air and ground operations against PKK camps and units within or outside its borders. During the operations, civilian settlements were sometimes destroyed, and some people were killed. In 1996, there were numerous clashes between security officers and armed groups all over Turkey, particularly in the State of Emergency Region and Northern Iraq, and in İstanbul, Adana and Sivas. A total of **680** militants or armed people died during the clashes and attacks, including raids against military stations and units in the State of Emergency Region. The total number of security officers or people who died during clashes, and of the people who were accidentally killed in those clashes, is 791. The following is the breakdown of the security officers, militants and other people who died during the clashes: (**)

Enlisted man	405	PKK	678
NCO-Specialized sergeant	66	DHKP-C	13
Military officers	36	TİKKO	10
Police-Special Teams	25	KDP	6
Village guards	126	Mafia	20
Watchmen	9	Hezbollah	2
Confessors	2	Smugglers	56
Others	11	From stray bullet	6
TOTAL	680	TOTAL	791

Examples of clashes

Seven DHKP-C militants, Mete Nezih Altınay, Tevfik Durdemir, Ali Duran Eroğlu, İmran Ayhan, Cömert Özen, Mustafa Aktaş and Muharrem Özdemir, died in a clash that broke out around the Yukarı Asarcık Village of Hafik, Sivas, on 30 January. Ali Özen, the father of Cömert Özen, said that they had gone to Sivas to collect the dead body of his son, and that they had opened the grave of his son on permission from the prosecutor. He said, "Cömert was buried

(*) The numbers as to the deaths between 1984-1996, given in the General Staff Office's briefing to Prime Minister Necmettin Erbakan on 23 July, indicate the grave implications of the situation, although the validity of the official figures is doubtful. Accordingly, 194 officers, 335 non-commissioned officers, 2,621 enlisted men, 125 police officers, 825 village guards, 4,922 civilians, 12,871 PKK militants died. Meanwhile, according to the numbers disclosed by the PKK, a total of 31,559 security officers, 4,364 PKK militants, between 7,000 to 9,000 civilians died in the same period.

(**) A total of **68** people who died during armed attacks and assassinations and whose chronological information is given on the forthcoming pages are not included in this section. Additionally, the numbers given regarding the people who were killed in clashes were determined depending on the information compiled by the HRFT. The HRFT, while carrying out its studies for 1996, fell into hardship in obtaining healthy and reliable information from the State of Emergency Region and its neighborhood. For this reason, the number of the people who were killed in the clashes in the region appear to be quite low to meet the actual number. When we consider the scale of military operations and attacks by militants, it can be easily estimated that the death toll (including security officers, militants and other people) is over **2,000**.

with his clothes on, covered in mud, and without a shroud. I asked the prosecutor why they had been buried in that way. He said, 'We are not under the jurisdiction of the State of Emergency rule here, but this is the police's policy. It is out of my hands, I can't do anything.' Ali Özen, who brought the body to İstanbul, said that no autopsy had been performed on the body, and that the police officers had told him, 'We decided to bury the body in Karacaahmet Cemetery early in the morning,' although the family decided to bury him the next day. The People's Law Office stated that lawyers Efkan Bolaç, Metin Narin and Mehmet Gürkut Gürsoy had gone to Sivas on 31 January, and that they had discovered traces of blows on the dead body of Mete Nezih Altınay.

It also came out later that the body of Tevfik Durdemir had been decimated. The bodies had been displayed to the press after the clash, and it had been clear that the head of Mete Nezih Altınay had been smashed to pieces, and the body of Tevfik Durdemir had been in whole. However, Durdemir's family had difficulty identifying him later. According to the statement: 'The dead bodies of the seven were displayed to the press after the clash. It was seen in the photographs that only Mete Nezih Altınay's head had been smashed, and that his brain tissue had spilled out. The faces of the other bodies were in whole. However, when the results of the initial autopsy, performed a few hours later in the presence of Sivas Prosecutor Bülent Yüçettürk, was disclosed, the 'Examination of the Body and Autopsy Report' indicated that the heads of Mete Nezih Altınay and Tevfik Durdemir had both been decimated: 'A blow to the head possibly due to a bomb, had decimated the head, and the brain tissue had spilled out.' Lawyers Mehmet Gürkut Gürsoy and Metin Narin, said that they had spoken to some soldiers, who told them, 'Some soldiers hit the heads of the dead bodies with the rifle butts.' Many people were detained in an operation carried out in Yukarı Asarcık, and in Kürkçü and Dağönü villages of Kangal, and in Güvenkaya, Dikyamaç, Burmahan and Yeşilyurt villages of Divriği after the clash.

A large-scale military operation was launched in the morning of 22 February, in the mountainous region between Hozat, Ovacık and Çemişgezek districts of Tunceli. During the operation, war helicopters bombed certain spots where the shelters of PKK militants was allegedly located. Six PKK militants were killed during the operation, which continued on 23 and 24 February. In addition, 20 people were detained in operations in the city centre, and roads connecting Tunceli to other provinces were closed.

A DHKP-C militant Devrim Yaşar Aslan was killed in the vicinity of Yeşiltepe village in Yayladağı, Hatay, on the night of 21 March, and militants Ayşe Temis, Bese Temis and Atilla Korkmaz were captured. Hatay Governor Utku Acun disclosed in a statement that an operation had been launched at 13.00 after it was learnt that four suspicious people had been seen in the region, that one person had been killed in the clash and 3 others had been captured. Local sources however, stated that the captured people had been unarmed and that they had been caught alive, that Devrim Yaşar Aslan had been killed when he resisted, and that, contrary to the statement by the Governor, the incident had taken place at about 10pm. Relatives of Devrim Yaşar Aslan said, 'Gendarmes came to our house one hour after the incident, and said that our son had committed suicide. They came again half an hour later, but this time they said our son had died in a clash.'

On 6 April, a long operation was launched in the Sağgöze region between Kulp and Lice districts of Diyarbakır and Genç District of Bingöl. In a clash that broke out in the first days of the operation, a second lieutenant, 3 NCOs and 26 enlisted men died, and 13 security officers were wounded, 3 severely. NCO Erdal Baştan, who was wounded in the clash, died later in hospital. The State of Emergency Regional Governorate claimed that 90 PKK militants had been killed in the clash. Regional sources, however, said that although the PKK militants suffered serious casualties in the clash, the number was rather less than that stated by the Governorate. Soldiers killed in the clash were Sunay Civan (second lieutenant), Cihangir Yaman (NCO), Salih Uyumlu (NCO), Eyüp Karaman (NCO), Ramazan Hazar, Mustafa Ezginci, Kadir Demirel, Sezer Güneş, Burhan Özgen, Selçuk Özarı, Bilgin Yaşayan, Hayrettin Turna, Mehmet Akdemir, Mustafa Aydın, Atilla Kurt, Hümmet Sayan, Recep Savaş, Kerim Tanrikulu, Adem Meral, Osman Ergün, Mustafa Akın, Hasan Yılmaz, Kerim Oruç, Ufuk Güneş, Turan Aksu, Turan Kılıç, Seçgin Altın, Sezer Yüksel, Muhittin Alınçer and Murat Dağdelen. A PKK statement however, alleged that 72 soldiers had died in the clash. The statement did not mention the number of the PKK casualties, but claimed that 11 villagers had been killed by soldiers in the region of the operation. Meanwhile, 3 security officers died, and one Special Team member and 2 enlisted men were wounded in another clash that broke out in the same region on 10 April.

Making a statement about the clashes on 9 April, Prime Minister Mesut Yılmaz claimed that the PKK would 'end the cease-fire it declared in December and carry out large-scale activities all over Turkey.' He said, 'Operations are going to continue in the forthcoming days to

prevent this. These terrorist groups have recently gathered in the triangle between Bingöl, Diyarbakır and Tunceli, and it has been concluded that this is a sign of large-scale actions to be carried out in the region in spring. This is why military troops were sent to the region.”

The statement made by the PKK on 11 April, however, said that the military units had attempted to take the hills where PKK militants were located at the beginning of the operation in the region between Kulp, Lice and Genç, that the PKK militants had wanted to withdraw but that the operation had continued and clashes had broken out and that 7 PKK militants and 90 soldiers had died in the clashes. The same statement said that military units, which had entered Northern Iraq through Çukurca District of Hakkari on 10 April, had started an operation against Karadağ Mountain from two locations, that 6 soldiers (names of 3 of whom are Mücahit Irmak, Bülent Karakoçak and Mevlüt Adıgüzel) and 1 PKK militant had died, and 1 soldier and 1 PKK militant had been wounded in clashes. On the other hand, the State of Emergency Regional Governorate stated that 110 PKK militants and 3 soldiers had died in the clashes, and 5 PKK militants had been caught alive. On 11 April, the Office of General Staff took some journalists to the region where the clashes had taken place. Despite the statement that over 100 militants had been killed, the journalists saw only one dead body and 2 people were introduced to them as captured PKK militants. When they asked about other dead bodies, the response was “PKK militants might have thrown them into the river and they might have disappeared in the water.”

Ertuğrul Özkök, a columnist with the daily *Hürriyet*, claimed in his article on 10 April 1996 that the 27 security officers had been killed in an ambush in the Sağgöze region when the team had reached a “weak point” in the dark of the night instead of a region controlled by soldiers. However, a high ranking military officer denied this claim, saying “This was not the case, this is false news.” Another military officer said that the luck factor was important in clashes: “This team sustained heavy fire. We gave 27 martyrs partly due to bad luck.”

Special team member Erkut Tufan, NCO Ercan Alkaya and 3 enlisted men died in the clash that broke out on 22 April in Akçabudak region around Lice, Diyarbakır. The authorities claimed that 45 PKK militants, 14 of whom were women, had died in the clash that broke out in Akçabudak and Yalımlı villages in the north of Lice, and in the Sağgöze region of Bingöl.

Village guards named Ali Karabulut, Emin Artıç, Ali Çelik and Selahattin Barın, and 3 PKK militants died, and 4 village guards were wounded in the clash that broke out near Mereto Mountain between the Sason district of Batman and the Mutki district of Bitlis on 18 May. Nine PKK militants were killed in operations staged after the clash. The Kurdish News Agency DEM confirmed the killing of 9 PKK militants, in line with information it received from PKK sources, but added that 7 soldiers had died and 9 others were wounded in the clashes which intensified after the transfer of soldiers to the region. In addition, it was claimed that the 4 village guards had died in fire launched from a helicopter. Emin Artıç’s father, during his statement in his son’s funeral, held soldiers responsible for the death of his son, and protested against the military authorities. After the incident, 150 village guards in Deliktaş village and about 50 in Reşnik village of Sason lay down their arms. They returned their weapons to Sason Brigade Command, and most of them moved to İstanbul. Village guards from Reşnik village and Tarpinek and Magen hamlets who did not lay down arms left their houses and settled in Derince village.

An armed attack with rockets was launched by unknown people against Batman Police Residences on the night of 21 May. In the attack, police officer Abdullah Kocaer (29) and a person named Turgay Savaş (45) died, and many were wounded. About 100 people were detained in house raids carried out in the Gap, Yeşiller and İpragaz quarters after the attack.

On 6 June, the corpses of 14 people were found in the region between the Tekeli and Masiro (Balıklı) hamlets of Günyazı Village of Şemdinli, Hakkari. The 14 people had reportedly been killed “by soldiers while crossing the border.” Eleven of the dead were reportedly Northern Iraqi: Mustafa İdish and his son, Sharif Yusuf, Adil Asad, Ali Mahmoud, Rashid Yunus, Omar Taha, Mele Taxir, Shekha and his 2 sons; 2 were Iranians: Mirza Aghazade Muhammad (25) and Hasan Mahsubi Sabah (45); and one Turkish: Fahri Çelikbaş, registered at Tis Village of Şemdinli. One person, İsmail Arap, reportedly survived. The bodies were kept at the scene until 7 June, then they were collected by peshmergas and taken to Diyana Town in Northern Iraq. These people lived in Diyana and reportedly engaged in cross-border trade. The bodies of the two Iranians and Fahri Çelikbaş, who also engaged in cross-border trade, were taken to the hospital as they were known in the region, according to the local sources, which also stated that about 2,000 sheep were kept by the gendarmes and taken to Şemdinli Gendarmerie Command after the incident. It was claimed that the 14 people had had their hands tied behind their backs and then been executed. It was also claimed that the corpses had been lined up and burnt. The Kurdish News

Agency DEM on the other hand, reported that the aforesaid people had been killed in an ambush by soldiers as they were crossing the border, and the statement by the State of Emergency Regional Governorate said that the soldiers had found the dead bodies of 3 people while patrolling the border between the Tekeli and Masiro (Balıklı) hamlets of Günyazı village in Şemdinli, Hakkari. The statement did not mention the other 11 people.

TİKKO militants carried out an attack against the Uzunçayır Dam in the vicinity of the Mazgirt, Tunceli on the evening of 7 June. Two NCOs, Cahit Işıkoğlu and Hüseyin Düzenli, 3 enlisted men named Kazım Demir, Sami Kıbrıs and Fahrettin Sarı, Cahit Işıkoğlu's father Alaattin Işıkoğlu and a worker named Ali Eren died in the attack, while 5 security officers and 4 workers were wounded. Enlisted men Yunus Yıldırım and Caner Özgülüm, who were wounded in the attack, died in hospital. Ten labourers working on the construction of the dam, were later arrested and neighbouring villages were raided. Keko Polat, who was detained by soldiers in the raid against Lazvan village, was taken to Elazığ State Hospital because of torture inflicted on him at Tunceli Gendarme Command. He was reportedly detained for "failing to report the attack," and he disclosed that he had been beaten throughout the day he had been kept in custody.

PKK militants raided the Yaylıncı pastures of Gürpınar, Van, on 17 June, abducted 12 shepherds and took about 2,000 sheep. One of the shepherds, who managed to escape and returned to the pastures, informed security officers about the incident. An operation was launched in response to this on 18 June. Clashes broke out near Akdoğu village in the vicinity of Iranian border and in the Duav, Tüzek and Atabinen regions. It was claimed that 28 PKK militants were killed, one NCO officer and 4 village guards were wounded in the clashes, which continued one day. During the clashes, PKK militants released 4 of the 11 shepherds they had abducted. Meanwhile, 6 village guards were wounded in the fire opened from a military helicopter. Of these village guards, Naif Gül, Rahmi Gül and Kerim Gül tried to lay down arms on 24 June on the grounds that the fire against them had been launched intentionally. However, the authorities refused to accept the return of the weapons.

A clash broke out between soldiers and Kurdistan Democratic Party (KDP) peshmergas in the vicinity of Esendere town in Yüksekova, Hakkari, on the Turkish-Iranian border, on 21 June. The official statement said that 18 PKK militants had been killed while crossing the border, but that only 6 of the bodies had been found as the region was mountainous. Local sources stated that KDP peshmergas were located in the region, that 2 soldiers and 6 peshmergas had died in the clash, and that one peshmerga had been captured alive. The same sources noted that the peshmergas killed or wounded in the clash had been brought to Esendere and introduced to journalists as PKK militants.

Enlisted men İsmail Aka and Ufuk Ginise died in an armed attack launched by a group of PKK militants against the Military Service Office in Kemah, Erzincan, on the night of 5 July. During an operation launched in the region after the attack, 3 PKK were killed in the Kartutan region, in the vicinity of Kemaliye district on 7 July.

Soldiers Mehmet Öztürk, Erol Marangoz, Mehmet Gök, Sedat Karaer, Bayram Yüksek and İsmail Kartal died and 7 soldiers were wounded when a military vehicle hit a mine in the vicinity of Koçbaba Village in Hazro, Diyarbakır. On the same day, a clash broke out between village guards and PKK militants around Ballica Village in Uludere, Şırnak. Village guards Tahir Alp and Hazım Uslu died in the clash, and village guards Nazım Bayar and Ahmet Ulu were wounded. Three PKK militants died in other raids against village guard locations in Uludere.

Sixteen soldiers died and 21 enlisted men were wounded in a clash that broke out between the PKK militants and security officers around the Çayırılı Village of Hakkari Çukurca on the night of 26 July. The State of Emergency Regional Governorate disclosed the names of the soldiers killed in the clash: 2nd lieutenant Necmettin Bayraktar (Kayseri), NCO Hüseyin Selviş (İzmir), enlisted men Hasan Dok (Gaziantep), Hüseyin Kılıç (Maraş), Mehmet Abacı (Maraş), Hacı Sait Sönmez (Kayseri), Mesut Üstün (Samsun), Tuncay Yapıcı (Konya), Şenay Akdağ (Eskişehir), Ali Kazankaya (Eskişehir), Bülent Aşar (İzmir), İrfan Algül (Bandırma), Eyüp Beyazıt (İstanbul), Ersin Pekçetin (İstanbul), İhsan Yalçın (İstanbul) and Kemal Işık (İstanbul). The PKK alleged that the clash had broken out during a PKK attack against a mobile gendarme battalion, and that 39 soldiers had died and 36 others had been wounded in the clash. The statement included the names of some of the soldiers who had allegedly been killed in the clash. The names given in the PKK statement were different from those in the official statement. According to the PKK the names of the soldiers are as follows: NCOs Mustafa Kül (Çankırı) and Osman Çakır (Bolu), enlisted men Sabri Astekin (Tokat), Coşkun Çelik (Tokat), Tekin Özdemir (Kayseri), Mehmet Yeniürek (Manisa), Niyazi Atakan (Ankara), Serkan Uzunhasan (Zonguldak),

Nurettin Gençay (Tokat), Kerim Acar (Germencik/Aydın), Sinan Yavaş (Soma/Manisa), Adem Şenyurt (Pazarcık), Mustafa Buruk (Yozgat), Osman Vural (Giresun), Mehmet Uçal (Yozgat), Yusuf Emre Aydın (İstanbul), Bekir Karabulut (Çorum) and Sadık Kaplan (Edirne).

On 1 August, a clash broke out in the vicinity of Ormançık Village in Şemdinli, Hakkari. An NCO Cemal Türedi and enlisted men Erdal Sarıkaya, Vehbi Demir, Cihan Kara, Mehmet Kaya and Erdal Yelbeka died in the clash. On the same day, a villager named İsmet Aydemir was killed by the PKK militants in Dona Hamlet in Şaro village in Karlıova, Bingöl, on the grounds that “he surrendered a wounded PKK militant to the soldiers.”

One PKK militant, 2 NCOs (one of whose name was Yavuz Fakili), 4 enlisted men (one of whose name was Zeki Aktan) and one village guard died in the clash that broke out on 15 August around Çukurca, Hakkari. On the same day, a clash broke out between PKK militants and village guards in Hamamgözü hamlet in Küçükçamurlu village, Göksun, Maraş. Two PKK militants (one whom was Zahir Çetinkaya) and a woman named Esmâ Kenger (55) died in the clash, and village guard Kemal Alpman was wounded. Zahir Çetinkaya was laid to rest in Mersin on 16 August (detailed information is on page 97).

PKK militants raided a military battalion near to Şiverezan village in Çukurca, Hakkari, on 16 August. Six security officers died in the clash, one being a village guard. A lieutenant named Atilla Nisam died and 28 soldiers were wounded in the attack against soldiers who were carrying out an operation between Şiverezan and Tale villages on 17 August.

On 19 August, PKK militants raided the Başkale district of Van. The governor’s office and the Ziraat Bank building were damaged in the raid. Military troops came under a rain of fire from 3 points in the north of the district. Van Brigade Command transferred soldiers to the region, who launched an operation after the attack.

A clash broke out between security officers and PKK militants who raided Çatakdibi Village of Gürpınar, Van, on the night of 22 August. NCO Murat Yaşlak, enlisted man and Yakup Erdoğan, a village guard, died in the clash. Of 4 shepherds who were abducted by PKK militants on 22 August around Keklikdüzü Village of Saray, Van, Taha Demir (18) was killed as he attempted to escape. Shepherds Mehmet Güngör, Hüsnü Menaf and Rıza Güngör were later released. One PKK militant died in the PKK raid against Yamanyurt Gendarmerie Station of Saray, Van, at about 10pm on 22 August.

NCO Fikret Tunç, enlisted men Yusuf Kaya, Adem Uzundal and Muzaffer Arslan and 2 PKK militants died in a clash that broke out in the vicinity of Doludere village in Servi Town of Genç, Bingöl, on the night of 24 August. Village guards Naif Acar and Bedran Gültekin, who were standing guard on the road between Kayalıpınar and Kutlubey villages in Midyat, Mardin, died in the clash that broke out on the same night.

On 30 August, PKK militants attacked soldiers who were controlling the road in Güzeldere region in Başkale, Van. Village guards Yılmaz Alter and Renaz Alt were taken hostage by the militants during the clash, and 3 village guards disappeared.

On 1 September, a clash broke out between soldiers and a group of people who were trying to enter Turkey from Syria near to Nusaybin, Mardin. Mehmet Kodaman and Mesut Veysi, reportedly smugglers, died in the clash.

Lieutenant Tamer Aydın and 8 enlisted men, İsmail Okur, Bayram Ortaç, Ahmet Şık, Önder Yıldırım, Durmuş Ali Teke, Mustafa Usanmaz, Zeki Teper and Güray Ceylan, died during a raid carried out by PKK militants against the Kapı border station in the vicinity of Çaldıran, Van, on 1 September. On 2 September, a military vehicle struck a mine on the road, and 4 soldiers died and 3 others were wounded. Five PKK militants died in the subsequent clashes.

Enlisted men Abdürrahim Komut and Mehmet Demircan died in the PKK raid against a military unit on Umut Mountain near Şemdinli, Hakkari, on 5 September. The State of Emergency Regional Governorate refuted the reports when news of attack was published in the press. However, the Anatolian Agency reported the funerals of the soldiers on 6 September.

On 9 September, a clash broke out near Boyunyaka, Anılımiş and Üçkiraz villages on Cudi Mountain in Şırnak, which had been evacuated by soldiers in 1995. A military helicopter bombed the region during the clash, killing 6 village guards from Balveren and Geçitboyu villages. Four soldiers were wounded in the clash. The State of Emergency Regional Governorate alleged that 19 PKK militants, one soldier and one village guard had died in the clash.

Enlisted men Mevlüt Yıldız, İrfan Karabıçak, Mehmet Karaca, Mehmet Kefeli, Zeki Akdemir and Ali Kandemir, and 13 PKK militants died during a PKK raid against the Aksipi border

station in Damlacık village, Özalp, Van, on the night of 11 September. On the same evening, PKK militants burnt down the gas station of Mehmet Yalçın at the exit of Dicle, Diyarbakır. The militants took Mehmet Yalçın's son Siddık Yalçın and 3 people registered in Kocaaalan (Deryan) village away with them. A woman named Hacire Atalay died in clashes during the incident.

A military operation was staged on Erebi Mountain in Gürpınar, Van, on 14 September. A clash broke out near to Oğuldanı village during the operation. Three soldiers died when a panzer car was hit in the clash. Information provided by the Kurdish News Agency DEM reliant on PKK sources reported that 2 PKK militants had died in the clash. The State of Emergency Regional Governorate asserted that 36 PKK militants had been killed during the operation.

Special Team members Suat Çetin, Yılmaz Gül, Davut Eş and Mansur Sönmez and a civilian Eyüp Çelik (son of the mine manager) died, and Special Team member Ramazan Eser and soldiers Nihat Yıldırım, Cemal Altaş, Menderes Dönmez and Neşet Arıduru were wounded in an attack launched on the night of 21 September by PKK militants against a mine around the Alacakaya District of Elazığ. On the same day, PKK militants stopped a minibus around Tatvan District of Bitlis, and killed Ekrem Akkuş and Nurettin Akkuş. Four TIKKO militants and 2 PKK militants died in the operations carried out by security officers in the neighbourhood of the Hozat and Çemişgezek districts of Tunceli.

Two PKK militants died and 3 were wounded in a clash that broke out during a military operation launched on 26 September in Bestler region in Hakkari. At Nehre Valley in the same region, 2 PKK militants died in a cave which was bombed. PKK sources alleged that numerous soldiers had died in the clashes, 3 PKK militants had been wounded, that a cave had been bombed, and that 2 of the 3 PKK militants in the cave had died during the clash in Nehre. On the same day, 7 soldiers died and 5 were wounded when a military vehicle struck a mine nearby Kırıyan Battalion in Bestler region. Seven soldiers died and 12 were wounded in a clash that broke out during the operation, near to Besüsün village in Şemdinli on 27 September. Two PKK militants were reportedly wounded in the clash.

PKK militants launched a raid against the Kralkızı Dam construction site near Dicle, Diyarbakır on 30 September, killed security officers Yasin Çakmak, Eyüp Şen and Hasan Can, and abducted 2 others. On the same day, PKK militants raided a stone quarry near Lice, also in Diyarbakır, burned 2 trucks and abducted 3 people working at the quarry. The Kurdish News Agency DEM reported that these actions, as well as an attack in Maden, Elazığ (see below), had been carried out in reprisal for killings of 10 inmates at Diyarbakır E Type Prison by beating.

A police vehicle outside a coffee-house in Kortik (Bahçelievler) area on the road between Elazığ and Diyarbakır in the Maden district of Elazığ, was fired on on the night of 30 September. Fethi Gül died on the scene and Ahmet Akbulut died in hospital, and 12 people were wounded including police officers Fatih Murat Sunay, Sefer Akbulut, Nezir Tanır, Mustafa Yılmaz, Erhan Çiçek and Halis Çetin.

On 2 October, PKK militants abducted 8 village guards from Aşut Village of Çukurca, Hakkari, and raided a military unit at Deştan region near the village. Following this incident, on 3 October, security officers launched an operation in Deştan and Ertoş regions. On 4 October, PKK militants ambushed a military convoy in the region. Seven soldiers, Salim Akgül, Mehmet Aksam, Rüstem Koç, Adem Tarü, Hamza Kocataş, Gökhan Kömürcü and Halil Gülçin, died and 11 were wounded in the clash.

In Divriği, Sivas, 4 enlisted men including Mehmet Özcan and Erkan Demir died and 17 were wounded when PKK militants opened fire against security officers on 5 October. An operation was launched in the region after the attack. A PKK militant, Cengiz Husumet, who surrendered during the operation, showed a PKK shelter to the security officers on 11 October, and a PKK militant named İsmail Demir was captured in this shelter. The soldiers reportedly killed Cengiz Husumet and İsmail Demir later. Sivas Governorate, in a statement on 13 October, claimed that Cengiz Husumet had been killed when he attempted to escape as firing broke out, and İsmail Demir was the PKK militant who had opened fire from the shelter. The official statement said that 43 PKK militants had been killed during the operation. Yılmaz Ensaroğlu, the President of Mazlum-Der, made a statement on 8 October, and said that the dead bodies of some of over 30 PKK militants, who had been killed during the operation, had been cut up, that the bodies had been displayed in Sivas, and that people had been invited to see the bodies through megaphones. Eighteen bodies which allegedly belonged to PKK militants were brought to Sivas Gendarmerie Regiment Command on 8 October. The bodies were displayed for about 5 hours and were later buried in the "terrorists' cemetery," which is near the city cemetery. Local sources

said, “There were 18 corpses. They were buried in an open place at the grounds where everyone could see. The faces and body parts of 4 of the corpses were covered with cloths.”

A military operation launched in Gerdi region in Şemdinli, Hakkari, at the end of September, continued until mid-October. Early in the morning of 8 October, the scope of the operation was broadened to cover Adilbeg region on the Iraqi border and Hopê village in Northern Iraq. Clashes were witnessed between PKK militants and soldiers in operation in these two areas and in the vicinity of Ortaklar village in Şemdinli. Intense clashes broke out in the Ertoş and Şifezan regions of Çukurca on 7 and 8 October. A military officer and 3 enlisted men, one of whom was Bekir Göz, were killed by the PKK militants who attacked a military unit on Hakan Hill in Şifezan region on the night of 7 October. The clashes in Ertoş (Uzundere) town, which started on 7 October, resumed at intervals. PKK sources claimed that NCOs Erkan Kaplan and Fahri Pınar, enlisted men İshak Öztürk and Turgay Karakaş, and 8 PKK militants were killed in the clashes, and that 12 militants were wounded.

On 10 October, a clash broke out in the vicinity of Kırkgeçit village in Gürpınar, Van. No information could be obtained regarding the casualties in the clash that continued until the morning of 11 October. The official statement said that 14 PKK militants had died in the clash.

A special team member was killed by soldiers in İstasyon Square in Van on the night of 17 October. It was reported that a clash broke out between soldiers and Special Team members, who stood guard at the same place, when a Special Team member arrived on the scene drunk. A Special Team member was killed in the clash and 2 soldiers were wounded. The Special Team member was buried in Van on 18 October.

On 19 October, the bodies of 30 people, who had had their hands and feet tied and had been executed by shooting, were found in the Kendalok region on the Iranian-Turkish border in the vicinity of Yüksekova, Hakkari. Four of the 30, who were supposedly smugglers, were Iraqi Kurds and 26 were Iranian Kurds. These people were reportedly members of the Patriotic Union of Kurdistan (PUK) headed by Jalal Talabani and had been fleeing clashes in Northern Iraq. The bodies were given to the Iranian authorities in Yüksekova on 20 October. The names of some of the murdered people are: Raket Osman, Serbest Osman Salih, Hanzar Mustafa Omar, Berzan Akram, Azrin Akram, Hemrik Abdullah Omer, Mahmoud Ahmad, Dutkar Ali, Kasat Zorat, Tawfik Talir, Namik Bahtiyar, Nawroz Ali, Mustafa Kurekan, Kek Amin Hawliri, Majid Hajibek Gerneyan, Azad Feryad and Azad, Mustafa, Tahir and Amin (surnames unknown).

When the incident was made known to public, Colonel Ersan Alhanlı, Commander of Yüksekova Regiment, went to Iran to hold meetings with the authorities regarding the incident. Local sources alleged that there had been initiatives between Iran and Turkey to cover up the massacre, that numerous people had previously been similarly killed, and that the incidents had been covered up by means of these meetings. Iranian Foreign Minister Ali Ekber Velayeti, in answer to journalists’ questions on the incident said, “We too heard from the press about the killings of 30 Iraqi Kurds by Turkish security officers. But we don’t have detailed information.”

Relatives of the murdered people stated that similar incidents had taken place previously, and that they intended to file a complaint with the European Commission of Human Rights against the Turkish Government. Meanwhile, Sofi Tahir and Faryad Muhammad, who survived the massacre, were taken for medical treatment in Iran. Their relatives later stated that Sofi Tahir and Faryad Muhammad were being kept under surveillance by the Iranian authorities and were not allowed to see anybody. The incident was also investigated by the UNHCR. The UN officials took statements from Sofi Tahir and Faryad Muhammad in Iran, and also demanded information from Turkey and Iran. UN Spokesperson Maki Shinohare, making a statement at the UNHCR head office in Geneva, said that both countries had agreed to investigate and report on the case. Shinohare stated that as a sub-group of the UN, they were unable to conclude whether or not the statements by the two people were true, but that they condemned the incident.

A clash broke out between PKK militants who raided Aralık hamlet near Gelişen village, Derecik, Şemdinli, Hakkari, on 20 October, and security officers. Seven PKK militants and a village guard, Salih Uzun, died in the clash.

On 28 October, military units were attacked by PKK militants while they were carrying out an operation in Çiyayê Askarê region in Diyarbakır. Two Special Team members, 4 officers and 10 enlisted men died and 10 soldiers were wounded in the clash, which continued until 29 October. PKK sources disclosed that a PKK commander with the code-name “Yılmaz” had died in the clash. The names of the soldiers killed in the clash are: NCOs Osman Yaman and Mahmut Açıllı and enlisted men Mithat Elmas, Bülent Ulutaş, Levent Kuşdal, Ufuk Çınar, Abdülmuttalip

Meşe, Fikret Gündüz, Sait Söyler, Ahmet Doğan, Ahmet Aydoğdu, Metin Gülbandır, Kamber Şanlı, Besim Kazar and Ahmet Demir. Major Yusuf Altunbulak, NCOs Ethem Şengül, Hüseyin Keysam, Suat Var, Mustafa Özkan and İbrahim Dilek and enlisted men Yusuf Gürle, İsmail Ümityılmaz, Şeref Doğan, Hasan Gümüş and Kemal Kurt were wounded in the clash.

On 4 November, PKK militants attacked a military vehicle carrying 7 soldiers from Çal Gendarmerie Station in Karakoçan, Elazığ, and 3 villagers who had all gone out to collect firewood. The 3 villagers were wounded in the incident, and enlisted man Engin Akyel was killed. In addition, 2 soldiers died and 4 were wounded in a clash that broke out in Ertoş region in Çukurca, Hakkari, on the same day, and 3 soldiers died and 9 were wounded in an attack against the mobile gendarmerie battalion in the vicinity of Rubaruk village in Gerdi region, Şemdinli, Hakkari.

PKK militants ambushed a vehicle going from Çıgılı Village to Köprülü village of Çukurca, Hakkari, on 8 November in Kanireş region near Ormanlı village. In the attack, 18 people including 13 village guards, died. Their names are as follows: Village guards Musa Ediş, Musa Ediş (namesakes), Halit Ediş, Tahir Ediş, Halil Demirel, Emin Demirel, Hacı Ölmez, Mahus Ölmez, Haşim Ecer, Agit Ölmez, Ali Duman, Hayrettin Erol, and Musa Ölmez (died on 9 November in hospital), and villagers Abubekir Ecer (2), Reşit Duman, Hayrettin Duman (3), Belkıs Ecer (65) and Mehmet Güler.

People named Kalo Korkut (59), Faruk Korkut (12) and Fulya Bozkurt (8) died and Enis Korkut (10) and Muharrem (Muhterem) Koçağa were wounded when caught in cross-fire in a clash that broke out between PKK militants and security officers in the vicinity of Kayhan Village of Kulp, Diyarbakır, on 29 November.

Enlisted men Soner Aşan and Kalender Yıldırım died when they stepped on a mine planted near the Iranian border in the Aralık district of Iğdır on 30 November. A village guard named Nurettin Ertunç, who was standing guard on Şorti Bridge in the vicinity of Çukurca, Hakkari, was wounded when he turned on a booby-trapped radio. Bedri Gültekin, one of the village guards escorting a convoy carrying food to Panak Gendarmerie Station in the vicinity of Kulp, Diyarbakır, died when a mine exploded. Three other village guards were wounded in the explosion. During Gültekin's funeral, village guard Bayram Bozkurt (Gültekin's nephew) and his brother (name unknown) opened fire on the crowd waiting in front of the mosque, and a person named Bayram Çiçek died and 2 children, one of whom was Çiçek Aktaş (8), and 2 other people, were wounded.

Two TİKKO militants died in a clash that broke out between TİKKO militants and security officers in Hıran region and one TİKKO militant died in a clash in Uzunçayır region in Tunceli on 10 December. One of the militants was revealed to be Celal Ağgöl.

A bomb exploded in the car of Sait Sıdar, the Mayor of Balveren town in Şırnak, during his visit to Şırnak Brigade Command on 24 December. NCO Halil Tunç died, and İdris Sıdar (22) and Salih Sıdar (24), relatives and guards of Sıdar, were wounded in the explosion. The explosion reportedly took place when the NCO and a village guard, who were waiting near the car, meddled with the bomb.

d)- Developments in the Northern Iraq

In 1996, Turkey launched numerous air and ground operations against the PKK camps and positions both in Turkey and outside its borders. Certain civilian settlements were destroyed and some people were killed during these operations. The operations placed a heavy load on the economy of the country. It was found that the cost of the operations held in the Northern Iraq was US\$ 680 million (approximately 55 trillion Turkish lira) from 1990 to June 1996. According to the report prepared by the Ministry of Foreign Affairs and the Undersecretariat of Foreign Trade, the Turkish Armed Forces spent US\$ 100 million on the first comprehensive cross-border operation in 1992, and US\$ 200 million on the second comprehensive cross-border operation in 1995. The report said "Lack of authority in the Northern Iraq following the Gulf Crisis created an atmosphere suitable for terrorist elements to conduct activities in the region. The situation forced the Turkish army to take necessary precautions along its whole border and the need arose to spend an additional amount of US\$ 300 million for the security of the borders. Besides, Turkey had to conduct two military operations in the region in 1992 and in 1995. In 1996, it became necessary that arrangements be made on the Iraqi border against the PKK. It is difficult to specify and exact figure for the military expenditure, which is known to amount to millions of dollars."

The first cross-border operation in 1996 started on 15 March. Prime Minister Mesut Yılmaz, who was in Iğdır for Newroz celebrations, said that the operation, conducted in order to prevent the PKK's "spring preparations," extended 10 kilometres over the Iraqi border, and that

the special troops dispatched to the region had seized logistical depots and bases of the PKK, which they had bombed from jets.

Turkey launched another land and air operation in Northern Iraq on 5 May. A statement made by the State of Emergency Governorate said that the operation started from the Dericek region of Şemdinli; that the Kanimasi and Hakurk regions were subjected to aerial bombings; that 40,000 troops took part in the operation; and that they infiltrated up to 2 km over the Northern Iraqi border. The statement claimed that one soldier trod on a mine and died and 13 PKK militants were killed in the first day of the operation. The statement made by the PKK, however, claimed that civilian settlements were bombed from air and 18 soldiers were killed in the operation. Moreover, the authorities from the Kurdistan Democratic Party (KDP) also claimed that the civil settlements were bombed from air during the air operation.

Safeen Dizayee, the KDP Representative for Ankara, confirmed that villages in the vicinity of the Northern Iraqi border were bombed. In a statement he made on 7 May, Disayee reported that artillery troops fired more than 60 rounds of heavy artillery at Terwanish village in the Iraqi-Turkish border. Safeen Disayee said that in the attack “a civilian named Sulayman Omar was injured and 150 families were displaced to the Kanimasi region” and that houses and the mosque were ruined. Disayee stated that they had informed Turkey of their discontent arising from the attacks which had been frequent lately and though supposedly aimed at destroying the PKK, brought suffering to them instead. Safeen Disayee said that they received the reply that the spokesman of the Ministry of Foreign Affairs “had no information on the attacks.” He also said “there is no PKK camp in the vicinity of Terwanish village or the neighbouring villages.”

Over 7,000 soldiers who took part in the operations were located in the Esendere sub-district of Yüksekova on the Iranian border, and in Sarıyıldız, Güvenli, Yediveren, Onbaşılar and Çopanpınar villages and in the region of Dağlıca, Dibecik, Ünlüce, Dilekli and İkiyaka villages in the vicinity of the Northern Iraqi border. The withdrawal of the soldiers started on 9 May. The operations had been condemned by the Iraqi government. Declaring that its air and land sovereignty had been violated, Iraq demanded that the Turkish soldiers should withdraw from Northern Iraq, and that such actions should never be repeated. Iraq stressed that she reserved the right of compensation for the Northern Iraqi Kurds who had suffered from the attacks. The Kurdistan Democratic Party (KDP) too demanded that the damages should be compensated. The Salahaddin city representative of KDP reported in a statement that the Turkish army had held Yekmal, Hisi and Mikaji villages in Bala and Berwari regions under artillery fire. He declared that the villages had been damaged in the bombardment, the villagers had been displaced to the Kanimasi region, and said “On 22 May 1996, two helicopters bombed the area between Avamerk and Jimji in Rekan region in the north-east of Umadiya. In the bombardment, Mahdi Zubeyr Huremari, Maruf Asad, and İsmail Şemdin were injured and a tractor and two vehicles were destroyed.” He also emphasised that Berwari region had been bombed by warplanes many times in May and that hundreds of people had had to leave the region.

Garé mountain to the south of Çukurca, Hakkari and Uludere, Şırnak was bombed on 5 June. During the bombardment of the mountain between Dahok, Amediye and Zakho cities in Behdinan region, Kafya village in the foothills of Garé mountain was hit, inflicting heavy damages. A child named Omar İsmail (14) was killed, and 23 people, mostly children, were injured.

Turkey initiated an operation in Spinder and Saphi regions in the Northern Iraq (to the south of Çukurca, Hakkari) on 10 June. Turkey claimed that 56 PKK militants were killed in the operations. The operations were gradually wound up on 17 and 18 June. Meanwhile the Iraqi government demanded that the operations should be ended for “its territorial integrity was violated.” Ministry of Foreign Affairs spokesman stated that Turkish troops moved 10 kilometres into Northern Iraq and warplanes were bombing the villages and towns. He said “The operations are contrary to the UN Charter and international law and Turkey must stop them immediately.”

Turkey organised another operation in Butine, Spinder, Saphi, Edilbe and Meros regions in the Northern Iraq within a very short time. The State of Emergency Governorate stated that in the operation, between 23-27 June, 45 PKK militants were killed and 7 security officials injured; but the PKK said that many soldiers had been killed. The Iranian official news agency IRNA stated that two Turkish helicopters attacked the Rejan plateau in the vicinity of Urumiye in the Turkish-Iranian border with rockets and that 3 women, 2 men and a child aged 2 were killed; and 15 people were injured. On 28 June, Iran invited the Turkish Ambassador to Tehran to the Ministry of Foreign Affairs and protested against the attack. On 27 June, a group of a thousand people threw stones at the Turkish Chief Consulate in Urumiye and burned the Turkish flag. Later officials from the Office of the Chief of General Staff rejected the claim that the plateau had

been bombed, and stated that Iran was not a target of the operations, but that those who attempted to cross the border illegally were fired on.

An air operation was conducted against PKK positions in Northern Iraq on 1 July. The KDP claimed that civilians suffered in the air attacks and that the operations were advantageous to the PKK. A statement made by the KDP on 3 July said that 1 civilian was killed, 6 people were injured and significant damage was caused to Nezdur, 10 kilometres away from the Turkish border on the night of 1 July, in the helicopter attack on the region. The statement stressed that air attacks and operations had been organised against Northern Iraq since the beginning of April and that the people in the region had been forced to leave their homes. They said "Civilian settlements too have suffered damage in these unnecessary attacks conducted at a time when rebuilding and rehabilitation programmes were being initiated for people who had previously been forced to leave their land, to help them return home. We demand that the operations be terminated as soon as possible."

The Bote Camp, an important PKK base in Northern Iraq, was bombed by warplanes on 10 July. The Office of the Chief of General Staff disclosed that arsenals, training camps and an anti-aircraft position in Bote Camp had been destroyed. A top ranking official said that "We determined that about a thousand people were being trained in Bote Camp. We estimate that we have killed 500 of them." PKK sources however claimed that civilian settlements suffered in the bombardment and 11 villagers were injured, 8 of them seriously.

PKK targets in the region under the control of the PUK in Northern Iraq were bombed by the warplanes on 19 July. In the news given by Tehran Radio reliant on the PUK radio, it was reported that warplanes bombed PKK targets in the mountainous area in the vicinity of Burchi, Sulaymaniya, some houses were hit and there were many injuries. The local sources reported that the area between Ranya and Diyana towns in the Northern Iraq were bombed twice within an hour; and that houses in Pashtilan, Mehbut, Khisna and Banê villages were hit.

On 31 October, Kafe, Gedarê and Girêko villages to the south of Amadiya town, and the Hasir region under the control of the KDP were bombed. In the bombardment, the children named Zubayr Nazir (2), Nargis Qazi (8) and Kurdistan Yusuf (10) were killed and 12 people were wounded, mainly children.

On 4 November, an operation was initiated against Northern Iraq from the border at Uludere district in Şırmak, and at Şemdinli district in Hakkari. On 4 and 5 November, soldiers entering into Northern Iraq from Uludere clashed with PKK militants in the Sinav and Adilbeg regions. Meanwhile, there were violent clashes in the Dashta Hayat region. The Kurdish news agency DEM reported that 1 PKK militant and many soldiers were killed, and 1 PKK militant was injured in the clashes. A KDP spokesman stated that Kurdish villages were being bombed and demanded that the operations be stopped, emphasising that they protested against the attacks against the villages. In an other clash occurring in the vicinity of Hazil stream on 6 November, 2 soldiers were killed and 4 injured. The operations were terminated on 8 November.

Şeladiza town in the Oramar region 20 km from Zakho was bombed by Turkish aircraft on 15 November. In the bombardment, Keser Hasan Fattah Halid (5), Siyabend Fattah Halid (3), Chimen Fattah Halid (8), Yunus Hasan Khalid (4) and Behija Hasan Khalid were killed and Silar Hasan Khalid (2) was wounded. The images of children killed were broadcast on the KDP television channel. Six houses were damaged and a child wounded in the bombardment of Bezi village in the Chiyayi Spi region by Turkish aircraft on 18 November.

KDP - PUK relations

Northern Iraq (south of the 36th parallel) has been an area of fighting since the Gulf Crisis. Thousands of people were displaced, many were killed and many were wounded in particular due to the clashes in August between the Kurdistan Democratic Party (KDP) led by Mesud Barzani and the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani. Activities undertaken by the US to strengthen its domination in the region officially declared to be aimed at "establishing peace," proved fruitless. In spite of "initiatives" by the US and cease-fires between the warring factions, it was impossible to bring an end to the fighting. Increased domination of the PKK over the region caused the KDP and PUK to draw closer to Turkey. Some of the meetings aimed at bringing an end to KDP-PUK conflict were held in Ankara.

In the article titled "***The third power in Northern Iraq: the PKK***" by Ashi Aydintaşbaş published in Yeni Yüzyıl on 29 April 1996, the conflicts in the Northern Iraq and the US intervention in the region were related as follows:

Last week's failed diplomatic initiative by the US in Northern Iraq, brought the region to one step closer to Lebanon in the 1970s. The region, where there are currently cease-fires in force both between Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK) and Mesud Barzani, leader of the Kurdistan Democratic Party (KDP), and between Barzani and PKK; is in a state of tranquillity. But some believe that this is the calm before the storm in Northern Iraq, where as well as the Kurdish parties, a number of intelligence services, Hizbullah and the PKK do as they please.

There is a rule known even to little children: "Do not trust more than one person." The same rule applies also to this Kafka-esque play, in which the US, Turkey, the PUK, the KDP, PKK and the inhabitants of Northern Iraq are all players. The people of Northern Iraq are tired of the never-ending conflicts between 'Mam Celal' (Uncle Celal) and 'Kek Mesut' (Brother Mesut). The legendary peshmergas, could only make their presence felt in the 1950s when they first started to fight the Iraqi government. Now both the parties consists of unemployed, weak men over the age of 15, carrying 'kelesh' (Kalasnikovs). Most of them prefer to become peshmergas, and be paid \$20 monthly, to unemployment.

The attitude taken by Talabani towards the PKK is clear: he is ready for to drive them out of Iraq by military means and to provide border security. But the PUK, as a political party, has neither the intention nor the power to prevent its existence. Talabani explained the situation in this way: "Turkey wants a glass of water from us; we will bring it, but how we bring it is our problem. I may request it from Mr. Öcalan, or persuade him, or beg or implore, or force him ... it is my problem. But we will establish border security." But does he risk fighting with PKK for the sake of keeping his word? The response: "Let there be no bloodshed between brothers."

Barzani's situation is the exact opposite. The KDP, which was forced to establish a cease-fire with the PKK a short time ago, is going through a unsteady process in its relations with Turkey. Ankara is angry with Barzani, who has held meetings with the PKK, and Barzani is angry with Ankara because of the pressure they are putting on him. From Barzani's point of view, Ankara is not showing the necessary appreciation of the cease-fire between the KDP and the PKK. In this regard, an associate of Barzani, Sami Abdurrahman, says "Turkey wants us to keep fighting with the PKK until we are completely destroyed. Fighting is no picnic. But our beautiful homeland is more suited to picnics."

During the meetings, Ahmet Çelebi, leader of the Iraqi National Congress brings news which makes the US and Turkish delegations extremely angry: Barzani will go to Damascus to hold a meeting with Asad. Barzani's sudden flirtation with Syria is interpreted by the delegations as "lack of desire for agreement." Deutsch (Robert Deutsch, Secretary of State for Gulf Affairs, US State Department) and Turkey express their distress, via Çelebi, asking Barzani not to go. But the situation is different from Barzani's point of view. A high level source states that the KDP leader "has lost hope in the US," and wants to rectify his relations first with Syria, then with Saddam. The most important factor in this is the oil talks to be concluded in New York in May. If Iraq adopts the UN resolution numbered 986 allowing the limited sale of oil, the Kirkuk-Yumurtalık pipeline will be operational and since the pipeline is in Barzani's territories there will be a convergence between him and Baghdad. This is what the KDP longs for.

Considering the attractive proposal on the pipeline, it seems meaningless for the KDP to follow the US plan with unknown consequences and give half the border revenues to Talabani. As a result, they have placed much more importance on Deutsch and frequently, in recent meetings, asked for guarantees. Consequently, neither have the border revenues been shared nor has the agreement been signed. It is a fact which no-one can ignore that the PKK has an important presence in the region. The PKK, has signed a cease-fire agreement with the KDP, which is friendly with Turkey, and is "the third power" both in the KDP-controlled north and in the PUK-controlled south.

Whether the Kurdish parties like it or not, the local people have a certain interest in the PKK. Moreover, this is an apparent and manifest concern in Northern Iraq, where the activities of PKK are not banned. The owner of the shop we entered in Arbil mistakes our journalists' waistcoats for guerrilla clothes and says "You are PKK militants, aren't you?," his eyes shining. He praises PKK and Apo constantly and we cannot persuade him that we are not PKK militants. He takes the money for the cassettes we have bought unwillingly. In Arbil, where the PKK can

conduct political, but not military activities, photos of Apo are sold together with those of Talabani, Bedirxan and other Kurdish leaders. Posters and postcards of Apo are sold for 10 Dinars. In Arbil, MED TV ratings are higher than those of the PUK and the KDP television stations. But their newspapers, published both in Latin and Arabic scripts, do not sell well.

The local people feel admiration for the PKK since they regard the PKK as more organised and powerful than the unprincipled and colourless armies of Talabani and Barzani. The Kurds here compare the situation of the Kurds in Turkey with theirs during the time of Saddam. But the inhabitants of the Northern Iraq also feel admiration for Turkey. Turkey represents the West, abundance and modernity. And of course in the final analysis, Turkey represents power in these territories, which were governed by the Ottomans for hundreds of years. Arbil has gone through a serious process of Kurdification in the era of Saddam. Nevertheless, most of the people can speak Turkish. Arbil is a mosaic of Turcomans, Kurds, Keldani, Syrians and Arabs.

The most popular organisation is the Red Crescent. However many in Arbil regard the Red Crescent not as an aid organisation but as a branch of MÎT. This belief is so widespread that some young Turcomans we met in Arbil ask us "Are you working for the Red Crescent?" winking at us; they want to give us information. Turkey is remembered in Northern Iraq not only because of basic materials such as flour and sugar, singer İbo Tatlises and the new schools such as Işık High School, which is high above the standards of the region, but also with because of MÎT. This is true to such a degree that according to one story we heard, the Red Crescent and MED TV, which have offices in the same street in Ankawa, the Christian quarter of Arbil and the most beautiful, have exchanged messages: "If you don't bother us, we'll not bother you."

Operations conducted by Iran at the end of July had an important place in the developments in the region. On 26 July Iran initiated an operation in Northern Iraq with 2,000 soldiers supported by artillery and tanks, and advanced approximately 100 kilometres. Abdalbaki, the Paris spokesman of Iran Kurdistan Democratic Party (KDPI), reported that Iranian troops attacked KDPI's headquarters in the vicinity of Koy Sanjak town, Sulaymaniya on 28 July and that "Provide Comfort, led by the US, did not intervene this attack. The Iranian government took Turkey, which had conducted operations against the PKK in Northern Iraq as its model." Iran said in a statement "The guards of the Islamic Revolution conducted comprehensive operations to put an end to the activities of these sources of evil, which spread terror among the people. In the operations, numerous members of the evil forces were killed and, and many people were wounded. The local people suffered no damages in the operations."

Following the operations, 2,500 people, mainly women and children, had to abandon the region and took refuge with the UNHCR. The KDP demanded that "Iran immediately put an end to the operations in the region." In the KDP statement, the PUK was blamed "for inviting and guiding the Iranian troops." Ömer Akbel, the Turkish spokesman of the Ministry of Foreign Affairs stated that Turkey was closely monitoring the developments related to the operations undertaken by Iran in Northern Iraq.

CIA operation

The clashes which started on 17 August between the KDP and the PUK gradually became more widespread. The KDP accused the PUK of co-operating with Iran, and the PUK accused the KDP of co-operating with Saddam. The US stated that they had arranged a meeting between leaders of the KDP and the PUK on 23 August and that cease-fire had been secured. However, the cease-fire was in force only for one day. A second cease-fire was established between the KDP and the PUK on 28 August. Following the declaration of cease-fire, representatives of the KDP and the PUK held a meeting in London on 30 August, which proved to be fruitless. The clashes significantly damaged US plans in the region. Developments exposed CIA operations in Iraq and rendered them ineffective. Finally a number of the Kurds who were CIA secret agents were taken via Turkey to a US base on Guam island in the Pacific Ocean.

A KDP statement said that the PUK forces had initiated an attack on the night of 25 August, and that the attacks were focused on Kesnezan, Zayarat, Heran, Safin mountain, Spindara, Kella Qasim, Kapke Hamad Aga, Belisan Valley and Korek mountain, which separated the regions where the two parties were dominant. The KDP noted that the PUK forces had 29 casualties, and that on 27 August the PUK attacked KDP positions on Beniherir mountain in the vicinity of Rewanduz. They said that the attacks had started after Robert Pelletreau, US State Department Deputy Under-secretary for Near East Affairs, came to the region, and they claimed that PUK leader Jalal Talabani had not kept his word to Robert Pelletreau that he would keep the cease-fire. They also stated that the policies of the PUK were similar to those of the Iranian

regime and “This factor will make it difficult to establish a permanent peace in Iraq and should be taken into consideration by all sides.”

The clashes acquired a new dimension on 31 August. The KDP entered Arbil with the support of Iraqi army. The KDP entered Arbil late at night, took control of the city and took captive numerous high-ranking PUK authorities, including Hero Talabani, the wife of Jalal Talabani. During the days the fighting around Arbil continued, Iraqi soldiers executed 96 Iraqi opponents by shooting. Soon after, it became clear that these people had been working directly for the CIA. Backed by Iraqi army troops, the KDP started to seize the city centres in Soran region which was under the control of the PUK one after the other. The PUK leader Jalal Talabani was unable to resist and had to leave the region. Thousands of Kurds took refuge in Iran. When the Iraqi troops and the KDP forces took over Arbil, the US put its forces in the region on the alert. On 3 September they sent 27 long range missiles to targets in the south of Iraq.

The domination of the KDP resulting from the fighting and the execution of the 96 people at the end of August led to exposure of secret attempts by the US to overthrow Saddam Hussain and also in a sense their failure. *The Washington Post*, quoting US authorities and Iraqi opposition sources, reported on 8 September that the Kurds who had conveyed military information on the Iraqi government to the CIA had been killed. It reported that after the take-over of Arbil by Iraq and the KDP in the attacks at the beginning of September, the forces affiliated with Saddam pursued the leaders of the group, and that the group’s headquarters, which had been equipped with technological equipment by the CIA, was seized. It was also stated that 96 opponents who had left the city after the Iraqi soldiers had entered Arbil were killed. The newspaper reported that the group opposing Saddam convened in Arbil on 28 and 29 August as part of a force formed by the US in order to put an end to conflict among the Kurdish groups in the region. The *New York Times* reported on 7 September that the CIA had prepared a plan to overthrow the Iraqi leader, but that this plan failed after the seizure of Arbil by Iraqi forces.

In the first stage of the evacuation operation conducted by the US in Northern Iraq starting on 9 September with the implicit approval of Ankara, 2,000 opponents, mainly Kurds and Turcomans, were taken to Turkey. The operation for rescuing people from the Northern Iraq, some of whom were working for the CIA against Baghdad, was conducted by Marc Grossman, the US Ambassador in Ankara, with the participation of military elements of Provide Comfort. The US operation created discontent in Turkey. It was reported that the US had informed Turkey a short time before the operation, and although Turkey requested more time on grounds that “the situation with regard to the borders was critical” the operation started on 9 September. The operation was conducted in the vicinity of the Turkish border and was performed mainly by US military and political authorities and by rescue teams. Provide Comfort helicopters were also used in the operation, and the US authorities would not reveal where the refugees brought to Turkey were sheltered “for security reasons.” The people brought to Turkey were mainly opposition officers expelled from Iraqi army, volunteers who had taken part in aid activities, and villagers who were members and sympathisers of the PUK.

Some of the second group of 2,000 “secret agent” peshmergas who had worked for the US in Iraq came to Turkey on 15 September. Some of these peshmergas set out from Zakho, and entered Turkey through the Habur border point at noon were settled in camps in the Verimli region of Silopi. Later “the Secret Agent Kurds” were taken to the base on Guam island.

Ankara was aware of the CIA plot (16 September 1996-Milliyet/Yasemin Çongar)

It has been claimed that the operation aimed at the overthrow of the Iraqi leader Saddam Hussain went on for five years with implicit approval from Ankara and subject to occasional intervention by Turkey. It has been reported that the CIA spent \$100 million on the operation since 1991, established a regular headquarters in Iraq in 1994 and came to an agreement in advance with the military authorities at İncirlik Base for, when necessary, the evacuation of secret agents in this headquarters through Turkey. It has been noted that the CIA gave light weaponry to opposing Kurdish groups, but that Turkey had rejected the ideas that they be given heavy weaponry and that political autonomy of the region be supported, which in turn led to disagreement between the CIA and the Kurdish leaders.

Yesterday (15 September) the Washington Post reported that the CIA, which financed many plots including the attempted coup d'état in March last year conducted by the military intelligence specialist Vafik Hamud Samarraï, who had worked for the Iraqi army and retired after the Gulf War, ran its secret operation in its headquarters in Salahattin. The newspaper based the report on US government sources, Congress members and Iraqi opponents, whose

names were kept secret, and claimed that instead of directly killing Saddam, the CIA preferred to cooperate with the opponents of the Baghdad regime. Accordingly, the CIA gave the Kurds and other Iraq, groups an average of \$20 million annually so that they could buy light weaponry, ammunition, communication and transportation vehicles, propaganda materials, press and broadcasting facilities, food and medicine. It reported that initiatives by opponents who co-operated with the CIA, not directly based on the CIA's instructions, but conducted with its implicit approval, included certain bombings and military clashes with the Iraqi troops in March 1995. Washington Post wrote "However, although the American intelligence organisation spent \$100 million in anti-Saddam campaign, it has almost nothing to show as a result."

The newspaper said that in mid-1994 the CIA decided to maintain a regular Command in Iraq in order to control operations by the Iraqi National Congress, and commissioned a group of secret agents to open a regular office in Salahattin including officers who had conducted the secret operation in Afghanistan. This group rented four houses as their Command in the hills of Salahattin, facing Arbil, which was regarded as strategically important. An agreement was made in advance with the US military authorities at Incirlik Base for the evacuation of the personnel working in the CIA Command through Turkey in a crisis.

While the CIA was directing the operation from these four houses, equipped with advanced communication facilities, the US air attack, which the Iraqi opposition saw as necessary for overthrowing Saddam, never happened. A US authority, who made a statement for the Washington Post, said that opponents such as Samarraï wanted them to strike Iraqi military targets in the north, but Washington would not approve it.

The Washington Post listed Turkey, Saudi Arabia and Jordan as the countries which were regularly informed of the CIA's anti-Saddam operation. The newspaper noted that US and Turkish, Saudi and Jordanian authorities were all concerned about the potential risk that the overthrowing of Saddam might lead to a vacuum which would enable Iran to intervene unless another leader who could secure the integrity of the country was found. With regard to Ankara's interference in the co-operation between the Iraqi Kurds and the CIA, the Washington Post said that as a result of "pressure from Turkey, which itself had a significant population of Kurds, Washington always opposed the principal aim of the two main Kurdish groups. This aim was the historical dream of the Kurdish people of political autonomy. This difference of opinion led immediately to tension between the CIA and the Kurdish groups. The US refused to provide the Kurds with hand grenade launchers, anti-armour bullets and other sophisticated weapons.

As the clashes between the KDP and the PUK continued, the US initiated diplomatic initiatives to establish a cease-fire. As a result, KDP leader Mesut Barzani visited Ankara on 18 October. Barzani's statement: "I did not come to Ankara to meet with the intelligence authorities," led to a crisis. The US authorities intervened and tried to mitigate the tension. Tansu Çiller, Deputy Prime Minister and Minister of Foreign Affairs, stated that they would support Barzani provided that he co-operated with the Turcomans. After the visit, the US also started initiatives to bring the KDP and the PUK together in Ankara. As a result, Talabani also visited Ankara on 22 October, after Barzani. In Ankara Talabani had meetings with Robert Pelletreau, US Deputy State Minister, Frank Baker, a diplomat at the British Embassy, and the Turkish authorities. In the meeting, it was adopted in principle that the sides should put an end to the clashes.

Following the meetings in Ankara, the KDP and the PUK declared a cease-fire starting on 24 October. A fourth summit was held in Ankara on 1 November. As a result of the meetings held between the US, the KDP, the PUK and the Turkish authorities, it was announced that a 22 point declaration had been adopted. Upon demand by Turkey, a point providing for the evacuation of the Atrush Camp settled by people displaced from Turkey was included in the declaration. The Turcomans were given the role of supervision of the cease-fire. The KDP representatives insisted on the formation by the UN of a Peace Monitoring Force, and returned to Northern Iraq without signing the declaration; stating that it would not abide by the points of the final declaration other than point 5 on the declaration of a cease-fire. The PUK agreed to all 22 points. Since the KDP reserved its position on some of the points of the protocol published following the fourth summit, a fifth summit was held in Ankara on 15 November. However, it too proved to be in vain.

e)- Results of the clashes

1996 witnessed attacks and armed clashes in the State of Emergency Region, and also the results of warfare and its effects on human life. Figures given for clashes in the region by different sources never coincided. For example; in a statement made by the State of Emergency Regional Governorate at the end of the year, it was claimed that a total of 2,782 PKK militants, 531

soldiers, police officers and village guards, 143 civilians and 4 teachers had died in 1996. The statement claimed that 36 PKK militants had been captured wounded during operations, 316 had been captured uninjured, and 266 had surrendered. The statement said that 2,233 people had been wounded or crippled in PKK attacks. (*) However, HRFT's investigations revealed a different picture, although it has been difficult to compile reliable information from the region.

Meanwhile, a news report published in the daily *Yeni Yüzyıl* on 28 August 1996 noted that 2,762 footsoldiers had died in the clashes since 15 August 1984, when the PKK began its armed struggle, but it did not mention the number of village guards, police officers, NCOs and other officers killed in clashes. The breakdown of the footsoldiers according to their places of birth is as follows, according to the information provided by the Ministry of National Defence is as follows: Adana 90, Adıyaman 11, Afyon 35, Ağrı 23, Aksaray 40, Amasya 49, Ankara 135, Antalya 24, Ardahan 8, Artvin 21, Aydın 46, Balıkesir 94, Bartın 4, Batman 1, Bayburt 14, Bilecik 21, Bingöl 3, Bitlis 3, Bolu 53, Burdur 16, Bursa 60, Çanakkale 28, Çankırı 46, Çorum 35, Denizli 43, Diyarbakır 10, Edirne 34, Elazığ 21, Erzincan 25, Eskişehir 61, Gaziantep 41, Giresun 48, Gümüşhane 24, Hatay 40, Iğdır 1, Isparta 34, İçel 30, İstanbul 145, İzmir 91, Karaman 21, Kars 44, Kastamonu 51, Kayseri 68, Kırkkale 30, Kırklareli 34, Kırşehir 35, Kocaeli 46, Konya 70, Kütahya 21, Malatya 34, Manisa 61, Maraş 34, Muğla 31, Mardin 12, Muş 4, Nevşehir 27, Niğde 34, Ordu 41, Rise 22, Sakarya 25, Samsun 71, Sinop 29, Sivas 64, Tekirdağ 12, Tokat 71, Trabzon 59, Tunceli 5, Şanlıurfa 10, Uşak 13, Van 9, Yozgat 73, Zonguldak 40.

Dilaver Girgin, President of Manisa Support and Solidarity Association for Families of Martyrs and Executive Council of Associations of Families of Martyrs, made a statement after this news report was published, saying that the number of soldiers and police officers who had died in clashes had been distorted intentionally. Girgin stated that about 9,000 soldiers had died in clashes since 1984 but that the press had attempted to conceal the real number of casualties. He said, "The number of martyrs from Manisa was given as 61. However, 86 soldiers, 19 police officers, 4 teachers and 3 public officers have fallen as martyrs. The number 2,762 given for Turkey overall is not true. These figures are given as a result of false information. According to the official data, 4,800 soldiers have become martyrs in Turkey since 1984. In addition, there are people who have died in Southeast but not been regarded as martyrs. Those said to have 'died in car accident, or something like that.' When these accidents are included, the number of soldiers killed in Southeast is about 9,000. They are suppressing the figure. They want more to die."

Doğan Güreş, former Chief of the General Staff, who became the True Path Party MP Kilis after 1995, made his first statement on the 1992 and 1993 clashes in to the journalist Hasan Cemal, and revealed startling information on "the concentration of thousands of soldiers in the region" and "the use of sophisticated weaponry." The following is the article published under the title of "Civilians and Soldiers in the Southeast" in the *Sabah* newspaper of 14 April 1996:

"I became nervous towards the end of 1991" says General Güreş, stating that the PKK had been dominant in certain regions in the Southeast: "Especially the Şırnak-Cizre-Nusaybin triangle, Lice, Genç and Kulp. The terrorist organisation was dominant in these places. The right to travel had been abolished. They controlled hamlets and villages. Once I entered a shop in Şırnak, but no one saluted me."

I remember this as well. During those times, the security forces used to patrol in motor vehicles in Cizre for instance. They could not walk in the city centre. They could not wander in the back streets in the daytime. They used to withdraw to their stations after sunset, thus allowing the PKK to dominate the streets. In some places this scene was prevalent until 1993.

General Güreş talks about the period in which they organised a briefing for the short-lived Yılmaz government in the summer of 1991: "It was evident that they were preparing for a rebellion. They were dominant in the mountains. On the other hand, since we had just come out of the Gulf Crisis and accordingly could not take the necessary precautions, we were not ready for internal conflict. In any case, the security forces were weak in many respects." In his wife's words, General Doğan Güreş went through a period of three or four days in which he looked for divine guidance. Then he convened his colleagues. And altogether they underlined one point: "The country is being lost!"

(*) When we consider that the death toll of the Turkish Army was 484 (38 military officers, 36 NCOs, 409 footsoldiers and 11 civilian workers) during the first and second Cyprus operations in 1974, the dreadful picture of the clashes in the State of Emergency Region emerges.

“We decided to call a state of alert.” First they thought about declaring martial law. But then they decided they preferred the appearance of civilian life and decided to go on with the State of Emergency. A new strategy was initiated: concentration of soldiers and equipment in the area. Getting the gendarme out of their secluded places to strategic points. Special equipment. Training of special forces. Re-armament. Special weapons training. Helicopters. (Even the Russian-made Kanas with sights, known as assassination rifles, and bazookas were obtained from the free market.)

An interesting point here is that a significant change of attitude, not declared explicitly by General Doğan Güreş, but which can be read between the lines, became apparent at the end of 1991. This can be defined as getting rid of the Mustafa Muğlalı Complex in the soldiers, or the commanding ranks. The problem is this: outside martial law, the soldier can only be used within the cities. And only at the call by the civilian authority. This is a provision of Law Number 5442. However, in some provinces in the Eastern region not included within the scope of the State of Emergency, terrorism is also prevalent in the mountains. The Chief of the General Staff Güreş sends the following instructions to the Third Army:

- Organise an armed manoeuvre! If the terrorists open fire on you in the mountains, fight with them! This can be regarded as self-defence.

The first signs of the change in the strategy in the struggle against the PKK terrorism became evident in the spring of 1992. The Newroz festival in March was marked with bloodshed especially in the Şırnak-Cizre-Nusaybin triangle (also known as the Satanic triangle during that period). The State had demonstrated its power!

When I went to Şırnak in April 1992, I was surprised. It was as if it had undergone a war. The PKK had been driven from the cities and towns to the mountains. As General Güreş also admits, the bloody Newroz of 1992, was a turning point in the struggle against the PKK. The blood shed and the pain suffered have continued ever-increasingly since then. But at the same time, the retreat of the PKK, its loss of support, and the seizure of the initiative by the security forces, have accelerated in the same time.

In the summer of 1993 the PKK leader declared a unilateral cease-fire. When I pointed this out to General Güreş, he said: “Interestingly I was secretly pleased with the declaration of the cease-fire. Of course I did not show it. There was a light of hope, perhaps the struggle would end. Perhaps the terrorists would come down from the mountains. Perhaps we would be able to withdraw the armed forces. Maybe nobody would die. Maybe normal order would settle in. The rest would be dealt with by politics, the government. Economic and social reforms would follow. But my secret delight was smothered. The cease-fire was ended with the Bingöl Massacre by the terrorist organisation.”

At this point, General Güreş asks: “In your opinion, was Apo aware of the Bingöl Massacre?” I told him the following: During the cease-fire before the massacre, I had held a long interview with Apo in the Bekaa Valley in Lebanon. The impressions I formed both before and after the massacre, were that it occurred without Apo’s initiative, but, of course, was later claimed by him. General Güreş said “That’s what I thought too.”

At the end of our conversation, General Güreş touched on the cease-fire once more: “If they declared that they were stopping fighting and were ready to come down, there would be a month or two of doubt. Then the soldiers would start to withdraw. As things normalised, other things would follow.” Reiterating this, General Güreş makes another interesting point: “It should be remembered that the British government also stipulated that the IRA should put an end to terrorism before the meetings with Sinn Fein could start.”

Images of War

The environment of intensive fighting from time to time produced horrifying images. There were disturbing images with respect to both those killed as well as those who survived on both sides. Some of these images produced much discussion, as in the case of photographs published in *The European* (UK).

The news and photographs published under the title of “Pictures that will shock the world” in *The European* on 11 January, evoked significant reverberations. Photographs were published of soldiers in uniform, claimed to be the soldiers fighting against PKK militants in the Southeastern region, holding up severed human heads. The photographs, claimed to have been taken somewhere in the Southeastern region, and to depict soldiers whose identities were known, but not specified, showed the corpses all in pieces lying on the snow, and a severed head being

held up. In the report it was stated that soldiers serving the Southeastern region had “posed for snapshots,” and that these photographs were distributed or sold to show off, and that some copies had been sent to the Kurdistan Information centre in London. It was claimed that the photographs showed “soldiers” serving in Hakkari Mountain Commando Brigade, and that the name of at least one of the soldiers involved in the event was known to the source informing the newspaper.

Making a statement to BBC, Turkish Ambassador to London Özdem Sanberk said that the information conveyed to him by *The European* would be investigated. The writers of the report stated that they were not certain about the truth of the matter, but that they had published because there was “no reason to believe they are not genuine,” that they had informed the embassy of the photographs and they had been promised that the matter would be investigated. The report also said “Turkey’s human rights record makes it unfit for the membership of the European Union to which it aspires,” and that the Human Rights Watch was indignant that Turkey’s partners in NATO have extended generous political and military support. *The European* stated also that the type of the rifles (G3 rifles and rifle with SVD sights) of the “soldiers” in the photographs published, were manufactured and handed to Turkey by Germany.

On the other hand, the Office of the Chief of General Staff stated that the photographs were false and had been distributed by “an agency which is a subsidiary of PKK.” The military authorities claimed that the report had “arisen from provocation by PKK,” and stated that the rifles in the photographs were also used by PKK militants and that “it is publicly known that such rifles have been seized in significant amounts during operations.” The statement declared that a similar event had also occurred in the villages of Tunceli in October 1984: “everyone knows that terrorists dressed in military uniform and later proved to be terrorists by statements and documents produced by arrested terrorists, had set villages on fire, killed innocent women and children, and used photographs of this to give the impression that villages were being burnt by the Turkish security forces and thus to mislead domestic and foreign public opinion. This publication against our country was in fact part of the campaign of lies by enemies of Turkey against the selfless struggle undertaken by the Turkish Armed Forces in order to prevent the PKK terrorist organisation from inflicting inhuman tyrannical practices on the local people, and to maintain human rights in the region.”

An article published later in *The European* included the views by Nigel Suckling, a Kodak specialist. Nigel Suckling said that there was evidence implying that the photographs “were products of photo-montage,” but without the negatives it was impossible to state whether they were photo-montages or not. In a statement made by Charles A. Garside, the editor of *The European*, he said that they had statements and approval by well-known photographers on the originality of the photographs in question: “Specialists who have had years of experience in photography all agree that these photographs are not definitely photo-montages. The people in the photographs can be easily discerned. Our duty is not to put the assailants of this violence on trial, but to inform the public of the event. In this case, the so-called assailants were soldiers. Turkey should initiate a comprehensive investigation and throw light on the matter.”

The clashes had disturbing consequences in many fields such as social life, production, communication and transportation in the region. For instance, in the regions where there was intensive fighting, transportation on the roads connecting the cities to other cities or districts was hindered sometimes by the security forces or PKK militants. Such practices lasted for varying periods of time ranging from closure during daylight or night hours, to months and even years.

Those killed and their relatives

One of the most significant consequences of Kurdish problem is the material and spiritual troubles of the relatives of the security personnel killed in clashes in the State of Emergency Region. Wounded or disabled security personnel or the relatives of those killed were not provided with the pensions which are their legal right, or with benefits earlier promised by the authorities. The problems of the relatives of those killed from time to time appeared on the public agenda, but were not given much attention. (*) Tomris Özden, the wife of Colonel Rıdvan Özden

(*) In 1995 the parents of the Captain Necdi Şentürk, who was killed in Bitlis, divorced after a marriage of 36 years, in order to get a martyrdom pension because of difficulties in livelihood. Sami Şentürk, a retired worker, and Zeynep Şentürk, who were both living in Akhisar, Manisa and whose livelihood depended on their son, suffered from difficulties after his death. When Sami Şentürk applied to the Pension Fund asking that his wife be allocated a martyrdom pension since his retirement pension of 5 million TL was not sufficient for them, his application was rejected on grounds that “Sami Şentürk already has a pension from the Social

who was killed in the vicinity of Ormancık village 25 km from Savur, Mardin on 19 August 1995, was subjected to harassment in various forms due to the attitude she took. For instance, the prominent journalist Emin Çölaşan wrote essays which included extremely offensive comments about Tomris Özden. She also underwent a physical attack. In a statement she made after the event, Özden criticised the government's policy on the Southeast, and said that the political authorities used the soldiers for their own interests. Tomris Özden stated that many soldiers including her husband were aware that the problem could not be solved by killing and being killed, saying: "My husband was a good soldier and a good person. He was a democrat, loved his country. He had said that the government were using soldiers for their political interests. Minister of defence Mehmet Gölhan accused Tomris Özden of "becoming involved in politics."

In her statement published in Evrensel on 4 January 1996, Tomris Özden claimed that her husband may have been murdered by the soldiers. She said that she went to Mardin and Diyarbakır to gather information about the incident from colleagues of her husband and that this information was contradictory; she said: "Rıdvan may have been killed by First Lieutenant Commando Hurşit Can. He never got along with my husband, he was dismissed, after which he spent some time in the mountains, and he returned to his duties in Diyarbakır after my husband was killed." Tomris Özden stated that her claim had been confirmed by First Lieutenant Commando Latif Eren, who was on duty at Mardin Gendarmerie Command, and added:

"The first statement was that 'he was killed from a long distance by a Kanas rifle.' I had interviewed Lieutenant Colonel Ahmet Cemal, who was appointed in place of my husband, and NCO Ahmet Bal. They told me that my husband was killed by short-range fire. Moreover, a village guard was also killed in the incident. But this point was never mentioned. The Forensic Medical Report states that my husband 'was killed with a single bullet in the head, fired at long range.' Most of the military authorities we talked with revealed statements contrary to this finding. My husband's elder brother Nazmi said that he examined the body and could not find any bullet holes in the skull, but that there were signs of more than one bullet on the body. As a result of all this we are going to ask for a fresh autopsy."

The Office of the General Staff claimed that Hurşit Can was serving at Diyarbakır Military Prison when the Colonel Rıdvan Özden was killed. They said that NCO Ahmet Bal, who Tomris Özden claimed in her statement had given information on the death of her husband, had never served in Mardin throughout his professional life.

Application to Europe for Colonel Özden (16 October 1996-*Radikal*/Celal Başlangıç)

"Two different groups trap four armed people in the mountains. Those trapped surrender at last. One of the groups wants to surrender these four people to the law. After long discussions, the other group takes the four people seized and then four shots echo in the mountains. Four bullets, four dead people."

The two groups are subordinated to the same "chief." News of the incident reaches the top. The chief listens to both sides and makes his decision: "Killing people who surrender is a crime even in war!" The incident goes to trial and the killers are sentenced. Many people get angry with the "chief" for surrendering his own men to the law. "This is a state of war. At a moment when machine guns, rockets and bombs have turned the world into hell, a single bullet is enough for him. A pistol shot at point blank range..."

Tomris Özden shows the newspaper clipping relating to this incident, "here" she says, "the "chief" in question is my husband Rıdvan Özden..." The essay is by Yalçın Doğan. It is published in Milliyet on 12 November 1995.

Colonel Rıdvan Özden, Commander of Mardin Gendarmerie Regiment, was killed in a clash in Mardin on 14 August 1995. His wife Tomris Özden wants to clarify the doubt which has increased in her mind since then, and which is confirmed by other relatives who saw the body. Özden explained the moment when she saw her husband dead: "When the body of my husband came, his head was wrapped in cotton wool. With me was a relative, a doctor. I unwrapped the cotton wool over his head. There was a bloodstain on back of his head. But there was nothing except a few purple spots on his face and forehead. On the other hand, the autopsy report stated that there was 'a bullet hole of one centimetre six centimetres above his left eyebrow on his forehead.' The people with me also confirmed my doubts. I want to clarify these doubts."

Security Organisation. Since you are married we cannot allocate a pension." The Şentürks divorced to enable Zeynep Şentürk to get her pension.

This request goes to Eyüp State Prosecution and also to the European Court of Human Rights. Colonel Özden was buried in Edirnekapı Martyrs Cemetery. She submits a petition dated 17 May 1996 to Eyüp State Prosecution through her lawyer Sabri Kuşkonmaz. However they receive no response. Another petition is submitted on 19 July 1996. Again no response. One more petition is submitted to the Supreme Board of Judges and Prosecutors on 9 September 1996, requesting that those who had produced no response to the earlier petitions be determined and investigated. Although one month has passed since this petition, there is still no response. Thus the domestic legal remedies in Turkey are exhausted.

“Was the bullet was fired from behind, not from in front?” asks Tomris Özden. “Who was the officer whom it was said my husband had tried and convicted, and where was he when my husband was killed?” In addition, she wants to learn where the clothes Ridvan was wearing when he was killed, his books with notes written by him and the red covered Armed Forces date book to which he wrote his memoirs are now. There have been numerous applications from Turkey to the European Court of Human Rights. But this is the first application for a member of the Armed Forces, claimed to have been killed in a clash. In the international arena, the file of Turkey’s convictions with regard to human rights violations is getting fat. It seems Turkey is trying to make it even fatter.

Colonel Özden was Shot from Behind (15 January 1996-Radikal/Celal Başlangıç)

A security director, a municipal council leader, deputy security directors and three journalists were sitting around a table. After a while Colonel Ridvan Özden, who was killed countryside in Savur, became the topic of conversation. Was Özden really killed in a clash or was he the victim of a conspiracy as his wife Tomris Özden alleged?

The autopsy report stated that Özden had been shot in the forehead. But his wife claimed that she saw her husband’s body, and the wound was on the back of his head. Tomris Özden requested a fresh autopsy of her husband, but her application was ignored. She made a second application. Again no response. Then she applied to the Supreme Board of Judges and Prosecutors in September 1996. Again she received no response. When the domestic legal remedies were exhausted she applied to the European Court of Human Rights in October 1996.

The security director rejected the idea of a second autopsy, because “the woman was not reliable.” The journalists rejected it; who hadn’t had a second autopsy done? There was even the question of a fourth autopsy on Yasef Öztürk. At last the security director said “I saw myself. Don’t you trust me?” Everybody tried to persuade him that institutional beliefs were more important than personal ones, and that these only be secured through an autopsy performed by the Forensic Medicine Institution.

One of the Deputy security directors asked “Wasn’t there anybody else who saw?” looking for other witnesses around him. This question was replied to at once “The Mayor saw too.” All eyes turned to the Mayor. The security director and the Mayor had very close relations. The security director had even been the equivalent of a godfather at the circumcision of the Mayor. When he saw that everybody was looking at him, he stood up:

-I was one of the first to see the body of Colonel Özden.

The questions followed:

- Where was the scar?

The Mayor replied with self-possession:

- On his head...

Tension settled in. Insistent questions came:

- But on what part of his head?

The Mayor laid his hand not on his forehead, but on the back of his head:

- On the back. There was nothing on his forehead ...

These words had dropped like a bomb on the Special Team Headquarters. The security director leapt up, and stood holding the back of his chair. When the journalists said “It seems that the meal is over” he replied “No, but I need to do something.” Then he left the room quickly. The journalists headed towards the door of the Special Team Headquarters. After a while the security director returned. Without looking them in the face he said “good-bye” to them and got in his car after shaking hands with them. The Mayor saw the journalists off.

The wounded and the disabled

As well as the people killed in clashes and attacks in the State of Emergency Region, large numbers of security officers and civilians were wounded or disabled. Some of the wounded died as they could not get the necessary medical treatment, due to bad living conditions or lack of support and assistance. For example; Özer Yavaş was wounded in the foot in a clash while he was doing his military service in Şırnak. He continued to serve, after receiving medical treatment. Then he was discharged, and returned to his village. However, he was taken under medical treatment at İstanbul Gülhane Military Hospital (GATA) when he began to suffer pain in the wounds. His left foot was amputated as gangrene set in. He was not recognised as a wounded veteran as his foot was amputated after his discharge. Yavaş applied to the authorities for this recognition, but died in mid-September, without receiving any results for his application.

Journalist Ümit Oktan related the sad story of Özer Yavaş in his article **“Shot but not a wounded veteran, died but not a martyr”** published in the daily *Cumhuriyet* newspaper of 28 September 1996:

It has been a week since the Yavaş family buried their son who lost first his leg, and then his life. They are going through unbearable sorrow. On top of this sorrow, indifference has added insult to injury. When Özer Yavaş, upon obtaining a medical report saying “fit for military service,” set out to Foça Gendarmerie Unit on 23 August 1994, there was an atmosphere of feasting in Burunköy village, Söke. After three months training, Özer set out to Şırnak as a keen and active gendarmerie commando. When he was shot by a stray bullet in the thighbone of his left leg in the pitch-dark, it was the beginning of the painful days which led to “the end.” Days of treatment were spent in the military hospitals first in Şırnak, then in Diyarbakır. His wound was not closing fully. The pain had not disappeared completely. He set out to his unit. He received his discharge papers during the bitterest days of winter in Şırnak. Date: 27.12.1995

The pain spread to include the whole of the upper part of his leg. Hüseyin Yavaş, father, took his son to the “regimental doctor” in Söke. They were told “you are poor, you cannot travel far,” and referred to Söke State Hospital. The pain was still spreading. When days of treatment in İzmir Military Hospital did not produce favourable results, Özer Yavaş was taken to Gülhane Military Medical Academy (GATA) Haydarpaşa Training Hospital. The thighbone of his left leg was bleeding. The tests and examinations revealed the ominous result: “Neural sarcoma in the left femoral anteromedial zone.” In other words, a malignant tumour had developed in the connective tissue. Date of the report: 17.4.1996. It was not four months since Özer had completed his military service, when his left leg was cut at the groin. In this pain, Özer was trying to obtain recognition as a wounded veteran.

He said “I was wounded during my military service. Now I am in this miserable condition. The government should look after me.. My family is poor,” but nobody paid any heed. On August, 1996, Özer lost the will to live. The tumour, which had spread throughout his body, took his life and he passed away. The drums, shrill pipes, and folk dances were far away now. Silence fell over the village after Özer was buried. No-one asked after him. The Yavaş family lives in the most ramshackle house in Burunköy, and they pay rent for it. Hüseyin, his father, is working as a cleaner and errand-boy at a school next to their house. His monthly wage is 9 million TL (c.\$90). Fadime, his mother, has not really lived since she lost her “most precious.” Ali, his elder brother, who had completed his military service before Özer, takes any job going, but mostly he is unemployed. Yelis, his sister, runs the house; her mother has no strength to do this.

We are avoiding talking about Özer. As Hüseyin, his father, brings the reports and photos, he says “We raise these children with difficulty. It is easy for the rich to raise children, but for us...” Fadime, his mother, interferes with a quivering and tearful voice: “My son was a hero. He was admitted to military service by the issue of a fitness report. All this happened after he was wounded in the leg. We tried so much to get him recognised as a wounded veteran, but in vain. He died, nobody has paid us a visit. So my son is neither a wounded veteran nor a martyr. The government should support us, and help us.”

Hüseyin Yavaş says that they would not even have been able to bury him because they are so poor, if had were been not given 18 million TL (c.\$180) by the district governor. And 1,5 million TL (c.\$15) paid by the state to take his son to İstanbul. Hüseyin goes on: “I will go to Ankara. I will ask the highest general, ‘Don’t you have a child, too?’. I will tell him that my son became ill after he was shot in the leg in the Southeast, and so he should be regarded as a martyr. This government should pay a pension. They should come and see how miserable we are. My son is regarded neither as war veteran nor as a martyr. So why did this boy die?”

The story of Ali Aslan, who was born in Antakya, and who developed deformation of the brain and severe epilepsy during military service, is another distressing story. His parents have stated that their son developed severe psychological problems as he did not want to complete his military service and that he was adversely affected by the desertion of one of his friends. Selim Aslan, the father of Ali Aslan, declared that when his son's problem began to obstruct his service, he was sent first to Diyarbakır Military Hospital, and then to Ankara Gülhane Military Medical Academy, but that he was not given serious treatment and he suffered physiological disorders arising from psychological problems. When his problems continued increasingly after the completion of his military service, he was admitted to Balcalı Hospital at Çukurova University, and treated in the Neurology Department there for two months. His doctor Şükrü Oğuz stated that Ali Aslan had developed severe epilepsy, that he had deformation of the brain, that it was not possible to give a full diagnosis of his disease, and that the prospects for his recovery were low.

Another case of victims of the war is that of İsa Coşkun. İsa Coşkun was wounded in a clash on Gabar mountain within the borders of Şırnak, in 1995. İsa Coşkun related his experiences as follows: "They took out a bullet from my arm and nine pieces of shrapnel from my body. I could not go on with my military service. They sent me back to Manisa. We are the victims of an undefined war which has not been officially declared. The government does not provide us with employment opportunities. We are not recognised as wounded veterans in accordance with the law, and as such we are not employed. They say we are only fighting against "terrorism." They ask for us certificates to say we are wounded veterans. Such certificates are only issued to those recognised as 'War Wounded'.

Except for a small minority, those who have been wounded in the clashes and thus become disabled had to be content with speeches and empty promises. Of the gravest problems faced by victims of the clashes, unemployment ranked first. In spite of the promises, the disabled were not provided with jobs. For instance, the letters sent by the Zübeyde Hanım Foundation for the Protection of Mothers of Martyrs to businessmen asking them to employ people who were wounded in the clashes were unanswered. A news report in *Gündem*, the news bulletin of the *Strateji Grubu* (a right-wing think-tank), of 1 April 1996, said that only Kibar Holding had answered these letters. The indifference of the business world was reflected in the Activity Report of the Foundation as follows: "We regret not having received any positive responses from the letters sent to business circles and media organisations. If the businessmen we sent letters to had employed one wounded veteran each, over 500 wounded veterans would be employed now."

Throughout the year, we frequently witnessed in the newspapers and on TV the sad stories of victims wounded or disabled in the clashes. An example of such reports can be found in the issue of the daily *Milliyet* dated 27 January 1996:

People wounded in the clashes in the Southeast are treated at Gülhane Military Medical Academy (GATA) Hospital in Ankara. Many of them lost their legs when they stepped on mines, or were wounded by bullets, dozens of people with fractured bones, etc. ...

Ass.Prof.Dr.Major Sabri Ateşalp says that approximately a thousand wounded people have come to the department, 572 patients have been treated for mine wounds, and around 500 for bullet wounds. The biggest problem in the Southeast is mines. In particular, the plastic mines which cannot be detected by detectors represent the most important risk. The Prosthesis-Orthesis Laboratory in the lowest storey of GATA, is like a factory for those who have been wounded by mines and lost their legs or other parts of their bodies. Four workers can produce 12 prostheses monthly. These prostheses are then tried on the patients, and after a rehabilitation period of 15-20 days, the patients can use their new limbs "though not as well as before."

The most severe cases arriving at GATA from the Southeast are those who have been wounded in the spinal cord by firearms. Colonel Doctor Şükrü Gündüz classifies patients arriving to this department as "the most severe cases medically." Gündüz explains that the wounds affect the bodily functions adversely, and adds: "Injuries adversely affect the bodily functions of the patients throughout their lives depending on the degree of injury. For instance, patients may not urinate normally, or may not be able to perform sexual functions. In short, they may need care throughout their lives." Some have to live their lives continuously seated, in wheelchairs. Nobody desires it, but it is a part of the lives of many of the wounded veterans. In this department of GATA, there are always consultants for the psychological problems of the patients who need wheelchairs in order to live. These consultants, who work regardless of time, are the most important supporters of the patients.

Another department wounded veterans from the Southeast frequent in GATA is Plastic Surgery. In a general sense, this is a place of art, and Dr. Mümtaz Güler says: "Our patients are

people who have lost fingers, or hands or who have damaged jaws. Our job is reconstruction; in other words, rebuilding the defective part back to its former state, or an approximation of it. For instance, we may rebuild a heel for the patient who has lost his/her heel by dissecting some muscles from his/her abdomen or back, and transplanting these muscles to the heel. Or we may transplant a toe to the hand of a patient who has lost his/her finger. Or we may reconstruct the jawbone of a patient who has been shot in the jawbone by transplanting the shinbone, i.e. the fibula, or from the hip.”

Trials of relatives of PKK militants

Starting from the last months of 1995, trials began to be launched against families of PKK militants who had been involved in or even killed in clashes, demanding compensation for the damages due to the clashes in the State of Emergency Region.

Compensation amounting to 400 million TL (c.\$4,000), paid to the family of Major Tahsin Büyükçoban who lost his life in the clashes on Bezar mountain in Adıyaman on 4 January 1992, was demanded from the families of PKK militants İsmail Tümen and Deniz Omurca, who lost their lives in other clashes subsequently. To this end, a case was brought against the relatives of İsmail Tümen and Deniz Omurca. The charge in this case was that “Major Tahsin Büyükçoban was shot by PKK militants including Deniz Omurca and İsmail Tümen, who are the decedents of the respondents, during a land search. After the event, the heirs presumptive of the martyred Gendarme Major Tahsin Büyükçoban brought a case for compensation against our client the Administration, and consequently the plaintiff Filis Büyükçoban was paid compensation of 400,688,000 TL (c.\$4100) by the Ministry of Finance. Since, of the militants who killed Tahsin Büyükçoban, Deniz Omurca was killed in a clash on 27 June 1992, and İsmail Tümen was killed in an armed clash on 17 May 1994, we have been forced to demand recompense for the compensation paid to the heirs apparent of the martyr as forfeit from the respondents.” Murat Bilgiç, the lawyer representing the father of İsmail Tümen, said that “Since there is no definite proof that İsmail Tümen and Deniz Omurca killed the aforementioned major, even initiation of such an case is absolute nonsense. This case cannot be reconciled with legal logic in any way. The purpose of it is the creation of a deterrent and disquiet.”

A similar trial was launched against the families of Osman Yıldız and Recep Bali, PKK militants who died on 1 July 1994. This trial was initiated on demand of the Urfa Security Directorate, and it was claimed that a group of PKK militants including Osman Yıldız and Recep Bali, had set work machinery belonging to Siirt Rural Affairs Nineteenth Regional Directorate on fire, causing damage of 810 million TL (c.\$82,700). The complaint included the following: “Work machinery belonging to Rural Affairs was set on fire in Yoğurtçu village in Suruç on 20.08.1993. It was stated in a communication by Şanlıurfa Security Directorate dated 23.06.1994 that the perpetrators had been killed in armed clashes in the vicinity of Zentindağı village in Suruç. Since the perpetrators have died, it is necessary for us to bring this case for damages against Hediye and Müslüm Yıldız, the parents and legal heirs of Osman Yıldız and against Hadrey, Hamit, Neriman and Naile Bali, who are the wife or children and legal heirs of Recep Bali, who was killed in the same clash.”

Hadrey Bali, the wife of Recep Bali, said, “The police had no proof that my husband set the Rural Affairs machinery on fire. On top of that, the state kills my husband leaving me as a widow and my children as orphans and demands compensation for damages from me, but where can I demand compensation for my fatherless children? The compensation demanded from us amounts to 4 billion TL (c.\$41 million), including interest. But I could not pay that even if I worked all my life. I have inherited nothing but my children from my husband, if they want them, let them come and get them.”

Ekrem Kazanasmaz, the lawyer representing the Rural Affairs Regional Directorate, said “It is almost impossible prove that the so-called perpetrators caused the damage. The security forces made the a claim only after the so-called perpetrators died. How can they indicate them as the perpetrators after they have died? Both the presiding judge and myself feel regret for being involved with such a case.”

Similarly, a trial was launched against the family of Cemil Gümüştan, a PKK militant killed in a raid on Bahçesaray district in Van in 1989, on request of the Ministry of the Interior, which claimed compensation of 53 million TL (c.\$540) on the grounds that Cemil Gümüştan had “caused physical damage to the district governorate building.” The district governorate building had been damaged in a raid by PKK militants on Bahçesaray on 12 August 1989. District Governor İsmail Kaya had launched a case with Van Administrative Court, for damages to his

personal belongings during the raid, and had been given compensation of 34 million TL (c.\$8500) in 1991. The Ministry of the Interior, on the other hand, launched a case at Van Primary Civil Court No.2 against the family of Cemil Gümüştan for the damages that he had allegedly caused, on 16 March 1996. The complaint included the following: “Cemil Gümüştan incurred damage on the personal belongings of District Governor İsmail Kaya, and the damage was covered by the state. Since Mustafa (his father), Fatma (his mother), Mahsum, Salih, Musa, Zeliha, Şemsettin, Rozer and Aslıhan Gümüştan (his sisters and brothers), are the heirs presumptive of Cemil Gümüştan, who took part in the raid, they are responsible for the damage, and for the compensation paid to the district governor. For this reason it is requested that a case be brought against them.” Protesting the case, Mustafa Gümüştan said, “It was not my will that my son had joined the PKK. I am not responsible for his actions. I did not order him nor did I direct him. If the state regards him as a ‘terrorist,’ this means that it makes a distinction between him and me. And if it launches a case against us for my son’s actions, this means either that they do not regard my son as a ‘terrorist’ or that they regard all of us as ‘terrorists.’ Nowhere else does such a primitive mentality dominate. It seems that those who brought this action against us are more ignorant than us. I will not pay the compensation which I find both comical and unjust, even if I lose the action. I want the Ministry of the Interior to be aware of this.”

f)- Hostages

Another aspect of the clashes in the region was soldiers taken hostage. Nobody took any interest in the hostage soldiers (*) and their relatives. The authorities refused requests for help by relatives of hostage soldiers. For this reason, they turned to the İHD, and applied to international organisations such as the Red Cross, Amnesty International and the United Nations. Most of the soldiers, who were held hostage by the PKK for months or years, were released at the end of 1996, thanks to the persistent efforts of Welfare Party MP Fetullah Erbaş, İHD President Akın Birdal and an executive member of Mazlum Der, İhsan Aslan.

A delegation went to Northern Iraq on 26 August, following a PKK statement indicating that soldiers held hostage may be released. The delegation consisted of Welfare Party MP for Van Fetullah Erbaş, İHD President Akın Birdal, Mazlum-Der Deputy President İhsan Aslan, Cemil Aydoğan, President of the Mersin Branch of the İHD and Ahmet Başaran, Hüsnüye Başaran, Ümrân Sıkılğan, Bünyamin Çelik and Bekir Öztürk, relatives of the soldiers. The delegation first met with the authorities of the Kurdistan Democratic Party (KDP). Then, Fetullah Erbaş, Akın Birdal and İhsan Aslan, in the name of the delegation, contacted PKK executives in the Amadiyah region on 27 August. On 28 August, other members of the delegation and journalists went to the PKK camp in Amadiyah. Murat Karayılan, Duran Kalkan and Rıza Altun met with the delegation on behalf of the PKK.

The delegation was met by Rıza Altun and Murat Karayılan, leading members of the PKK, with a military ceremony at the entrance to the camp. In his speech, Fetullah Erbaş insistently repeated that he had come upon his own initiative and that he was not a representative of the Turkish government. He also said that they came for peace, demanding that the bloodshed should stop. Akın Birdal said, “The İHD has been struggling for peace and brotherhood for years. We hope that this positive step will open a door in the process for peace. Everybody has responsibility in the maintenance of peace. We want to take today’s initiatives as an indicator of beautiful days of peace to come.”

After the talks at the camp, the PKK authorities disclosed that they would not hand the hostages over to the delegation. This decision, which caused disillusionment, led to intensive negotiations. After hearing the decision, members of the delegation stated that the Turkish public was sensitive to the demands of peace, and said, “This decision of yours will cast a heavy blow to our work so far. If you really want peace, you should help us by delivering the soldiers right now.” The PKK’s decision not to release the soldiers was confirmed on 29 August. Murat Karayılan indicated that certain conditions had not been fulfilled, that the protests by the Turkish public for the release of the soldiers had not been deemed sufficient by them, and that they

(*) Engin Eksiş (1992), Mustafa Çelik (non-commissioned officer-1992), Yalçın Yaşar (1994), Mehmet Nuri Aykut (1994), İbrahim Yaylalı (1994), Hakan Pusat (1995), Tuncay Kavaklıođlu (1995), Mehmet Sıkılğan (1995), Ramazan Çelik (1995), İsmail Başaran (1995), Cengiz İpek (1995), Tevfik Öztürk (1995), Sedat Ađca (1995) and Mustafa Özüiker. (Mustafa Özüiker, while serving as a second lieutenant in Şırnak, was wounded in a clash and taken as a hostage in September 1994. He was kept in a PKK camp for one year, and then released. He did not turn back to Turkey after having been released. He is currently working at “Kurdistan Information Centrum” in Amsterdam.)

expected that the protest would increase. Murat Karayılan then said to Fetullah Erbaş: “This initiative of yours is personal. We respect this. However, you do not have official status. For this reason, we cannot hand the hostages over to you. We do not know what the developments will be. I expect this problem to be solved within 10-15 days.” Following this statement by the PKK, Fetullah Erbaş and those with him left the camp in the late hours of 29 August.

The initiative caused reaction from certain circles and publications in Turkey. Members of the delegation, first and foremost Fetullah Erbaş, were subject to a campaign of slander. Emin Çölaşan, a columnist with the daily *Hürriyet* who had previously written numerous articles against the İHD, again wrote negative articles on this issue. The Speaker of the Parliament Mustafa Kalemli called on Erbaş to resign. Kalemli said, “I would like to state that it would be appropriate for our esteemed member to reconsider his position. I condemn a member of ours being used as a tool in this way.” Facing criticism from the ANAP and the CHP, members of the Welfare Party tried to give the impression that the mission had nothing to do with them, although they had known weeks before that Fetullah Erbaş would meet with PKK representatives. After meeting with Fetullah Erbaş, Minister of Justice Şevket Kazan said, “A well-intended initiative. The fact that it has not achieved anything does not mean that it will not do so in the future. This has nothing to do with the party, it was a personal initiative.”

Ankara SSC Prosecution launched an investigation against the members of the delegation, and within this framework, Akın Birdal was detained by police officers coming to his house at 10.30 p.m. on 2 September. SSC Prosecutor Nuh Mete Yüksel did not allow Akın Birdal’s lawyers to be present during the search of the house. Afterwards, Akın Birdal was taken to the Ankara Security Directorate Political Branch. İhsan Arslan surrendered in Ankara on 3 September, but Fetullah Erbaş was not detained due to his parliamentary immunity.

Akın Birdal and İhsan Arslan were taken to Ankara SSC on the morning of 6 September. The testimonies of Birdal and Arslan, who were medically examined at the Forensic Medicine Institute, were received by SSC Chief Prosecutor Cevdet Volkan. Birdal and Arslan were released at noon, pending prosecution on bail. Meanwhile, SSC Prosecutor Nuh Mete Yüksel, who had ordered the arrest of Birdal and Arslan and conducted the investigation from the beginning, was withdrawn from the investigation, reportedly upon the intervention of Justice Minister Şevket Kazan. It was reported that Kazan had called Chief Prosecutor Volkan, and ensured that Nuh Mete Yüksel be withdrawn. However, in response to the questions of the journalists Volkan said, “This is at my administrative disposal. I deemed it appropriate.”

In the beginning of October, the SSC Prosecution launched a trial against Akın Birdal, İhsan Arslan and Cemil Aydoğan, President of the Mardin Branch of the İHD. The indictment charged that the delegation headed by Fetullah Erbaş had “paved the way for PKK propaganda,” and “made speeches favouring and honouring members of the outlawed organisation.” Birdal, Arslan and Aydoğan were all indicted with demands for prison Association 7 years and 6 months under Article 169 of the Turkish Penal Code. The indictment said that Fetullah Erbaş had started his initiative, “believing that the soldiers would be released in Duhok, but without investigating the content of the case, without applying for information from or the approval of related official institutions and organisations, and without considering the conclusion and results of his initiative,” having read news reports of journalists, who had been to Northern Iraq, indicating that the PKK might release the hostages.

The trial started at Ankara SSC on 11 November. Under cross-examination, Akın Birdal stated that relatives of the hostage soldiers had applied to the İHD for the release of their sons and that the claim that he had aided the PKK and disseminated PKK propaganda was not true.” Birdal added that they had gone to the PKK camp on the insistence of the families, when they were informed that the soldiers were being kept there. He stressed that they had taken the initiative in order to contribute to an ending to the tension in the country, and said, “I wonder if we would have been put on trial had the soldiers had been allowed to return with us. It is indeed a result of our initiative that 2 of the soldiers were released after we left the region. We held no secret meeting with the leaders of the organisation at the camp. All of the meetings were held before the press. I am prosecuted not for having committed an offence, but for being President of the İHD.” İhsan Arslan said that he concurred with the testimony of Akın Birdal, while Cemil Aydoğan underlined that they had not gone to the camp to disseminate propaganda. Murat Çelik, reporter

with the private television channel ATV, who was heard at the hearing as a witness, said that the meetings had not been held in secret. The trial ended with acquittal on 9 December. (*)

Two of the soldiers held hostage by the PKK were released on 16 September. The PKK handed over fotsoldiers Mehmet Sıkılğan and İbrahim Başaran, to the Red Cross authorities and their relatives in Duhok in Northern Iraq. Mehmet Sıkılğan's mother İmren Sıkılğan, and İbrahim Başaran's mother Hüsniye Başaran and his elder brother Mehmet Başaran were there. The Red Cross authorities delivered the soldiers and their relatives to the Turkish authorities at the Halil İbrahim border point at Habur at 10.30 a.m. on 17 September. The soldiers were detained for a period.

Soldiers Tevfik Öztürk, İbrahim Yaylalı, Tuncer Kavaklıođlu, Ramazan Çelik, Sedat Ađca and Hakan Pusat were released on 8 December. Fetullah Erbař, Akın Birdal, and Halit Çelik, President of the İzmir Branch of Mazlum-Der, who went to Northern Iraq on 6 December in order to collect the soldiers, met with Zübeyir Aydar and Nizamettin Tođuç, members of the Kurdish Parliament in Exile, in Duhok on 7 December. The members of the delegation proposed to collect the soldiers from a civilian settlement instead of a PKK camp. Zübeyir Aydar talked to the PKK leaders, and it was decided that the soldiers would be handed over in Duhok. However, the KDP disclosed to the press that they objected to this. Upon this, there was a decision for the soldiers to be handed over somewhere far from the camp. The delegation and families of the solders walked for about half an hour from Amadiyah, to the entrance of the PKK's Zap Camp, where the soldiers were handed over to the members of the delegation.

The soldiers, their relatives Gülsüm Kavaklıođlu, Nuran Pusat, Ünver Yaylalı, Yavuz Yaylalı, Bedriye Öztürk, Bekir Öztürk, Kemal Ađca and Zeynep Ađca, and the members of the delegation entered Turkey at 09.30 a.m. on 12 December. The soldiers were detained after medical examination. Of the soldiers, who were referred to Diyarbakır SSC Prosecution on 12 December, İbrahim Yaylalı was remanded in custody charged with "disseminating propaganda for the PKK," when he addressed the PKK leader Abdullah Öcalan as "Esteemed Chairman" during an interview with a private TV channel. The other soldiers Tuncay Kavaklıođlu, Hakan Pusat, Ramazan Çelik, Tevfik Öztürk and Sedat Ađca were released.

Meanwhile, relatives of İbrahim Yaylalı protested the claims of his alleged desertion from his military unit and praise of the PKK. His father Yavuz Yaylalı said, "No official statement has but been made indicating that he deserted. We received no information on his whereabouts after October 1995. But 3 months after his disappearance, the authorities revealed verbally that he had disappeared during an operation. My son was not a fugitive, he was taken hostage. He had gone out on an operation when he was serving at Ortaklar Gendarmerie Station in Midyat, but he fell over a cliff and lost his unit when his leg was injured. He sheltered in a cave, where he was taken hostage." Mother Ünver Yaylalı protested her son's arrest, and said, "None of the state officials took interest in us when my son was captured by the PKK. But they did not say he had deserted then. They came 3 months later, and said that he was missing."

Nuran Pusat, the mother of Hakan Pusat, appeared on a TV programme, and gave her response to reactions against the delegation, but she was warned off by the military. Nuran Pusat disclosed that, after her statements on the TV, a military authority had come to the hotel she was staying and said to her, "Auntie, your words wounded us." Pusat remarked that she did not have money even to stay at the hotel and she had searched for her son with money she had borrowed from neighbours, and said, "I strongly condemn the reactions against Fetullah Erbař and Akın Birdal, who made efforts for the release of our sons, and who made us happy."

Diyarbakır SSC Prosecution launched a trial against İbrahim Yaylalı at the end of December. The indictment demanded a prison term of 12 years for him under Article 168 of the Turkish Penal Code and Article 5 of the Anti-Terror Law on charges that he had "praised the PKK and its leader Abdullah Öcalan in the statements he made while he was being kept at the PKK camp, and received military and political training at the camps." The trial against İbrahim Yaylalı commenced at Diyarbakır SSC on 20 February 1997. In his cross-examination, Yaylalı said that he had made his statements praising the PKK under duress. The court board concluded that it was impossible for him to disseminate the PKK propaganda of his own free will while kept in a PKK camp, and decided to acquit him.

(*) In 1996, Fetullah Erbař and İhsan Arslan, as well as writer Yařar Kemal and Eřber Yađmurdereli, who started the campaign "One Million Signatures for Peace," were awarded traditional İHD Human Rights Prizes. The ceremony was held in Ankara on 10 December.

The funerals

Funerals held for soldiers killed in clashes became the scenes of various incidents. The funerals, attended by thousands of people, turned into demonstrations against the PKK and the Kurds. At the ceremonies, slogans were chanted against HADEP, İHD, human rights defenders and journalists. No serious efforts were made by the authorities to prevent incidents that broke out during the funeral ceremonies or even to prevent the repetition of similar events. The funerals became the leading political activity of the Nationalist Action Party (MHP), and turned into a focal point for demonstrations of supporters of this party.

Enlisted man Mustafa Akın, who died in a clash in the vicinity of Sağgöze village in Genç, Bingöl, was buried in Reşadiye village in Doğanşehir, Malatya. The Commander of Doğanşehir Gendarmerie Station made announcements in Reşadiye, Sürgü and Kasımlar villages, declaring that it was compulsory to attend the funeral. The commander also demanded the attendance of students of primary schools in the villages and of all the schools in Doğanşehir at the funeral. Soldiers visited villages house by house, telling everybody to attend the funeral. MHP supporters from Antep, Urfa, Elazığ and Malatya also attended the funeral. Schools in Doğanşehir and in the 3 villages were closed for 3 days in connection with the funeral, which turned into a MHP demonstration.

A funeral held on 29 July in İstanbul for soldiers named Kemal Aşık, İlhan Yalçın, Ersin Pekçetin and Eyüp Beyazıt, who died in a clash in Çukurca, Hakkari, also later turned into a demonstration. President Süleyman Demirel also attended the funeral. Kemal Aşık's father Ramis Aşık shouted at him, saying, "This issue cannot be dealt with by sitting in the National Assembly, in Presidential Villa." Meanwhile, a group of MHP supporters held a demonstration and attacked journalists there. The group claimed that newspapers and TV channels had covered the deaths in prisons but not placed emphasis on the funerals of soldiers. The group chased cameramen and roughed up some journalists.

The family of Erkan Karakaş, an enlisted man who died in Tunceli on 12 August, refused to allow an official ceremony to be held. A funeral was held at Sultanbeyli Mosque on 13 August. People were invited to attend the funeral early in the morning, but people on duty of the official ceremony were sent back by the family. Erkan Karakaş was buried in Tepe Cemetery in the Fatih area. His brother Fesih Karakaş stated that he had died 1 month before his discharge, and demanded an end to the war. His father, also Fesih Karakaş, declared that they did not want an official ceremony as such ceremonies were turned into demonstrations by certain political parties.

Members of the *Ülkü* Association (radical nationalist youth centres activating in line with MHP ideology) in Erzin, Hatay, distributed leaflets in the Kurdish-populated quarters, Bahçelievler and Mustafalı, during the funeral of a NCO who died in a clash in Tunceli. The leaflet pointed at Sırça, Aydın, Eryılmaz, Hantaş, Varsak, Can and Serçe families as targets for having commercial relations with Kurds and selling houses to them in the previous 15-20 years.

PKK militant Zahir Çetinkaya (21), who died in clash in Küçükçamurlu Village in Göksun, Maraş on 14 August, was buried in Mersin on 16 August. The Çetinkaya family and their relatives, who went to Göksun on 15 August, were summoned to the District Security Directorate. They collected the body after making statements at the Security Directorate, but they were stopped by a group of MHP supporters at the exit to the district despite the fact that they were being escorted by a police vehicle. The first 2 cars managed to pass through the MHP barricade, but the people in the third car, Sait Çetinkaya, Şakir Çetinkaya, Ahmet Bozkurt, Metin Bozkurt and Yakup Tenşi, suffered an attack by the MHP supporters. The police did not intervene, and the 5 of them were wounded in the attack. Zahir Çetinkaya (*) was buried in Akbelen Cemetery in Mersin. The people attending the funeral, including executive members of the HADEP Mersin and Tarsus offices, dispersed without incident. Sait Çetinkaya, Şakir Çetinkaya, Ahmet Bozkurt, Metin Bozkurt and Yakup Çeşni were referred to the court, and they were remanded in custody on the charge of being in possession of unlicensed guns.

“Sending-off” ceremonies for soldiers

Incidents in which racist and chauvinist feelings were reflected through violence and which fed enmity and hatred between the Turkish and Kurdish people were also observed in

(*) It was claimed that Zahir Çetinkaya had been wounded in a clash and captured, but killed later. The autopsy report read that his eyes had been carved, right foot had been broken, and right of his face had been burnt. His father Kutbettin Çetinkaya said that there were 5 bullet wounds in the back of his son, and that he had been killed under torture, after having been captured wounded.

celebrations held for sending youths off to military service. Groups gathering to send the youths off provoked various incidents. In “sending-off” ceremonies of this kind, which turned into displays of bravado by MHP supporters, people were attacked for not making the sign of the wolf’s head (symbolic of the MHP) and for not chanting slogans, and there was random fire.

In Bağcılar, İstanbul, an unknown person from a convoy on its way to the bus station to send off friends on their way to military service on the night of 9 June, opened fire into the air. Zafer Özcan, a child who was watching the convoy from his balcony on the fourth floor, was wounded in the leg because of the fire. The police detained certain people after the incident.

A person named Yeter Açık was seriously wounded when a group, who were sending off friends on their way to military service on the night of 25 August in Çengelköy, İstanbul, opened fire into the air at random. Relatives of Yeter Açık related the incident as follows: “We were about to sleep when we heard shouts of ‘Our soldier is the greatest!’ Then came gun shots. Then one of the bullets broke the window and hit Yeter.” In Harbiye area of Dikmen, Ankara, on the night of 26 August, a group of people on the streets for the same reason also fired into the air.

Some MHP supporters opened fire into the air while sending off some youths on their way to military service in Ödemiş, İzmir, on the night of 18 November. The ceremonies, which were announced to the public by Ödemiş Municipal Council, turned into a demonstration by the MHP supporters, who rallied on the streets chanting slogans against Kurds and leftists. The MHP supporters sang Ottoman military marches, opened fire into the air. At sending-off ceremonies which were jointly organised by Ödemiş Council, Ödemiş District Governorate and the Military Recruitment Office on the night of 18 November, MHP members formed a convoy of civilian and official vehicles, chanted slogans and were generally rowdy when passing through Kurdish-inhabited quarters.

Families of martyrs

From mid-1996 onwards, the relatives of the soldiers and police killed in the clashes or armed attacks, especially in the State of Emergency Region, were publicised. There were attempts at provoking this unhappy group called the “Friday Mothers,” against the relatives of the disappeared, or the relatives of political prisoners, or groups who held demonstrations calling for their rights. And from time to time, announcements were sent to the newspapers and other media organisations with various signatures. MHP supporters and other chauvinist forces played important roles in the provocation of people who lost relatives in the fighting in the Southeast.

A news story entitled “Ultra Nationalists Stand Up for the Friday Mothers,” written by Esin Dalay and published in the *Yeni Yüzyıl* newspaper of 10 August 1996, carried impressive coverage of the ultra nationalist MHP supporters’ activities in this regard. This is the news story:

The meeting by the Friday Mothers in Edirnekapi Martyrdom Cemetery yesterday (9 August), turned into a demonstration by the Ülkü Associations. As always, the mothers of soldiers who lost their lives in clashes with the PKK in the Southeast assembled at Edirnekapi Martyrdom Cemetery yesterday. But this time, the voices of youths affiliated with the Ülkü Associations drowned those of the mothers. While some of the mothers prayed and cried before the graves of their sons, which they decorated like rose garden, others watched the small demonstration which was turned into a show by the Ülkü Associations. Youths affiliated to the Ülkü Associations, aged between 14-15, opened placards, made the sign of the wolf’s head, chanted cries of war and revenge, and cursed the PKK.

Most of the Friday Mothers, who had adopted a tolerant approach to the "Saturday Mothers" prior to the demonstration by the Ülkü Associations, were furious after the demonstration. A leaflet, signed by Servet Akkuş, President of the İstanbul Provincial Ülkü Associations, was distributed during the demonstration. This leaflet stressed that the Saturday Mothers and the Friday Mothers should not come together: “There was an attempt to create the image that terrorists who fought with the Turkish soldiers and police were innocent, by making use of their mothers, but when this attempt failed, the public became aware of the mothers weeping before the graves of their martyred sons, and the public was forced to treat them equally.”

The mourners were angry with the government; Mrs. Bayramiye, from Sivas, who lost her only son, a 19-year old, in a clash in Tunceli a month ago, stated, “Enough is enough, stop this war. All are our sons. The state took them, put them in a war, then buried them with a splendid ceremony. We have not even been granted a pension but.”

Four soldiers killed in an ambush in Çukurca, Hakkari, 16 days ago, were also buried in Edirnekapi. There are young girls before the graves. One of the graves is decorated with waffles and chocolates, the other with the flag of Fenerbahçe Football Club... The girls weep silently,

with flowers in their hands. A mother who is angry with everybody is shouting about the journalists: "They are PKK supporters, get them out of here now!" while others give pastries, pies and fruit juice to the people there receiving prayers of blessings in return.

The Martyrs Association in Denizli was closed down in April by Denizli Primary Civil Court No.2 on grounds that it was "not legal." Ömer Tarm, President of the Association, said, "There are too many associations which all resemble each other. As a result, families of martyrs are left to their destiny. It was reported that the [Denizli] Martyrs Association was closed down for non-compliance with the Law on Associations. However, [branches of] this association have been established in 20 different places with the permission given by the Ministry of the Interior. The complainant asking for the closure of the Martyrs Association was the Turkish War Veterans, Martyrs, Widows and Orphans Association. The association in question has only 6 provincial branches. The closure of our Association was ordered under Article 6 of the Law regarding 'Turkish Retired Officers, Retired NCOs, War Veterans, Martyrs, Widows and Orphans, and Combatant War Veterans Associations,' numbered 2847. According to the provisions of this law, four associations have been affiliated with the Turkish War Veterans and Martyrs Association and it is forbidden to establish any other association. However, there are 21 martyr family associations just like us throughout Turkey. All should then be closed down. But since only we have expressed our views calling for an end to the bloodshed, we have become the target. We regard the decision as anti-democratic."

The İzmir Mutual Assistance Association for the Protection of the Families of Martyrs held a meeting at Konak Square on 9 August. Representatives from the Motherland Party, the True Path Party, the MHP, and the Great Union Party, and Turan Arınç, Welfare MP for İzmir, attended the meeting. Arınç was attacked when he said, "We will never negotiate with the PKK. And nobody can monopolise nationalism,". MHP supporters forced him down from the rostrum by throwing plastic bottles at him. Hasan Uysal, President of the Association, resigned his office on 13 August. There were claims that he had resigned after resisting the attempt by MHP supporters to exploit relatives of the soldiers.

Turkish-Kurdish clashes

Another outcome of fighting in the State of Emergency Region was enmity and gangrenous hatred created in society. Intolerance of Kurds continued in 1996 and certain incidents occurred which caused tension and clashes between Turks and Kurds. The media preferred to follow a provocative broadcasting and publishing policy instead of trying to lower the tension. Attacks by the PKK and funeral ceremonies for soldiers killed in clashes or raids increased the tension among the people. As a result of this provocative atmosphere, disputes and fights arising from small disagreements turned into clashes between Kurds and Turks in certain settlements, and some other incidents were reported as Kurdish-Turkish clashes.

A dispute that broke out between two families, one of Turkish and one of Kurdish origin, living in Erdemli, (*) Mersin, gave rise to incidents resulting in the death of one person and the destruction of a number of shops belonging to Kurds residing in the district. The incidents in Erdemli took place on 9 and 10 March, and developed as follows: A Kurd named Halil Aslan, accused of "harassing a woman named Ayşe Çetin by telephone," was beaten up by her husband Galip Çetin, and her relatives. Of the people who beat Halil Aslan, 4 were detained by the police after a complaint was made. The detainees were released by the court on 9 March. After getting out of the Court House, the four released were themselves confronted and attacked by relatives and friends of Halil Aslan. As a result of the attack, Galip Çetin (33) was knifed to death. The murder of Galip Çetin caused significant tension in Erdemli and a group of mostly MHP supporters started demonstrating and chanting slogans against the Kurds. The demonstrators were provoked by certain MHP supporters headed by Ali Şahin, the MHP member district council leader, and a local radio station favouring the MHP.

Galip Çetin was buried at Türbe Cemetery on 10 March. Around 5,000 people attended the funeral and chanted slogans such as "Death to the Kurds!," "Kurds Out!" and "Erdemli will be a Graveyard for the Kurds!" after the funeral, and destroyed and plundered shops belonging to Kurds in the town centre. About 20 shops were destroyed during the attack, including Erdem Coal and a carpentry shop belonging to Bilal Geyik, Erdemli Hotel belonging to Adem Bilal, and

(*) Erdemli is a district where Turkmen live and the MHP has been powerful. With the recent wave of migration, the population of Erdemli has risen to 30,000, most of whom are of Kurdish origin. In the recent years, Erdemli witnessed the rise of both the Turkish and the Kurdish nationalist movements.

Aslan Music Studio belonging to Bahattin Aslan. The group were prevented from entering Kurdish-populated quarters in the town.

The incidents in Erdemli continued on 11 March. A march staged by a group of 500, demanding the release of the 25 people detained during the incidents on 10 March, was prevented by the police. Meanwhile, Erdemli Security Director was found to have been negligent during the incidents, and 3 police officers were relieved of duty. In addition, an investigation was launched against executives of 2 local radio stations claimed to have “made provocative broadcasts during the incidents.” Yaşar Akman, Mehmet Balcı and Mehmet Koroğlu, who were arrested during the incidents, were remanded in custody on 12 March, and Ümit Akış, Ahmet Gökiş and Alpaslan İpçi were released. Of the defendants, Mehmet Balcı and Mehmet Koroğlu were released pending trial by Heavy Penal Court No.2 on 10 May.

Businessman Bilal Geyik said that the assailants had continuously chanted “Erdemli will be a Graveyard for the Kurds!” and added, “My workplace was completely burnt out. The fire brigade, who are 50 metres away the spot, did not try to put out the fire. Ali Şahin, the Mayor, was encouraging the assailants. A fire brigade team who came from Mersin were stopped by Şahin, and he shouted at the security director when he had attempted to stop the assailants. He said, ‘Get out of our way, we will kill these Kurds.’ The assailants destroyed all of the houses and shops on Silifke Street.”

Çetin Aslan, Kudbettin Aslan, Necmettin Aslan, (*) Selahattin Aslan, Bahyettin Aslan, Vahyettin Aslan, Metin Aslan, Halil Aslan and Muhyettin Aslan, who were detained on charges of “having knifed Galip Çetin to death,” were later remanded in custody. The trial launched against the 9 people by Mersin State Prosecution commenced at İçel Heavy Penal Court No.2 on 12 April. In the hearing, Halil, Vahyettin, Muhyettin, Metin and Selahattin Aslan were released pending continuation of the trial. The other defendants were not released.

On 1 July, some MHP supporters attacked Kurdish peddlers at a flyover in Şirinevler, İstanbul, on the pretext that they had “torn a Turkish flag,” and knifed Şevket İlenci and Çetin Erdinç. Police officers who were very close to the scene were reported not to have intervened in the incident. Şevket İlenci and Çetin Erdinç disclosed that the assailants, who were members of Bahçelievler *Ülkü* Association, were selling flags at the flyover. Şevket İlenci said, “Çetin fell down, and I tried to help him. They attacked me as well, and I was knifed in the back,” and he said that they had torn no flag as claimed.

On 19 July, a fight between some children in Gaziantep turned into a clash between Turks and Kurds. During the daytime, a fight arose between the children of the Bilgin family (originating from Bozova, Urfa) and the Yağmurlu family (of Baraklı Turcoman origin), who were all living Kocatepe shanty town. The fight restarted when the adults from both families returned from work in the evening. There was a stick and stone fight between the two families, and it spread when certain other families got involved at about 8.30pm. Fifteen people were wounded during the fight between the Bilgin, Yaprak and Bulut families on the one side and the Yağmurlu and Özasan families, both of Turcoman origin, on the other. At about 9pm, someone tried to provoke people living in the area by chanting, “The Turks are swearing at the Kurds. They are killing us. Why are you standing around doing nothing?” on the streets. With this provocation, hundreds of people, including women and children, went out onto the streets. Meanwhile, a group erected a barricade on the road with stones, and chanted slogans in Kurdish. When the incident spread, additional police forces came to the area. Security officers lifted the barricade, and dispersed the group by firing into the air. Over 15 people were detained during the incident, which continued until midnight.

Mental disorders

The atmosphere of warfare which has prevailed for more than 10 years in the State of Emergency Region, caused serious mental and physical disorders in security officers and local people in the region. While “ulcers due to the stress brought upon by the atmosphere of fighting” were diagnosed in 90 percent of security officers serving in the region, local people suffered from weak hearts, rashes on the face and in the skin, stomach and intestinal problems, irregular

(*) Necmettin Aslan disclosed that he, along with police officers, had gone to the Kelebek Restaurant belonging to himself, after having been released, and found out that all of the things, which had not been damaged during the incident, had been stolen. Necmettin Aslan said that they had heard that Mayor Ali Şahin had threatened his family saying “We will kill the members of the Family Aslan,” and that the people in the district had cut their relations with them because of the pressure by the MHP adherents.

menstruation and miscarriage in women, and continuous fear and bed-wetting in children. Some security officers who were serving in the region or had served in the region committed suicide. Some others became insane, committed vandalism, committed murder or other crimes, or suffered untreatable psychological disorders. (*)

The psychological disorders of soldiers who served in the State of Emergency Region were frequently on the agenda and were discussed at conferences in 1996. For instance, Ass.Prof.Dr.Süheyla Ünal, Head of the Psychiatry Department of Gaziantep University, stated at the beginning of the year that soldiers who took part in the clashes or who were taken hostage should undergo psychiatric therapy. Ünal said, "Those who do not receive medical treatment may develop significant symptoms such as ill-temper, extreme nervousness, inability to focus on certain points, inattentiveness, etc. Such symptoms may affect one's life adversely and even may make it unbearable. Those people who have experienced concentration camps, life in prison, torture, rape, traffic accidents, injury, war, being taken as hostage and even floods, earthquakes, etc., may develop a number of disorders. These may not always be discerned in advance. However, as time passes by, such people begin to exhibit variant behaviour. They may have nightmares day or night. Symptoms such as insomnia, mental confusion, inability to concentrate, frequently reliving past painful events, anguish, extreme depression, alienation from others, desperation about the future, etc., may make the individual's life unbearable. In such cases, therapy should start immediately."

It was emphasised during a conference, "Psychological Trauma Days," organised by the Turkish Neuropsychiatry Association between 10 and 11 October, that the Southeastern problem in particular produced grave results for the society as a whole and security officials in particular. In the conference, experiences from wars in Sarajevo, Chechnya and the Falklands were mentioned, and Turkish doctors explained the difficulty of working under extraordinary conditions characterised by the violence. The discussions between a military doctor from the Gülhane Military Medical Academy and a psychiatrist attracted interest during the conference. The military doctor evaluated the psychological disorders experienced by Special Team personnel after completing their duties, as "individual cases," and stressed that the Special Team personnel with whom he had been acquainted wanted to be re-entrusted with their former duties as soon as possible. On the other hand, the psychiatrist, who said that he had given treatment to three Special Team members, stated that his patients continually talked about killing people and of violence.

In a study undertaken as a specialist thesis by Doctor Captain Ulvi Reha Yılmaz(*) of the Psychiatry Department of Gülhane Military Medical Academy, it was determined that the soldiers who took part in the clashes exhibited other psychological signs but mainly antisocial personality characteristics. In this study, it was stated the symptoms of Post-Traumatic Stress Disorder, also known in psychology literature as the "Vietnam Syndrome," were observed in 27.8% of the soldiers who served in the Eastern and Southeastern Regions. In this study, it was noted that with respect to their military service such individuals displayed such problems as failure to adapt, desertion and being subject to disciplinary and imprisonment punishments. Of these individuals, 43% exhibited aggressive behaviour against their superiors. This study covered "the investigation of the stress of being about to take part in the clashes, the psychopathologic symptoms of actually taking part, and determination of psychological status after the clashes among military personnel who served in the regions of clashes, and who applied to the GATA Psychiatry Department." The results obtained were compared to the those obtained from the study performed on American soldiers who fought in Vietnam, and soldiers who participated in the Civil War in Lebanon. Accordingly, "Antisocial personality was the most common diagnosis with 27.8% among the patients coming from the regions of clashes. In the Vietnam War, 27% of the soldiers who applied due to psychiatric problems exhibited antisocial personality characteristics, and in Lebanon 23%."

(*) The data regarding the persons suffering psychological problems due to living in the atmosphere of continuous clashes or participating clashes are held secret. For this reason, it is not possible to know the frequency of psychological disorders among security officers.

(*) Ulvi Reha Yılmaz, who conducted this research in 1995, was later sent to Çorlu. He was discharged from the army when he married a foreign woman.

In this study, it came out that “conversion distortion” (16.6%) ranked second after the antisocial characteristics observed among all patients from the regions of clashes. (**) 8.8% of the soldiers developed schizophrenia. Post-war schizophrenia was found to be 9% among the soldiers who had participated in the Vietnam War and 9.12% among those who had participated in the War in Lebanon. Among the patients who developed this psychological disorder, 40.9% had taken alcohol during adolescence. The study also revealed another interesting result: Soldiers who did not take part in the clashes were more prone to the psychological disorders than those who participated in the clashes. The report stated, “For those who did not take part in the clashes, psychological disorders were increased by waiting and uncertainty more than by the severity of the stress that the clashes cause.” The study gave the following statistical data on the findings observed among the soldiers:

“Of the soldiers who served in this region, 27.8% developed antisocial personality characteristics, 16.6% conversion disorder, 13.2% anxiety, 10% post-traumatic stress disorder, 8.8% schizophrenia, 6.3% major depression, and 5.9% adaptation failure. By the time the psychological trauma occurred, 21.9% of the patients developed difficulty in sleeping, 18.61% sudden attacks of irritation and rage, 14.14% a constant state of alert, 13.05% feelings of guilt, 12.78% difficulty in focusing their thoughts on particular issues, 12.76% extreme nervousness and overreaction, 10.54% having psychological problems with anything which remind them of the events, 10.32% feelings of reliving the events, 10.23% avoiding environments which might remind them of the events, 10% loss of interest in surroundings, 9.55% feelings of having lost the future, 9.26% estrangement, and 8.66% failure to remember a significant part of the events.”

The military authorities were disturbed by the wide-spread coverage of the results of this study. The Office of the Chief of General Staff made a press statement on 25 December, and rejected claims that personnel serving in the anti-terror struggle developed psychological problems. A high ranking military officer stated that the study in question had been exaggerated when it was made public. He said that the fight against terrorism was not easy and therefore it was normal for the security officials to develop certain disorders.

Another study, “Dealing with War and the Resulting Psychological Problems,” was conducted jointly by Dr. Celal Çalığışu and Prof. Dr. Şahika Yüksel. In this study, two soldiers who participated in the war in the region were discussed. The study described the characteristics of the first soldier as follows: “He had socialist views before his military duty, he was a primary school graduate, single, and has worked as a receiver since completing his military service. He did 18 months military service in the region and he took part in two clashes which resulted in the deaths of friends. He sought medical advice with complaints of extreme nervousness, not talking with anyone, weeping, cooling towards other people, difficulty in sleeping at nights, jumping at unexpected sounds, feelings of depression, amnesia, and becoming completely estranged from his former friends. Although he tries not to watch the news on the war, he cannot help it. He has developed a tendency to cause harm to people. The complaints of this soldier who completed his military service in Kurdish cities 1½ years ago, started about 1 year after his military service.”

The characteristics of the second are as follows: “He is a soldier at the age of 23, with nationalist views. He voluntarily undertook Special Team training, and took part in numerous clashes; he was the only soldier among 20 who survived an operation carried out 3 day before his discharge, but was injured. He frequently recalls the moment when one of his friends who was wounded, and begged him to take revenge, as he lay dying. He related that as he was carrying one of his friends on his shoulder and dragging another by his leg, a woman militant waylaid him, and although he gave a pleading look at her, she opened fired on them, and when he recovered himself he found himself in a hospital, and learned that he had killed about 50 people and also that he had witnessed the deaths of some his friends.”

According to this study, the trauma started to develop in the second soldier who served in the Special Team during his special training based basically on torture. The report said, “During training, the soldier in question had been involved in such practices as applying electricity to the extent [that the victim] vomited blood, cutting the soles of the feet with knives and putting salt on the injuries, beating with pipes, etc. The soldier explained that during their training they watched video cassettes showing the tortures performed on soldiers, and then they were told to attack

(**) Conversion disorder, a widespread disorder among the military circles, is generally defined as “non-organic extra sensory perception or anesthesia or loss of, decrease or increase in movements.” It is known that 16% of the British soldiers involved in the Tobruk War, 12% of the soldier involved in Lebanon War between 1983-1987, and 13.2% of the soldiers who participated in the war between Iran and Iraq between 1980-88 developed this disorder.

models, and that they were brainwashed, transformed into animal-like creatures obsessed with killing, and always ready to attack. In addition, he stated that after they returned from operations, they were taken to hospital for 3 days, and injected with medicines with names he did not know, and then when they were unable to remember or feel anything, they were sent back out again.”

According to the report, he failed to adapt to his environment, after completing his military service. A number of times he attacked his boss, whom he thought of as a PKK sympathiser, to kill him; he sought medical advice because he was unable to control himself, he was afraid of killing people, and he was tired from reliving the same events over and over. When he watches war films or advertisements on TV, everything appears before him again, and he wants to kill. It was noted that the two soldiers examined by Yüksel and Çalığıuşu had been given medical reports by the military doctors stating that they were “fit,” that they had never been given medical treatment at a hospital, and that the latter soldier had been hospitalised when he had been wounded but sent back without receiving therapy for post-traumatic stress disorder.

Although official statements deny that security officials frequently develop psychological disorders, and although such problems are completely ignored, the Ministry of National Defence decided in December to establish a “rehabilitation and care centre” for the psychological treatment of soldiers who had served in the Eastern and Southeastern Regions and developed psychological problems after discharge. An area of 321,000 square metres was bought in Lodumlu, Ankara, for this rehabilitation centre. It was declared that the costs of construction of the centre would be covered by the funds from contributions granted by the people within the scope of the campaign “Hand in hand with the young soldier.” It was to comprise a 200-bed rehabilitation hospital, a 50-bed regular care house, a 50-bed guesthouse, and sports and recreation areas.

Suicides and insanity

Şahin Aydemir (23), who was wounded in the feet and disabled when a military vehicle struck a mine while he was doing his military service in the State of Emergency Region, committed suicide by hanging himself from a tree in Aydın on 19 March. Aydemir, who was reported to have been living in Germany, came to Turkey to perform his military service, and was wounded when a military vehicle struck a mine on the way to a military operation in Diyarbakır. It was reported that Aydemir was given platinum implants in his feet, but that this had not been sufficient to prevent the onset of disability, and that he had committed a suicide when the family of a girl he wanted to marry did not allow the marriage. His relatives said “Şahin suffered a lot of pain after the mine explosion. He was very upset that he did not recover completely. He killed himself when they did not give the hand the girl he loved because of it.”

Major Ferda Düzel, who worked in the State of Emergency Region as a helicopter pilot between 1990 and 1996, killed his wife Fatma Düzel and their daughter Hazal Düzel (8) and then committed a suicide in their house in Levent, İstanbul, on 15 April. Major Düzel, who was reported to be receiving staff training in İstanbul, left a note that said, “Nobody else is responsible for the deaths. I carried out a decision I had made myself.” Düzel’s relatives said that his wife’s brother-in-law had died in the State of Emergency Region some time before, that he had been extremely upset by of this, and that this might have led to his depression.

On 31 October, Ali Rıza Eker committed suicide in Mahmudiye Village in Kepsut, Balıkesir. It was learnt that Ali Rıza Eker had served as a commando in Kızıltepe, Mardin, during his military service, and that he had been discharged in August. His parents said that the situation of their son had not improved after he had been discharged from the army, and that they had made inquiries, at the end of which they had found out that he had served in a team of 11 soldiers, who had all sworn to die. They said, “Their commander was an *imam*, who made them to swear, ‘When one of us dies, we will not leave each other. We will all die.’ Eight of the soldiers had become martyrs in one night. One of the soldiers discharged after this incident had committed suicide in Ankara just 10 days before. Our son also committed suicide. Now there is one person left. A youth named Mustafa Uğur Aydın, whom we have learnt to be living in Pendik, İstanbul. There are about 10 days left to his discharge. We keep calling the telephones numbers we found, but we get no answer. We are very anxious that that boy may also commit suicide after his discharge.”

Eker’s brother Cem Eker said that they felt nothing strange when his brother had come home on leave, and said, “He could not sleep well after he was discharged. He was standing guard at the doors, under the stairs and at the trench he made in the barn. He was very frightened especially on stormy nights because of the sound of thunder.” Eker’s childhood friend, Bülent

Köroğlu, said, “Whatever took place, it was during the last days of his military service. He was not like this when he came home on leave. We assume that severe clashes and the deaths of his friends had affected him. He placed importance on nothing after his discharge.” Some parts of the last letter sent by Ali Rıza Eker to Bülent Köroğlu said as follows: “(. . .) You might have seen on the TV recently. I was involved in the Hawk Operation. There was a friend from Saraç, Bingöl from our term, Gazi Öncü. I saw him, and we talked a lot. After staying there for 2 days, we were taken from the brigade in Bingöl by helicopter and landed in the field at 6am. We were the first to land in the field. There was a clash at the hill when the Special Team and the first team landed. Diyarbakır Ergani Brigade had entered into a clash. They gave one martyr, and there was one wounded. As I am a machine gunner, the commander of the company took me down to the side of the hill. The bed of the stream was full of terrorists. They were running away because they were surrounded. I started to fire. The men, that is, the terrorists, were running away from the bed of the stream in the open. I fired 1,600 bullets... I changed the barrel three times. The hollow of my right hand burned a bit. The barrel was glowing like fire. Six or seven heads were found at the place I machine gunned. My friend, we will see if the commander of the company will give an award or not. And the most important thing is, we did not give any martyrs. However, one of our friends broke his foot during the search. We sent him to hospital by helicopter. The clash continued for 7 days. We fought and clashed for 7 days. It was as if there was a world war. My brother, I wish you had been there. Rambo is nothing compared to us. The terrorist who run away from us attacked to the obstructing units. We got into the first clash along with Ergani Brigade. Myself, my assistant, my commander and 4 confessor militants were the only members of our brigade in the clash. We went down together with them. I finished all my bullets. I took the Kalashnikov of a confessor. If I could have got 500 metres further down, I would have taken 25 or 30 heads. Those men were not affected so much as we fired from 1 kilometres away.”

The Office of the Chief of General Staff denied the news story on Ali Rıza Eker. According to the statement, it had been determined that Ali Rıza Eker had served at Mardin Gendarmerie Commando Brigade between 20 May 1995 and 27 September 1996. The statement added: “It was revealed that the brigade for which Eker had served had only lost one casualty in two years, in the clash in Dargeçit, that the statements which claim that their commander was an *imam* were false, and that there was no information indicating that one of the soldiers who had been discharged from this brigade had committed suicide in Ankara. It has been reported that Mustafa Uğur Aydın, who was mentioned in the newspaper as a friend of Eker, is still serving as a driver in the brigade, that he had not been involved in any clash, and that remarks that he might commit suicide were not true. It was understood that the health of Ali Rıza Eker was not good, that he had visited the doctor 6 times within the last 4 months, that he had said to the Commander of the Brigade that he was married, asking for 20 days leave in order to solve problems between himself and his wife, and that, in his statement taken when he came back to the unit late, he said he had abducted a girl and married her. The newspapers covered certain information indicating that he was engaged. It was understood that his suicide was related to his family problems.”

A retired NCO named Fikret Ada (25) was found dead in Salihli, Manisa, on 6 December. It was revealed that Fikret Ada had committed suicide by exploding a hand-grenade. Fikret Ada was reportedly wounded while he was serving in Karakoçan, Elazığ, and pensioned off as an invalid. Two hand grenades and many bullets were found during a search of his house.

Dursun Ali Keskin, who served as a commando in Hakkari, killed Cahit Demirpehlivan, whom he claimed to have “raped his sister 14 years before,” his father Süleyman Demirpehlivan (76) and mother Ruziser Demirpehlivan (71), in mid-December, two weeks after he returned to his home in Çavdırılı village in Şavşat, Artvin. On the night of the incident, Keskin put on the commando uniform he had brought with him, painted his face as though he was going out on an operation, and raided the house of the Demirpehlivan family. He killed Cahit Demirpehlivan at the door, and executed Süleyman and Ruziser Demirpehlivan by shooting, after taking them out to the garden. He did not kill Cahit Demirpehlivan’s wife Ayşe who was pregnant. He later surrendered at the Gendarmerie Station, and was remanded. In her statement, His relatives said that Dursun Ali Keskin was depressed: “He had behaved strangely since he was discharged. He was withdrawn and talking to no one. We could not think that he would murder someone.”

g)- Special team members

Special team members working in the State of Emergency Region came on the agenda frequently in 1996, because incidents they caused, their criminal relations, the crimes they

committed and their psychological situation. (*) They were criticised in official documents, and even in reports prepared by military officials. For example; in an evaluation report prepared by the Gendarmerie General Command, the Special Team officials were thoroughly evaluated and criticised. The report prepared by the Gendarmerie Public Order Command was published in the *Aydinlik* journal of 17 February 1996. The report stated the following:

The report on the "Police Special Action Teams," prepared by Diyarbakır Gendarmerie Public Order Command and submitted to the Office of the Chief of General Staff, officially confirms claims about the Special Teams as they appeared on the public agenda. The report indicates that complaints about the Special Teams are not only made by the people, but also by the other security forces with whom they cooperate. The evaluation of the Gendarmerie Public Order Command is as follows: "The Special Teams conduct operations based on the information they receive from 'various intelligence sources,' and without informing their military commanders. Since the personnel of the police special operations teams are rewarded financially for the militants they capture dead or wounded, the Special Teams are driven by the motivation of monetary rewards. They resist the orders of the unit commanders in joint operations. They do pay no respect to discipline. The Special Teams cause the destruction of the command chain."

For the above-mentioned reasons, the gendarmes operating in the State of Emergency Region, do not want the Special Teams. In the report, it is emphasised that soldiers do not want to cooperate with Police Special Action Teams. In this report, the assessments with regard to the Special Teams, are grouped under seven headings. First, the military personnel emphasise that Police Special Action Teams should not take part in the operations: "In joint operations performed by the military units and the security establishment in the Internal Security Operation zone, the contributions by the Police Special Action Teams have been observed, but it is not considered appropriate that they should participate in the operations for the following reasons." The following are the justifications for the request by the commanders that "the Special Teams should not take part in the operations":

"The Special Action Teams conduct operations based on the information they receive from various intelligence sources, within the jurisdiction of the gendarmes. These operations are performed without informing the commander on duty and this leads to the destruction of the command chain. In the joint operations, the Special Teams generally reject the commands of the unit commander. The teams claimed to be trained for the spot operations cannot withstand the difficulties of the operation in the field, and cannot even keep up with the march. The Teams make complaints that military personnel are responsible for the failure of joint operations, and they try put the blame for failure to the staff of the Armed Forces."

The report states the reasons why the military commanders are reluctant to cooperate with the Special Teams: "The Special Action Teams exhibit weakness in discipline. They disobey the military personnel to whom they are subordinated and this undermines the willingness to cooperate with the Police Special Action Teams"

Third, the gendarmes state that the need for the Special Teams has decreased: "The need for the Police Special Action Teams requested by Security Commands at the beginning of the Internal Security Operations has diminished upon the formation of the Public Order Squadrons at the Security Command, the effectiveness of the Internal Security Teams of Gendarmerie Commandos, the formation of the Gendarmerie Special Action Group and the increase in experience by the units.

The Special Action Team personnel are rewarded financially for the PKK militants they catch whether dead or wounded. Such practices lead to financial expectations in return for every service. The Team personnel may ignore security measures during operations due to the desire to obtain rewards. Indeed, on October 1989, in the region of Korttepe in Lice, Diyarbakır, 3 police officers fell as martyrs in this way."

As the report progresses, it is emphasised that there is no need for the Special Teams in the fight to terrorism in rural areas. Several solutions are proposed for their integration into the existing command chain: "Although they are generally not needed in the rural areas, for the efficient utilisation of the Police Special Action Teams within the existing command chain

(*) The number of the special team members, who were started to be given training first in 1986, reached 7,000 in 10 years. The number of the special team members who were transferred to other units for committing crimes and because of disciplinary punishments reached 1,650. The authorities of the Security General Directorate disclosed that the most important problems regarding the special team members were their want of discipline and disobedience to the orders.

system, it is essential to achieve unity of command, administration, discipline and concept.” The solutions proposed in the report are discussed from their various aspects as follows: “While one solution means it is essential that the Special Action Teams should be trained and operate under the control of the Security Forces, this has both advantages and disadvantages in practice.

Advantages: It is possible to increase mission and training effectiveness by way of integration with the General Staff Special Action and Gendarmerie Commando Internal Security (A) and (B) teams. The effectiveness of the operations may be increased by means of joint training activities, co-operation and co-ordination opportunities.

Disadvantages: Different discipline and training concepts and organisation methods make it difficult to arrive at minimum common interests. Difficulties may arise from the utilisation of teams which are under the Operations control of Security Commands in incidents in the urban centres. In the case that the teams are under the control of the Special Action Group Command, supervision and control difficulties may arise since they maintain their existing places. In cases where the Special Action Teams and police teams share the same barracks, the need for additional building, training areas and service facilities may arise. Therefore, it is appropriate to subordinate the Police Action Teams to the Operations control of the Special Action Group Command which is subordinated to the Gendarmerie Public Order Command. Focusing on discipline training may resolve the problem. In addition, it should be explained in detail to the relevant personnel that the Police Special Action Teams subordinated to the Action Command of the Security Commands are to act according to the orders of the relevant command during operations.”

Incidents caused by Special Team members

Members of a delegation headed by Hasan Korkmazcan, the Deputy Speaker of the National Assembly, who participated in the Harvest Festival in Bozbayır Village of Derik, Mardin, on 6 October, saw Special Team members waving Nationalist Action Party (MHP) flags. The members of the delegation, including İbrahim Çelik, the Administrative Director of the National Assembly and Welfare MP for Urfa, Metin Öney, Motherland MP for İzmir, İbrahim Yavuz Bildik, Democratic Left MP for Adana, and Metin Sözen and Mete Ünügör, advisors with the Culture, Arts and Publications Board attached to Mustafa Kalemlı, Speaker of the National Assembly and certain scientists, participated in the harvest festival on 6 October. The Special Team members, who led the security precautions on the roads and hills on the journey of the delegation from the village to Derik, continuously waved MHP flags. The MPs protested this action, which was carried out despite the Office of the Chief of General Staff’s circular warning about “special signs and special flags.”

On 27 November, Chief Superintendent Ali Özçelik, Special Action Branch Director of Artvin Security Directorate, shot a Special Team member named Selahattin Gözübüyük in the leg. Özçelik fled when other Special Team members bore down on him. Protesting the shooting of their friend, the Special Team members went to a point crossing the fish market and the car park, behind the Provincial Governor’s office, and fired into the air. Eye-witnesses stated that the police did not intervene in the incident, but when the incident mushroomed, took shelter in the police station. An official claimed that the fight had arisen when certain Special Team members had requested assignment at police stations. The same official said that some Special Team members, who opposed assignment at police stations, had argued with Chief Superintendent Özçelik, who had fired his gun when the discussion had turned into a fight.

h)- Attacks against settlements, evacuated villages

During the year, events similar to those witnessed in Şırnak in 1992, Lice in 1993 and other settlements in 1994 and 1995 (*) took place in some settlements in the State of Emergency

(*) The sniper fire in Şırnak in the night of 18 August 1992, which lasted a short time, was harshly reciprocated by security forces. Şırnak, under fire for more than 48 hours, was turned into rubble recalling scenes following an earthquake. A total of 26 people, including a policeman and 3 enlisted men, died, 60 people were wounded, and more than 500 people were detained. During the incidents in Lice on 22 and 23 October 1993, at least 30 people died, about 100 people were wounded, 401 houses and 242 shops were burnt or damaged to a great extent. When gunshots were heard from the mountains around Cizre on the night of 6 January 1994, fire was opened with automatic guns and cannons. 3 people, 2 of whom were children, died in a house hit by a cannon ball. In consequence of the random fire by security forces on the pretext of the gunshots heard in Cizre in the night of 9 January 1994, a cannon ball hit a house, killing 6 people, 2 of whom were children, and wounding 5 people. Security officers opened cannon fire against Heybetli Village of Sason, Batman in the night of 24 February 1994. In the incident, 9 people, 3 of whom were children, died and 12

Region. Additionally, the evacuation or burning down of villages and hamlets, and the food embargo continued at an ever-increasing pace. Settlements were destroyed during the operations or by security officers who opened fire at random or on the pretext of attacks or sniper fire by PKK militants. In consequence of those events at least 5 people (in similar events 41 people died in 1992, 46 people in 1993, 51 people in 1994, and 1 person in 1995) died, and more than 10 people were wounded. Some information about the attacks against settlements is as follows:

Arısu Village (Mazıdağı, Mardin): About 40 village guards from Balköy village raided Arısu village, both in Mazıdağı, at about 11pm on 16 May. The village guards first launched sniper fire towards the village. Then they opened fire at the house of a person named Mehmet Tahir Başak. Başak, who was wounded in of the firing, said, “The village guards took up positions around the village before it got dark, and then opened fire at random towards the village. Then they surrounded my house, and machine gunned the house before I understood what was going on, and I was wounded in the arm. They have raided the village 5 times since 1994. They are pressurising us to leave the village. They plunder our belongings during these raids. In the raid in May 1994, they burned our vineyard. They stole about 200 sheep in the same year.” He said that they had applied many times to Mazıdağı Central Gendarmerie Command in connection with the pressure they faced, but no results had come from these applications. He also said that he knew village guards İzzet Kaya, Celal Kaya, Süleyman Kaya, Mecit Kaya, Kemal Kaya and Dursun Kaya, who had participated in the raid. After the raid against Arısu, the weapons of 4 of the village guards were taken back by the authorities

Selman Village (Eğil, Diyarbakır): Mehmet Memiş (14) was wounded in the fire launched by soldiers from Dicle and Kralkızı Gendarmerie Company against Selman village in Eğil on the night of 29 June. He died on the way to the hospital. His father Yusuf Memiş stated that sniper fire had been launched twice against their village, and said, “My son went to the roof to sleep, after the first bout of firing ended. When he went up to the roof, the soldiers fired again. My son was wounded that time. He died 200 metres from the village as he was being taken to Diyarbakır. Upon this, we wanted to return to the village, but soldiers outside the village said that we should go to Diyarbakır and get an autopsy report.” He said that no clash had taken place outside the village, and pointed to the fact that the prosecutor had noted on the autopsy report, which had been drawn up by Diyarbakır Social Insurance Hospital, that his son “had died in a clash.”

Karlıova (Bingöl): In Karlıova, intense fire was launched from the Gendarmerie Brigade and military and police panzer cars from 10.30pm on 13 July until 1am. Many houses were damaged because of the fire, during which anti-aircraft guns were also used. The house of Mele Emin Taştekin in the Kanireş area was heavily destroyed. On 28 July, fire was launched from the Gendarmerie Brigade District Command against Kanireş around 10.30pm. In The fire, which continued for about one hour, the homes of Mehmet Arlı, Mehmet Çiçek, Hayrettin Uzun, Mahmut Yılmaz, Taylan Bingöl and Sait Olgun were damaged. The firing caused no casualties. The residents applied to the military authorities, but the authorities said that fire had been launched at the Gendarmerie Command from the neighbourhood. The residents of the district disclosed that pressure on them had intensified following the assignment of a major as commander of the brigade. Kanireş neighbourhood witnessed a similar incident at about 8.30pm on 3 August. The firing caused no casualties. The residents of the neighbourhood stated that the Gendarmerie Station, the Military Recruitment Office and the Police Station were located on the neighbourhood, and that the soldiers opened fire against the neighbourhood at the sight of a small shadow.

Çukurca (Hakkari): PKK militants carried out an attack against the military buildings and positions in Çukurca on the night of 11 August. During the attack, the Regiment Command, the Regional Boarding School, used as barracks, and a hotel were destroyed because of the fire from by machine guns and rocket launchers. Local sources disclosed that two soldiers had died in the attack. On the other hand, soldiers and Special Team members opened fire in the district town centre subsequent to the attack. Many shops and vehicles were destroyed because of the firing, and about 20 cattle died. The next day many houses in the town centre were raided, and around 60 people were detained. On 21 August, soldiers at the control point in Kale region opened fire in Çukurca from 10pm until 1am. The target of the attack was Cumhuriyet neighbourhood, formerly Yeşilçeşme. The district was also fired at from the Gendarmerie Command and the Security Directorate. During the attack, a mortar shell hit the house of Mehmet Seven, killing Fatih Seven (5), Selim Seven (6) and Semra Seven (19), and wounding Mehmet Seven and his

people, 4 of whom were children, were wounded. Kumçatı, Sapaca, Gever, Çağlayan and Hisar villages of Şırnak were bombed by war planes on 25 and 26 March 1994. Out of the bombed villages, 8 people died in Kumçatı, 2 in Sapaca, at least 10 in Gever, and at least 4 people died in Çağlayan and Hisar.

wife Şehriban. Many houses were destroyed in the attack. People stayed in their homes until noon on 22 August. People in Çukurca said that there had been no clash but that soldiers had opened fire arbitrarily, and added that the District Gendarme Commander had threatened them subsequent to the PKK attack against the town.

PKK militants carried out three attacks on military units and the Security Directorate in Çukurca within the last two weeks of October. In an attack on 18 October, in which heavy artillery was used, two missiles launched by PKK militants hit Çukurca Regional Boarding Primary School, which was being used as barracks. Local sources revealed that the attack had caused no casualties, and that soldiers had opened fire against the PKK militants who had reciprocated from Sivritepe region. On the same day, PKK militants launched an attack against soldiers who were carrying out an operation in the Ertoş region in Çukurca. Sources close to the PKK said that 2 soldiers had died in the clash and 8 others had been wounded. In the attack on the Security Directorate on 20 October, one police officer and civilians named Şaban Erdal and Mehmet Atay were wounded. The attack caused damage to the building.

Bağgöze Village (Eruh, Siirt): On 26 August, soldiers fired artillery at Bağgöze village in Eruh on the grounds that “PKK militants had been to the village.” A child named Fadil Kayar was seriously wounded in the firing, and some houses were destroyed. The villagers disclosed that there was a food embargo and that they were forbidden from taking their animals to pasture, and added, “Since the elections, people in the region, first and foremost in Bağgöze, have faced intense pressure and a strict embargo. Half of our food is being seized. We are not able to meet our needs as we cannot go to the pastures or to vegetable gardens.” The villagers held Bağgöze Brigade Command responsible for the pressure.

Varto (Muş): Special team member Serdar Ulusoy died and police officers Metin Asbaş and Yaşar Karaca were wounded during incidents in Varto, Muş, on the night of 17 September. The authorities stated that the incident was “an attack by PKK militants against the town.” They claimed that 4 PKK militants had died and civilians named Sibel Öztürk (13) and Fatma Öztürk were wounded during the incidents. However, the residents of the town disclosed that soldiers and police officers had fired at random at houses in West Varto, Goşan and around the town centre. They said, “A woman standing in front of her house on Hınıs Road died in the firing. Bales of grass and straw, kept under plastic to be fed to animals in winter, were burned. The Special Team members machine-gunned shops, causing damages totalling up to billions.” Muş Governor Selahattin Hatipoğlu, however, said “a shelter was revealed during the searches in the district, weapons and illegal organisation documents were found, and 5 people were remanded in custody for aiding the organisation.” The authorities claimed that severe damages had been incurred at the Security Directorate, District Governorate and Teachers’ Residence buildings during the attack, which also caused damage to certain shops and houses in the district.

People Blame the Special Teams (25 September 1996-Cumhuriyet/Celal Yılmaz)

(...) After an asphalt road of 35 km, we arrived in Varto. Just to the left of the bridge at the entrance to the town, an area of pure black attracted our attention. We made our way in that direction. We talked briefly to a 15-year-old boy from Varto. He told us that the hay they had gathered for the winter had been set on fire by the security forces by opening fire at it at the beginning of the incidents. It was as if he was reliving those moments: “They came early in the morning, they started firing. The hay we had gathered for our animals for winter caught fire. There were 35 stacks. As you can see, they have all been reduced into ashes.” He said that there had been approximately 500 tons of hay, and pointed at two dead horses. The swollen bodies of the horses were lying beneath the trees. The young boy was about to cry: “Those were our horses, they shot them and then they went away.”

We enter Varto. It is a town of pure green. Viewed at distance, it looks like an oasis in bare and arid land. In our interviews with the people in Varto, we learn that this natural resource has been “supporting terrorism.” It has been decided that the terrorists have been making use of this greenery in their attacks, and the trees, especially those surrounding public buildings, have been started to be cut down. The inhabitants of Varto think that the town will soon be deprived of all trees if this practice continues.

To the right at the entrance is “bomb-blast area”; the most damaged part of the city. The walls of the houses are full of bullet holes. The traces of the bullets have turned some walls into beehives; the bullets have smashed the windows to smithereens. Most of the walls contain inscriptions in blue paint, such as “The only way is to surrender,” “Surrender, and take shelter in the compassion of the state.” On some of them, the traces of the bullets have mixed with the inscriptions to give conflicting scenes. When we reach Varto Town Council building, we are

informed by the people who approach us timidly that there is an assessment meeting there. They invite us to "sit in the teahouse and listen to the people." We sit outside a teahouse in the public square. They believe that sole blame for the start and the development of the incidents lies with the Special Action Teams, which they call as "state within state," and their unlimited tyranny. That is their only common point. For them, the rest is in detail and insignificant. "We do not complain about the police, security commander, soldiers or leader of the council in the town. But, the Special Action Teams are ruthless and merciless. They do whatever they want, they take whatever they like. Even the state forces in the city cannot prevent them. No-one knows who gives them orders. Our workplaces and houses have incurred the wrath of the Special Action Team and been destroyed."

The cassette shop, the window of which displays a picture representing the venerated Ali, has been attacked three times in five days. The 15,000 cassettes have been reduced to 6,000, and many of the musical instruments have been damaged. They say that the damages here alone are 800 million TL (\$8200). Another target of the attacks has been the billiards hall. Its interior has been completely destroyed. Except for the security organisation, there are no signs recalling the attack on the public buildings. As Provincial Governor Selahattin Hatipoğlu, who visited the town on the fifth day of the incidents to investigate the material damages, said, there is activity in the town. Most of the shops are open. The teahouses are full. The inhabitants of Varto either form groups in the two streets in the town centre or pace around. We try to talk with them. They hesitate. They are obviously frightened. Those who dare to talk, explain that they might be subject to harassment later.

Mehmet Fuat Fırat, RP MP for İstanbul, claimed that the reason for the Varto incidents was the "struggle for women" between the police and Special Teams. Fırat claimed that some of the Special Team personnel killed a policeman who had been with the same woman as they on the night of the incidents, and in order to cover up the murder, they tried to make out that there was a PKK attack. Fırat stated "They kill each other, then they call it PKK attack. The murdered police is called a 'martyr.' What has martyrdom got to do with it?" After making the above statements, Fırat added that he was afraid that Himis, his place of birth, would also be attacked.

The woman who according to Fırat's claims was the cause of the incidents in Varto had a heart attack when she heard of the claims. Her daughter F.E. said that her mother had the heart attack as she was reading the claims in the newspaper. F.E. said: "This MP, whose name we have never heard, is casting aspersions on us. The incidents in Varto are the result of PKK attacks, as stated by the security authorities and also by captured terrorists. Our only offence is that our house is close to the spot where the policeman died. We are well-known to people. This slur has done much damage to us." When the woman in question was hospitalised, Fırat said that she was 'acting', and added: "The main cause of the incidents in Varto is the policemen killing each other because of a woman in the district. True, the state forces do not accept that the incidents occurred in this way. Some Muş MPs were in the town on the day of the incidents. If the reason for the incidents was not that of the woman; then what about the random shooting at houses, the hay being set on fire, the killing of the animals, the arresting of so many people, are all they lies?"

But Alaaddin Yüksel, then Security General Director, denied Fırat's statement. Yüksel said "The incidents started with harassment firing at the town by PKK militants at 11pm on 17 September 1996. Then the terrorists entered the city, killed one police officer, and shot at most of the public buildings including the security residences, and damaged them. After the Governor's Office declared the curfew on 18 September, some suspicious houses and shops in the city were searched. As a result of the searches, 13 people were detained. Three of them were remanded in custody." A case was later launched against Fırat by the woman mentioned in his claim.

Bayırlı village (Lice-Diyarbakır): Artillery fire was opened against Bayırlı village in Lice on 7 October by soldiers from Lice Gendarme Battalion Command, under the pretext of "a clash in the region." During the incidents, a woman named Sariye (Sara) Yılmaz, who was in the village as a guest from Diyarbakır, was killed, and a child, Hürmet Doğan (4), and a woman whose name could not be learned were wounded. After the incidents, some of the inhabitants of Bayırlı moved to Lice. The local sources stated that the villagers had long been under pressure from security officers who pressurised them to become village guards, and that 5 people had been kept in detention during the raid against the village within the first week of October. Şirin Yılmaz, the husband of Sariye Yılmaz, stated that they had had to turn back to the village when his wife, who had been heavily wounded, died, and at that moment they had come across to the soldiers. He added, "When my wife died on the way to hospital, the soldiers, who had just fought with PKK, stopped us by firing warning shots. Then they approached us. After they looked at her body, they said 'This wound is certainly from artillery fire. We accept that. This written report

confirms that. So there is no need for autopsy. The region is unsafe, so no doctor or prosecutor will come here,' and they drew up a report. I signed the that report and since there was nothing else I could do, I took my wife's body back to the village and buried her there." He stated that he had lodged an official complaint after the incident, but that they had even offered him a bribe to avoid prosecution: "At first, they said 'We will provide you with aid from the District Governorate if you do not start proceedings against us.' But what I want is for the incident to be exposed and for the criminals to be punished. So I rejected their offer of money. But then they sent another report to the State Prosecutor instead of the original one."

Yılmaz stated that the second report held the PKK responsible for the incident. He said, "I feel uncomfortable holding PKK responsible for an incident conducted by the state, as I would holding the state responsible for one conducted by PKK. I am telling the truth of the incident. It did not occur as recorded in the report sent to the State Prosecutor. The PKK had nothing to do with the incident." The report sent to the State Prosecutor related the incident as follows: "At 3am on 07.10.1996, PKK militants came to Bayırlı village and requested donkeys and mules from the villagers in order to carry food. The villagers rejected this request. Consequently, the terrorists started firing to right and left. Hearing noises from the village, Sariye Yılmaz went out onto the balcony of the house she was staying, and was wounded by the terrorists' fire. She died on the way to the hospital in Lice."

The Lice incidents

The incidents in the Lice district of Diyarbakır, which started in mid-November, are an important example of attacks and pressure on the settlements. Lice had been subjected to several attacks in the previous years, and most of the houses had been damaged or burnt down. The men in Lice were forced to become village guards. It was reported that the military authorities had blamed these men for "aiding the PKK," and then threatened them by saying, "We will not allow it. You will either be village guards or you will leave Lice."

The developments in Lice were publicised by Celal Başlangıç in his article entitled "**Everyone is to be a village guard... You too!**," which was published in the daily *Radikal* of 5 December 1996. To quote a part of his article:

"A high-ranking official" comes to Lice from Diyarbakır. He convenes all of the village and neighbourhood muhtars. First, he says that all of the districts in the region have agreed to be village guards, Lice being the only district which has not persistently resisted. Then he makes a "request" as if to say "Everyone is to be a village guards... You too!": You have 10 days to consider it. Make up your minds. You will agree to be guards or else...

The visions the inhabitants of Lice have as to what follows this "or else" make one's hair stand on end. For them, what follows this "or else" is "you will be shot, you will never get away or move somewhere else." Such ideas may be right or wrong. But this is what they believe.

The official, who held a meeting with 67 muhtars of Lice, says that return [of displaced people] to the villages will only be allowed upon agreement to be village guards. Lice has 67 villages, but almost all of them have been evacuated. Meanwhile, Lice town centre is being evacuated. There are few buildings which do not contain traces of bullets from the previous year's fighting. Because of this clash, and the subsequent oppression, the population of Lice, which was formerly 10,000, has been reduced by half. It is impossible for any journalist to go to Lice and see what has happened, as it is forbidden for journalists to enter Lice. The inhabitants of Lice considered the request at length for a week, but failed to find a solution. As a last resort, they decided to apply to the Human Rights Association (İHD) two days before the expiry date. They went to the Diyarbakır Branch of the İHD, saying "We have come here in the name all inhabitants of Lice." Then upon seeing journalists in the building, they begged: "Please help us. The people of Lice cannot bear this load on their own."

Pressure was being brought to bear on people to become village guards in Lice in the second half of December. Around 200 people were detained on the night of 20 December in Lice. Mahmut Şakar, Branch President of the İHD, stated that this operation had been carried out to force the people to agree to be village guards. Şakar said that about 60 of the 200 people were taken for training starting from 21 December when they agreed to become village guards, and the rest were kept at Lice Gendarmerie Command. In the end, 108 people agreed to be village guards. It was reported that Engin Karadağ, (*) a confessor PKK militant code-named "Arteş," had also

(*) Many people in Diyarbakır and its districts, including some executive members of trade unions and civic associations, were detained, tortured and put on trial basing on the testimonies by Engin Karadağ. For

threatened the people. Military officials claimed however that the inhabitants of Lice had applied to be village guards collectively, that a meeting had been held and Engin Karadağ had provided them with information on the PKK.

Celal Başlangıç, in his article entitled “**Detention for those who Refuse to be Village Guards**” published in the daily *Radikal* of 24 December 1996, related the developments in Lice after 20 December as follows:

The deadline given to the inhabitants of Lice had expired. The muhtars of the villages and neighbourhoods had been told “Within 10 days, you will be village guards or else...” Finally each muhtar was requested to provide a list of 10 people to be assigned as village guards. The muhtars did not abide by this request. One night, all the houses in Lice were raided. All the men gathered in the commando battalion on the night of 20 December. There was pushing and shoving and people got hurt. First state employees and the old were released. Engin Karadağ, who had led the latest “confessor terror” campaign in the region was there too. First he told the inhabitants of Lice why they should be village guards. Then he said a number of people among the crowd. And 110 village guards started to work.

By elimination, the number of the “detainees” was reduced to 120. Their families were now waiting in front of the main entrance to the battalion. From time to time, tension between them and the soldiers on guard increased. While the families were waiting outside, the detainees inside were subject to “military training without arms.” It was said that those who had suddenly agreed to be “voluntary village guards” were not given arms “in order to avoid any possible accident” during detention. Meanwhile, no information had been received about the fate of 15 people who were subjected to “special treatment” after being said by the confessor “Arteş.”

Yesterday (23 December) a large group of people from Lice applied to the Diyarbakır Branch of the İHD. They tried specify the names of each of the detainees. The İHD executives were able to determine the names and surnames of 46 people by noon yesterday. There also tried to determine the surnames of the rest. There have been attempts to impose the village guard system on the last few remaining villages. According to unofficial data, there are approximately 250,000 soldiers and about 50,000 police and Special Team personnel in the State of Emergency Region. The number of village guards exceeds 60,000. There were special efforts made to make citizens of Kurdish origin into village guards, as in Lice and Savur. Since there are approximately 400,000 soldiers, police and village guards, and this seemed insufficient, I wonder how many PKK militants there must be to make it necessary to increase this number? Three thousand, five thousand, ten thousand? ...

On the previous night (22 December), two village guard chiefs were the guests of the ‘Teketek’ programme broadcast on Kanal D, hosted by Fatih Altaylı: Mustafa Zeydan, True Path Party (DYP) MP for Hakkari, and Kamil Atak, Mayor of Cizre. The status of Atak before becoming a guard and during his first years during his term as a guard was not revealed during the programme. If Atak had been, as he declared, a guard “who feared first God, then the state” since 1985, then how was it that Cizre could maintain its status as one of the places where the PKK was able to conduct its most effective mass demonstrations right up until the 1990s? Murat Ateş from Cizre took part in the programme by telephone, and asked Atak why he had moved to the DYP although he had formerly been from the Nationalist Action Party; and he also asked Kamil Acun, the Governor of Şırnak, about claims of wedding parries he was running for billions of TL. To these questions, both answered in the same manner: “Separatist, gunman... he should be caught as soon as possible...” The things said that night were immediately put into practice yesterday. According to news from Cizre, people with the surname Ateş were being detained one by one. The village guards are able to raid to the government residences and to forcibly remove an arrested suspect from the prison. Such acts are condoned. When a prosecutor is killed in a district the mayor of which is “co-operating with the state,” this incident is covered up, and when the same mayor loses the elections after becoming village guard chief, the woman judge who is the head of the Election Board, is dismissed and expelled from the town.

Mahmut Şakar, İHD Head Office Deputy President and President of Diyarbakır Branch, held a press conference at the Southeastern Journalists Association in Diyarbakır on 24 December. There Şakar referred to the incidents in Lice as “a story of concentration camp,” and said the following: “According to an application filed with our branch on 13 December,

instance, teachers named Kadir Gökdere and Taha Gül, who were detained in İstanbul upon the testimony by Karadağ and who were remanded by Diyarbakır SSC on 11 September, were each sentenced to 18 years 9 months in prison in December. Ahmet Cengiz, the Chairperson of Diyarbakır Chamber of Architects, who had been detained on 18 January, stated that he had been tortured whilst 6 days in detention.

Diyarbakır Provincial Gendarmerie Commander and other high-ranking officials went to Lice on 11 December, convened 67 local *muhtars* and held a secret meeting. They wanted the *muhtars* to give them lists of 10 people from each of their neighbourhoods who would agree to become village guards voluntarily. The chiefs stated that they would not submit such lists as they would be held responsible by the people, and the officials should deal with the matter themselves.

“According to statements made by the victims, who visited our association on 23 December, soldiers from the District Gendarmerie Command detained all men between 15 and 70 years of age in Lice at about 7pm on 20 December on saying they intended to hold a meeting. Any who resisted this demand were beaten. After completion of the detention procedure, all the inhabitants of the town were gathered together on land owned by the gendarmerie station. Here, a military official addressed the crowd of 2,000-2,500 people, saying to them, ‘I will take 100 guards from among you, and hold a meeting with them. If you do not agree to the village guard system, all of you will remain here. I will not allow you to move away from Lice. Halis Toprak is going to open a tomato paste factory and a marble factory here. You will be responsible for the security of these factories.’ The applicants said that the Mayor of Lice and the confessor militant Engin Karadağ also made speeches. After the speeches, the elderly and state employees were released, then 100 long-barrelled rifles were put in front of the rest, who were ordered ‘Take up your arms’. Nobody took the guns, so a group of soldiers was ordered by the military official to load their guns, and to take aim at the crowd. The crowd was threatened: ‘If you do not take your arms, we will fire.’ Meanwhile, 7 people were beaten with rifles butts and taken away. The larger part of the crowd was released between 4am and 7am on 21 December, but 110 people were detained. The families of the detainees awaited the release of their relatives outside the main entrance of the battalion until 23 December. At about 11am on 22 December, a quarrel broke out between the soldiers and the detainees in the garden of the District Gendarmerie Command, and the detainees were beaten. According to news we have received today (24 December), the detainees were given the guns and sent back to their homes, but their ID cards were confiscated, and the 7 wounded people have been receiving treatment at their homes.”

Protests

The practice of pressurising people to be village guards in Lice provoked tension in the district and made it the focus of attention. Various delegations were sent to the region, and reports were drawn up. Anxiety increased when news was received which indicated that the confessor Engin Karadağ was in the district and that transportation between Lice and the surrounding provinces and districts was obstructed.

A meeting was held at İHD İstanbul Branch on 25 December about the incidents in Lice, with the participation of people including Eren Keskin, Deputy President of the İHD, Tahsin Ekinci, President of the People of Lice Foundation, Cemal Coşkun, representative of the HADEP, former MP Tarık Ziya Ekinci and former Lice Mayor Nazmi Balkaş. The meeting discussed the incidents in Lice and the attitude of the state. Keskin said, “The emergency state legislation implemented in the region is a war constitution, which should be amended immediately. If the Turkish people favour peace, then the state, too, will be compelled to favour peace.” Tahsin Ekinci invited everybody advocating peace to resist the village guard system and the system of using former militants as informers. He said, “The humane living conditions no longer exist in Lice. The state should expose those responsible.” Balkaş declared that there were too many murders by unknown assailants in Lice.

The 43-strong “Lice Monitoring Delegation,” which was set up to investigate the situation in Lice and which comprised of 43 people, went to the town on 30 December. Inhabitants of Lice who were gathered outside the District Gendarmerie Command to try and obtain news from their relatives tried to explain their experiences to the delegates. They stated that they were under pressure, that there were almost no young people left in the town, and that those who were left behind were living in fear. They emphasised that the pressure would intensify after the delegation left the district. The delegation learned that Mehmet Gökdere, Şirin Şanlı, Ramazan Kasap, Mehmet Karadağ, Hacı Şirin, and someone named Ahmet, whose surname was not known, had been forced to become village guards and had been tortured in detention. On the other hand, Hacı İlbaş, the Deputy District Governor and District Gendarmerie Commander, claimed that nobody had been forced to become village guards, and that 84 people had applied voluntarily. When the delegates said that they wished to interview the 84 people in question, Hacı İlbaş brought the 84 people, who were in the Commando Battalion, to the town centre. Faysal Özçift, the Secretary General of the KESK, said that they would not speak to these people unless assurances were given, as they were concerned for their lives. Upon these words, a plainclothed police officer punched Faysal Özçift by saying, “Where were you when thousands of people were martyred?”

The police officers also insulted and cursed İHD Deputy Presidents Eren Keskin and Mahmut Şakar and various journalists, and forcibly seized journalists' films. (*)

State of Emergency Regional Governor Necati Bilican said that there were attempts in Lice at provocation by use of the pretext of "pressure to force people to become village guards." Bilican claimed that some executive members of the Democracy Platform, the HADEP and some trade unions had gone to Lice and attempted to create an atmosphere of tension on the pretext that the people had been forced to become village guards, and demanded that the press should deal with this issue in an objective way to avoid any further provocation. In the press conference he held on 1 January 1997, Bilican claimed that "some groups tried to prevent the provision of services to the region," and said, "They requested permission from me so that they could go to Lice and observe incidents on the spot. So I gave them the permission to go. I did not have to. A group with bad intentions tried to create a commotion in Lice with the support of the journalists. A few sensitive members of the media were not deceived. However, a great part of the media reported stories claiming that the people in Lice had been forced to become village guards. There is no such issue."

On 9 January 1997, the "Lice Monitoring Delegation" went back to Lice, but not allowed to enter the town. This time the delegation consisted of about 60 people including Akin Birdal, İHD President, Sedat Yurtdaş (former DEP MP) and Şanar Yurdatapan, prominent human rights campaigner. It convened upon an invitation from the Diyarbakır Democracy Platform, but was halted at Mermer Gendarme Station, the first check-point on the road between Diyarbakır and Lice. There, a colonel said that there was no access to Lice on 8, 9, and 10 January since "there was intelligence that the PKK intended to conduct illegal actions." The members of the delegation returned to Diyarbakır, and tried to get an appointment from Necati Bilican. During the meeting he agreed to with 5 members of the delegation on condition that journalists would not report on it, Bilican claimed that there was no pressure on the people. After the meeting, the delegates made a statement: "The implementation of village guard system is seen as a source of employment, but 65 of the 84 people who were forced to be village guards already had jobs. We were not allowed to enter Lice, which implies that the state is trying to hide something."

A delegation from the HADEP attempted to visit Lice on 14 January 1997, but they too were refused access. In Diyarbakır, members of the delegation, including HADEP Deputy President Ahmet Türk, Deputy Presidents Güven Özata and Sedat Yurtdaş, and members of the Party Assembly, Sırrı Sakık, Kemal Parlak, Feridun Yazar and Selim Okçuoğlu, met with representatives of community organisations, and visited Necati Bilican. Making a statement after the meeting, Ahmet Türk said that Bilican did not explain the grounds for refusing them access to Lice, which implied acknowledgement of the implementation of the mandatory appointment of people as village guards.

Members of the Parliamentary Human Rights Commission visited Necati Bilican in Diyarbakır on 14 January 1997, and carried out investigations in Lice on 15 January 1997. In the press conference held after the mission, Demir Berberoğlu, True Path MP for Eskişehir, stated that they had interviewed the authorities, village guards, and people who refused to be appointed as village guards. Berberoğlu abstained from explaining his impressions on the situation in Lice, though there were many questions about this, and Hakan Tartan, Democratic Left MP for İzmir, answered the questions as follows: "Initially there were 114 village guards, then this number decreased to 84. 30 people had given up within two days." Sebgetullah Seydaoğlu, Motherland Party MP for Diyarbakır, said "When we look at the region, we see that almost all of the village

(*) The "Observation Report" prepared by the delegation read the following: "It has been understood that the people had become the village guards not voluntarily, but as the result of the illegal imposition by the military officials. It has been concluded that the inhabitants of the district, who were put under mandatory training, have been subject to significant material and moral pressure. It has been understood that the men hesitated to interview with the members of the delegation as they were threatened prior to the delegation's visit to Lice by the security officers, who wanted to avoid any interviews with the members of the delegation. Despite the threats and pressure, the women and children quoted the incidents as they happened, openly declaring through their protests that they could not reconcile to become village guards with their dignity, and this has provided evidence for the bankruptcy of insisting on the military logic. We are anxious that a massive migration may take place in Lice if the pressure continues."

guards were forced into the job. People of all ages have been forcibly armed. It is ridiculous that the state relies on a few village guards in a district where a garrison of soldiers is deployed.” (*)

The developments in Tunceli

Another region which was frequently on the agenda with respect to the pressure and attacks was Tunceli, its districts and villages. The pressure and various practices of security officers, particularly embargo, frequently came on to the public agenda in 1996 as in 1994 and 1995. The incidents in Tunceli and its vicinity led to debates and protests. Several reports were issued on Tunceli, and delegations frequently carried out investigations in the region.

For instance, Tunceli Trade Unions Platform published a report in July about problems in Tunceli. The report emphasised the fact that the people were seen as potential criminals, and that problems not taken seriously by the authorities and for which the necessary steps were not taken became almost insoluble. The report also stated that there was no serious investment in Tunceli, that dairy and animal food factories established years before had been privatised on the grounds that they were making a loss, and that the workers were then dismissed and replaced by new workers who worked for the minimum wage. In 1995, the report said, an amount of 2 trillion 140 billion TL (\$22 million) out of 2 trillion 600 billion TL (\$26 million) allocated for personnel expenditure in Tunceli, was paid to the security officers. There were no investments in Tunceli between 1985-95, but a great part of the money allocated to investment was spent in construction of the security posts. The report stated that activities undertaken with regard to the medical problems in Tunceli had never been at the desired level; that there had been handicaps here since 1990; that there had been an attempt to solve the problem in 1954 with a 60-bed state hospital, that since this had not fulfilled the needs of the province, a 40-bed annex had been built in the subsequent years, and that in recent years this 100-bed hospital was the only place in the province dealing with health problems. The report noted that educational problems were graver in Tunceli than in the rest of the country. The report maintained that animal husbandry was about to grind to a halt as the main method of subsistence due to bans, and that transportation constituted one of the greatest problems in the region, with hundreds of hamlets having no roads for transportation.

In September, a delegation of 35 people, including Ercan Kanar, President of the İstanbul Branch of İHD, Murat Gürler, representative of Mazlum-Der, Selman Yeşilgöz, President of the People of Tunceli Association, Celal Demir, President of the Elazığ Branch of İHD, Tayfun İşçi, representative of the Public Sector Workers Trades Union Confederation (KESK) and journalists Celal Başlangıç and Koray Düzgören, visited the region in order to investigate the implementation of the food embargo. The delegates first interviewed people of Tunceli who had settled in Elazığ after their villages had been burnt down, and then, on 13 September, they met with officials regarding claims about the food embargo and extra-judicial executions.

First the members of the delegation visited Atıl Uzelgün, Governor of Tunceli. Ercan Kanar said that many people had applied to the İHD, complaining of human rights violations in Tunceli. Uzelgün said that there was no food embargo, but that there was controlled distribution of food in the rural areas. He said “We have closed down the mills because they provide flour to militants. But the factory in Akpazar provides the service free of charge so that citizens can grind their grain to obtain flour. In addition, the terrorist organisations get food for themselves by pressurising people. They take it from our people as protection currency by resorting to force.” Later, the delegates visited Mazlum Arslan, the Republican Peoples Party member Mayor of Tunceli, who said that the food embargo was in fact implemented in Tunceli, and added, “Citizens can only obtain their food by ration card. Tunceli is under a full blockade. We have no specialist doctors. All the roads are closed at certain hours. Unemployment is continually increasing, and the state has caused the region to be left behind. Our people are trying to survive despite great difficulties.” The delegates wanted to visit Çemre, the village where Mazlum Mansuroğlu had been killed by Special Team members some time before (Detailed information is on page 267), but were not allowed to. Later, the delegates lodged an official complaint against the Special Team members.

Holding a press conference in İstanbul on 19 September, the delegates gave their impressions, saying that Tunceli had turned into a “huge prison.” They said that they had not been allowed to visit Ovacık, Hozat, Nazımiye and Pülümür towns, or Çemre village, and provided journalists with documents and examples which demonstrated that flour mills between Elazığ

(*) The report by the Parliamentary Human Rights Commission was not publicized. It was claimed that the military circles intervened in order to prevent the publication of the report.

and Tunceli had been closed down, that movement from neighbourhood to neighbour-hood was controlled and the neighbourhoods were encircled with wire fences, and that the food embargo had continued at an increasing pace without interruption. The delegates emphasised that 287 of the 420 villages in Tunceli had been evacuated since 1994, and said, “The people, thrown out of their homes and lands without notice, Have had to sell their animals at rock-bottom prices. They have survived so far on a handful of money from this. When they run out of this money, they face starvation. The level of unemployment among those who have been displaced to Elazığ is very high. People of all ages fill the streets in Tunceli to find work to make a living. They have been deprived of income, often cannot even find shelter, if they do, they cannot pay the rent, or several families live in one tiny house.”

The food embargo implemented in Tunceli was confirmed officially by Yücel Yavuz, the District Governor of Ovacık. Yavuz, who was interviewed by CHP MPs, who conducted investigations in Tunceli in October, said, “We are implementing control over food in order to prevent the PKK from forcing the citizens to give them supplies. Each village can obtain food on certain days. On these days, the villagers can obtain as much food as they are allowed.” He said that unless it was controlled, the citizens bought “extra food,” which was seized by the PKK. (*)

Tunceli by Numbers (*Yeni Yüzyıl*-26 October 1996)

The problems of Tunceli are enormous. To live in Tunceli is nothing but a nightmare. In Tunceli, where investments have ceased, and the problems of food, education, health and transportation are extreme, the only thing there is an “excess” of is the security forces.

- *The rate of development in Tunceli since 1994 is minus 12 percent.*
- *Its population, which was 24,422 in 1990, is now over 40,000 due to displacement.*
- *287 of 417 villages have either been evacuated or burnt down.*
- *The legal entities of 48 villages have been abolished, and they have been removed from the map.*
- *The rate of literacy was 95 percent until 1994. Now this rate is decreasing steadily.*
- *There is only one institute of further education. This school, which had an insufficient number of instructors, is now also being used as a barracks and the students are using military ID cards to enter the school.*
- *242 of 268 schools in the vicinity of Tunceli are closed for security reasons.*
- *Three quarters of people of student age in Tunceli cannot attend school.*
- *There is only one specialist doctor in the 160-bed State Hospital. There is no paediatrician, no surgeon, ear nose and throat specialist, gynaecologist, or X-ray specialist.*
- *All health centres in the vicinity of Tunceli are closed.*
- *There are 1200 civil service and 290 workers vacancies in Tunceli.*
- *Animal husbandry is forbidden in the plateaus of Tunceli for security reasons.*
- *The number of the sheep, which was 453,000 in 1990, decreased to 193,000 by the end of 1995. The number of the cattle and goats is also decreasing.*
- *Almost all the roads, except the highway between Tunceli and Elazığ, are closed temporary or permanently for security reasons.*

Evacuated, burnt or raided villages

Evacuation of the villages and hamlets decreased to a great extent in 1995, when compared to the previous years, but still continued. (*) The pressure brought to bear on villages and hamlets was not limited to evacuation. Villages were frequently raided, people were killed, wounded and tortured. Numerous houses were burnt down and destroyed. People were forced to leave their homes. As a result, it was almost impossible to find any villages and hamlets in the State of Emergency Region and its surroundings, in which people were living, other than those who had agreed to become village guards. In official statements, however, it was asserted that the

(*) Meral Akşener, then-Minister of Internal Affairs, replied in early November the parliamentary question by Bülent Akarcalı, ANAP MP from İstanbul. Minister Akşener claimed that there was no implementation of supplying food via ration cards in Tunceli. Minister Akşener stated that the measures for undermining the logistical support for PKK did not include the restriction of food in type and amount, but aimed at providing the security officers with information.

(*) In 1996, the number of the evacuated villages was quite low when compared to the previous years, as an outcome of the fact that there remained almost no villages in the region for evacuation.

villages had been evacuated or burnt down due to “financial problems” or “pressure and attacks by the PKK.” Among the problems caused by the evacuation of the villages was severe damage to the regional and the national economy.

Necati Bilican, then State of Emergency Regional Governor, made a statement on 26 May that 918 villages had been evacuated (706 completely and 212 partially), and 1767 hamlets (1592 completely and 175 partially) had been evacuated for various reasons, and that a total of 329,916 people had been displaced. He stated that it was possible to return to some villages, but a total of 13,415 houses were needed in the region as it was not possible to return to many others. He said, “The main sector that has been damaged by the terrorism is animal husbandry. We are planning to create work for 12,460 people under 24 projects. A financial source of 1 trillion 106 billion TL (\$11,300,000) is required for the implementation of carpet- and *kilim*-making and bee-keeping projects. The roads in the region need to be improved immediately, both for travel and for military operations. Most of the schools in the rural areas are closed due to lack of teachers. For this reason, boarding schools need to be opened in the region. Restrictions on border trade also affect business negatively.”

An important problem in the region was the implementation of food embargoes in certain cities and districts. The food embargo, which was first implemented in Şırnak in 1992, was spread to all provinces in the region in 1996, especially in the mountainous provinces. The embargo was applied in its most merciless form in Tunceli. In some villages the security officers in the region sometimes arbitrarily totally cut off the supply of food, which was normally allowed in restricted amounts, on the grounds that “the villagers did not cooperate with them.” Food was allowed with ration cards, which were drawn up according to the number of people in the household. Freedom of travel was also restricted along with the food embargo. People were forced to take permission from security officers when they wanted to go from town centres to elsewhere. By the end of 1996 the settlements severely affected by the food embargo were as follows, :

Şırnak: City centre, Cizre, İdil, Beytüşşebap, Güçlükönak, Uludere, and their villages.

Siirt: Kurtalan and Baykan partially; villages of Pervari, Şirvan and Eruh.

Batman: Mountainous villages in Sason, Kozluk and Gercüş.

Bitlis: Bitlis city centre; mountain villages of Tatvan, Hisan, Mutki and Güroymak.

Bingöl: City centre, all districts and villages.

Tunceli: City centre, all districts and villages.

Diyarbakır: Lice, Kulp, Hazro, Hani district centres and their villages.

Ağrı: The slopes of Ağrı and Tendürek mountains, all villages on the Iranian border.

Kars: Mountain villages of Kağızman and Digor districts.

Ardahan: Villages of Göle district.

Erzurum: Villages in the mountainous regions of Horasan district.

The evacuation and burning of villages and hamlets incited protests. As a result, the government undertook “to take precautions and heal the wounds,” some solutions began to be sought though not very sincere. One of the solutions was called “return to the villages” project. Prime Minister Necmettin Erbakan announced the “return to the villages” project emphasising that he had received guarantees from General İsmail Hakkı Karadayı, then Chief of General Staff. However, the project did not attract interest even within RP. Ahmet Özdemir, Hakkari Provincial Chair of the RP, stated that the evacuations continued and nobody returned to villages in Hakkari, which was the place with the highest rate of displacement as a result of the evacuation and burning of villages. He said “No-one has returned to their villages and fields during the period of this government. Applicants to return are rejected for security reasons.” Özdemir also said that since there was no return despite Erbakan’s announcement, the party had been put in a difficult position, and added; “People in Hakkari must be returned to their villages. Security is always an excuse. However, the fields and villages near the brigade, the most secure places in the province, are being evacuated. Otluca hamlet near the brigade, is the latest area to be evacuated.”

It was stated by the Diyarbakır Branch of the İHD on 19 July that claims that people had returned to the evacuated villages were not true. The statement emphasised that while it is crystal clear that the burnt and evacuated villages, vineyards and gardens had been destroyed, the roads and village areas had been mined and village guards were living in many of the evacuated villages, it was deceptive to declare that people could return to their villages.

In a news report published in the daily *Milliyet* on 19 September 1996 under the headline “The Fiasco of Return to the Villages,” it was stated that it would only be possible for people to return to 5% of the evacuated villages and hamlets in the east and Southeast regions. According to the report, Mehmet Açar, then Minister of the Interior, in his reply to a parliamentary question

by Hakan Tartan, Democratic Left MP for İzmir, stated that 2,226 out of 2,754 settlements had been evacuated due to PKK attacks or oppression and 528 due to economic, social, natural disasters and nationalisation. Ađar also said that 15,314 people living in a total of 2,019 houses in 58 villages and 81 hamlets returned to their villages in 1994, 1995 and 1996, as a result of the “secure atmosphere” prevalent in the east and southeast regions. He claimed that there was no question of forcing people to become village guards when they returned to their villages. He stated that the implementation of public investment and economic support programs should be a priority, and said, “Within this framework, 2 trillion 808 billion TL (c.\$30 million) has been sent to the governors in the region from the Urgent Support Fund for infra-structural investments to be completed in order to provide services to the people.”

Village evacuations and displacement affected Syrians living in the region to a great extent. Some villages belonging to Syrians, who are indigenous people of Southeastern Turkey and Northern Iraq, were completely evacuated, and none but a few old people remained in others due to displacement. The number of Syrian villages in the region decreased significantly. The names of evacuated or emptied Syrian villages are as follows:

Silopi: Hassane (Kösrali).

Midyat: Bote (Bardakçı), Arnas (Bađlarbaşı), Bardo (Yamanlar), Saleh (Barıštepe), Hapsis (Mercümecli), Kafro (Elbeyendi).

Nusaybin: Harabemiške (Dađıçı), Sederi (Üçyol), Ehvo (Güzelsu), Badibe (Dibek), Arbo (Taşköy), Giremira (Girmeli).

İdil: Gaveyto (Sre), Esfas (Yarbaşı).

Dargeçit: Zaz (İzbırak), Arbaye (Alayurt).

Gercüş: Kafro Elayto (Arıca), Yardo (Yamanlar), Binkable.

Beytüşşebap: Mihri (Kovankaya).

Judgements by the European Court of Human Rights

Turkey was frequently discussed on international platforms and condemned because of burnt villages. Such incidents were also on the agenda of the European Commission of Human Rights as aggrieved people exercised their right to submit individual petitions. The European Commission and the European Court of Human Rights made judgements against Turkey.

One of the judgements against Turkey was on the burning down of Kelekçi village (*) of Dicle, Diyarbakır. The European Commission of Human Rights investigated the case, and found the Turkish government guilty. Villagers had applied to the Commission in connection with the burning down of the village by soldiers on 10 November 1992. On 10 November 1994 in the case, which was regarded as a precedent for those on village evacuations and burnings, the Commission declared the case admissible. Having attempted unsuccessfully to secure a friendly settlement, the Commission began to examine the case with respect to the complaints. At the end of this examination, the Commission concluded that most of the complaints were true. The Turkish government maintained that the villages were burnt by the PKK, and that the security officers did not damage the villages during their searches. It also maintained that the villagers had left their homes as they felt insecure “because of PKK attacks,” and that the villagers could not have been regarded as having exhausted domestic remedies. and the Commission did not accept the claim that the domestic remedies had not been exhausted, and maintained that “human rights are violated in Turkey, the houses were burnt down by soldiers, and it was impossible to utilise the domestic remedies effectively in the State of Emergency Region.” The Commission offered a friendly settlement, but the government and the villagers failed to reach an agreement.

The trial (**) started at the European Court of Human Rights on 25 October and ended on 16 September. The Court adopted a judgement against the Turkish government for having violated Article 8 of the European Convention of Human Rights, which is on respect for private and family life, home and correspondence, ruling that the Turkish government should give compensation to Hüseyin Akduvar and his 7 relatives and 2,5 billion TL (c.\$25,000) for legal costs. The Ministry of Foreign Affairs stated that the judgement adopted against the Turkish

(*) Kelekçi village headman Hüseyin Akduvar, his relatives Abdurrahman Akduvar, Ahmet Akduvar, Ali Akduvar, Zülfükar Çiçek, Ahmet Çiçek, Abdurrahman Aktaş and Mehmet Karabulut.

(**) İHD Diyarbakır Branch Chairman Mahmut Şakar, who was invited to Strasbourg regarding the Kelekçi Village trial, was not given a passport. Mahmut Şakar said, “This is a political action. There are no legal ground of not giving a passport to me. They are anxious about the effect of the defense of a lawyer who witnessed the incidents, that’s why they do not want to give me a passport.”

government for violating certain articles of the Convention was “strange and incomprehensible.” The Ministry also claimed that the judgement was “adopted on the political concerns rather than legal ones,” and added, “The decision makers have denigrated the neutrality of European Court of Human Rights. The legal issues should be discussed after national remedies are exhausted. This rule should absolutely be taken into consideration. Seeking and trying methods other than this will harm the functioning of the international human rights mechanisms. The decision of the Court goes against our sovereignty rights. The European Court of Human Rights has made a decision which has gone beyond the scope of the application made.”

Prof. Dr. Bakır Çağlar, the legal consultant of the Ministry of Foreign Affairs and the lawyer who undertook the defence of the Turkish government in this case, maintained that Turkey was not found guilty in this trial but on the contrary she won the case. He said the following: “According to European Convention of Human Rights, if the house of a person is burned the government would be guilty for having failed to prevent the damage. It is not important whether the government commits the action or not, but it is guilty if it cannot prevent the damage. Turkey was condemned because she failed to prevent the damage, not for burning down villages. The government, if there is one, should maintain the security of its citizens. Turkey was condemned as she failed to provide this security. The request of the other side was for amendment of the Constitution because it “violated the human rights,” and for amendment of the penal legislation and the anti-terror law. The court accepted none of these. Another claim, which is the most important one, was that, ‘The ban on discrimination brought by the European Convention of Human Rights has been violated. These people have been subjected to such treatment because they are of Kurdish origin.’ The court did not accept this claim, either. The Human Rights Convention was designed for countries living in peace. It is difficult to implement in societies where there is civil war and the fabric of society is destroyed. Two countries have experienced this, the UK has gone through it in Ireland, and Turkey in the Southeast. In a reconciled society, if a man can not divorce his wife in a particular period or can not get his money in a nationalisation case, he can appeal to the Court of Human Rights. But within the context of the Convention, the Court of Human Rights can be appealed to directly in a place where a war exists. However an incident takes place in the Southeast, a man is killed but the prosecutor cannot go there, because his life is in danger. This convention does not foresee these facts. We live in a different society and our problems are totally different.”

Another judgement was made by the Commission against the Turkish government in March. Villagers Azize Menteş, Mahile Turhallı, Sulhiye Turhallı and Sariye Uvat applied to the Commission in connection with a raid by soldiers against Sağgöze Village in Genç, Bingöl, on 25 June 1993, during which about ten houses had been burnt down and the villagers had been forced to evacuate the village. In her defence, the government maintained that the PKK had used the village as a shelter and source of provisions since 1983, that the villagers had been forced to leave by PKK militants who occasionally used their houses, and that the houses had been burnt down by PKK militants. The government also alleged that some relatives of the applicants were members of the PKK. The European Commission of Human Rights declared the application admissible on 9 January 1995, and finalised its report on 7 March 1996, which maintained that the Turkish government had violated the European Convention of Human Rights.

Incidents at Sivas

Sivas, which is not under the jurisdiction of the State of Emergency rule, frequently came on the public agenda in 1996 because of pressure and human rights violations. Villages in Sivas and its districts were frequently raided by security forces and some of these villages were evacuated. In connection with the human rights violations witnessed in Sivas, the authorities claimed that “the PKK used Sivas as a passage from south-east Turkey to the Black Sea region, and for this reason operations were carried out against the terrorists,” and that the PKK was responsible for killings, raids, village burnings and similar incidents in the region. Presence of the DHKP-C and the TİKKO militants in addition to the PKK militants was another ground for the pressure in the region.

Evacuated villages

Divriği: *Ezentere, Ovacık, Çillipanır, Demircilik, Dişbudak, Ağalcık, Yeşildiyar, Bal-ova, Çayözü, Hamçimen, Çakırtarla, Çitme, Venk, Kaledibi.*

Kangal: *Karağöl, Korubaşı, Güneşli, Kapıkaya, Yeşilyurt, Tatlıpınar, Bayındır, Sul-tanpınarı, Elalibey, Dağönü, Kürkçü, Topardıç, Dereköy, Mescit, Çavdar, Boruk.*

Zara: *İğdeli, Kanlıçayır, Kurukköprü, Beletarla, Kısık, Büyükköy.*

İmranlı: *Beğendik, Pirikan, Coğibaba, Gencolar.*

Village headmen detained

Divriği: *Höbek (Kamber Yılmaz), Balova (Ali Toprak), Dikmeçay (Hüseyin Yıldız), Dışbudak (Mustafa Yıldırım), Kırkgöz (İlyas Ovacık), Sırçalı (Ali Korkmaz), Susuzlar (Hasan Hüseyin Dönmez), Tepehan (Hüsnü Bulut), Soğucak (Bilal Koç), Karakuzulu (Ali Rıza Çınar), Yalnızsöğüt (Mustafa Tuncer), Ödek (Muharrem Sarıgil), Güneş (Veli Çulha), Karaağaçlı (Salih Yalçın), Keçikaya (Asaf Yalçın), Çakırağa (Ali Aydoğan), Karasar (Yusuf Kaya), Mursal (Gazi Çiftçi), Susuzören (Cafer Güzel), Ulucayır (Ali Yıldırım), Yağbasan (Dursun Delibaş), Bahtiyar (Zeynel Gençtürk), Gökçebel (Mustafa Pilavcı), Gündüren (İsmet Kavak), Başören (Hüseyin Sarıtaş), Dikmeçay (Hüseyin Yıldız), Diktaş (Süleyman Doğan), Gündüren (İsmet Kavak), Güllüce (Hüsnü Ömür), Gürpınar (Hüseyin Erdoğa), Ağın (Ahmet Kaya), İmirhan (Ahmet Usanmaz), Ovacık (Mehmet Özdamar), Özbaşı (İsmail Kaynak), Yuva (Bayram Er), Yusufşeyh (İsmail Kaya), İncirlişar (Ali Özdemir), Kekliktepe (Ali Uluşu), Üçpınar (Sehlen Öztürk), Maltepe (Cemal Osanmaz), Kayaburun (Hüseyin Başaran), Akmeşe (Seyit Özcan), Oğulbey (Haydar Yerlikaya), (Ali Küçük), Kuluncak (Kasım Temürtürkan), Oyuktepe Uzunmaya (Kemal Karaman), Ekinbaşı (Seyit Kara), Karakale (Mahmut Aydoğan), Kayacık (Mustafa Yıldız), Avşarcık (Kazım Ertürk), Bahçeli (Halil Yüksel), Çitme (Zeki Enöz).*

Raided villages

Kangal: *Elkondu, Çamşıkı, Killik, Diboğlu, Mahsut, Şenyurt, Kapıkaya, Dereköy, Gençali, Dağönü, Sultanpınar, Kürkçü, Akgedik, Bayındır, Çağlıcaören, Gürükbekir, Değirmençay, İnkonak, İmamındamı, Kızıldikme, Çat, Tahtalı, Kurdoğlu, Tilkihiyüyük, Sutaşı, Yukarı Hiyyük, Aşağı Hiyyük, Kocakurt, Soğukpınar, Arpalı, Eymir, Kavanlık, Kavak, İlkıran, Örenlice, Kayapınar, Mescik, Obulak, Akgedik, Yellice, Çavdar, Kırlangıç, İğdeli, Ceviz, Karahmetle, Kabakçevliği, Güneşli, Dışlık, Sacıyağı, Örentaş, Değirmençay, Bahçeliyurt, Hamzabey, Davutoğlu, Kilise, Karanlık and Yeşilyurt.*

Hafik: *All villages in Celali, and İnköy, Aktaş, Pirhüseyin, Örencik, Ortaköy.*

Zara: *Iğdır, Beypınar, Kuruköprü, Bolucan, Bulancak, Büyükköy, Şoralar, Sancak-kale, Poyrazlı, Alıpınar, Ateşali.*

Ulaş: *Ezentere, Demiryazı, Dedeli, Sinekli, Kuruluşay, Karaşar, Bostankaya.*

The incidents in Sivas provoked protests. The issue was brought onto the agenda of the Grand National Assembly, a series of statements were made in connection with the issue, and delegations were sent to the region. For example, the representatives of democratic community organisations and associations formed by the people of Sivas origin living in other provinces paid visits to Sivas and its districts in mid-February. The delegates, who arrived in Avşar village in Divriği on 15 February, were told by the villagers that the soldiers had gathered the men in the village on the village square and taken 8 of them to Divriği first and then to Sivas, where they had been tortured. The headman of Avşar village related the incidents as follows: “On 28 February, I saw the soldiers coming. Sergeant-major Hüseyin, the Gendarme Commander of Divriği, told all the men to gather in the village square. At first, we were taken to Divriği and then to Sivas. In Sivas, we were kept blindfolded for 6 days and 6 nights. They tortured every one of us. They beat me with truncheons. I heard that they beat some with sandbags. I heard that some were given electric shocks. They were swearing at us all the time. On that day, 43 people from Kangal, Hafik, Zara and Divriği were detained. They forced us to sign a paper. During the torture, one villager, Hasan Erdoğan went into a state of shock and attempted to set himself on fire.” The villagers, who remarked that during the torture they were insulted for not fasting, also said that soldiers used their village as a meeting place, and invaded their schools and student residences.

Mehmet Işık, MP for Sivas, took the floor during the session of the National Assembly on 6 February, and made a speech about the incidents. He stated that operations had been carried out in the region for a long period of time, and added, “The people have been ill-treated and oppressed during the operations. The pressure focuses on Alevi people. The villagers are not allowed to meet some of their needs. Security forces come to villages at night, and say, ‘We are members of the PKK. Give us some bread.’ The villagers give them bread because they fear them. The following they these people are detained and accused of ‘aiding the PKK.’ Over 500 people have been detained within the last four months in the region. Eighty of the detainees were village headmen. All detainees were later released. They tell people ‘We have a list. We are going to clean this area gradually.’” Mahmut Işık also reported the complaints to Teoman Ünsal, then Minister of the Interior.

Hakan Tartan, Erdoğan Toprak, and Ali İliksoy, MPs with the DSP, went to the region after intensification of pressure and evacuation of the villages of Sivas. Their mission covered Hafik, Zara, İmranlı, Ulaş, Kangal and Divriği districts. In the report they published after their

investigations in these districts they requested that Alevi people not be regarded as potential criminals, that Special Team members not participate in operations against the Alevi villages, and that oppression of the local people by security officers end. The report said, "There are lots of complaints against Special Team members. The citizens complain about their brutal treatment. The Alevi-Sunni conflict is encouraged. The citizens have major economic problems."

In the press conference that he held on 9 February, Aydın Güçlü, Governor of Sivas, stated that the legal entities of 69 villages (mostly Alevi villages) was to be annulled. Güçlü claimed that the 69 villages had been abandoned, like Hıdırlık and Dişbudak villages in Divriği, which had been abandoned 5 years before because of economic problems. In response to criticisms addressed to himself, Aydın Güçlü said the following: "I place great emphasis on the principle that the state authorities should treat all citizens equally. Throughout my term of office in Sivas where I started on 2 July, I have been placing great emphasis on this matter. It is completely impossible for me to be involved in any kind of discrimination with respect to the political views and beliefs in the province where I serve. They want to cloud the successes we have had in Sivas."

In another statement which he made on 16 February, Güçlü said that the Special Team members had been withdrawn to the provincial capital. However, Celalettin Lekesis, Governor of Divriği, during his meeting with the representatives of democratic community organisations who went to the region following the statement by Governor Güçlü, stated that Special Team members were present in the region because of a need of them, and that they were using the State Iron and Steel Company's residences in the Selamettepe region as barracks and went to Divriği for their daily needs, contradicting Governor Güçlü's statement.

A report issued within the same period, by Necati Özgen, then Commander of the Third Army, refuted claims that villages had been evacuated because of practices by the security forces. In response to the claims that the security forces had been settled in the schools, the report said "half of one school building in Beyınarı, Sivas, was used for this purpose." It also claimed "The purpose (of these claims) is to discourage the staff of the security forces and administrative leaders from fulfilling their duties, to suppress them and to break their morale thus relieving the pressure on the terrorist organisation in the region and to allow them to catch their breath. Sivas has been chosen as the place of action in accordance with the plan which has been drawn up to take revenge on the police and security forces and to weaken the State for the killing of *Evensel* reporter Metin Göktepe, who was from Sivas. These are attempts at damage the atmosphere of peace and security we are trying to set up in the region, in order to detract from the success which has been achieved recently in the combat against the PKK and the DHKP-C in the public eye and draw public attention to a superficial Alevi-Sunni conflict."

Mahmut Işık, CHP MP for Sivas, prepared a report after conducting investigations in the region, and submitted this report to President Süleyman Demirel in September. In his report, Işık stressed that the incidents in Sivas were a "rehearsal for civil war." The report also claimed that the assailants in the Sivas massacre were "protected" by Minister of Justice Şevket Kazan and Minister of Finance Abdullatif Şener. The report said, "Divriği, İmranlı, Zana and Hefik are the districts where the PKK and other organisations are located in the main. There are more than 20,000 soldiers in the region. During my visit, I saw Special Team members on the roads in panzer cars and wandering around the provincial capital. I also witnessed that commanders assigned here from the East treat the local people well and that they fulfil their duties without pressurising the public and by gaining their trust. I received complaints about the Gendarme and Special Team members, who are accused of ill-treatment of the people and of not being as sensitive as the commanders. I heard that the people were taken to Sivas Gendarme Command and kept there blindfolded and insulted even when they provided information on the terrorists. The people in Sivas do not support terrorist activity. But , I saw that some people were intimidated by fear." The report was stated that the marginal right wing had been armed following the creation of the impression that the people of Sivas were "supporting the PKK and other organisations," and it was also stated that "there is a dominant concern in the city that these armed people will cause violence in the future. Rumour has it that there are 17 different mafia organisations in Sivas, that they have partnership relations with someone at a top level position in the security forces, and that they have such power that they are able to guarantee any tender which has been announced to any person they would like for any price they demand, and that there are big political powers behind these Mafia organisations."

Bay village, Hakkari

An important case related to the pressures on villages was experienced in Bay village near Hakkari. (*) The pressure which has been brought to bear on Bay village residents to persuade them to serve as village guards increased from May onwards. The operation against Bay village started when three Special Team members dressed up as PKK militants, came to the village on 30 May, asking for bread from the villagers. Abdulhaluk and Azat Beyter were detained and taken to Hakkari Mountain Commando Brigade when they provided the Special Team members with bread. On 31 May, soldiers carried out an operation against the village, and detained 12 villagers. Musa Beyter, the father of Abdulhaluk Beyter, said, "A person who lives on a wild mountain has no choice but give bread to an armed person. My son gave the bread because he was frightened and nervous. Incidents of this kind happen to everyone. You should not consider a person who has given a piece of bread to someone as being in favour of or against him. For this reason, the detention of my son and the other villager is completely arbitrary."

All travel to and from the village were banned on 1 June and the village was raided by the security forces in the morning of 3 June, during which one person was killed and other people were forced to eat faeces. During the raid, the villagers were gathered in groups in the stables where they were interrogated. Sabri Beyter (55) whose mouth was filled with animal manure was told, "You will eat this if you don't tell whatever you know." During the raid, a woman named Sedika Beyter (80), who could not get out of her bed due to illness, was beaten on the suspicion of "hiding weapons" during a search of the house of villager Halil Beyter. Sıdıka Beyter died as a result of the beating. Cafer Çiftçi (23) was beaten with rifle butt, and his leg was broken. Abdulhaluk Beyter, one of the first detainees, was released on 4 June. It is reported that Abdulhaluk Beyter was unable to walk due to torture inflicted on him.

Out of the detainees, Hıdır and Cindi Beyter and Yakup and Nadir Çiftçi were remanded, Mehmet and Ahmet Beyter, Abdurrahman, Abdulhaluk, Cebirail, Nurettin, Recep and Arafat Çiftçi were released on 7 June. The people released stated that they had been tortured in detention. The blockade on the village was lifted on 8 June, and soldiers withdrew to the city centre.

A HADEP delegation formed of Sedat Yurtdaş, Şahabettin Özaslaner and İhsan Çelik visited Bay village and conducted investigations there on 8 June, and published its report on 10 June. Özaslaner, who read the report, stated that 45 people had been detained during the operation and 14 people, who were later released, were unwilling to talk to the delegation because they had been threatened. Özaslaner said that women were insulted and beaten during the operation, and that Sedika Beyter died because she had been forced out of her bed. He added that 4-months pregnant Feyruz Beyter (18) had had a miscarriage because she had not been allowed to go to the hospital, and that Sabri Beyter (55) had been forced to eat faeces in front of his wife and children. Özaslaner said that the Ali İhsan Su, the Deputy Governor with whom the delegation spoke, had denied the claims, and that no investigation had been launched into the incident. Özaslaner said that the villagers had been subject to pressure because they refused to become village guards and because they had voted for HADEP in the general elections of 24 December 1995.

The incident of Sabri Beyter being forced to eat faeces was investigated by the Parliamentary Human Rights Commission. Deputy Governor Ali İhsan Su, in his communication to the Parliament, rejected the claims, asserting that the purpose was to blacken the security forces.

Mehmet Şahin, a member of the HADEP Provincial Executive Committee, was detained along with his relative Selam Şahin in a raid on his house on the night of 20 June, because he had given information to the Kurdish television station MED TV about the incidents in Bay village. Mehmet and Selam Şahin were released on 30 June.

Fifteen village guards, who had settled in Hakkari city after having been forced to leave villages in the vicinity of Çukurca district, Hakkari province, were appointed as "special village guards" in June and given guns. These village guards raided Bay village on 7 August. The village guards, including chiefs Ali Deniz, Zeki Ateş and Zeki Kurutaş, dressed up like PKK militants and asked the villagers for weapons and food. The Bay villagers, who had also agreed to become village guards, surrounded and captured the raiding village guards, and handed them over Hakkari Brigade Command.

(*) Bay village, which is located 3 or 4 km away from Hakkari, is mentioned as one of the quarters of Hakkari in some sources.

Kuruçay village, Silvan

Kuruçay village in Silvan, Diyarbakır, was burned down following a clash between the villagers and village guards. The incident, which resulted in the deaths of village guards Mehdi Kahraman and Mehmet Can, developed as follows, according to accounts of the villagers to the Diyarbakır Branch of the İHD.

Village guards from the Sulubağ (Hüseyna) village of Silvan raided Kuruçay village (*) on the evening of 28 May, and attempted to detain some of the villagers who had previously been identified. Some of the villagers who considered that anyone detained would be killed offered resistance to the village guards. In the resulting clash between the villagers and the village guards, village guards Mehdi Kahraman and Mehmet Can were killed. Villagers Abdülkadir Bilen (80), Ömer Akbay (75), Mehmet Serin Dağkuşu (65), Hüsnü Duman (60) and Ali Han Bilen (65) spoke as follows: “Our village used to consist of 60 households and had a population of 400. We had experienced the raids by the village guards and the soldiers before. In this incident, Mehdi, the village guard chief, and 22 others raided our village at 9.45pm. While the village guard chief headed for the house of Muhittin Arı, the rest surrounded the village and waited for him. When we later reached the scene of the incident having heard gunshots, we found out that Mehdi Kahraman and the other village guard Mehmet Can were dead.

The villagers said that later on, at about 1am, the village guards of Sulubağ village entered the village with an escort of panzer cars from Bağdere village Gendarmerie Station and Silvan Central Gendarmerie Command, and reported that “shortly after the incident, most of the villagers left the village in fear of their lives. Only the elders stayed there. The village was set on fire and looted under the supervision of the soldiers. After that, a panzer car took us from the village and left us 5 km away. Then we headed for Diyarbakır.” The villagers also said that the village guards of Sulubağ village had been bringing pressure to bear on them in order to try and seize their land.

Hacı Haydar Arı (80) who went onto settle in Diyarbakır due to the pressure from the village guards said that the incidents took place after his son Muhittin Arı realised that the village guards intended to kill him, and he resisted them. Arı said that two village guards were killed in the resulting clash and that this caused the village guards to be more hostile, also said that the soldiers “remained indifferent to the terrorism of the village guards” and he continued saying that Muhittin Kahraman, the village guard chief, had tried to get his son to join the gang, but that his son had refused and that the village had been raided because of this. Hacı Haydar Arı said “My son refused to join this dark organisation. He was detained a number of times. When he was released following his latest detention, the captain asked him to cooperate with Mehdi Kahraman and to bring him the heads of 2 PKK militants. He tried to get out of this by going to İstanbul. But he could not remain there. He came back to the village and started to work his land. When they realised they would not get what they wanted, they intended to kidnap him by hiding themselves in the night, and killing him. Then they would be rewarded for having killed a militant.”

On 22 July, some of the cultivated land of Kuruçay was burned by Sulubağ village guards. The villagers said that 450 people had been forced to move to Diyarbakır following the first attack of Sulubağ village guards, also said “We made an application to State of Emergency Regional Governorate and to Silvan Central Gendarmerie Command for permission to harvest our cultivated land. On consent of the gendarmes, 150 of us went from Diyarbakır to Kuruçay in lorries on the same day. We intended to harvest our crops. However, the village guards did not let us, and they set on fire to the land of about 7,500 *dönüm* (c.1875 acres) between Lışok river and Hazro stream, on which we had cultivated wheat, lentils and barley. Some 4 000 *dönüm* (c.1,000 acres) of land was completely burned.

Kilise and Polikan Hamlets

On the night of 9 October, Kilise hamlet of Yaylım village in Tercan district, and Polikan hamlet of Bardakçı village in Çat district, both in Erzincan, were burned by a group of village guards. The village guards of Bardakçı village, Abdullah and Ahmet Gülmez, Cengiz Polat, Cemal Gerçek and Yavuz, the son of the village headman whose surname was unknown, were detained upon a complaint made to Tercan State Prosecution by the villagers, and were remanded in custody on October 20. No investigation was made into the soldiers who were present in the

(*) Ali İhsan Dağlı, who was detained from Kuruçay in April 1995, was later revealed to be executed by shooting. The authorities did not accept that he had been detained. However, a picture of Ali İhsan Dağlı, which was proving that he was put in a military vehicle, wounded in the hand, after having been detained, and testimonies of witnesses were published in the issue of the daily Evrensel on 11 October 1995. His case was also mentioned in the reports by the Human Rights Watch/Helsinki.

hamlets during the incidents. The videotape on which pictures were recorded by a private television channel after the burning of the two hamlets, which were close to each other, and then submitted to Sinan Yerlikaya, the Deputy General Secretary of the CHP, proved that the village guards burned the hamlets under the supervision of and with the knowledge of soldiers.

The videotaped statement of a woman named Şengül whose flour, sugar and grain stocks were burned along with her house is as follows: “They gathered us all in here and said ‘we will shoot and kill you’. When the children started to cry they said ‘it is no use crying’. After that, they picked out the women and the children and put us in a room. I had hidden my daughter in the chimney. I said to her ‘Get out through the chimney and save yourself’. They went out after they had put us in the room. It was 6am and they started to set the village on fire. They burned the grass as well. And we ran away from the place they had put us.”

A woman named Hediye, whose surname is unknown, from the same hamlet, reported her experiences as follows: “Hüseyin from Savbaş village used to come here to peddle things. Hüseyin was one of the people who burned the houses. Hüseyin had a mask on his face and he was putting it on when his immediate surroundings were lit up by the fire and he was taking it off when it was dark. Another of them, a tall, fair man, was the son of the headman of Bardakçı village. And one of the five people who surrounded the village was Sebahattin Polat.”

Hasan Çeker, whose house in Polikan hamlet was burned, said the following: “The soldiers surrounded our village around 5am. The commander of the soldiers had told us that he would spend the night in the village. I left the house to slaughter a lamb. I saw 5-6 people coming towards me while I was opening the door of the barn. The commander tried to find out who they were; he was told ‘5-6 of our men are out there, make no mistakes’ on the walkie-talkie. He said to me ‘they are our team’. While I let the soldiers in the house in groups and served them food, the commander went out and yelled ‘alarm!’. We went out; our haystacks were on fire, it was as bright as day. I saw 6 people; one of them was Cengiz Polat, the son of Celal Polat, others were Cemal Gerçek and Abdullah Gülmez, village guards from Bardakçı village. He has a friend, his name is Yavuz; I do not know his surname, I recognised them. Then I realised that this team belonging to the state, meaning the state itself, was burning our houses and our hay’. Çeker, who said out that he argued with a military officer of the unit and that the officer also burned the electricity sub-station which was situated at the lower part of the village, also said, “the military officer swore at me, he gave the order to ‘turn the village upside-down, burn it’ and they burned the sub-station and my house and then they went off.”

Murat Şimşek, cameraman at Dost TV, a local TV in Erzincan, who filmed the burning of the hamlets, and his family, were subject to pressures following the incident. Şimşek said that he started to receive threats after the news report and that some unidentified people attempted to kidnap his wife, that he was “threatened with death” over the telephone in November and that later his house was stoned. He said that the assailants came to his house to look for him on 23 November, they attempted to kidnap his wife when they failed to get hold of him, and they released her as a result of reactions of passers-by, and that there were marks of beating on the body of his wife, who was found unconscious. Filiz Şimşek reported that the kidnappers were tall, thin and bearded, who said to her “We will kill you, we will burn your house.”

Other examples

Bozoba Village in Dicle, Diyarbakır, was raided by soldiers from Dicle Gendarmerie Battalion at about 4pm on 4 January. Sixteen people were denounced by village guards and detained during the raid. The names of the detainees, who were taken to Dicle Gendarmerie Command, are as follows: Hüseyin Işık, Ali, Kadir and Nizamettin Basut, Şükrü, Mehmet and Mehmet Ali Birsin, Ali Can, Ramazan Demirel, Fırat Başkut, Ali Bayram, Hayri and Ali Bora, Ali Barlas, Metin Güneş and Mehmet Kaya. In the elections held on 24 December 1995, 253 of the 800 voters had cast votes for HADEP in Bozoba Village.

Following the burning of the 150-household Çaldere village of Silvan district, Diyarbakır by soldiers, the villagers applied to the Diyarbakır branch of the İHD and to the Governorate of Diyarbakır on January 8. The application, asking for compensation for the damages that had been caused to the village and the safe return of the villagers to the village, was accepted by the governorate. The Çaldere villagers, who were later sent to Diyarbakır Gendarmerie Command on 10 January, went to the Provincial Gendarmerie Regimental Command, however, their petition was not processed. The villagers, Mehmet Taş, Mehmet Akbaba, Sait and Nuri Özbaş, Halim Yıldız, Ramazan Özbaş, Musa Yıldız, Gülizar Diker, Fatma Özbaş, Heytullah Korsut and Ramazan Taş, who said that they had been subject to pressure for 8 years on the grounds that they had refused to become village guards, also said “our village has been raided from time to time since 1987 and

we have been pressurised to become village guards. We have never agreed to become village guards despite all the pressure. The pressure on us has become heavier since the neighbouring villages of Boyunlu, Bayrambaşı, Keklikdere, agreeing to become village guards. Along with the soldiers, the village guards of these villages have also started to bring pressure to bear on us. Our village was raided on 12 August 1995. A captain in command of the soldiers who gathered the villagers in the village clearing threatened us saying 'I will give you three days. I will burn you together with the village unless you evacuate it'. On the evening of the same day, before the time was up, our village was raided by soldiers and all of the houses were set on fire together with the goods in them."

Yumrukkaya hamlet of İkiyaka village in Beşiri, Batman was burned by soldiers at about 10am on 15 January. In the fire, which burned until 3pm, 6 houses and a warehouse where there was 10 tons of tobacco were burned. Villager Süleyman Kaya said that tobacco worth 1.5 billion TL (c.\$15,300) was burned outside his house, and also said "soldiers who came to the village before the elections on December 1995 told us to evacuate the village within two days and they beat us all." Kaya said that later he had made an official complaint to the prosecution about Ahmet Mülâyim Demir from Beşiri Gendarmerie Command who was in command of the soldiers, and said that "the commander was looking at me in order to make me retract complaint. He stopped me in Batman and asked me to retract my complaint, and he told me that otherwise I would be killed."

Üzümlü village in Eruh, Siirt was raided by soldiers and village guards on 9 February. During the raid which was reportedly launched on the grounds that the villagers had applied to the District Governorate instead of applying to the gendarmes for food supply, those villagers who had applied to the District Governorate were asked to stand apart from the others who were gathered on the village square. When no one stood apart, from the group, the identification cards of three people were confiscated. And Abdurrahman Özer, the father-in-law of Veysel Turhan, Siirt Provincial President of the Peoples Democracy Party (HADEP), was beaten by the village guards. Turhan claimed that Özer was beaten on the grounds that he supported HADEP, and said "After the soldiers from Eruh Gendarmerie Command and the village guards conducted a search, three people including Ahmet Keskin, the village guard chief, and Kemal Koç, beat my father-in-law Abdurrahman Özer with rifle butts and clubs."

Bay village in Tekman district, Erzurum, which had 80 households and a population of 500, was raided 16 times during March. Villagers Şemsettin, Mahmut and Fakir Beyköylü, Mustafa Akkuş, Melik Dündar and Abdurrahim Akkuş, who were detained during the raids, were hospitalised due to torture; villagers Mahmut Akbaba and Süleyman Beyköylü were remanded in custody. The villagers reported their experiences as follows: "Our village is 15 km away from Tekman. Tekman Gendarmerie forces and teams raid our village whenever they like. During the raids, the Beyköylü and Akkuş families are particularly targeted, the villagers detained and tortured are from these families. Most of the men detained and later released have abandoned the village due to the threats and pressure. Most of the villagers who remain in the village are elders, children and women." The villagers said that Aşağışhanbeyi, İnceli, Kaleköy and Dozer villages which are situated around Bay village were raided by PKK militants in 1994, that "the schools in the villages were partially burned during the raids. The pressure brought to bear on us dates back to then. They accused us of assisting the PKK. The psychological pressure which they have been applying continuously was converted into physical pressure."

The region to the north of Aras river and the rural area of Digor district, Kars was declared as "temporary restricted military area" during the six month period from 30 April to 1 November. In a statement made by the Secretary General of the Office of General Staff, he announced that entry to the restricted military areas was subject to the prior consent of the Ninth Army Corps Command, except for the residents of these areas. In the statement, he also said that unauthorised entry to the area was "forbidden and dangerous" due to manoeuvres and shooting exercises to be conducted in the area. The areas declared as "restricted military areas" are as follows: "Zone One (Aydıncavak), Zone Two (Dumanlıdağ), Zone Three (Tarhan mountain), Zone Four (Cirit square), Zone Five (Kotur mountain), Zone Six (Ziyarettepesi - Satıroğlu tepe), Zone Seven (the area to the north of Gaziler) and Zone Eight (Yağlıca mountain)." One end of the forbidden zone reaches as far as the Sarıkamış administrative district of Kars and the other edge as far as the borders of Kağızman District. The rural area of Digor in which the soldiers have been continuously conducting operations was declared a forbidden zone in 1995. One of the main reasons for the restriction of the region, where there were 25 villages, was indicated to be the people's rejection of the village guard system.

Villagers Gazi Özel, Fahrettin Gönültaş, İzzetin Gönültaş, Nejdet Gönültaş, Mazhar Kaçar, and Servet Özkan were detained as a result of the raid which was launched in Yazıkonak village of Güroymak, Bitlis on 28 May. Tahtalı and Kuştaşı villages, in the same region, were also raided on June 3. During the raids, Hikmet, Bahattin and Ali Can and people named Kerem and Cemal whose surnames are unknown, of Tahtalı village, and Rıdvan Katar, the village headman, and two people from Kuştaşı village were detained. Approximately 50 people residing in Yazıkonak, Tahtalı, Kuştaşı villages were detained in the summer. Thirty of these were arrested on the grounds that they “helped the PKK.” Fifteen people including Gani Özer, İzzetin and Fahrettin Gönültaş, Servet Özkan, Hikmet Can, and the village headman Naif, who had already been released by the SSC once, were detained again and taken to the Gendarme Regiment Command. Relatives of the detainees reported that three of the villages had been under pressure because they had refused to become village guards, that 25 weapons had been delivered to Tahtalı village, but that Yazıkonak and Kuştaşı villages had refused the weapons. Fifteen families from the three villages have left the region because of the pressures.

Hasuma village in Malazgirt, Muş, was raided by the soldiers on July 6 following a clash which took place near the village as a result of which a PKK militant was killed. The villagers were gathered in the village clearing during the raid and beaten by the soldiers. A villager named Hüseyin was wounded as a result of firing by the soldiers, and he was detained despite this. In addition, the houses of villagers Bedih and Zabit, who had left the village, were set on fire.

On August 7, artillery was fired at an area near Emekçiler village in Siirt by Sağırsu and Emekçiler Gendarme stations. As a result of the firing, which lasted half an hour, 27 sheep belonging to villager Abdulvahap Erdoğan were killed. Villagers said that the firing deliberate although it was well-known that herds are grazed in the area. On August 9 Erdoğan filed an official complaint against the commanders of both stations.

Kalkapazar village in Karlıova, Bingöl was raided by soldiers on August 17 and August 20. During the August 17 raid, villagers were threatened on the pretext of “aiding PKK militants.” In the August 20 raid, they were gathered in the village clearing and beaten. In addition, villagers Nadiye Özmen (80), Kasım Demir (85), Mehmet Çiftçi, Metin İnce, Seyithan, Celalettin and Latif Harmancı were detained and taken to Karlıova Gendarme Battalion Command.

The forested area and the vineyards and gardens in Tütenocak and Atabey villages, attached to Ziyaret town in the Baykan, Siirt, caught fire as a result of artillery fire by soldiers on August 22-23. Tütenocak village was raided on the morning of August 24. The villagers were gathered in the village clearing and beaten by soldiers. The soldiers threatened the villagers in order to make them evacuate their houses, and detained Şemsettin Türköz, Hasan Mat, and Cevdet Artürk, who were guests in the village, and took them to Baykan Gendarme Battalion Command. In the meantime, the forest near Berhuk (Aktaş) village of Siirt was set on fire by soldiers.

Bağgöze village in Eruh, Siirt, was raided by soldiers in the evening of September 28. As a result of arbitrary fire by the soldiers during the raid, Fadi Kayar (12) who was asleep on the roof of his house, was wounded. Abdurrahman Acar and Mehmet İrdar were detained. Acar and İrdar, who were released two days later, said that they had been tortured. Ahmet Aslan (65), the headman of Cintepe village in Eruh, was detained along with his relative Kemal Aslan as a result of a raid on October 18. Ahmet and Kemal Aslan, who were later remanded in custody on the grounds that they had “helped the PKK,” reported that they had been tortured in detention.

Following an attack on October 21 against village guards who were cutting trees in the forested area between Akbulak and Bağcılar villages in Kulp, Diyarbakır, which resulted in the killing of three village guards, the villages of Akbulak, Çelik, Düzce, Güleç, Bağcılar, Kamışlı, Demirli, and Miliken in the region were all raided. The routes of shuttle vehicles which carried passengers between the villages were blocked and the existing food embargo was tightened. The villagers said that the amount of food that they were allowed to take home would not even be enough for two people. Ramazan Tekin (60) was detained as a result of a raid on Demirli village and Cüneyt Yıldırım was detained in Düzce village on 2 November.

About 20 villages in Refahiye, Erzurum, were frequently raided and many detained between 26 November and 4 December. Mustafa Yıldız, CHP MP for Erzincan and Hasan Güven, CHP Erzincan Provincial Leader, who carried out investigations in the region, disclosed that Babaaslan, Gülensu, Dıştaş, Ardıçlı, Kabuller, Sarıkoç, Diyarlar, Sıralar, Leventler and Yazıgel-diği villages in Refahiye and Ulular and Çağlayan villages in Erzincan were put under pressure during the raids. Yıldız said that only the elderly had stayed in the villages, which were populated by Alevites. Mustafa Kul, CHP MP for Erzincan, said in a press statement on 8 December that the pressure in the region had intensified after Lieutenant Colonel Bünyamin Kuran was appointed

to the Gendarmerie Command. The names of some of the detainees are as follows: Kamil Keleş, Mustafa Boru, Bayram Gürkan, Doğan Yalçınkaya, İsmail Karakuş, Nuri Apaydın, Aslan Yalçınkaya, Celal Direk, Mehmet Koçak, Dursun Keleş, Azimet Babacan, Kemal Toktar, Özcan Boyoğlu, Erhan and Erkan Üzümlü, Aydın Tezik, Leyla and Selahattin Kılıncı, Muharrem Çimen, Vedat and Erkan Bayrak and Yaşar Şahin. Later, Erzincan SSC Prosecution launched a trial against 130 villagers who had been detained during the raids on charges of “aiding the PKK.” Sixteen of the 130 villagers were released in a hearing at Erzincan SSC on 4 March 1997.

i)- The displaced

The incidents, pressure and inhuman practices, attacks and military operations in towns and villages in the State of Emergency Region affected hundreds of thousands of people. Villages and towns were destroyed. Two to 3 million people were forced to leave settlements where they had lived in for years. Some of the displaced went to provinces such as Diyarbakır, Van and Elazığ, in the region, while others went to provinces in the west, such as İstanbul, İzmir, Mersin, Antalya and Adana, where they continued to suffer threats and pressure sometimes from security officers, sometimes by racist and nationalist civilians, and sometimes by unknown people.

Shanty towns were established by tens of thousands of displaced in Diyarbakır, Van, Adana and Mersin. As a consequence of the displacement, the population of Mersin went from 422,000 in the 1990 census to 1,000,000, of Tarsus from 177,000 to 350,000, of Adana from 927,000 to 2,000,000, of Diyarbakır from 380,000 to 1,000,000, of Gaziantep from 600,000 to 1,000,000, and of Hakkari from 35,000 to 83,000. Most of the displaced are living in unhygienic conditions, and economic and social problems caused by migration have grown with every passing day.

For example; residents of Ertoş (Uzundere) village, which was evacuated in October 1995, were sent to a camp in the Doğanlı region, near Çukurca. The number of villagers there soon reached 1600. The villagers were not aided and in a short time epidemic diseases such as typhoid fever emerged. Fifteen people died due to illness, malnutrition and sun-stroke in 15 days. Doctors visited the village twice and gave the sick, mostly children, drugs past their expiry dates. The Islamic human rights organisation Mazlum Der stated at the end of July that the villagers were in “miserable conditions,” that typhoid fever and intestinal infections had become epidemic and that five people had died in floods in the region. Kerim Demirer, the Human Rights Association (İHD) Hakkari representative said that villagers were taken for use as village guards and added; “The people displaced to Hakkari and Van have not been helped. Recently they were summoned to become village guards and they began to live in this camp. During their stay no aid was provided for them. Fifteen children died due to epidemic diseases.”

According to Diyarbakır Medical Chamber Secretary Necdet İpekyüz, there are 3 camps where the immigrants stayed in Van. The immigrants in Van-Edremit highway, Kule Yolu National Park camps have serious problems. 2 or 3 families live in the same houses where there are no kitchens, bathrooms or toilets. The garbage is discharged haphazardly outside the camp. The water is supplied from snow or flowing water. The nutrition problems are very serious. The aids are not sufficient. 25 people died, 8 in Eremite camp, 15 in university camp, 2 in the castle due to poor health conditions since September. Aids were provided to the camps 4 times up to now. Each family was provided 2 kilos of oil, wheat, lentil, tea, sugar, stove and 50000 kilos of coal.

Studies on displacement or migration

In a report entitled “GAP (Southeast Anatolia Project) Region Population Movements” drawn up at the end of 1995 by the Middle East Technical University Faculty of Humanities Department of Sociology in Ankara, the problem of migration, the cities where migration is significant and the places the migrants aimed for were examined. The report stated that villages of provinces in the State of Emergency Region were first among the places where people migrated from. Most of these migrants chose to move to cities like Adana, İçel, İstanbul and İzmir. The report stated that it was “interesting” that Ankara was not popular among the migrants, and added the following: “According to the table displaying the distribution of cities from which most migrants chose to move, Gaziantep has the highest rate of mobility or migration (30.4%) among the GAP cities. Then come Adıyaman, Urfa, Diyarbakır and Mardin, respectively. Most of the migrants from Urfa (42%), Mardin (25.9%) and Diyarbakır (24.4%) choose to move to Adana-Mersin region. Then come Gaziantep and Adıyaman with lower rates. Migrants to İzmir mostly originate from Diyarbakır (71.8%) and Mardin (25%), and those to İstanbul originate from Mardin (63.9%) and Diyarbakır (25 %).”

The report recorded that Adana and Mersin were the 2 cities to where most people from the East and Southeast chose to migrate and also said, "The most significant reason for this is that Adana and Mersin are geographically close to the region, and seasonal workers are employed in both cities for about 50 years. As cities known and recognised for seasonal work, Adana and Mersin are perceived as the best targets for permanent migration by the people of the region."

The report noted that unemployment rates reached a level of 20-30% in city centres in the GAP region, and said "It is difficult for a someone who has lost his job to find a new one. Only one person works to earn a the living for most families, and the income maintained by some families from agriculture is far from sufficient. The rapid increase in the populations of city centres as well as an economical structure which fails to maintain the minimum level of employment render unemployment the most important economical and social problem for everybody." The report noted that 56.5% of unemployed people declared that they worked in other work, mainly seasonal work, during the period they were unemployed, and said, "43.5% of the unemployed declared that they had worked in such jobs within the previous 10 or 15 days."

A report on "Investigation of Social Problems Stemming from Displacement within the Region, on the Basis of Diyarbakır City," published by the Association of Chambers of Turkish Architects and Engineers (TMMOB), said that the city was facing a social and natural catastrophe. The report, which described Diyarbakır as being "under displacement occupation," said that the 87.82% of the population was trying to survive "below the poverty line," and that the rate of unemployment had reached 70.94%. The report gave the increase of population in the city as 116%, and asserted that 72.11% of the people who came to Diyarbakır would want to return their villages should they be provided with the guarantees of safety.

In the research, it was stressed that 272 of the 1,072 households selected for the report had had to migrate against their will, and it was disclosed that the total number of those who had migrated to the city after 1990 was 39.86% of the population. It was also stated in the report that 57.94% of those employed had no social security, and that 85.76% of the people who migrated from rural areas had no further contact with their land and properties in the villages. The report said, "The effect of this situation on the economy of the city will be felt as the means of providing feedback to the rural areas are evidently decreased, and the city will be impoverished." The report also said that health problems had reached a very serious level because of the low standards of living and the lack of means to benefit from social security, and said that it was possible that infectious diseases such as cholera and typhoid could be regarded as epidemic in the region. The report said that problems of the education system had increased to a level that could not be controlled or supervised by the state, and stated that the rate of schools opened in the city as a whole was 34.38%, and of primary schools was 52.89%. The report said: "We would not be exaggerating if we said that Diyarbakır is no different from Djibouti or Uganda with respect to the standard of living." The report proposed that the money given to village guards be allocated to solving the problems of the city and to encourage people to return back their villages, which would solve the problem to some extent.

j)- Attacks against civilians

Armed attacks and bombings directed against civilians and defenceless people, an important aspect of the human rights problems in Turkey, prevailed throughout 1996. The number of the people killed in attacks decreased considerably however (as in 1995), particularly in the State of Emergency Region, in comparison to the previous years. Contrary to the previous years, PKK militants did not carry out any attacks in the western provinces. In 15 attacks (*) all over Turkey, 41 people, 7 of whom were children, died (a total of 189 people, 34 of whom were children, died in attacks against civilians in 1992; 406 people, 107 of whom were children, died in 1993; 192 people, 37 of whom were children, died in 1994; and 112 people, 29 of whom were children, died in 1995) and at least 47 people were wounded. Nine of these attacks were carried out in the State of Emergency Region while 6 of them were in the cities in the western parts of the country. Deep hatred continued in society, caused by attacks against defenceless people and civilians. Human rights activists faced unjust and baseless accusations because of these attacks.

(*) Hundreds of armed and bomb attacks against banks, public buildings and facilities, company premises, factories, shops, houses, private or official vehicles, and political party buildings when there was nobody in the areas (mostly at night) are excluded from the evaluation.

The Güçlükonak incident

A massacre which took place in the beginning of the year in Güçlükonak, Şırnak, led to discussions that lasted for months. In an armed attack against a minibus going from Taşlıkonak village to Güçlükonak district in Şırnak on 15 January, 11 people, 4 of whom were village guards, were murdered. Their bodies were then burnt along with the minibus. The names of the 11 murdered people are: Abdülhalim Yılmaz (17), Mehmet Öner (32), Habib Yılmaz (25), Lokman Özdemir (19), Abdullah İlhan (40), Ali Nas (48), Beşir Nas (20), Ahmet Kaya (52), Neytullah İlhan (38), Halit Kaya (60) and Ramazan Orçun (63). The military authorities declared in their first statement that the attack had been launched by PKK militants. Sources close to the PKK, however, denied that the attack had been by PKK militants, and drew attention to the fact that the murdered people were people who had voted for the Kurdish political party People's Democracy Party (HADEP) in the recent elections. About 40 journalists from the national and international press were taken to the region by military plane on the morning of 16 January, and the burnt corpses were documented. A report prepared by the İHD Diyarbakır Branch into the incident, stated that the 11 murdered people had been put into the minibus in order to be released after having been in detention for 3 days, and claimed that the massacre had been committed by the security officers. Statements of certain people who witnessed the 11 murdered people being taken into security forces custody were also included in the report.

A group called the "Working Group for Peace" went to the region where the massacre had taken place, and examined the scene where the burnt minibus stood on 13 February. The delegation (*) went to Koçyurdu village afterwards and met the relatives of the deceased. They were informed that the 11 people had been killed by security officers. Emine Nas, wife of the murdered minibus driver Bekir Nas, said "On the day of the incident, Bekir was picked up from the house to drive some detainees to Taşkonak Gendarmerie Station. Two hours after he left, we heard gunshots. We asked what was going on. Soldiers said, 'A clash broke out.' Upon this, the other guards in the village wanted to go to the spot. But they were not allowed." The report by the delegation was published in İstanbul on 16 February. The report stated the following:

- The murdered people were not, as claimed by authorities of the Office of the Chief of General Staff, villagers and village guards on their way from Taşkonak village to Koçyurdu village.
- Our delegation has revealed a fact which was concealed by the Office of the Chief of General Staff from the journalists taken to the region. Six of the murdered people were former village guards who had been detained between 10 and 12 January and kept in detention until the day of the incident. As for the other 5, four were village guards picked up by the soldiers from Koçyurdu village for duty on the morning of the day of the incident and the last was the driver of the minibus.
- During investigations conducted by the Working Group on the spot, it became clear that the information provided by the Office of the Chief of General Staff contradicted the facts. The facts that the village guards had been killed without firing a single shot and that the minibus had not escaped from the scene, had been explained by the Office of the Chief of General Staff as "the driver was shot first, and the minibus stopped for this reason." The examination showed that the only body which had not been burnt belonged to the driver, and that it was outside the minibus, while the other ten had been burnt in the minibus. How come the body of the driver was not burnt although he was the first to be shot, and why was it outside the vehicle?
- Serious contradictions exist between the statements by authorities about the incident. The statements by the Office of the Chief of General Staff and the State of Emergency Regional Governorate on how the massacre took place are contradict each other totally. According to the Office of the Chief of General Staff, the minibus sustained an armed attack in an ambush and was then burnt, but, according to the files provided by the State of Emergency Regional Governorate, "the minibus was stopped by a group of terrorists, the driver was taken from the vehicle and killed, and 10 people were burnt to death within the vehicle."

(*) The delegation consisted of Akın Birdal, Ali Bulaç, Ali Nesin, Ali Rıza Gülçiçek, Altan Tan, Cem Özdemir, Ercan Kanar, Christoph Schwennicke, Ferhat Tunç, Gülis Kaptan, Hasan Şan, Hüseyin Okçu, Hüsnü Öndül, İsmail Arslan, Leyla Peköz, Lütfi Kaleli, Mehmet Metiner, İhsan Arslan, Münir Ceylan, Nuri Baykal, Osman Tunç, Sadık Yantimur, Siyami Erdem, Şanar Yurdatapan, Tahir Hatipoğlu, and Veli Özdemir.

- According to sources from the Office of the Chief of General Staff, soldiers intervened when they heard the incident by walkie-talkie. But the place the minibus was burnt is about 4½ kilometres from Taşkonak Battalion and 2 kilometres from Koçyurdu Gendarme Station. Villagers wanted to go to the scene when they heard the gunshots, and the smoke from the burning minibus was seen at once from Koçyurdu village. For this reason, there was no need to listen in to PKK walkie-talkie conversations in order to learn of the incident, as was claimed by the Office of the Chief of General Staff.
- Having heard the gunshots, village guards from Koçyurdu village wanted to go to the scene, which was a few kilometres away, but were prevented by soldiers.
- Our delegation has determined that the soldiers returned the IDs of the eleven people to their families after they had been killed. Even supposing the six detainees had left their IDs at the battalion after release, how could the IDs of the five village guards and of the driver be returned undamaged to their families though their bodies had been burnt after their murders? In other words, what were the soldiers doing with the IDs of the five village guards who had been picked up for duty that day?
- Is it true that village guards located up on the hills across the river had seen the incident while the 11 people were being shot and burnt, asked through their radios for permission to intervene in the incident, but had not been permitted by the soldiers?
- At one end of the 7-kilometre road is a battalion and at the other a gendarme station. The River Dicle flows on the one side of the road and there are steep rocks on the other. Village guards were located up on the hills opposite. How were the PKK able to carry out such an action and escape in such a tightly protected area?
- It was not the PKK that carried out the Güçlükönak massacre. The investigations and research clearly show that the massacre was conducted by state forces. Those responsible for the massacre should be found and prosecuted, whatever their rank in the security forces.

Villagers Mehmet Nas (the brother of Beşir Nas) and Ekrem Göktepe were detained by soldiers from Koçyurdu Gendarme Station on 15 February, after the delegation left the region, for making statements to the Working Group for Peace. Nas, who was released on 16 February, was tortured in detention. In a statement on 16 February about the detention and torture of the villagers, Şanar Yurdatapan said, “We feel responsible for their fate. If anything happens to anyone, we will hold the Office of the Chief of General Staff itself responsible.”

Yatağankaya Village, which is the village of village guard Nurettin Baykara, who gave information to the “Working Group for Peace” and left the village with the delegation, suffered burning a few days later. Villagers applied to the İHD Diyarbakır Branch and said that entrance to Koçyurdu village had been controlled after the delegation left the village, and that five houses in Yatağankaya village had been burnt down by soldiers. Vedat Çetin, an executive member of the İHD Diyarbakır Branch, said, “It is evident that villagers who spoke to the delegation and provided information will be persecuted afterwards. They are reacting against the public outcry. And they have the approach ‘Yes, we did this, and we will do it again in the future. No one can prevent us, we are strong, we are the state’. They do not take the initiatives of human rights organisations and peace activists seriously.” Çetin emphasised that it was necessary to work towards initiating legal sanctions against those who persecuted people for having spoken to the delegation. İhsan Arslan, President of Mazlum Der, said, “Citizens who petition for their rights or disclose what they know are tortured, and even disappeared and their bodies found later.”

Osman Özçelik, Deputy Leader of the Kurdish political party People’s Democracy Party (HADEP) was arrested by Ankara State Security Court (SSC) on 26 April in connection with the statement he made about the massacre on 18 January. The arrest warrant was issued under Article 169 of the Turkish Penal Code, on charges of “supporting the PKK via press statements and facilitating its activities.” His lawyer Sedat Aslantaş appealed against the remand order, but was overruled. Özçelik was put on trial at Ankara SSC and was acquitted on 2 December.

The Working Group for Peace held a press conference in İstanbul on 4 April. The conference began with a film covering the investigations conducted by the delegation between 12 February and 9 March 1996. Şanar Yurdatapan related that the villagers held the state responsible for the massacre, and said that the way the incident had occurred and witness accounts revealed that the massacre had been conducted by state forces. Yurdatapan added that families of the victims had applied to the European Commission of Human Rights on 2 April.

Later, relatives of the victims gave their accounts about the incident. Lokman Özdemir’s brother Reşit said many eyewitnesses including village guards had said that the murdered people,

except driver Beşir Nas, had been killed outside and then put into the minibus. Özdemir also said that the commander of the battalion had threatened them about 3 months before the incident, saying, “You will either choose to become village guards, or I will take ten heads.” İbrahim Yılmaz, whose brother and uncle were killed in the incident, said that the attack had been carried out, according to statements of village guards located up on the hills opposite the scene, by nine plainclothes people, who had later climbed up the hill nearby and passed soldiers from Taşkonak Battalion. Özdemir said that his elder brother had been picked up from his house by two NCOs and 2 soldiers who had said, “A new commander has come,” and that they had heard the gunshots a short time after that. He added that they had gone to the scene later on and seen that the people in the minibus had been holding their guns. He asked, “If they were not dead or tied up, why didn’t they use their guns?”

The relatives of the victims and the “Working Group for Peace” lodged an official complaint with İstanbul State Prosecution on 16 April. Their petition said that the offences of mass murder and interference in the right to information had been committed. Şanar Yurdatapan and victims’ relatives Abdullah and Neytullah İlhan, Ali Nas and Lokman Özdemir stated that public had been misinformed about the incident. The complainants emphasised that the PKK could not have conducted the attack against the minibus carrying the 11 village guards from villages close to the scene, and it was concluded from the geographical location of the road and the witness accounts that the attack had been carried out by security officers. The petition said that the way the attack had been carried out indicated a large organisation, and that any claim stating that it had been carried out by “a few nervous security officers” would be invalid. The petition also recalled in that the Office of the Chief of General Staff had taken Turkish and foreign journalists to the spot more quickly than had ever been the case in previous incidents. The petition stated that three colonels addressing the journalists had claimed that the massacre had been conducted by the PKK, and that this statements was propaganda aimed at proving the “impossibility of solving the Kurdish problem by peaceful means the need for a military solution.”

The complaint proved to be unsuccessful, but a trial was launched against the people who had investigated the incident on the grounds that “security officers of the state were insulted in the petition.” In the trial launched by İstanbul State Prosecution, Şanar Yurdatapan, lawyer Ercan Kanar, former President of the İstanbul Branch of the İHD, and Münir Ceylan, former Petrol-İş Trade Union President, were indicted under Article 159 of the Turkish Penal Code with demands of sentences up to 12 years in prison. The trial, which commenced at İstanbul Serious Penalty Court No.4 on 14 February 1997, ended on 3 February 1998 with the sentence of Kanar, Yurdatapan and Ceylan to 10 months each in prison.

Güçlükonak Dairy (25 March 1996-Demokrasi/Celal Başlangıç)

(...) 15 January 1996: Eleven people, most of whom were village guards, were killed in a minibus in Güçlükonak, Şırnak, between Taşkonak Battalion and Koçyurdu village. The bodies of ten of them were burned together with the minibus.

16 January 1996: Three colonels commissioned by the Chief of General Staff, took several foreign and local journalists in Ankara to Diyarbakır by air, and from Diyarbakır to Güçlükonak by helicopter, and presented the massacre as “a PKK massacre!” On the same evening, television channels reported the “PKK savagery” on the evening news bulletins.

17 January 1996: The event was reported in the newspapers as a “PKK massacre.” “PKK massacre: 11 deaths” (Hürriyet), “PKK militants set 11 villagers on fire.” According to the reports, this action meant the violation by the PKK of the unilateral cease-fire it proclaimed on 15 December. In the Demokrasi newspaper, the news was reported on the same day but under the heading “They burned them after shooting them.” There was a difference. Based on local sources, Demokrasi claimed that “soldiers” were responsible for the event, that six of those killed had already been kept in detention for some time, and that five of them were the village guards who had been taken from their houses by soldiers on day of the incident.

12 February 1996: The Working Group for Peace went to Diyarbakır and paid a visit to the Deputy Governor of the State of Emergency Region.

13 February 1996: The Working Group visited Güçlükonak and carried out investigations on the spot, and in Koçyurdu and Gümüşyazı villages. Claims about the event started to appear in the news. But not this time in the way stated by the Office of the Chief of General Staff. The news reports based on the “local sources,” were confirmed by the relatives of those killed. The village guards who had fought against PKK for years, and the relatives of those killed said repeatedly “the soldiers did it,” and said nothing else.

16 February 1996: The Working Group held a press conference in Istanbul. At the conference, their findings were explained and the films shot at the scene were shown to the journalists. On the same day, the Working Group applied to the Office of the Chief of General Staff: "Take a group of journalists to the scene as you did on 15 January, and ourselves, and let us talk with the villagers. Let us be their voice in Turkey through a press conference in which we all take part." These statements were reported in some newspapers, in the news hour of one TV channel, and some weekly magazines on 17 February. But there was no reaction and no denial of these claims from the authorities. There is only one sound appropriate to the result: "Hiss..."

Such important claims had once more crashed against the "wall of insensitivity." On the day following the press conference, i.e. 17 February, a news report arrived in Istanbul. Several of the villagers interviewed by the Working Group had been detained. The Working Group applied to the Office of the Chief of General Staff, and to the State of Emergency Regional Governorate. The appeal said: "We have learned that Mehmet Nas and Ekrem, villagers from Koçyurdu village who talked with us have been tortured in the village for a whole day. Also that Koçyurdu village has been surrounded by the security forces, and entry into and exit from the village, and things like the supply of food to the villagers are being prevented. Moreover it is said that Yatağankaya, the village where the village guard chief made a statement to our delegation, has been set on fire by the security forces, and five houses completely destroyed." But we should be fair. The only reaction against the findings and the claims put forward came from Bekir Selçuk, the Chief Prosecutor at Diyarbakır SSC: "The investigations carried out have no legal basis."

On 18 February, in response to this, the Working Group applied to the SSC Chief Prosecutor: "We expected that our statements, covered in the press in detail, would be regarded as new information, and that the investigation, which was stopped though we cannot understand why, would be re-launched, without the need for us to make a formal application. It has been said that after the incident, statements which had been taken by the Prosecutor of Erüh from relatives of the deceased, and nine ID cards, which had not been burnt were put on the table and torn up and thrown out by an NCO before everybody's eyes. Is this true? If an investigation has been carried out, where are the statements, and if not, why? You may arrive at a conclusion as to the basis of our statements after examining enclosed questions and evidence."

Inquiry into how correct these are should be very easy. All the evidence and the witnesses are for the present in their places. As a matter of fact, according to reports which have reached us with difficulty, a part of it (Koçyurdu village) has been blockaded, and entry and exit has been forbidden. (...) We know, even without being lawyers, that attempts to silence witnesses and destroy, conceal and spoil evidence should constitute grounds for arrest. Hoping that you will take urgent steps due to the gravity and urgency of the situation, and the state itself being under suspicion..."

On the same day, the Working Group applied also to the Office of the Chief of General Staff and to the State of Emergency Regional Governorate: "The pressure on, and torturing of the villagers must be stopped; let us all go to these villages, and talk with the people; an immediate investigation must be launched." But there was no response to the applications filed. In spite of the length of time passed, the only official reaction has been: "Hiss..."

The incident was brought on to the agenda of the Parliament by a parliamentary question from Ercan Karakaş, CHP MP for Istanbul. The incident was referred to the European Parliament with a report by Bernice Rubens, author and deputy President of British PEN, who went to Güçlükönak with the Working Group for Peace. Cem Özdemir, a German MP of Turkish origin, who went to Güçlükönak and conducted investigations, made a call for "urgent intervention" against the pressures being brought to bear on the villagers.

But, as we mentioned above, the only result was a big "Hiss..." So the Working Group had to go to Güçlükönak again. On 5 March, the Working Group sent letters and faxes to the Chief of General Staff, the State of Emergency Regional Governorate, and Diyarbakır SSC Prosecution again. The requests made so far were repeated. Furthermore, Bekir Selçuk, SSC Chief Prosecutor, was invited into action: "Since we want to eliminate the concerns stated in our communication of 26.02.1996, we have decided to go to Koçyurdu by our own means. We invite you to come with us and investigate the crime about which we have filed a complaint."

Our travel along the coast of Tigris lasted more than two hours. Passing by the evacuated villages and the landscape devoid of human beings, we made our way to Güçlükönak. There was not one single obstruction on the way. Soldiers checked the ID cards of the Working Group

members and the journalists who went on the visit. Policemen were polite, and performed their ordinary duties and allowed us through “assuring our security.”

When we reached Deftamor where the massacre had taken place, we found out that the minibus was not there. Could it be that this “Monument of Savagery,” erected by the coast of Tigris, had been removed? But we had to change our minds after a further 20 m, since minibus was turned upside down a little way away from the scene. This was another astonishing surprise. Who had felt the need and why to move the most significant witness to the massacre from place to place before any proper investigation had even been performed?

The Siirt-Güçlükonak road, which had previously been under very strict control by the military forces, was abnormally quiet and free of any control. This was yet another astonishing surprise for people who had got used to the normal state of the region. Even when entering into Koçyurdu, not one inquired “Where are you going?” But the truth revealed itself later. Koçyurdu looked like an abandoned village. There was no one in sight except for a few children in the streets. But, on close examination, it came out that the people had disappeared recently.

For instance, we were told that the valve of the fountain which supplied the water of the village was in the Gendarme Station. Water was only provided from the fountain for one hour a day. It must have been water supply time when we arrived in the village, as the women had come to the fountain with their cans and jerry cans but when they saw us approaching they disappeared. So did the men. The saying “You can always get the news from the mouths of children” was not valid here, since even the children had learnt what would happen if they spoke, and so they kept silent. In any case they had been living in a State of Emergency since their births and had never experienced normality.

The members of the Working Group spread out into the streets of Koçyurdu. Timid glances lurked behind window panes; fearful faces stared through part-open doors. Ekrem Göktepe, who was claimed to have been detained after he had talked with the Working Group was standing a little further on. When he saw us he ran away. He disappeared immediately in this small village with 30 houses. An old man said, “He is too afraid, he won’t talk to you.”

A few minutes later, some of the elderly people of the village appeared. This was just so that they would not appear inhospitable. However, none spoke. Or more truthfully, they said “there’s nothing wrong” and “nothing happened.” Mehmet Nas, the brother of the minibus driver killed in the incident, also came. There had been reports that he had been detained together with Ekrem. “No” said Ekrem, “The station commander invited me since I am a village guard, saying ‘why don’t you stand guard?’. I told him that I had lost my brother recently, and I was grieving. I stayed at the Gendarme Station at most one hour, no, no, half an hour, even just ten minutes.” According to Mehmet there had been no detention.

“All right then, Ekrem was not a village guard, why was he taken to the station?” Mehmet answered this question by saying “Did they take him? I didn’t know that.” But the truth was understood later. Mehmet was denying everything. When he even denied that he had talked with Şanar Yurdatapan during our last visit, Yurdatapan lost his patience: “That’s too much. There is the video record showing us side by side.” The villagers shook their heads: “What can he do? He is too afraid...”

There was no sense in pushing the villagers further. It was as if the villagers who had welcomed us in the village square in anger and grief on our last visit had disappeared, and been replaced by others. The rebellion arising from the grief at the deaths had cooled down, and everybody had begun to live a hermit life with their own worries. Grief and rebellion had been replaced by fear. Our vehicles could not go to Yatağankaya village, or to Gümişyazı village, where other relatives of the deceased lived. The minibus got stuck in mud. We had to go back following the narrow earth road which had been turned into mud by the rain.

In the region, there are usually more truths whispered from ear to ear, than those which occasionally come out in the open or are articulated loudly, since pressure and fear have caused reality to go underground. These are the scenes on the way to and from Koçyurdu. But is it the truth that you see? First, the incident of the minibus. The villagers did not say anything. But there was a reason why the minibus was 20 metres away from the scene of the incident.

The minibus which had been burnt had been bought by borrowing gold, dollars and German marks. The family of the murdered driver had a debt of 150 million TL (c.\$1530). The father reasoned, “I should sell the scrap iron to cover part of my debt.” Koçyurdu Gendarme Station allowed him to take the scrap iron of the minibus to Siirt and to sell it there. The villagers hired another minibus. They pulled the shell of the old minibus out of the bed of the Tigris where it

had been thrown by soldiers, with the help of chains, and loaded it onto a lorry. On the way to Siirt, the Riot Police checkpoint stopped them: "Where are you going?" The villagers explained their troubles. But they were told "It is not permitted, you cannot take it to Siirt." So the lorry returned to Koçyurdu with the burnt-out framework of the minibus.

The commander said "It is not suitable to leave it here." So the villagers asked what they should do, and the commander advised them: "Take it back to where you got it..."

"According to local sources," this was the reason why the minibus was 20 m away from the scene, upside down.

Coming on to the detention of Mehmet and Ekrem. According to Mehmet, there was no detention. It had been reported that Mehmet had stayed at the station for four hours, and had then stayed in bed for four days at home having been seriously beaten. Even the captain at Güçlükonak had been angered at what had been done to Mehmet, and said "If you have been badly treated I will call the station commander to account. You are in anguish, your heart is wounded," but Mehmet did not tell even the captain what had happened to him because he was too afraid.

So Mehmet was not aware of the detention of Ekrem...? According to some eyewitnesses, Mehmet and Ekrem were taken to the station handcuffed to each other, and Ekrem had been released four days later. Moreover, a message was sent to the village: "They found the burnt bones of others, but if you talk too much, they will not find yours."

This is what we saw and heard. Returning from Güçlükonak, on 9 March, the Working Group for Peace sent faxes to the State of Emergency Regional Governorate, Siirt Governorate, and Diyarbakır SSC: "Everybody with whom we talked during our visit clearly stated the same fear: 'You will leave us, and we will have to live with the Special Teams, the gendarmes, and the police again. Who will guarantee our safety?' Leaving to the state the issue of finding the solution to what should be done, or rather what should not be done, to eliminate the causes of the fear and the lack of confidence of the people towards the security forces, we would like to inform you of our request. We have told these people that they should call us in case of any event affecting them, and have given them our telephone numbers. We are determined to visit the region again together with the domestic and foreign press in such an instance. It is our request that you warn the authorities to prevent the recurrence of such cases."

Other attacks

A hand grenade was thrown at the house of Avni Babür in Lice, Diyarbakır, on the night of 17 June. In the explosion, children Dernaz (6 months old), Denodil (6) and Enver Babür (15) died. Nobody claimed responsibility for the attack.

Eight people died and 11 people were wounded in an armed attack against the Altındağ Recreation Centre, 10 km from Diyarbakır, at about 9pm on 22 June. In the fire launched against the building where the local Söz TV station is located on the second and third floors, Special Team member Tamer Nuray, his son Kürşat, NCO Burhan Turna, his wife Elif, municipality worker Murat Sarı, and Aynur and Uğur Sarı (2) and Hatice Öruş died, and İrem and Yasemin Nuray, Hasan Doğan, Ergun Zaptiye, Bedriye Turan, Yasemin Altun, Nizamettin Temli, Nimet Sezli, Eren Kolay, Fethiye Karakaş and Bayram Doğan were wounded. The PKK claimed responsibility for the attack. The Kurdish News Agency DEM, relying on PKK sources, released a report claiming that the centre had been used as a training centre by counter-guerrillas, and that Mehmet Ali Yaprak, the owner of the centre, had established the Söz TV as an alternative to the Kurdish station MED TV. Of the 24 people detained on charges of aiding the assailants, 22 were remanded in custody in mid-August by Diyarbakır SSC.

As a result of an explosion at around 7.30pm on 4 August in a car registration 30 AC 213 in the Mezarlık area of Yüksekova, Hakkari, the 2 people inside the car and Zeki Kaya (6, playing on the road) died and 3 children were wounded. İsmail Hakkı Arslan, Director of Security in Hakkari, stated that two unexploded hand grenades had been found in the car, and said, "We were informed that the terrorists were preparing to carry out an attack similar to the one in Tunceli, and we warned the District Governorate and the Security Directorate. We were trying to receive information about the date and time of the attack."

Some armed people launched an attack against the Demiris Train Station in Kangal, Sivas, at about 11.30am on 11 August, and killed 8 people, 6 of whom were railway workers. The assailants (thought to be 9 people), fled from the scene when villagers fired shotguns. The names of those killed during the raid are: Engine-driver Bedrettin Gümüştepe, Station Chief Kubilay Fidan, switchmen İsmail Berber, Aziz Ekici, İsmail Eryiğit and Halil İbrahim Yavan, and Cumali

Çiçek and Abuzer Sağnak. Official statements held the PKK responsible for the attack. A statement made by the İHD said, “We reproach this attack and any other attacks against civilians, whoever may be the assailant, and we declare to the public that actions of this kind are detrimental to peace.” The PKK denied that the attack had been carried out by them. The PKK statement said, “Actions of this kind are not carried out by the ARGK [*People’s Liberation Army of Kurdistan*]. The attack coincides with a period which tended to harmony between the guerrilla and the people.”

A group of armed people waylaid a vehicle at about 9pm on 19 August at the Eğriçimen Pastures junction, 15 km from Koyulhisar, Sivas, and killed Gülbahar Tekin (22), her daughter Gülay (2), and Fatma Kaya (60), and wounded Güner Kaya, Güler Yılmaz, Gülsefa Demiröz, Pınar Kaya, Nadi Demir, İlknur Kaya, Koray Kıyalı and Şeyda Yılmaz. The PKK statement said that the incident “was provocation by the state,” and claimed that “the state carried out the attack in which 2 women and a child were killed, as in the case of the attack against the train station, during which 8 people were killed.”

In Erdoğan village in Kolludere, Hisan district, Bitlis, 2 people died and 5 people were wounded when a mine planted in the house of the Gezici family exploded on the evening of 1 September. The Gezici family had left the village previously, returned in July, and settled in an empty house. In the explosion, Mehmet Can (30) and Takdire Gezici (6) died, and Mahmut (60), Ayşe (60), Besna (50), Ayşe (57) and Hediye Gezici (55) were wounded.

As a result of an armed attack launched on 16 September against a minibus on its way to Büyükcamurlu village in Göksun, Maraş, passenger Nilay Atalay died, and Ayşe and Dilek Sarıhan, Fatma Ömürhan, and Derviş and Sait Tok were wounded. It was claimed that the attack had been carried out by PKK militants.

In Tunceli, a casino named Tepebaşı Touristic Compound was bombed on 17 November. In the explosion, a person named Cemam Doğan (35) died, while Mehmet Doğan, Muzaffer Taçyıldız, Ali Aydoğdu, Veli Üçtekin and Celal Turap were wounded. Ali Aydoğdu died in hospital on 18 November.

Attacks in big cities

Unidentified people left a gas bomb outside the AU Bar in Alsancak, İzmir, which was frequented by students. The explosion was not heard because of the high volume of music, but the smoke caused panic. The people were affected by the smoke, and first attempted to get out through the door, and then attacked the windows. People on the upper floor of the bar jumped out of the windows. Three people were wounded during the incident, others were poisoned. It was reported that there were about a thousand people in the bar during the incident. It was alleged that a radical Islamic organisation was responsible for the attack.

A bomb left by unidentified people at a gas station in Sefaköy, İstanbul, exploded at around 8.30pm on 19 April. Nobody claimed responsibility for the explosion, in which a man named Adil Cömert Özel was wounded.

A bomb dropped by unidentified people at a building where mainly transvestites lived on Dernek Street in Beyoğlu, İstanbul exploded around 10.45pm on 5 May. As a result of the explosion, 3 people, Ömer Kurdal, Mehmet Arslan and Suat Akgün, were injured. The Islamic Great Eastern Raiders-Front (İBDA-C) claimed the responsibility for the attack.

On 20 May, unidentified people threw a hand grenade through the window of the house of Neşet Gündoğan in the Nihat Danişman area of Soma, Manisa. Gündoğan was seriously wounded when the bomb exploded as he was trying to throw it back outside.

Developments relating to previous incidents

The trial launched against 15 people on charges of carrying out numerous actions, including the bombing in which journalist Onat Kutlar and archaeologist Yasemin Cebenoyan died, (*) continued in 1996. Lawyer Hasip Kaplan, who took the floor in the hearing at İstanbul SSC on 25 December, claimed that the real assailants had not been found during the 2-year

(*) A bomb left by an unidentified person at the Opera Pastry Shop in Taksim Square in İstanbul exploded at about 7.15pm on 30 December 1994. In the explosion, a woman, Yasemin Cebenoyan died and journalist/writer Onat Kutlar was severely wounded. Kutlar died on 11 January 1995. İstanbul Security Directorate stated in April 1995 that PKK militants who had left the bomb in the pastry shop had been apprehended. As a result of this, some magazines with editorial policies supporting the ideas of the İBDA-C published news stories arguing that the statement was not true and that the attack had been carried out by İBDA-C militants.

proceedings and that the İBDA-C had claimed the responsibility for the attack. He said, “The court bench asked the prosecution to investigate the claims that the attack had been carried out by İBDA-C militants, but no response has been received in 45 days. The real assailants have not been identified, indeed, it seems that efforts are being made not to identify them. Was it the İBDA-C or the PKK who killed Kutlar?” Upon this, the presiding judge said that they had received a response from the prosecution office which denoted that there were no information indicating that the İBDA-C was responsible for the attack. Defence lawyers said they did not trust the security directorate. Lawyer Ahmet Akkaş asked that the court bench investigate the news stories in the *Cumhuriyet* newspaper and in the *Taraf* magazine (known to be a publication of the İBDA-C), saying that the İBDA-C claimed the responsibility for the attack.

In the trial, the indictment requested the death penalty for confessor defendants Deniz Demir and Hicran Kaçmaz on charges of “being members of a separatist organisation and carrying out bombings and murder,” and sentences of up to 30 years in prison for Hamit Şen on charges of “being a member of an illegal organisation and producing bombs,” from 15 years to 22 years 6 months for Abdullah Yunus, Zeydin Güleç, Abdullah Çolak and Ömer Filizer on charges of “being members of an illegal organisation,” and from 4 years 6 months to 7 years 6 months for Nimet Kaçmaz, Sait Aytemis, Abdulkadir Er, Mehmet Şahaltan, Abdulrezzak Ay-dın, Ramazan Gülle, Mehmet Ali Güneş and Abdulhaluk Yunus on charges of “aiding an illegal organisation.”

A trial launched against the Ministry of the Interior by relatives of 33 people, who had been killed in the PKK attack against Yavi town in Çat, Erzurum, demanding compensation from the Ministry, ended in January. Erzurum Regional Administrative Court, ruling that the state had been negligent, decided that the Ministry should pay compensation totalling 15 billion TL (c.\$153,000) to be shared out by 150 relatives of 33 victims. Lawyer Sadullah Kara, asserting that the 33 people had been killed for being advocates of the state, said it was the first time in Turkish law that such a trial had ended in favour of the victims.

The appeal in a trial launched in connection with the murder of 12 people from a Molotov cocktail thrown at a mall (the Çetinkaya Mall belonging to the sibling of Necati Çetinkaya, former Governor of the State of Emergency Region) during a demonstration held on 25 December 1991 in Bakırköy, İstanbul, came onto the Supreme Court agenda in February. In the hearing held at Supreme Court Penal Office No.9 on 14 February, Hasip Kaplan, lawyer for remand defendants Soner Önder, Nuran Ekingen and Ziya Büyükişik, stated that the evidence provided by the defence had not been taken into consideration, that the experts had not examined the scene, and that the sentences had been passed without determining which person had thrown the Molotov cocktail and without determining whether or not the defendants had been members of an organisation. Kaplan recalled the bench that Önder was a Syriac, and the case file included a document submitted by a church stating that he had been in the church at the time when the demonstration had taken place. The Supreme Court Chief State Prosecution demanded that sentences imposed on the defendants should be upheld, except for that imposed on Önder.

On 29 May, Supreme Court Penal Office No.9 upheld the life sentences passed against Nuran Ekingen, Ziya Büyükişik, Cemal Tekin, Nevzat Güngör, Hüseyin Bilge and Çetin Arkaş, and overturned the sentence passed against Soner Önder on the grounds that it should be re-evaluated under the Anti-Terror Law, and that passed against Lütfü Yavuz, ruling that the right to defence had been restricted. The Court upheld the sentence of 3 years 9 months passed on Ahmet Yurttaş, but overturned the sentence of 1 year 8 months passed on Kadir Ergün, ruling that his case file should be reviewed in line with the amendments to the Anti-Terror Law. The original trial had ended at İstanbul SSC on 18 October 1994.

The trial launched at Erzincan SSC against people detained after the killing of 30 people in Başbağlar village in Kemaliye, Erzincan (5 July 1993), was referred to İzmir SSC.* In the trial, launched by Erzincan SSC Prosecution, the villagers were indicted for the death penalty on

(*) 20 people had been remanded in the Hozat and Ovacık districts of Tunceli after it was claimed that the attack had been carried out jointly by PKK, TİKKO and DHKP-C, and these people had later been released. Incidents, including armed attacks, had taken place during the proceeding at Erzurum SSC. The case file was therefore referred to İzmir SSC in February. Erzincan SSC had decided to arrest only one villager, Cahit Aktaş, and had issued arrest warrants in absentia against Kenan and Metin Bozoğlu. But İzmir SSC decided to arrest Hüseyin, Hasan and Alaattin Boztaş, Erdal and Şahin Karakoç, Hüseyin and Kenan Uludağ, Kerem, Hamu and Murtaza Elmas, Aziz Bozoğlu, Yusuf Kul, Teslim Kırmızıtaş, Ali İhsan Akgün, Gürsel and Haydar Aktaş and Zabit Kul. Of these villagers, Erdal and Şahin Karakoç, Haydar Aktaş and Teslim Kırmızıtaş were remanded in custody in February, and put in Buca Prison.

charges of “taking a decision to carry out an attack with members of an armed gang, killing 30 people, wounding others, and burning down houses as a reprisal for the Sivas incidents of 1993.”

The trial launched against the Ministry of the Interior by 63 relatives of the 30 killed in the attack ended on 17 April. At the end of the trial, which was held at Sivas Regional Administrative Court, the Ministry of the Interior was obliged to pay a total of 79 billion TL (c.\$1,1 million) damages and compensation. It was also decided that the Ministry should allocate 700 million TL (c.\$10,000) for the building of services like a school and a mosque. The court declared compensation for sufferance of between 25 million and 100 million TL (c.\$360-1430), depending on criteria such as the ages of the plaintiffs. As the court ruled an annual interest rate of 30 percent, the total compensation amounted to 150 billion TL (c.\$153 million). The ruling was upheld by the Council of State Office No.10 in December.

k)- Suicide attacks

Suicide attacks came onto the public agenda in 1996. It was the first time that people blew themselves up along with the people and places they targeted, with bombs they wrapped around their bodies. These attacks by the PKK militants demonstrated the levels to which violence could go. In 4 suicide attacks, one of which got no further than the initial stage, a total of 21 people, 4 of whom were PKK militants, 14 security officers and 3 civilians, died and over 60 people were wounded.

The first indication of these attacks appeared in a speech made on the occasion of Newroz by PKK leader Abdullah Öcalan on MED TV on the evening of 20 March. Öcalan declared that “suicide teams” would carry out attacks in big cities. He stated that they had declared a cease-fire three months before, and they would extend the scope of their actions to include big cities if the Turkish government failed to initiate dialogue and continued operations against the PKK. Öcalan said that they would launch suicide attacks against city centres, factories and workplaces in addition to their actions in the hills should the operations start again. He added that the authorities turned a blind eye to every step they took towards a peaceful solution of the Kurdish problem. After this statement, the first incident took place in Tunceli on 10 June. An explosion took place near a security point of soldiers and police officers at the entrance to Tunceli. Arriving at the scene, police officers found the body of a young girl named Derya Atay (16). But it could not be learnt whether or not the attack was a suicide attack.

A leaflet published by the Kurdistan Committee, the political wing of the PKK in Europe, announced that in its Fourth National Conference the PKK had decided to “increase its military force, launch raids against the cities, and set up temporary checkpoints in the cities.” The leaflet said: “The PKK declared a unilateral cease-fire on 15 December 1995. The Turkish government did not give a positive response to the cease-fire, but increased its attacks. The PKK National Conference then decided to launch suicide attacks against certain targets.”

After this statement, the first attack occurred in Tunceli at 5.40pm on 30 June, during the ceremonial saluting of the flag. In the attack launched by a woman named Zeynep Kınacı (24) who “appeared to be pregnant,” 8 soldiers died (6 on the spot) and 35 were wounded, most of them seriously. The names of the dead soldiers are as follows: NCOs Önder Yağmur, Cafer Akıncı, Hakan Akyar and Ali Alıç, and footsoldiers Yusuf Yıldırım, Ahmet Yayman, Celal Hatil and İbrahim Sever. Making a statement on 2 July, Ercan Kanar, President of the Istanbul Branch of the Human Rights Association (İHD) said that the state’s policy on the Kurdish problem had given rise to the suicide attacks, which respected no rules. Kanar said, “Village burnings, murders by counter-guerrillas, forcing people to eat human excrement, disappearances in detention, torture, bans even of legal activities, mass detentions and illegal practices targeting Kurdish institutions, have produced their counterparts that respect no rules. You do not have the right to set the people at each other’s throats.” Kanar sent his condolences to the relatives of the soldiers killed in the attack. It was learnt that Zeynep Kınacı’s husband Mehmet Ali Atlı had been remanded in custody on 28 November 1995 for “being a member of the PKK.”

The second attack took place in Adana on 25 October. PKK militant Leyla Kaplan (*) carried out a suicide attack against the premises of the Anti-Riot Directorate of Adana Security

(*) In the letter she wrote before the attack, Leyla Kaplan (17) said that she had joined to the PKK in 1995, that she had been at the same place with Zeynep Kınacı, and she had been very impressed with her action. She said, “I have never ever accepted a choice but dying in the front. I can never tolerate dying for nothing. I have never escaped from dying and am not affrighted. But I cannot accept dying after doing less things.”

Directorate with a bomb concealed on her body. Kaplan, who went to the Anti-Riot Directorate building in Ali Münif Road at about 4.50pm, attempted to go up to police officers who had been waiting in the yard for a ceremony to be held for the Osmaniye district becoming a province, and for a rehearsal for a ceremony to be held on 29 October on the anniversary of the foundation of the Turkish Republic. However, she exploded the bomb at the checkpoint as police officers on guard prevented her from passing through. In the explosion, police officers İhsan Öger, Ramazan Keserci and Metin Süer, and a passer-by, Yaşar Çetin, died along with Kaplan, and 15 people, 10 of whom were police officers, were wounded. In a statement, the PKK said that the attack had been carried out in reprisal for the beating to death of 10 prisoners in Diyarbakır E-Type Prison on 24 September. Meanwhile, Murat Doğukanlı, a reporter with the daily *Milliyet* newspaper, was harassed by police officers when he went to the building after the incident.

The third attack was carried out in Sivas on 29 October. Two people in a minibus stopped at a checkpoint in the Eğriköprü region at the entrance of Sivas, were first taken to Çarşı Police Station. There, a person disclosed as Hasan Ateş was searched, but the apparently pregnant woman was not as there were no female police officers. Then, accompanied by the police officers from the Political Branch, the detainees were put in a police vehicle. In the explosion that took place at that moment, police officers Ali Yüce, Rüstem Demirbaş and Adem Tut, and a civilian named Osman Polat died. Güler Otaç who had exploded the bomb, and a person named Hacı Can who was next to her also died in the explosion. Police officer Mehmet Batu and civilians named Necmettin Arpa, Adem Doymuş, Uğur Türkyılmaz, Asım Özdilim, Bayram Bayramlı, Yunus Aslan, Abdurrahman Mert, Hamza Mert and Samet Karacan were wounded.

In Diyarbakır, Abdurrahman Marangoz, who was claimed to have planned a suicide attack during the ceremony to be held on 29 October, was detained on 28 October. It was claimed that 3 x 81-mm artillery shells, electric detonators, batteries and explosive devices had been found in a search at the house he had been hidden. Abdurrahman Marangoz was remanded in custody on 15 November, and put on trial with the demand for the death penalty.

1)- Executions by organisations, assassinations

Attacks and assassinations against public officers such as police officers, civil servants, teachers, workers of public building construction sites, political party members, confessors, village guards and some accused of working as “informers” or of “being state supporters” continued in 1996. Most of these attacks were again carried out by PKK militants in the State of Emergency Region. A total of 68 people were killed as a result of these attacks and assassinations, carried out by the PKK and organisations such as the DHKP-C, the Marxist Leninist Communist Party (MLKP) and TİKKO and İBDA-C. (285 people were killed in similar attacks in 1992, 341 in 1993, 218 in 1994, and 99 in 1995.)

Name & surname	Place	Date	Grounds	Organisation
01)- Rahmi Karakurt	Adana	07.1.1996	Informant	PKK
02)- Özdemir Sabancı (55)	İstanbul	09.1.1996	Businessman	DHKP-C
03)- Haluk Görgün (43)	İstanbul	09.1.1996	Businessman	DHKP-C
04)- Nilgün Hasefe (40)	İstanbul	09.1.1996	Secretary	DHKP-C
05)- Ömer Kahraman	Adana	09.1.1996	Betraying org.	PKK
06)- Salman Çolak	Çağlayancerit	10.1.1996	State supporter	PKK
07)- Mehmet Gök	Çağlayancerit	10.1.1996	State supporter	PKK
08)- Ömer Kurt	Çağlayancerit	10.1.1996	State supporter	PKK
09)- Adil Alper	Van	13.1.1996	Policeman	PKK
10)- Hadi Ulaşan (52)	İstanbul	23.1.1996	Informant	TİKKO
11)- Ayhan Kaynar (41)	İstanbul	29.1.1996	Watchman	TİKKO
12)- Abdül Ali Moradi (31)	İstanbul	10.2.1996	Iranian dissenter	...
13)- Zehra Racabi (37)	İstanbul	10.2.1996	Iranian dissenter	...
14)- Fahrettin Yasinoğlu	İstanbul	10.2.1996	Iranian dissident	...
15)- Agit Akdoğan	Gaziantep	06.3.1996	Betraying org.	PKK
16)- İsmet Emektar (36)	İstanbul	15.3.1996	Informant	PKK
17)- Yener Çolaklar	İstanbul	28.3.1996	Prison warder	İBDA-C
18)- Yasin Demir	Söke, Aydın	05.4.1996	Confessor	DHKP-C
19)- Salih Karacan	İstanbul	23.4.1996	Betraying org.	DHKP-C
20)- Mehmet Ünlü	İstanbul	28.4.1996	Policeman	DHKP-C
21)- Abdullah Ay	Adana	22.5.1996	Betraying org.	PKK
22)- Maşallah Lale	Adana	22.5.1996	Betraying org.	PKK
23)- Abdullah Akbıyık (23)	Silivri	00.5.1996	Informant	PKK
24)- Enver Doğru	Tunceli	00.5.1996	Betraying org.	TİKKO
25)- Atilla Kanberoğlu	Tunceli	00.5.1996	Betraying org.	TİKKO

26)- Şükrü Hüner	İstanbul	16.6.1996	Police	DHKP-C
27)- Kemal Yerlikaya	Divriği, Sivas	16.6.1996	State supporter	PKK
28)- Hıdır Mut (60)	Pertek, Tunceli	19.6.1996	Village headman	...
29)- İsmet Demiralp	near Nurhak	12.7.1996	State supporter	PKK
30)- Şener Akkol	near Nurhak	12.7.1996	State supporter	PKK
31)- Bayram Akduman	near Nurhak	12.7.1996	State supporter	PKK
32)- Mevlüt Taşkın	near Nurhak	12.7.1996	State supporter	PKK
33)- Sezai Yılmaz	near Erzincan	20.7.1996	...	PKK
34)- Hasan Önder	Hafik, Sivas	23.7.1996	State supporter	DHKP-C
35)- Hüseyin Çakmak	Hafik, Sivas	23.7.1996	State supporter	DHKP-C
36)- Murat Kaya	Gebze	24.7.1996	Policeman	...
37)- Mehmet Kartal (36)	Gebze	24.7.1996	Policeman	...
38)- Emin Ebsir (43)	İstanbul	25.7.1996	Policeman	MLKP
39)- Hacı Ahmet Bahçeci	İstanbul	25.7.1996	Policeman	MLKP
40)- İsmet Aydemir	Karhova	01.8.1996	State supporter	PKK
41)- Emine Yavuz (20)	Diyarbakır Pri.	08.8.1996	Betraying org.	PKK
42)- Halis Küçük	near Gürün	14.8.1996	Police	PKK
42)- Mehmet ...	near Gürün	14.8.1996	State supporter	PKK
44)- Taha Demir (18)	Saray, Van	22.8.1996	State supporter	PKK
45)- Hasan Geçkin	Tunceli	25.8.1996	Betraying org.	TİKKO
46)- Hasan Batmaz	Tunceli	25.8.1996	Betraying org.	TİKKO
47)- Ayşe Eski	Tunceli	25.8.1996	Betraying org.	TİKKO
48)- Şerif Demirtaş	near Refahiye	26.8.1996	State supporter	PKK
49)- Ömer Battal	near Refahiye	26.8.1996	State supporter	PKK
50)- Nedim Ataman (23)	İstanbul	06.9.1996	Betraying org.	PKK
51)- Abit Yurtsever (65)	Başkale, Van	08.9.1996	State supporter	PKK
52)- Ahmet Cirit (19)	Elbistan	19.9.1996	State supporter	PKK
53)- Cemal Karahan (36)	Elbistan	19.9.1996	State supporter	PKK
54)- Fazıl Karahan (55)	Elbistan	19.9.1996	State supporter	PKK
55)- Ekrem Akkuş (43)	near Tatvan	21.9.1996	State supporter	PKK
56)- Nurettin Akkuş (55)	near Tatvan	21.9.1996	State supporter	PKK
57)- Neziha Özkan	Zara, Sivas	02.10.1996	State supporter	PKK
58)- Yahya Yıldız	Zara, Sivas	02.10.1996	State supporter	PKK
59)- Fatma Özyurt	Ankara C. Pri.	22.10.1996	Betraying org.	DHKP-C
60)- İbrahim Sertel (26)	İzmir Buca P.	23.10.1996	Betraying org.	DHKP-C
61)- Türkan Adıyaman	Adana	25.10.1996	Betraying org.	PKK
62)- Bahattin Kaymaz	Cizre	26.10.1996	Revenge	...
63)- Ramis Şişman	Ankara C. Pri.	04.11.1996	Betraying org.	TİKKO
64)- Kerim Kardeş (39)	Nusaybin	11.11.1996	Informant	PKK
65)- Hasan Hüseyin Er (25)	İst. Bayr. Pri.	05.12.1996	Betraying org.	TİKKO
66)-	Ovacık	08.12.1996	Informant	TİKKO
67)- Cemil Yavuz (55)	İstanbul	15.12.1996	Informant	PKK
68)- Ulaş Şahintürk	Ankara C. Pri.	23.12.1996	Betraying org.	DHKP-C

m)- Education and health services

The attacks, fighting and incidents in the region continued to have a negative effect on educational and teaching activities in the state of emergency region in 1996. Schools were again closed for various reasons, teachers working in the region were faced with various problems, and suffered teachers attacks. The number of students decreased greatly.

A total of 1,157 primary and secondary schools were closed in the region for various reasons in 1992 and 1993. Various justifications were given for the closure of the schools, such as “village evacuations, the failure to maintain security, the lack of students attending the school, the impossibility of appointing teachers, lack of attendance of teachers, repair works, the burning of schools by PKK militants, insufficient numbers of students, lack of equipment, demolition.” The number of schools closed increased greatly in 1994. In October 1994, Nevzat Ayaz, then Minister of National Education, said that a total of 2,242 schools had been closed in the State of Emergency Region, 351 for lack of teachers and 1,891 for security reasons. The number of closed schools in the region increased to 4,000 by mid-1995. In addition, construction of new schools in small settlements such as villages and hamlets was stopped, and priority was given to the construction of primary schools and regional boarding schools. The number of schools closed reached 5,615 in September 1996, when the new semester started. It was determined that 369 of the closed schools had been burnt down.

The National Education Ministry submitted a report to the National Security Council in early 1996, which summarised the situation of educational institutions in the region as follows:

Batman: Of 466 schools, 192 were closed (179 for security reasons, 13 for lack of teachers). Of 11,101 students, 1,500 were transferred to other schools in the region.

Bingöl: Of 587 schools, 299 were closed (291 for security reasons, 8 for lack of teachers). 1,300 students were transferred to other schools.

Bitlis: Of 543 schools, 162 were closed for security reasons and 29 for lack of teachers. Of 17,000 students, 9,000 were transferred to other schools.

Diyarbakır: Of 1,326 schools 550 were closed (409 for security reasons, 141 for lack of teachers). Of 25,100 students, 2,700 were transferred to other schools in the region.

Hakkari: Of 393 schools, 101 were closed for security reasons and 46 for lack of teachers. None of the 15,650 were transferred to other schools.

Mardin: Of 782 schools, 131 were closed for security reasons, 94 for lack of teachers and 26 due to insufficient numbers of students. Of 11,500 students 2,448 were transferred to other schools.

Siirt: Of 457 schools, 126 were closed for security reasons, 54 for lack of teachers and 7 for insufficient number of students. Of 15,263 students, 1,807 were transferred.

Şırnak: Of 377 schools, 89 were closed for security reasons and 8 for lack of teachers.

Tunceli: Of 429 schools, 201 were closed for security reasons and one for lack of teachers. Of 4,507 students, 3,160 were transferred to other schools.

Van: Of 899 schools, 92 were closed for security reasons, one for lack of teachers and 27 due to insufficient numbers of students. None of the 10,257 students were transferred.

Adıyaman: Of 148 schools, 30 were closed for lack of teachers and 2 due to insufficient numbers of students. The number of students transferred to other schools was 150.

Elazığ: Of 861 schools, 23 were closed for security reasons and 9 for insufficient number of students.

Muş: Of 534 schools, 161 were closed for security reasons, 85 for lack of teachers and 3 due to insufficient numbers of students. Of 13,400 students, 2,000 were transferred.

A fact not noted in official statements is that primary and secondary schools in the region began to be used partially or totally, for military purposes. For example, Many soldiers were accommodated along with students in the dormitory of Tunceli Vocational School. The 41st Infantry Brigade issued military IDs for students staying at the dormitory. The students were obliged to show their military IDs when entering the dormitory and at a police check-point at a bridge on the way to the city centre. The soldiers were accommodated at the student dormitory near to the Vocational School two months after the start of the autumn semester in 1995. Seventy-four students and over 2,000 soldiers stayed in the prefabricated dormitory. The B block of the two-block dormitory was allocated to the soldiers, and 8 female students staying in the B block were lodged in houses provided for teaching staff. During the military operations in Tunceli, which had intensified after 19 March 1995, troops transferred to the region were accommodated in 5-storey Tunceli İmam Hatip High School. The students of this school were transferred to neighbouring districts and provinces.

In February, military troops transferred to Eruh were accommodated in the boarding school there. Day students of the school were sent home, as there was no room for them. In addition, students mainly from neighbouring towns and villages staying at regional boarding school lost contact with the outside world. Local sources stated that many students from neighbouring villages and towns could not get out of the dormitory because of dogs brought by the soldiers, and that families who came to visit their children also faced difficulties. The local Vocational High School for Girls was also allocated to soldiers.

The religious Tunceli İmam Hatip High School was closed on 7 September 1995, on the pretext that the “security of the teachers and students could not be guaranteed,” and that “a building was necessary for the training and accommodation of Tunceli 121st Infantry Commando Brigade.” The Kulu district of Konya, which is hundreds of kilometres away from the region, was chosen for the teachers, students and workers of the school. These people began the new semester at Tavşançanlı Regional Boarding School in Kulu. The Eğitim-Sen (Educationalists Union) launched a trial at Konya Administrative Court against the National Ministry of Education, demanding the annulment of this decision. Akay Sayılır, one of the lawyers for Eğitim-Sen Headquarters, stated that the implementation was illegal, and that the transfer had taken place with the approval of National Ministry of Education and the General Directorate of Religious Education. In its defence, the National Ministry of Education claimed that the State of Emergency Regional Governorate had made a temporary decision when it was made known that the soldiers were in need of a building. The Ministry also stated that the

Governorate was entitled to take such a decision as Tunceli was within the State of Emergency legislation. Konya Administrative Court ruled that the proceeding was legal.

Attacks against teachers

In 1996, 7 teachers were killed as a result of attacks against teachers serving in the State of Emergency Region. They are listed below:

01)- Nurettin Arslan (28)	Altınparmak village, Ekinözü	22.4.1996	MUA (*)
02)- Hacı Ömer Serin (24)	Altınparmak village, Ekinözü	22.4.1996	MUA
03)- Aydın Yılmaz	Altınparmak village, Ekinözü	22.4.1996	MUA
04)- Nesrin İdiş (30)	Hantepe village, Diyarbakır	30.9.1996	MUA
05)- Cuma İdiş (26)	Hantepe village, Diyarbakır	30.9.1996	MUA
06)- M. Sadettin Küçük (23)	Hantepe village, Diyarbakır	30.9.1996	MUA
07)- Uğur Gören	Hantepe village, Diyarbakır	30.9.1996	MUA

Unidentified people raided a house in Karataş hamlet, Altınparmak village, Ekinözü, Maraş on the night of 22 April, and executed 3 teachers, Nurettin Arslan (28), Hacı Ömer Serin (24) and Aydın Yılmaz, by shooting. A statement by Maraş Governorate alleged that the attack had been launched by PKK militants. But a statement made by the Eğitim-Sen trade union on 24 April reported that Aydın Yılmaz was a member of the Eğitim-Sen, and the other teachers were known to be “democrats,” so implying that they should not have been PKK targets. In a statement about the murders, Şahin Bayan, District Governor of Ekinözü, said “There were no witnesses, but the PKK did it.” 15 people from Altınparmak village were detained after the incident.

After the event, the “Working Group for Peace” carried out an investigation in the region. Villagers from Altınparmak and Çiftlik told the delegation that 3 days after the murder of the teachers, the authorities had told them that 5 PKK militants had been killed, but that they later realised when watching reports on the Turkish state TV TRT that this had not occurred in the nearby Engizek mountain as implied. Accompanied by the village *muhtar* Doğan Açıık, the delegation members visited the residences and the primary school building where the teachers had been killed. Members of the delegation protested because the blood in the building had not been cleaned up and the personal belongings of the teachers were scattered all around the house.

Doğan Açıık, providing information for the delegation, stated that the hands of two of the teachers had been tied, but that the hands of Aydın Yılmaz had been free, and said “Aydın had been serving here for six years. There were two bullet marks in his throat. The injuries of the other teachers, in their chests and the lower parts of their bodies, were burnt because they were shot at close range. Sixteen cartridges were found.” The villagers stated that those who went to the scene of the incident were arrested, and said, “The soldiers did not let us approach the school, and they arrested 80-90 people. For instance, Mustafa Terzi was arrested and sent to Elbistan Prison. The soldiers broke Cuma Yıldız’s jaw on the way.” The villagers who had been detained stated that the soldiers had threatened them by saying “Either you abandon your villages or you will be executed by shooting just like the teachers” and that their electricity had been cut off on the day the teachers were killed. The villagers said that of the teachers, Aydın Yılmaz and Hacı Ömer Serin were leftist, and Nurettin Arslan was inclined towards religious groups, and that after the event, the soldiers had dismantled the satellite antenna belonging to the teachers and taken it with them. The inhabitants of Sarıgöl hamlet told the delegation members that “The teachers were loved by everybody and they had no problem with PKK, that is why they did not leave the school although they had been offered appointments elsewhere.”

On 24 May, Faysal Özçift, spokesman for the delegation, said “All the findings we had imply that the murder was not committed by PKK. We found that the teachers were loved by the people. This is a murder committed by the anti-peace forces, i.e. those who benefit from bloodshed in this country.”

Çiftlik village headman Gürmo Ağaç was detained by soldiers raiding the village on 14 June. According to a news story published in the *Demokrasi* newspaper on 12 June, Ağaç had stated that the villagers had been pressurised to become village guards and that many had been tortured. Ağaç also gave information to the Working Group for Peace when the it went to Çiftlik village.

A group of armed people launched an attack against Hantepe village in Diyarbakır on the night of 30 September, and kidnapped 7 teachers. The group released teachers Fatma Dinçer, Oya Egeli and Nurten Yıldız and then killed Nesrin İdiş Ürengör (30), her husband Cuma İdiş

(*) Murder by unknown assailants.

(26), Mustafa Sadettin Küçük (23) and Uğur Gören about 10 km from the village. It was reported that villagers Mehmet Ali Bozdağ and Hasan Aydın were arrested on the allegations of having acted as a guide for the armed group.

The released teachers described the assailants as, “speaking Turkish with a perfect accent, cleanly dressed, newly shaved, with well-combed hair.” The teachers stated that as they returned to the village after being released, they had heard 6 gunshots and seen a car rapidly leaving the spot where the incident had taken place. Cemil Bayık, one of the commanders of the ARGK (the military wing of PKK), said in a statement he made for the BBC that they had nothing to do with the incident. Bayık stated, “Counter-guerrillas must have done this. We condemn the incident with loathing. And we demand that a delegation be sent to the region to learn the truth.” Yıldırım Kaya, Deputy Leader of the opposition Freedom and Democracy Party (ÖDP), stated that Uğur Gören, one of the killed teachers, was an ÖDP member, implying he was unlikely to be a PKK target.

A statement made by the European Organisation of the ERNK (National Liberation Front of Kurdistan - the political wing of the PKK) stressed that the PKK had no connection with the killing of the four teachers. The statement said that the attack had been carried out by the counter-guerrillas and that the state had aimed at soothing the public after the killing of 10 political prisoners by state forces in Diyarbakır Prison. The statement also stressed that the attack had been carried out in a period when Amnesty International had launched a campaign against Turkey. It recalled that the massacre in Güçlükonak, Şırnak, in which 11 people were killed, had also been blamed on the PKK. In its statement, the ERNK called the international public to carry out investigations in the region.

Nuri Gören, the father of Uğur Gören, stated that his son had been first employed in Yozgat, and that then he had been appointed to Diyarbakır as a teacher. He said, “It was his fourteenth day in the village. This period is not long enough to understand if a person is PKK or a state supporter.” Gören added that 2 of the teachers abducted during the incident had given statements to journalists and that these statements had been broadcast in written form on the television, and said, “Why didn’t the television channels give the two teachers the microphone? Anyway, where is the third teacher? Did they give a statement? I want them to relate the whole the incident in detail on the television. In addition, they say the PKK did it. Since when has the PKK used cars? It is the first time I have heard such a case.”(*)

Villagers Mehmet Ali Bozbağ, İhsan Aydın and Resul Akçakoyun, and a confessor named Feyyat Aluk who had been detained after the incident, were remanded in custody by Diyarbakır SSC on 25 October. Feyyat Aluk had alleged that the attack had been carried out by the PKK. In November, Diyarbakır SSC Prosecution launched a trial against these people. In the trial, Aluk was indicted for the death penalty, Mehmet Anahtar, Abdurrahman Sarıyel and Resul Akçakoyun were indicted with a demand of up to 20 years in prison, and İhsan Tekin and Mehmet Ali Bozboğa up to 5 years in prison.

On 2 November, a delegation formed of Kemal Bal, President, Başyürek Altın, Press and Publications Secretary and Alper Öztürk, General Organisation Secretary of the Eğitim-Sen, and Fikret Doğan, an executive member of the Confederation of Public Sector Trades Unions (KESK), released their report on their mission to Hantepe village. The members of the delegation also conducted examinations in Batman and Siirt. Başyürek Altın said that the coffee house in the village had been closed and that the villagers had been reluctant to give statements before the cameras but that they had expressed in personal interviews that the official statements had not been true. Altın said, “As to the massacre in Hantepe, our delegation has concluded that the official statements contained many question marks and unclear points, as has been the case in many previous examples.”

Altın recalled that although official statements had claimed that the assailants had been killed in a clash in the vicinity of Hantepe on 4 October, they contradicted later statements that Feyyat Aluk, who had reportedly surrendered on 18 October, had been one of the assailants. Altın

(*) The massacre in Hantepe was used against the human rights organizations once more, as was the case in numerous other incidents. For example, İzmir Governorate collected signatures in its campaign claiming that the İHD was apathetic about the case. Upon this, the İHD made a statement, reading that a press statement had been made after the incident, and this statement had been published in the press. In Diyarbakır, National Education Director Abbas Hüseyinoğlu sent a written directive to the schools, demanding that teachers should send telegrams to the human rights organizations, and signatures to be collected within this context should be sent to International Human Rights Federation, Amnesty International and the İHD.

said, “If Feyyat Aluk was one of the assailants, we should suppose that another assailant is still alive. This evidently contradicts with the previous statement made on 4 October.” He also recalled that a red Mazda had approached the petrol station prior to the incident with its headlights off, and left the spot 10 minutes after the incident had taken place, and said that the Gendarme station in the region had not stopped this car, awakening questions. He stated that they had tried to speak to the teachers who survived the incident but that the teachers had refused to meet them, without giving any reason.

Following the attack, in the beginning of October, educational services were ceased in villages of Diyarbakır where there were no Gendarme stations. Officials said that the National Education Directorate would say when would the schools be opened again. The killing of the 4 teachers in Hantepe were indicated as the reason for this implementation. Some of these villages are: Karakoyunlu (Zınarçank), Akdibek, Övündüler, Oğlaklı (Habeşi) and Köstekli (Hecikoç) villages around Pirinçlik town.

In Hantepe, a clash broke out between soldiers, Special Team members and village guards on 4 October. The Special Team members and village guards, who came to the village in the evening, went to the house of headman Nezir Aslan. At that moment, the headman fired into the air. Presuming that the PKK militants had raided the village, the soldiers in the village fired towards the place where the gunshots had come from. A clash broke out when Special Team members and village guards opened counter fire. A village guard from Metrani village of Diyarbakır, Ahmet (surname unknown), a Special Team member and a soldier died, and two villagers from the same village were wounded. The soldiers were later detained. The officials did not make any statements about the clash, but the villagers disclosed that the Special Team members and the village guards had come close to the village in cars, then they had walked near the house of the headman, and having insulted him, they had told him to open the door.

Other incidents

Unidentified people threw a hand grenade at the house of a retired teacher, Ahmet Turan, in Erüh, Siirt on the evening of 2 March. Fortunately the bomb did not explode. It was claimed that it might have been thrown by village guards from Nivila village. Making a statement about the incident, Veysel Turhan, President of the Siirt Provincial Organisation of the Kurdish-orientated People’s Democracy Party (HADEP), said that Ahmet Turan was among the people working towards establishing a branch of HADEP in Erüh, and declared that the attack had aimed at the party for that reason.

Of 3 teachers abducted by PKK militants who laid an ambush on the Diyarbakır-Lice highway on the evening of 21 November 1995, Kadri Tursun was released near Lice on 12 March, and Köksal Güntüş and Hakan Güler were released on 7 April. Initiatives by Amnesty International and the İHD proved to be effective in freeing the teachers.

Bartın National Education Directorate initiated an investigation against Seval Bayraklı, a teacher at Bartın Primary School, who hung a picture of writer Rıfat Ilgaz and a calendar that said “Don’t let books be banned while I’m studying” on the wall of her classroom. At the end of the investigation, Seval Bayraklı was given punishment of 1-day cut in her salary, and she was transferred to a village. In her defence, Seval Bayraklı declared that it was an honour to be punished because of Rıfat Ilgaz. She had to retire because of pressure brought to bear on her.

Ömer Faruk Kırnıç, a lecturer at Dicle University’s Siirt Educational Faculty and President of the Siirt Eğitim-Sen Branch, was transferred to Çanakkale on instructions from the State of Emergency Regional Governorate. The Governorate demanded that he be sent out of the region for “engaging in activities with the İHD, being a supporter of the PKK and trying to label incidents in the Southeast as state terror.” Dicle University referred this demand to the Supreme Education Board (YÖK). Kırnıç was appointed to Çanakkale 18 Mart University.

Health problems and health personnel

Incidents experienced in the State of Emergency Region also had a negative affected on health services, which were weak already, and on health personnel working in the region. Health services in the region greatly decreased. The increase in the child mortality rate reached a worrying level. In particular people displaced to provincial or district towns, leaving the settlements they lived in for years, faced serious health problems. Epidemics were frequent in the region.

The negative situation of the region with respect to medicine were discussed clearly in several reports. For instance, Necdet İpekyüz, the Secretary General of Diyarbakır Medical Association, stated in his research entitled “Discussions of Internal Migration in the Southeast

and its Medical Aspects,” that “displacement” which is common in the region should be distinguished from “migration,” and declared that “The town and cities from which people formerly migrated are now being migrated to and are subject to a consequent expansion. This migration is not a result of an increase in employment nor on the attractiveness of these cities, and the population in the region is increasing very rapidly and in a completely unplanned manner. Viewed from this perspective, it is more suitable to define the displacement of recent times as enforced migration.” İpekyüz emphasised the fact that the cities lost their sophistication because of the migration and that there was an increase in medical problems, and stated that approximately 2,500 villages in the region had been evacuated between 1993 and 1995.

In his report, İpekyüz noted that in Diyarbakır, the administrative centre of the Region, even the primary medical services were not provided regularly. He stated that according to statistics provided by Diyarbakır Directorate of Health for 1995, of 112 health centres only 15 were active, of 67 dispensaries, 15 were closed in Diyarbakır, and that the provision of medical services to the districts were hindered for security reasons. He maintained that the increase in uneven urbanisation led to increases in psychological disorders as well as epidemic diseases, diseases of the digestive system, mother and infant mortality, and said that “As long as this process continues, it will transform the cities into villages, it will undermine social peace, and it will increase economic loss, like a disease spreading everywhere in the country. In this case, the best solution is to eliminate the conditions which make the people migrate.”

The increase in diarrhoea and typhoid fever, which occur as epidemics every year in the Southeastern Region due to unhygienic environmental conditions and deficiencies in infrastructure and education, could not be prevented in 1996 either. In Batman 2,300 people were treated and 7 people died because of the diarrhoea epidemic which intensified in summer. Authorities from the Batman Branch of the Tüm-Sağlık Sen (Medical Trade Unions) emphasised the fact that epidemic diseases had acquired significant dimensions in the city, and “in recent months in Batman, 750 cases of typhoid fever, 30 cases of acute dysentery, 20 cases of dysentery and 15 thousand cases of malaria were diagnosed.” In a statement by the Ministry of Health, it was stated that the mortality rate from diarrhoea was 12, and it was claimed that it was impossible to affect a significant decrease in the cases of diarrhoea because of the environmental factors, which were outside the jurisdiction of the ministry. The statement said that since the beginning of 1996, 4 people had died in 8,169 cases of diarrhoea in Diyarbakır, 4 people had died in 5,591 cases in Gaziantep, and 4 had people died in 2,250 cases in Hakkari. The statement declared that 561,707 foodstuffs were inspected, and 51,333 places of food production and 234,281 places of food sale were audited, and that drinking and washing water as well as streams, rivers, lakes and seas were continually controlled, and it stated that “chlorinating activities throughout the country are insufficient. In bacteriological examinations of the waters of streams, rivers, lakes and seas, 18% contamination was found, and in the chemical and physical examinations, this figure was 26%.”

Diseases such as typhoid fever, hepatitis, malaria and oriental sore, prevalent in the region due to the insufficiencies in infrastructure and education, intensified with the increase in temperature in the summer of 1996. In Gaziantep, where infectious diseases were widespread, 428 children between the ages of 0-5 died of heart problems, pneumonia and microbial diseases between April and August. About 700 children a day were taken to the children’s hospital in Gaziantep with diarrhoea, and the 125-bed hospital was frequently unable to meet the demand. Authorities from the Directorate of Health claimed that the drinking water in Gaziantep was hygienic, and that the main problem arose from the water sources and food which had not been inspected. There was an increase in cases of oriental sore and malaria in Gaziantep and Urfa due to the increase in marshland, and inability to prevent animal breeding in urban centres. It was reported that due to the failure to close down 2,000 stables in the city centre, there was a significant increase in cases of oriental sore in Urfa and about 2,000 people suffered from this disease.

After Ayten (6) and Mahsun Aksoy (3) died of diphtheria in Silopi, Şımak, in April, the district was put under quarantine. Half of 40 children suffering from this disease were taken under treatment in Diyarbakır, and the other half in Silopi. The diphtheria resulted from coli bacillus in the drinking water and environmental pollution. The district was put in quarantine in order to prevent further spread of the disease.

As well as infectious diseases, it was found that disabilities arising from infantile paralysis, uncommon in Western parts of the country, were high in the Southeastern region. Ass. Prof. Dr. Serdar Necmioğlu, Head of the Orthopedics and Traumatology Department of Dicle University, explained that research performed on 714 people with an orthopaedic disability ratio of 40 percent who applied to the Employment Agency, had interesting results. In this research, it

was determined that of the 714 disabled people, 219 had become disabled congenitally due to infantile paralysis. Necmioğlu declared that disabilities resulting from infantile paralysis ranked first among the disabilities experienced in the Southeastern Region, saying “Disabilities arising from infantile paralysis, can be prevented by vaccination during babyhood. From the fact that disabilities resulting from infantile paralysis ranked first, it is clear that we had long way to go with regard to social medicine, hygiene conditions and education.”

Seyfettin Kızıllkan

An notable example of the problems sustained by health personnel in the region is the case of Dr.Seyfettin Kızıllkan, President of Diyarbakır Medical Association and Chief Consultant of Diyarbakır Social Security (SSK) Hospital. Kızıllkan was detained by the police who raided his house on 5 May on claims that “unlicensed guns, bombs and PKK leaflets were found in his house,” and taken to Political Police Centre. Kızıllkan had also been detained previously and interrogated for a period. He was remanded on 7 May and sent to Diyarbakır Prison.

The Central Committee of the TTB sent a delegation to Diyarbakır after Kızıllkan’s arrest. The delegation, who met his family, his lawyers, executive members of Diyarbakır Medical Association, representatives of the media and NGOs, the Governor and the Deputy Governor of Diyarbakır, published its report on 16 May. The delegation members said that the ‘official claims’ about Seyfettin Kızıllkan were not convincing. In a statement, they declared that the Central Committee of the Turkish Medical Association was not convinced about the relationship between a doctor and weapons. The statement noted that the height of the balcony of the house in which, it was claimed, a “bomb” had been found, was 3 metres, and that only the balcony and one room had been searched, and other points which are not credible were stated as follows: “The facts that although the police search started at 10.30pm, the neighbour who signed the search report was first invited to the house at 12am, that it was stated that the bombs and the ‘organisation documents’ claimed to have been found were in the same plastic bag, that the balcony where, that the balcony on which the bomb was claimed to have been found faced the Diyarbakır Secret Service (MİT) building and that the distance between them was only 30 metres, that there was a fixed camera on the corner of the MİT building, that in spite of requests no fingerprint tests were performed on the plastic bag in which the bomb was claimed to have been found, that the firearms claimed to have been found in the house were licensed, that the bomb which was claimed to have high explosive power had been rendered ineffective on the hall table without taking any protective measures, etc., all such reasons make it impossible to be convinced by the story that ‘a bomb was found’.”

The statement said that there was an “attempt to intimidate the democratic forces in Diyarbakır” in the personality of Kızıllkan, and declared that “the initiative against Kızıllkan can be regarded as an example of what can be done to people who exhibit ‘undesirable behaviour and attitudes’ in the region. The democratic forces are given the message that they may be a victim of such a conspiracy.”

In the first hearing of the trial, held at Diyarbakır SSC on 17 June, Seyfettin Kızıllkan was sentenced to 3 years and 9 months in prison. The Court also suspended Dr.Kızıllkan from duty for 3 years, but decided to release him until the case file was reviewed by the Supreme Court. Dr. Kızıllkan’s daughter Zelal, who testified at the trial, stressed that two of the 20 or so policemen had worn parkas although it was hot, and their parkas were stuffed up “as though something were hidden in them.” She said that she believed they had concealed the arms and bombs they intended to plant in the house inside their parkas.

Dr.Bayram Bozbeyoğlu, who examined 19 prisoners on hunger strike in Antep Special Type Prison, was detained on 17 June. Dr.Bozbeyoğlu, who had been appointed by Antep Health Directorate to give the prisoners a medical check-up, was later taken off this duty as “he took too close an interest in the prisoners.” After the medical examinations he conducted on 6 June, Dr. Bozbeyoğlu had prepared reports saying that the prisoners were on the verge of death.

Dr. Berivan Bingöl, practising at Diyarbakır State Hospital, was detained by police officers who raided her house in Ofis, Diyarbakır at about 12.30pm on 17 July. The police officers reportedly asked Bingöl why she had applied for a passport, where she was going and why.

Health Personnel Killed by Unknown Assailants (10 January 1996-Emek/Ata Soyer)

(...) *People have been murdered by unknown assailants, subjected to extra-judicial executions and ‘disappeared’ in this country since the 1980s.*

In particular, hundreds of people have been killed in this manner since 1991, health personnel among them. And to date, the killers have not been caught. Seyithan Aydın, a health

official killed in Batman and Ferman Altun, a nurse killed in Mazıdağı in the beginning of 1992, were among the first examples of health personnel murdered by unknown assailants. Later in the same year, on 2 February, dentist Oktay Türkmen was killed in Nusaybin, and on 27 February they shot Şehmus Akıncı, a health official, in Silvan. On 14 June, Mehmet Emin Ayhan, a specialist in internal diseases who practised in Silvan, was killed. Ayhan, who had abandoned highly favourable conditions in İzmir to go to his home town to practise, was not able to pursue his desire for very long. His offence was to serve the people as one of three doctors in Silvan. Sadly the murderers could not be found. In the same year, we lost another doctor in Elazığ; Dr. Hasan Kaya and Metin Can, the President of the İHD Elazığ Branch, were abducted and killed; although the perpetrator was identified, no prosecution was undertaken. In July 1992, a murder by unknown assailants occurred in Kızıltepe; dentist Yakup Yöndem was killed. In the same year, we lost another health worker in Mazıdağı; health official Selman Kuray.

1993 was a bad year for health workers falling victims of murders by unknown assailants. In June in Diyarbakır, Hamit Pamuk, a health technician and a member of Tüm Sağlık-Sen Trade Union, was killed. In the same period we lost Fadıl Bulut, a pharmacist in Cizre. On 1 September, Zeki Tanrıkkulu, a consultant at the hospital in Silvan, was killed. In September, Abdülkadir Bayrak, a pharmacist, was killed in Nusaybin, and Halil Kiraz, a health official, in Siverek. In October, we lost another victim to murders by unknown assailants: İhsan Kiran, a pharmacist. In 1993, another pharmacist was killed: Eyüp Gökoğlu in Şanlıurfa.

In March 1994, Abdülselam Akgül, a doctor in Diyarbakır and Rodi Demirkapı, a dentist in Kovancılar, Elazığ, were killed. In April, Şeyhmus Akın, an assistant consultant at the Faculty of forensic medicine, was killed by unknown assailants. In the same month, Necati Aydın, former Branch President of the Tüm Sağlık-Sen Trade Union, was killed. Necati Aydın had been voluntarily involved in medical services for the Kurdish people arriving from Iraq in 1991, and had participated in the course for medical services under emergency conditions organised jointly by the Turkish Medical Association (TTB) and the World Medical Association, and had obtained a certificate from this course. The perpetrators have still not been found.

In July 1994 in Hasankeyf, health official Hasan Keleş, was killed; in September in Siverek pharmacist Emin Odabaşı was killed and in October in Diyarbakır a consultant by the name of Ahmet was killed; Veysi Sızlanan, the nurse and an executive member of the Tüm Sağlık-Sen Trade Union, was killed in Diyarbakır; in December Dr. Edvard Tanrıverdi was killed in Midyat. In January 1995, Yasemin Demir, a nurse, was killed in Diyarbakır. In the same month, the body of Ayşenur Şimşek, a pharmacist executive member of the Sağlık-Sen, was found in the vicinity of Kırıkale. And in April, Selma Bayram, a student nurse, was killed in Silvan.

None of the perpetrators could be found. The above names are those known to us. There may be other health personnel victims of murders by unknown assailants. We should be try to contribute to the discovery and penalisation of the perpetrators. This may soothe the sorrow of their relatives a little.

n)- Village guards

The “village guard system” was often an issue in 1996 because of incidents caused by village guards, and their unrestrained behaviour. The promise that the village guard system would be “reviewed and abolished gradually,” in official statements, was not fulfilled; on the contrary, the system became more widespread. Other statements were made, indicating that its implementation would continue even if the state of emergency legislation was abolished. For example, village guards set up 15 stations, 4 on the Diyarbakır-Urfa road, 5 on the Çermik-Ergani road, 4 on the Çermik-Güncüş road, 2 on the Çermik-Siverek road, in order to “control suspicious vehicles, and help breakdowns.” At least 10 village guards were appointed at each of these stations.

The village guard system, which has become a way of living and a profession for some, casts a substantial burden on the budget because of the wages and military equipment given to the village guards. The number of village guards, which was 14,000 at the initial stage in 1988, passed 62,000. Currently, about 60,000 village guards are on duty in 21 provinces in East and Southeast Turkey. When the families are included, the system covers about half a million people. The village guards are paid different wages, depending on if they work in the State of Emergency Region, in neighbouring provinces or sensitive provinces. In addition, compensation and pensions are paid to the families of village guards who die in clashes.

Despite the problems they cause, various rights have been granted to village guards. For example, village guards were given the right to “do their military service at the settlements where they were on duty,” in other words, where they lived. In a statement he made in March, Nahit Menteşe, then Minister of Interior Affairs, said that by application of the decision by the Supreme

Military Council, village guards were regarded as having completed their military service during the period of their village guard service. He recalled the practice by which teachers had completed their military service as teachers at the schools they worked at, and stated that the same right had been recognised to temporary village guards. He noted that 512 village guards had benefited from the practice in 1994.

The implementation of the village guard system was not only restricted to the State of Emergency Region and surrounding provinces. For example; Hatay became one of the provinces in which village guards were appointed *en masse*. 26 May at a meeting was held with the provincial governors, security directors and gendarme commanders of Hatay, Maraş, İçel, Malatya and Adana. At the meeting Menteşe said that the village guard system had been implemented in Hatay and around and in the high pastures of the Amanos mountains.

Throughout the year, there were inhumane incidents caused by village guards. Village guards were involved in crimes such as smuggling, theft, kidnapping girls, rape and robbery. The report prepared in 1995 by the Parliamentary Commission to Investigate Murders by Unknown Assailants, included shocking cases involving village guards. The report, which demanded “an end to the village guard system,” and that “weapons given to the village guards be taken back,” stated that the village guards, by using the authority vested in them, engaged in smuggling and village raids just as PKK militants did. The report drew attention to disturbing evidence proving that some of the murders by unknown assailants had in fact been committed by village guards. It included detailed information on 30 incidents, including 5 murders, 1 assault, 2 cases of extortion, 1 kidnapping and 6 cases of smuggling, all of which were carried out by village guards.

Meral Akşener, Minister of the Interior Affairs, in her answer to the parliamentary question by Hakan Tartan, DSP MP for İzmir, disclosed that 47,444 temporary and 3,096 voluntary village guards were on duty in the State of Emergency Region, and 4,871 village guards in neighbouring provinces. According to Akşener, 8,008 village guards were on duty in Van, 7,430 in Şırnak, 7,302 in Hakkari, and 5,860 in Diyarbakır. She also stated that a total of 23,022 village guards, who had been involved in a total of 530 crimes, had been dismissed since 1985. Murder ranked first among the crimes committed by village guards, then came drug trafficking and arms smuggling. Akşener added that village guards had killed 296 people in 11 years, had been involved in 4 kidnapping incidents in 1994, that 77 village guards abducted women in 12 years, and 84 village guards had been involved in drug trafficking and 69 in arms smuggling within the same period. According to Akşener, in 1996, 41 village guards committed murders, 4 village guards were involved in kidnapping, 14 village guards abducted girls, 14 village guards had been involved in drug trafficking and 14 in arms smuggling.

While the abolition of the village guard system was under discussion at the end of 1995, an example of the extent to which the village guards were out of control was witnessed in Beytüşşebap, Şırnak. Prior to the general elections held on 24 December, Nesim Timur, the nephew of Hüsnü Timur (the Mayor of the Mezra town in Beytüşşebap district, Şırnak) and a prominent member of the Mamxuran tribe, made telephone calls to the Beytüşşebap Election Committee Chairman and insulted and threatened him. Nesim Timur was arrested on 30 December after a complaint was filed with the prosecution. Straight after his arrest, Colonel Yücel Tuncel, the commander of the military unit in the region, called the duty judge and demanded that Timur be released. When this demand was refused, 2 officers and 2 NCOs came to the Court House and repeated the demand, however, the demand was refused again.

A group of 250-300 armed village guards, who gathered at the entrance of the town on 31 December, started to march towards the Court House. As a result of the developments, the district governor demanded help from soldiers and police. The police were ineffective in stopping the group, who surrounded the Court House for about 2 hours. Nesim Timur was then released, and the armed group left the town chanting “long live the soldiers, long live the gendarmes.” Colonel Tuncel, who came to the scene later on, said “If you had released that man when I told you to do so, this would not have happened.” Although the judges in the district informed the Ministry of Justice about the incident, no investigation was launched for a long period of time. On the contrary, the related bodies were ordered to “fit Timur’s release into procedure.” Upon this, it was recorded that Timur had been released “by a decision by the superior court upon appeal.” When the incident was published in the press, Beytüşşebap State Prosecution launched an investigation against nearly 300 village guards who were involved in the incident. However, the incident was not regarded as a crime under the jurisdiction of the SSCs (collective rebellion against the state). The investigation was not concluded as the State Prosecutor who had been sent to the district to investigate the case, returned to his normal place of duty. Later, in mid-March, another

investigation was launched against the village guards in question, on charges of collective rebellion against the state. (*)

Necati Albay, DSP MP for Eskişehir, who took the floor in the Parliament on 20 March, stated that it was impossible for him to understand the reluctance of soldiers and police to intervene in the incident when a group of armed people surrounded the Court House, and said, "The State of Emergency legislation has turned into a practice which does not combat the terror but creates it." Upon this, Minister of the Interior Ülkü Güney said that they had launched an investigation after the stories published in the press. He said, "A citizen named Nesim Timur was remanded for insulting a civil servant on duty. As he is a prominent name in the district, some 25-30 people from his tribe came to the Court House to request his release. It passed without incident thanks to the security measures. The group dispersed after a while. The defendant's lawyer appealed to a higher court. The defendant was released in this way." Minister Güney claimed that the Court House had not been surrounded, and said that the Ministry of Justice had initiated an investigation. Güney claimed that security officers had not been negligent in the incident.

A higher court, Şırnak Serious Penalty Court, issued an arrest warrant for Nesim Timur in the beginning of April. However, it was alleged that he was protected by Colonel Yücel Tuncel. Apart from Timur, some 30 village guards with previous records, including Tahir Adıyaman, Ebubekir Aydemir and Mehmet Adıyaman, who were on trial or remanded in absentia, reportedly continued to receive their wages. The wives of these village guards went to the Beytüşşebap Branch of İş Bank at the end of each month and received their husbands' wages.

Other examples

Davut Eminaç, a village guard in Siirt, was detained in İstanbul on 3 June on a charge of "stealing money from two taxi drivers with a knife." Eminaç said that he had committed the crime after his friend Hasan Karşlı, whom he met in İstanbul, had said to him that "there's good money in this business."

Three workers from the Electricity Board, who went to Beşiri, Batman, to repair a breakdown in the electricity system, were attacked by village guard chief Hüseyin Karabulut and his men. Two of the workers, who were beaten for "being late to the village" on 5 June, were wounded due to beatings with rifle butts. The workers lodged an official complaint with Beşiri State Prosecution. Karabulut and other village guards were detained, but they were released one hour later. Meanwhile, soldiers reportedly forced the workers to withdraw their complaint.

During operations conducted in Bolu in October, 18 people, including Bedirhan Bitken (62), a tribal leader from Mardin, were detained on charges of being involved in arms smuggling. Ten guns, reportedly brought from the Southeast, were seized in the operation. Bitken claimed that his tribe had been involved in the struggle against the PKK, and that he had brought the guns for security reasons. Bitken, who owned about 125 acres of land in Mardin and Sakarya, said the following in his statement: "Until last year, we were village guards receiving wages from the state. However, we lost this job and had to engage in arms smuggling. We don't have any other income." The names of the detainees are: Bedirhan Bitken, Zeki Atıkan, Fikri Kumaş, Yusuf Yılmaz, Şaban Karakulak, Bilal Serbest, İsmail Mutlu, Ahmet Uzunoglu, Mehmet Yetim, Adem Sürücü, İsmail Şapoğlu, Hasan Sevim and Feyzullah Şimşir.

In November, a trial was launched against village guards Nevzat, Ekrem and Ceyhan Altuner for raping a young girl named Remziye Dinçer in Güllüce village in Kozluk, Batman, in December 1994. Dinç, who testified in İstanbul in connection with the trial, said that she had only realised she was pregnant 5 months after the incident, thus she was unable to have an abortion. She stated that they had given her child to the Diyarbakır Reformatory as they were unable to take care of it, disclosed that she had come to İstanbul to stay with relative as she had been continuously

(*) Two police officers died in a PKK raid against the control point of police officers in Beytüşşebap on 20 August. Three days after the incident, Şehmus Abi, the headman of Haman village and a member of Gevdan tribe, and İsa Aslan, the headman of Feriştan village which had been evacuated previously, were detained. Upon the information given by Hüsnü Timur, persons from the same tribe, Abidin Abi, Tarık Yiğit, Faruk Yiğit and his son, the son of İsa Aslan and 2 of his brothers were detained on 26 August. About 300 members of the Gevdan tribe gathered in the district center on 29 August, reminded that Nesim Timur had been taken out of the prison by using force, and stated that they would march to the office of the district governor to maintain the release of their relatives. The men of Hüsnü Timur wanted to hinder the group on the road. Upon this a fight broke out between the group and the village guards, but the group continued their march, and reached the office of the district governor. They dispersed when the district governor promised that the detainees would be released. Persons who were detained during the march and the ones who were detained previously were all released on 30 August.

threatened and had nobody to stand up for her. Nevzat Altuner was revealed to be the father of the child in a paternity test. (Detailed information is on page 303)

A gang was exposed in Kızıltepe, Mardin, at the end of October, when they demanded a tribute from Mehmet Toprak. Two village guards were among the members of this gang. According to Toprak's statement the incident took place as follows: Toprak ran a hotel in Kızıltepe and engaged in construction work. In mid-October, some people left an envelope in the name of the PKK at his workplace of requesting that he should bring 500 million TL (\$5,100) to a shop belonging to Şehmuz Karayağız. Toprak applied to the Security Directorate, and 11 people were detained on 18 October. The gang was reportedly lead by a village guard chief named İzzettin Gümüş, and 7 billion TL (\$71,400) had been found during a search of his house. It was reported that the gang had received money from many people in the district in a similar way.

It was revealed that a chief village guard named Şakir Çetinkaya and his brothers, who had been pronounced "heroes" for having killed 4 PKK militants in Yaşar hamlet of Uluçayır village in Hınıs, Erzurum, on 12 October, had in fact killed village guards. The authorities had related the incident as follows: "On 12 October, seven PKK militants, including İsmail Akal, whose code-name was Kirkor and who was responsible for the region, went to the house of Şakir Çetinkaya to ask for some food but without knowing that he was a village guard. Çetinkaya took the militants into his house, and then started a fight with them. His brothers Yakup, Kemal, Cemal, Cemil and Hakkı also joined in the fight. During the clash, the village guards killed 4 of the PKK militants, including Kirkor. Şakir Çetinkaya's daughter Elif (5) received bullets in the clash. The other 3 PKK militants survived, managing to run away as it was dark." Erzurum Provincial Governor Ahmet Kayhan, Ninth Army Corps Commander General Hakkı Baha Tüzüner, Provincial Gendarmerie Regiment Commander Colonel Affan Obuz and Hınıs District Governor Mustafa Harputlu, who visited Yaşar hamlet, pronounced the village guards "heroes" and awarded them 100 million TL (\$1,020).

However, Hayriye Çelik, the wife of the deceased Cemil Çelik, disclosed the facts of the incident. It came out that the village guards had entered a clash with 5 PKK militants in the vicinity of their village on the night of 12 October and killed 2 of them, and then killed Cemil Çelik and his nephew Kerem Çetin, who had been guests of Şakir Çetinkaya, in order to steal their money. Çetinkaya and his brothers claimed that the people they had killed had been PKK militants. Hayriye Çelik disclosed that her husband and his nephew had gone to Çetinkaya's village of to buy sheep, and said, "My husband and Kerem Çetin were guests in the house of Şakir Çetinkaya intending to buy sheep. Şakir and Şirin Çetinkaya and others killed my husband and his nephew while they were eating, took 15,000 DM and 40 million TL (\$410) from them, and told everyone 'we have killed PKK militants'." Hayriye Çelik applied to the Prime Ministry, the Ministry of Justice, the Ministry of State responsible for Human Rights and Muş Provincial Governorate, demanding that Şakir Çetinkaya and his brothers be convicted.

On 20 November, 2 village guards beat the sons of Feyzullah Kaya in Islahiye, Antep. This provoked incidents during which 2 people were wounded in gunfire. Kaya's sons, who had gone outside the town to collect wood, were beaten by village guards from Köklü village, Faruk Öztürk and Ahmet (surname not known). Kaya telephoned the village guards, saying that their deed was inhumane. Later, when they saw him in the town, the village guards fired at Kaya. Eyewitnesses related the incident as follows: Village guards came to the market in the district and saw Feyzullah Kaya. They began to talk, but it soon turned into a quarrel. Then the village guards fired at and wounded Feyzullah Kaya and his friend Ökkeş Oktay. The village guards were detained by soldiers, but released by the prosecution.

Mehmet Tari, a village guard in Kulludere village of Kozluk, Batman, was detained on 27 November on the charge of "obtaining money from relatives in order to get detainees released." Tari reportedly said to a villager who had said he was wanted by soldiers, "I have good relations with the commander of the battalion. I can get the arrest warrant lifted if you give me some money," and upon this the villager, whose name is not revealed, had applied to the Battalion Command. It was reported that the villager had given money, the serial numbers of which had been taken, to Tari, and the money had been found in a raid of Tari's house. It was claimed that he had seized money from many people with the same method.

In a similar way, Fikri Alan, chief village guard in Taşlıçay village of Karlıova, Bingöl, reportedly had some detainees released after receiving money from them. It was stated that Fikri Alan had obtained 250 million TL (\$2,550) from Nimet Tiryaki, the father of Fahrettin Tiryaki who had been detained in Serpmekaya village, also in Karlıova. Fahrettin Tiryaki was released after two days in detention. Alan also obtained money from the relatives of Halit and Bahattin

Karabağ in Yalnızhan village, Ali Kaya in Çatak village and relatives of Abdullah Özçelik in Sakaören village, who claimed that the District Battalion Command knew of his practices.

In police operations carried out in Van in late November, 3 people, 2 of whom were village guards, were caught with 120 kilograms of cannabis. During the operation, Salih Çamlı, a village guard from Dilektaş village in Yüksekova, Hakkari, Ömer Çetin, a village guard from Oğulcuk village, Hakkari, and a person named İskan Aslan were detained.

Village guards from Ovacık village in Baykan, Siirt, blocked the road between Bitlis and Baykan near Demirişik village at about 10pm on 24 December. The village guards stopped passing vehicles and seized 500 million TL (\$5,100) belonging to the passengers. Local sources said that soldiers from a gendarme station near the scene had not stopped the village guards, who told people they were PKK militants. It was reported that village guards Mükerrerem, Aziz and Zübeyir Gültekin had been detained by soldiers from Baykan Gendarme Battalion when the incident became public knowledge.

In 1996, **20** people died and **57** people were wounded in clashes that broke out among groups of village guards or between security officers and village guards. (*) Following are some interesting examples of such incidents:

A clash broke out around 11am in Bismil, Diyarbakır, between 2 groups of village guards who had previous disagreements. In the clash, 4 village guards Kamil Çelik and Salih, Abdullah and Tahir Yıldız died, and village guards Felemez Turgay, Abdulkadir Çelik, Yusuf Tekin and Mücahit, İsmail, Çelik and Cemal Yıldız and a salesman named Suphi Can were seriously wounded, and 14 people were slightly wounded. The fight reportedly broke out between the village guards of Güzel village of Bismil (the Çelik Family) and of Evkuran village of Savur, Mardin (the Yıldız Family). Twelve village guards were detained after the clash, which caused significant damage in Bismil. District Governor Şükrü Çakır said that there was a blood feud between the two families, and that the clash had broken out over wood.

A dispute between the Öztokyay and Toktay families in Dağören village in Muradiye, Van on 4 March, which arose because of children, turned into a stick and stone fight with between village guards. Mehmet, Hüseyin, Hüsnü, Sıddık, Fesih and Hanife Öztokyay and Eşref, Nadir, Cemal, Fidan, Gazi and Rıza Toktay and İbrahim Tutaş were wounded in the fight. Naci and Yıldırım Öztokyay, who fired into the air, and village guards Fesih Öztoktay and İbrahim Tutaş were detained after the incident.

Village guard Şerif Tatar died and village guard Hüseyin Alıcı was slightly wounded in a clash that broke out between village guards on duty at Oğulveren village in Başkale, Van on 4 March. It was reported that a dispute that broke out over the heating of the guard position caused the clash. Village guard Rahmi Alıcı, accused of killing Şerif Tatar, and Hüseyin Alıcı, were detained in connection with the incident.

Three village guards, İzzettin, İdris and Seyfettin Karakoyun were shot and wounded in a clash that broke out between village guards in Adakale village in Baykan, Siirt, due to a land dispute. Village guards from the Karçın family reportedly left the village after the incident.

On 16 May, around 100 village guards from Sakızlı village in Mazıdağı, Mardin, led by Ramazan Özyıldız raided Yukarı Mezra village in Derik on 16 May, and machine gunned it, wounding Bozan Çapan (18). They also beat headman Fikret Demir and Muharrem Tekin, and seized the cattle. Besides, they also attacked gendarmes who went to the scene. An NCO was wounded in the clash. Later, 18 village guards were detained, and 2 of them were remanded. The soldiers raided Bankir and Giresor villages, and retrieved the guns of 80 village guards, 40 in each village. Subsequently, all other village guards in both villages returned their guns.

A fight arose in Gökbudak village in Pervari, Siirt, in which 63 village guards were on duty, over “hay-making” on 13 June. In the fighting, Übeyit Aslan, a relative of the village guards, died, and İhsan Aslan and Cengiz Gültekin were wounded.

On 22 June, in Salman village in Mutki, Bitlis, village guard Molla Dağdagülen (19) killed village guard Behçet Kök (19), who did not want him to play in a football match.

(*) Information on numerous incidents caused by village guards is in the sections on attacks against settlements and extra-judicial executions.

In Toprak village in Iğdır, a clash broke out between village guards Mehmet and Reşit (surnames unknown) on 15 July. In the clash, which broke out when Mehmet's gun was stolen by other village guards, Mehmet, his son and Reşit were wounded.

Abdullah İnan, a village guard in Sözveren village in Çatak, Van, killed village guard Şehmus Eraslan, with whom he had a dispute, on 29 July. İnan fled after killing Eraslan.

On 27 September, a clash broke out among village guards in Çevrimli village in Güçlükönak, Şırnak. It was reported that some village guards fired at village guard Hasan Yıldız, who was wounded and died when he fell out of a tree. 3 village guards were detained for opening fire.

On 4 October, a clash broke out between soldiers, Special Team members and village guards in Hantepe village in Diyarbakır where 4 teachers had been killed on 1 October. A village guard named Ahmet (surname unknown) from Metrani village in Diyarbakır, a Special Team member and an footsoldier died in the clash.

In Diyarbakır, village guard Hamza Karabulut died in a clash between village guards. Hüsni and Hamza Karabulut and Reşit Tan, village guards from Hatmani village, were reportedly attacked by village guards from Güleçoba, with whom they had a vendetta, when they went shopping in Diyarbakır. Hüsni Karabulut and Reşit Tan were wounded in the clash. After the incident, Güleçoba village was raided by police officers. A clash broke out when the village guards resisted the police. The clash resulted in no casualties. Six people were later detained.

On 6 December, a clash broke out between the Keser and Karabulut families, village guards in Güleçoba village. Vedat Keser, Mehmet Tura and Sedat Keser, and a passer-by, İsmail Altındağ, died in the clash, and Aziz and Abdullah Keser and Salih Altın were wounded. It was reported that Seydo Polat from Hatuni hamlet of Güleçoba village had bought himself a TV set in 1993, a villager had asked him to return the TV set on the grounds that "it was evil," and a clash had broken out when he refused. The incident turned into a blood feud, and 20 people have been killed from both sides since 1993.

Police officer Suat Hayri Dal (34) died in an armed attack on the night of 27 December, when he was on guard at the State Hospital in Silvan, Diyarbakır. After the attack, the police carried out raids against many houses in the town, and detained 10 people. Later, it came out that Dal had been killed by village guards. A doctor on duty at the hospital stated that village guards had entered the hospital with their guns, and terrorised the staff and patients. The doctor added that they had applied to the District Governorate and Security Directorate, but that their initiatives had remained fruitless and the village guards had continued to enter the hospital without restraint. He said, "Two people came, they called the police officer over, and took his gun. Later we discovered that the police officer had been killed."

In Batman, 5 people were wounded in a clash that broke out due to a blood feud. Village guards from Cengiz family raided a coffee house, after a village guard from their family, İzzettin Cengiz, was beaten up by village guards from the Kır family on 28 December. Abdurrahman Kır, Hüseyin and Ali Işık, Mehmet Kartal and Hüseyin Cengiz (70) were wounded in the fight.

o)- Detentions, other developments

Vezir Perişan, Leader of the Diyarbakır Branch of Belediye İş (Council Workers) Trade Union, was detained in a raid on his house on 3 July. Enver Ölmez, Leader of Diyarbakır No.1 Branch of Yol-İş, was also detained by political police officers raiding his house on the night of 11 July. The trade unionists were reportedly detained upon the testimony of a PKK confessor, Engin Karadağ. Ölmez's wife said that the police had got in the house by breaking the door with a sledge hammer and beaten their children, Feyzullah (15) and Yeliz (19). Perişan and Ölmez were remanded in custody by Diyarbakır SSC on 19 July, on the charge of "aiding the PKK." Perişan was reportedly subjected to torture and psychological pressure in detention.

In August, Diyarbakır SSC Prosecution launched trials against Perişan and Ölmez. The indictments, which included statements by Karadağ as evidence, demanded imprisonment up to 5 years under Article 169 of the Turkish Penal Code on the charge of "aiding the PKK." Perişan's indictment claimed that he had met with PKK militant Karadağ in the rural area of Bismil, Diyarbakır, during the elections in 1989, and said that he would do whatever he could so that the organisation supported him in elections." The indictment said that Karadağ had appointed a militant code-named "Şehmuz," who threatened all the candidates except the defendants in order to prevent them from participating in the elections, that the same had taken place in the elections of 1995, and that the defendant, who had given 5,000 DM to the organisation, had been elected again. The Ölmez indictment claimed that he "had met with the representative of the organisation

in the Kuruçayır region in Silvan, and had asked for assistance of the PKK in the trade union elections, and the PKK militant code-name 'Şehmuz' had threatened all the candidates except for Ölmez, and prevented them from taking part in the elections."

The trial against Perişan commenced at Diyarbakır SSC on 9 September. Karadağ did not attend the hearings until 25 November, and the SSC did not release Perişan on the grounds that "the testimony of Karadağ had not been heard." On 25 December, Karadağ said that "he had not witnessed Perişan making PKK propaganda." Upon this, the SSC ordered Perişan's acquittal on the grounds of "insufficient evidence." Perişan was released 5 months after having been arrested. Ölmez was sentenced to 3 years 9 months in prison in a trial that ended in 1997.

In July and August, about 40 businessmen were detained in Diyarbakır on the charge of "aiding the PKK." The businessmen were reportedly detained upon the statement of PKK confessor Karadağ. Eighteen of the businessmen, Veysi Gülmüş, Niyazi Kılıç, Şükrü Kızılkaya, Mahmut Maya, Ahmet Bingöl, Adem Erdem, İsmail Aslan, Ahmet Dağtekin, Vedat and Cevat Gölcük, Rahmi Güzel, Mehmet Bitmiş, Sebahattin Akkoyun, Mahmut Şimşek, Fesih Taşlı, Sait Şanlı, Sebahattin Kavak and Abdurrahman Cihantimur, were released on 5 August on bail.

Teachers Kadri Gökdere, a former executive member of Diyarbakır Branch of Eğitim Sen, and Taha Gül, who were detained in İstanbul on 20 August and taken to Diyarbakır, were remanded by Diyarbakır SSC on 11 September, on charges of "aiding the PKK." The prosecution of Gökdere and Gül commenced on 4 November. In the hearing, Karadağ claimed that Gökdere had met PKK militants in the country-side, and that HADEP Diyarbakır Provincial Leader Mehmet Cinet Yayan, and Gül had been present at the meeting. Upon this, Lawyer Meral Bektaş said that no-one named "Mehmet Cinet Yayan" had ever been a member of HADEP, and that Karadağ had given Gül's name after his detention. Gökdere and Gül were each sentenced to 18 years 9 months in prison on 23 December. In a statement made from prison, they said, "We were subjected to all kinds of torture in detention at JİTEM for 25 days as a result of false statements made by Engin Karadağ. During this period, they showed us to confessor Karadağ, whom we had never met and who had never seen us before, thus making it possible for him to identify us in court. The testimonies, which are all fictitious, are the products of dark forces targeting us."

Many members and executives of public sector worker trade unions were detained in October in Diyarbakır. Names of some of these people were: Halil Cabir Karadağlı, President of Tes-İş Trade Union Branch No.2 (9 October), Bedriye Ertaş, Sevgi Zengin and Şah Özmen, Executive Board members of the Diyarbakır Branch of the Health and Social Service Workers Trade Union (SES), SES member Canan Kanhan (8 October), Hasan Kaçan, former Branch President Eğitim Sen and Yusuf Akgün, Branch Secretary, Eğitim Sen member Gülşen Aydemir, Halil Öztopalan President of Yol-İş Trade Union Branch No.1 (22 October); Davut Balıkçı, Branch President of Maliye-Sen [Finance Workers Union] and Rıfat Gülcemal and Hüsamettin Balsak, former Executive Board members of Haber-Sen [News Workers Union]. Hasan Kaçan, Yusuf Akgün, Gülşen Aydemir, Rıfat Gülcemal, Davut Balıkçı, Halil Öztopalan, Şah Özmen and Sevgi Zengin were released by Diyarbakır SSC on 31 October, Halil Cabir Karadağlı was remanded on 4 December, and the trial against him started on 27 December. Mehmet Yazar, who had testified against Halil Cabir Karadağlı, causing his arrest, said in the hearing that he did not know Karadağlı. Karadağlı was released at the hearing.

Emrullah Cin, a member of the KESK General Administrative Board, was detained on 9 November, when he visited Diyarbakır Branch of Eğitim Sen, where a sit-in was staged in protest at the pressure and to publicise their demands. He and Zülfü Atlı, the Diyarbakır Branch Secretary of SES, were remanded in custody on 11 November, following testimony by Engin Karadağ. Cin and Atlı were released by Diyarbakır SSC on 20 December.

Ahmet Cengiz, the President of the Diyarbakır Chamber of Architects, was detained on 18 December. Office staff detained with Cengiz, were later released. Cengiz was released 6 days after having been detained. He said that he had been handcuffed to the door of a cell he had been kept in for two days, and that he had been interrogated in line with the testimony of confessor Engin Karadağ. He said that he had been tortured when he declared that he did not know anything.

The campus of Dicle University was blockaded by police officers on 22 November. Police officers detained many more people during an ID-check on 26 November.

On 27 November, on the 18th anniversary of the foundation of the PKK, many people were detained in Diyarbakır and other provinces on the grounds of "preventing possible actions by the PKK." House raids and detentions intensified especially in Eastern and Southeastern provinces and the Kurdish populated quarters of big cities.

In Adana, many people were detained in house raids carried out in the Kurdish-populated quarters Dağlıoğlu, Bahçelievler, Gülbahçesi, Karasu, Şakirpaşa, Anadolu, Barbaros, Hürriyet, Yeşilevler, 19 Mayıs, Mithatpaşa and Denizli. İHD Central Executive Board member Süleyman Kılınc said that people were unable to leave their houses after 8pm.

Sixteen people, including HADEP District Organisation executive member Şirin Can, were detained on the night of 26 November in Erzin, Hatay. The detainees were released on 27 November. The homes of HADEP Provincial Organisation executive member Serap Aladağ and Önder Nalbant were raided in Samandağ town, also in Hatay. In addition, gendarmes carried out house raids in Mızraklı and Sutaşı villages in Samandağ district. In Osmaniye, Adana, the house of Ahmet Birgül, a reporter with the daily *Demokrasi*, was raided by the police on the night of 26 November. In the same night, the police carried out raids against the houses of Ali Tören, Kalender Uzun, İbrahim Uygul, İbrahim Eren, Abdullah Can, Eyüp Gürbüz, Nusret Gürbüz, Mahmut Becerikli, HADEP's Mayoral candidate for Osmaniye and Abdo Tan.

Other incidents

Sixteen people detained in Tunceli on allegations of "aiding TIKKO and the PKK," were remanded by Malatya SSC on 4 August. Among those arrested were Celal Yaşar, President of the Executive Board of FEN-İŞ Corporation, one of the 50 richest people in Turkey; Hasan Güneş, a Tunceli Councillor; Mehmet Çetinkaya; Yaşar Şimşek, the owner of the Tunceliler Tourism Company and Kemal Tulga, an employee of FEN-İŞ. Out of the 16 people brought to trial, Yaşar, Çetinkaya and Şimşek were released in the hearing held at Malatya SSC on 9 August.

On 1 August, NCO Mehmet Peker was detained in Ankara and NCO İbrahim Dağ was detained in Tekirdağ. The two soldiers were reportedly detained in line with a testimony by confessor Engin Karadağ. In the trial launched at Ankara SSC against Peker and Dağ, who were remanded in custody on 15 August on charges of "being members of an illegal organisation," the two were accused of "having provided PKK militants with military equipment and information." The indictment sought imprisonment up to 22 years 5 months under Article 168 of the Turkish Penal Code. The trial commenced at Ankara SSC on 14 October. In the hearing, Dağ and Peker stated that they had been tortured in detention, Peker had obtained a medical report from the Forensic Medicine Institute certifying his need of 5 days recuperation as a result. The trial ended on 13 November, and Peker and Dağ were each sentenced to 7 years 6 months in prison.

On 7 August, a woman named Serpil Demirtaş (30), who lived in Küçükesat, Ankara, denounced Mustafa Kaya (42), her boyfriend of 5 years, to the police as "a PKK militant," when she was angered that he refused to marry her. However, and it was determined at the Security Directorate that Demirtaş and Kaya had had a dispute because of marriage.

İbrahim Bakır and his spouse Müşerref, who stole 30,000 DM belonging to Ejder Kızıltoprak, a businessman in İzmir, in the name of the PKK, were detained in mid-November. The prosecution of the Bakirs commenced in December. The Bakirs, were indicted on charges of "robbery" with a demand of up to 30 years in prison. They said "We are not PKK members. We had to confess to the accusations because we were tortured by the police."

The Kurdish Parliament in Exile

The activities of the "Kurdish Parliament in Exile," which was established in the Hague in the Netherlands on 12 April 1995, continued in 1996. Turkey carried out diplomatic initiatives in various European countries aimed at the banning of the KPE, but failed to achieve much. The KPE, which convenes once in three months, held its first assembly in 1996 in Copenhagen, Denmark, on 12 and 13 March. The Turkish government's initiatives aimed at getting the meeting banned proved ineffective. On the second day of the meeting, a message by the PKK leader Abdullah Öcalan was read out. Öcalan said the following: "The point reached paves the way for a true diplomatic struggle. The National Congress has arisen in response to the political will and urgent demands of our people. Our short-term target is the transfer of this parliament to the country, instead of being in exile." The KPE meeting resolved to send telegrams to the Egyptian and European governments stating the opinions of the KPE, to exhibit the photographs published in England (detailed information on page 84) in various parts of the world, and to continue to work to support the unilateral cease-fire declared by the PKK.

The KPE assembled in Rome on 15 July. The Turkish government's initiatives to get the assembly banned was evaluated by members of the Italian government and by the press as "intervention in Italy's domestic policy." Italian parliamentarians, representatives of political parties and of the Ministry of Foreign Affairs delivered speeches at the Fifth General Assembly

of the KPE. Yaşar Kaya was elected President of the KPE with a majority vote. Ahmet Aktaş and Kazım Timurlenk were elected the Deputy Presidents, Nizamettin Toğuş and Hasan Dutar Executive Directors, and Ali Saçık, George Aryo, Derviş Haso and Ali Özer Council Members.

The Sixth General Assembly of the KPE was held in Oslo, Norway, from 18 to 20 November. The Turkish government declared that the Norwegian government's "turning a blind eye" to the meeting was a "sorrowful development." A written statement by the Turkish Ministry of Foreign Affairs said that the Norwegian government's attitude was against the common values and principles of NATO.

MURDERS BY UNKNOWN ASSAILANTS (COUNTER-GUERILLA/GANGS)

Murders by unknown assailants, one of the most important human rights problems of Turkey, which began to decrease starting from mid-1995, continued to decrease in 1996. A total **113** people were killed in attacks particularly in the State of Emergency Region and in certain settlements in the West. Thousands of murders by unknown assailants devastated the life in the State of Emergency Region. People surrendered to fear and anxiety, and the streets were taken under the control of Hezbollah or dark forces (counter-guerilla). Local people who are effective in public life were prevented to some extent because of the murders by unknown assailants, the predominant aim of which are frightening and intimidating the society, aimed at these kind of people. Besides, the recent albeit limited operations against the Hezbollah and cutting of the support provided for this organization because of the public protests both in the State of Emergency Region and outside the region, can be listed among the reasons that led the decrease in the number of the murders by unknown assailants.

The incidents of the last months of 1996 provided a new understanding and perspective. The Susurluk accident and the exposure of the Yüksekova gang gave important clues as to the identities of those responsible for the extra-judicial killings. That the counter-guerilla was responsible for the extra-judicial killings in the State of Emergency Region, was known and openly declared by many. The flow of information and new developments after the Susurluk accident of 3 November revealed a large organization and a powerful decision-making mechanism. The large numbers of repentants, policemen, special team members, village guards, in short “state employees” among the gun-men explained why the assailants were never caught.

The events that followed 3 November showed that “eradicating the source of terrorism” was the logic behind the infringements of the right to live that were executed so openly and freely; that the top-level institutions and executives of state regarded all means and instruments permissible to reach such an aim; and that the state personnel cooperated with radical right-wing activists and drug smugglers guilty of mass-murders. Everyone who was a hindrance, or was thought to be a hindrance to the murders and dirty connections was a target. “Susurluk incident” made everyone realize that the concepts of democracy, human rights and peace were obliterated by some individuals under a veil of state-protective ideology, and that these people would regard torture and extra-judicial killings normal, even necessary.

a)- Susurluk incidents

After a car crash near Susurluk, Balıkesir, former İstanbul Security Deputy Director Hüseyin Kocadağ, Abdullah Çatlı (who carried a fake ID with the name Mehmet Özbay) and a woman, Gonca Us, died on the evening of 3 November. (*) DYP Urfa MP and the chieftain of

(*) Hasan Gökçe, driver of the truck that hit the Mercedes, was put on trial for “incautious behavior leading to death.” Hasan Gökçe was discharged by Susurluk Detention Court at the hearing on 30 December, 58 days after the incident. The court resolved on 26 May 1997. Hasan 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. Hasan Gökçe’s testimony was as follows: “I set out to İstanbul. We had a tea break at a gas station. Then we climbed on the truck to get to İstanbul. I checked the road and

the Bucak tribe, Sedat Bucak was also severely wounded. Five guns were found in the car, two of which were MP-5 machine guns. One of the guns, a Baretta of 22 caliber was known as an “assassin gun,” this fact caused quite a scandal when it became apparent that it was imported into the country during the period when Mehmet Ağar was Minister of Interior. The gun, widely used by Israeli secret service and security, is not employed by the Turkish Security, classified “not compatible with standards.”

The accident and the events which succeeded, revealed the bonds between MP-police-radical-rightist activists, and drew much concern on the “essential attributes of the state.” The joint interests and business connections of the ministers of state, high-level bureaucrats, police chiefs, army officers with radical rightist activists, confessors and village guards was clearly revealed by this accident. It all became clear that this organization, the “gang,” as it was popularly called, was engaged in illegal acts such as drug trafficking, running casinos, collecting tributes for personal benefits, using facilities provided by the state.

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 were on their way to hand him over to the authorities.” Mehmet Ağar resigned from office on November 8. He was replaced by Meral Akşener, known for her close ties with the Çiller family. Mehmet Ağar made a statement on November 16, which later would cause much dispute; “We engaged 1000 secret operations for the welfare of the people.” These words were taken as a confession for a large number of killings, ambushes in which people with no weapons had been murdered, and caused much reaction and tension.

Tansu Çiller, who was Deputy Prime Minister at the time, declared Abdullah Çatlı “honorable” in spite of large public reaction. She made this declaration at a speech she delivered at DYP parliamentary assembly on November 26, and her words were later much criticized and regarded as an affirmation of her “infamous connections.” She implied that Abdullah Çatlı had “worked for the state”; “I don’t personally know him (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.” Likewise, DYP Deputy Head Mehmet Gölhan spoke highly of Abdullah Çatlı. He said; “someone called Haluk Kırcı just spoke and said he (Abdullah Çatlı) took no part in the events. This made him greater in my eyes.” in a TV program in which Sedat Bucak was also a guest.

Suat Parlar, lawyer and author of “Hidden State from the Ottoman Times to Present Day,” “Economy-politics of Armed Bureaucracy,” “Counter-guerilla’s actions in Turkey,” drew attention to interesting points which he called “infamous connections” in an interview in the weekly *Gazete Pazar*. Here are some highlights:

Parlar, in his evaluation of the supporters of the gang members of Susurluk Case, points out two separate laws in Turkey: “It was demonstrated one more time that they have their own ranks and that these ranks are framed within hidden but factual codes of conduct. How was this demonstrated? They attacked us saying we’re traitors. “We are the land, we are the state,” they say. I don’t think they care about being put on trial, either. It really is an irony, this “hidden state.” It’s all so apparent. There was no need for a rocket signal such as Susurluk. It’s all been so clear since the Ottoman Secret Police. But even this explicitness is not enough to provoke the Turkish society.”

He feels that the society is holding an affirmative position towards the gang by staying silent. “There are two sides to this. A silent consent of accomplices is secured and people are getting used to it. Large masses of the society take an affirmative stance towards certain ill-doings. Thousands participated in the Maraş massacre. I am of the conviction that this is an important indicator. Thousands also participated in the 6-7 September events. The domestic war that is going on unleashed a fascist potential with its own hard-liners. These hard-liners set an affirmative mechanism into action. It is not for nothing that these powers openly declare that “they are the real patriots, they are the state.” This conviction also stems from a collective social legalization process. Sad, but true.”

Parlar, linking the affirmative stance of the society with the spoils of rentiers acquired by mafioso connections, went on: “It is inconceivable in economical-political terms; the official

moved. There was no car in sight. As we were moving to the right bank there was a loud noise and jolt in the truck. Something had hit from the back. The collision was so great that the trunk was crashed. I was not fast, I had just started the engine. All of a sudden there was a crowd. I helped pull a wounded man. The other was dead. I recognized none of the deceased. The rumor that I was involved in a plot is an absolute lie.”

figures for gross national income are much different than unofficial figures. This shows that in Turkey we have to force our imagination beyond the accepted rules of economy. As far as I know OECD's official figures for last year's gross national income are 197 billion dollars, while the unofficial figures are 287 billion. Just think about the rest. This is the system."

[Parlar] states that the drug traffic, which is carried out under the control of intelligence organizations all over the world, constitutes an important revenue in Turkey. "The figures of state officials show that the profit gained from drug traffic is 25-50 billion dollars. This is alarming! No one in Turkey can claim to be free of guilt. It's not even outside the system, and the rocket signal in Susurluk necessitated a need for purification. In other words, those who control the system are in need of a purification. They are in need of stepping outside these events."

In June, before the Susurluk incident, OECD warned Turkey. "Funds accumulating in Turkey have raised questions on the legitimacy of the neo-liberal economy worldwide" it was said. After that, a draft legislation was presented to the parliamentary committee, yet it was just for show. The Söylemez case was revealed, but this was not enough. After some time the Susurluk incident took place. Had that accident at Susurluk not happened, something else was likely to come up. Something was bound to happen, because the system felt the need for restoration; some had gone far beyond their due, they should be kept in order. All institutions needed a restructuring. The legitimacy of system should be re-enforced. This process was utilized in these terms. I believe that these structures are now much more powerful and imperceptible than ever."

News of the counter-guerilla, extra-judicial killings, the relations between radical right-wing activists with the intelligence teams were reflected in public even before Susurluk. Among others, Uğur Mumcu of *Cumhuriyet* and Örsan Öymen of *Milliyet* dailies had written lengthy comments on this issue in their corners.

Doğu Perinçek, Head of the Worker's Party claimed that Deputy Prime Minister Tansu Çiller and Minister of Interior Affairs Mehmet Ağar had formed a "company of crime" engaged in illegal activities. Perinçek, who rested his case on a report allegedly prepared by MİT, suggested that this crime organization was a part of Tansu Çiller's secret team and that the bugging of telephone lines, a scandal that led to fierce quarrels was also an act of this team.

Doğu Perinçek said that the incidents and names covered the period when Mr. Ağar was Chief of Police, up to March 1995. The report, asserting that the company was directed by Mehmet Ağar and Korkut Eken, advisor to the Chief Police, also held the "team" responsible for the deaths of Tarık Ümit, Lazım Easmaelli and Askar Smitko, a drug dealer of Iranian origins. The report claimed that "Abdullah Çatlı Haluk Kırıcı, Sami Hoşnav (Sami the Albanian), Sedat Peker Abdurrahman Buğday, Mehmet Gözen and Ali Yasak (Drej Ali) were in Ağar's crime organization. It also maintained that this special crime organization was handling the drug traffic in Germany, Holland, Belgium, Hungary and Azerbaijan under the guise of "Anti-PKK and Dev-Sol operations," that they were provided with police ID's and green passports. Those connected in the drug traffic were "Hurşid Han, Nihat Buldan, Şefik Karay and Adil Tımarcı."

On October 3, Doğu Perinçek presented the file to the Head of the Parliament with the hope that it would forge the way to a parliamentary investigation. In the file, it was claimed that Tansu Çiller, when she held the office of Prime Minister, had formed a special intelligence team with the 500 billion Turkish liras acquired by secret funds; and it was stated that "Çiller is responsible for the special crime organization whose members consist of certain state officials from MİT, Police Force, JİTEM, Special Forces and some who have links with crime organizations known as the drug mafia and ultra-nationalist mafia; she has nourished, protected and manipulated this organization. This organization of Çiller's has ties with CIA and MOSSAD. The scope and activities of the CIA organization lately uncovered in Iraq is alarming."

MİT's report:

MİT's report of November 10, 1987, classified as "Top Secret", blamed Chief of İstanbul Police Ünal Erkan and his Deputy Mehmet Ağar. Some testimonies from the MİT report establish the links between high ranking police officials and the mafia:

- Tahsin Şahinkaya has close links with İstanbul Deputy Police Chief Mehmet Ağar, and Mr. Ağar is engaged in the former's private affairs, including tailoring-cleaning of his clothes.
- Mehmet Ağar has close ties with İbrahim Aslan and Mahmut Şahin, owners of the companies for which Kemal Kaçar is a coordinator; and he supplies these people with information about the investigations and interrogations which should otherwise be kept

secret. Aslan Nakliyat, which belongs to İbrahim Aslan, is in TIR transportation business, with 150 TIR. İbrahim Aslan was engaged in drug trafficking and arms trade.

- The person operating the connections between the mafia and İstanbul police is retired Homicide Chief Ahmet Ateşli, who has more power over İstanbul police than the Chief of Police. Such power is all the more apparent in the Second Branch. Chief of İstanbul Police Ünal Erkan and his assistants call him “Baba (Father) and Ağabey (Big brother). Ünal Erkan, during his office as Deputy Chief of Police, and Mehmet Ağar during his office as chief of the second branch, formed close ties with Mr. Ateşli and the police-mafia connections were enforced. Ünal Erkan, who was known to have close ties with Kurd Ahmet and Kemal Horzum in Ankara, was the subject of much controversy when he was appointed to İstanbul. He was introduced to Özal with good credentials and he became the Director of the Police force in İstanbul, bringing his staff with him.
- Mehmet Ağar had Lokman Kundakçı beaten by an underground gang, and later took him under his protection. In this way he developed close ties with Mr. Kundakçı, and he did the same with Turan Çevik. It is Mehmet Ağar who introduces underground leaders such as Turan Çevik, Fevzi Öz, Necdet Ulucan to high-level bureaucrats, even Ministers in Ankara; he secures their connections and legalizes their activities.
- Mehmet Ağar’s, Nihat Camadan’s, İsmail Taşkafa’s, Ziver Öktem’s and Necati Altuntaş’s illegal assets are transferred to Ağar’s uncle Yılmaz Akçadağ and his partner Ekrem Gocay, and these people loan money to businessmen with huge interests. Ağar’s 18 houses and estates are registered on Yılmaz Akçadağ’s former wife, Şükran Akçadağ. Ms. Akçadağ has professed that she is uncomfortable with this situation.
- Ünal Erkan and Mehmet Ağar make use of two houses in Etiler-Ulus and Kadıköy-Bostancı for their secret meetings. The house in Ulus is rented by Vekin Aktan from Diyarbakır, and the rent is paid by Behçet Cantürk.
- Mehmet Ağar is in partnership in bogus export schemes with Turan Çevik, Burak Sağman and certain bureaucrats. His business interests are under the care of his driver, a police officer named Necdet, who often goes to Ankara. Necdet has resigned from office after rumors about this connection, and rented a 160 bed hotel in Ayvalık.
- Bülent Gökben, Mehmet Serdar Alpan, Fikri Parparoğlu and Fahrettin Özdemir were caught with 10 kilos of heroin in Milan, on August 5, 1985. The Italian police searched them thoroughly and found the telephone numbers, “528 28 14” and “172 08 08”. The Chief of the Smuggling Department asked İstanbul Police Department the names of the owners of the numbers, but received an indefinite answer. These two numbers actually belong to Mehmet Ağar’s office room.

After the accident

The flow of information on “state-mafia” (*) connections gained speed after the accident. It had some very important effects, but expectancies were not met, not at least until the end of 1997. One of the most important consequences of Susurluk was the participation of masses in expressing the need for “clean society, clean state.” “A Minute’s Darkness for Continuous Light” vigil, a spontaneous “Citizens’ initiative” spread out after the initial hesitancy, in spite of the efforts of the police, the government and right-wing circles to prevent such demonstrations. (**) Large numbers of citizens expressed their hope for a “clean society - clean politics” by turning their lights off and on every evening at 21:00 hours, and by taking part in demonstrations in streets and squares.

One of the earlier demonstrations was staged by workers from DİSK on November 30. The workers sent letters to the Head of Parliament from Bakırköy and Kadıköy post offices as part of a rally for sending letters and collecting signatures. Rıdvan Budak, Chairman of the workers’ union DİSK, said the motto “Sovereignty belongs to the nation, with no condition” is just an empty phrase in the Assembly, adding “It’s not clear what the state-secret protects or serves; some state officials behind the invisible walls of national security hold the power.”

(*) Mustafa Tören Yücel, General Director of Judicial Records and Statistics of the Ministry of Justice, said that the illegal gains of the mafia, which has 23,000 gunmen, was more than 12-13 trillion TL for each year.

(**) Celal Cankoru died because of an hearth attack after he was beaten by the police for participating in “A Minute’s Darkness for Continuous Light” vigil, on February 15 1997 in Antalya.

“State-mafia” connections were protested by non-government organizations and a trial for Tansu Çiller at the High Court was demanded by political parties and unions on 7 December, in a public rally for a “Clean Society.” In İstanbul, 500 protesters walked to the Galatasaray High School with candles and torches, at a rally organized by ÖDP, shouting slogans such as; “Brighten the darkness, put the gang on trial!”

On 15 December, ten thousand assembled at HADEP’s “Clean Turkey” rally at Abide-i Hürriyet Square, Şişli, declaring that the government should put an end to the extra-judicial killings, and that the gang members should be put on trial. The security forces did not allow the protesters to open their banners alleging orders from the Governor, and a letter by HADEP Chairman, Murat Bozlak, sent from the jail, was read to the crowd. Murat Bozlak, in his letter, said; “This is a historical turning point. You shall either stand by the gang, or by democracy, law, peace and the public. We want peace. Let us walk on the gang together.”

ÖDP organized a rally on December 17. The protestors, shouting “They will either pay up for their deeds, or the public will sweep them,” parodied the cleaning of dirt with their sweepers. On December 27, a crowd of 1,000, comprising the Board Staff of Türk-İş, 28 union leaders, branch executives and office representatives, marched together.

On December 30, Tansu Çiller, head of DYP, faced a private protest of Haluk Ağabeyoğlu, as she was inspecting the İstinye Hospital. Haluk Beyoğlu, who shouted; ‘You can’t hide your gangs with this! Long live Freedom and Solidarity!’ was stopped by Tansu Çiller’s security. Mr. Ağabeyoğlu was detained for a while, and then let free.

Prime Minister Necmettin Erbakan on the other hand, declared all social protests which gained momentum at this period, “A Minute’s Darkness for Continuous Light” foremost among them, as foreign influences. He had already used the terms ‘Intrigues, envy, parasites’ on this subject; and now he took a more critical view by saying; ‘Foreign and domestic influences acting together with the provocation of PKK.’ Erbakan added; ‘Foreign powers are watching closely this great progress of Turkey. There are many who’d rather have an underdeveloped Turkey. There are those who provoke PKK and cause disturbances in Turkey, and we can all see clearly that such actions only aim to hinder our great effort for development. No one should take these actions into account. No one should participate in these artificial actions, nor spread them around, with an air of glory. These things were transient. passing, they came and passed away.’

The investigation launched by Susurluk Public Prosecution Office subsequent to the accident was later handed over to İstanbul SSC Public Prosecution Office. The indictment prepared by İstanbul SSC Public Prosecution Office after the completion of the investigation, demanded that İbrahim Şahin, the former Deputy Chairman of the Special Operations Department, Korkut Eken, the Counselor of the Prime Ministry, and the special team members Ayhan Çarkın, Ercan Ersoy, Oğuz Yorulmaz, Enver Ulu, Mustafa Altınok, Ziya Bandırmalıoğlu, and Ayhan Akça, and Abdülğani Kızılkaya, the private guard and driver of Sedat Bucak, should be punished under Articles 313 and 296 of the Turkish Penal Code, and in case the immunities of Mehmet Ağar and Sedat Bucak were abolished, both should be put on trial on the same accusations. The files concerning Sami Hoştan, Ali Fevzi Bir (who was caught later), Yaşar Öz and Haluk Kırıcı, who could not be caught in spite of the searches, and whose testimonies were not obtained, were separated. The SSC Public Prosecution Office issued the decision of non-prosecution for Hüseyin Kocadağ, Abdullah Çatlı and Gonca Us, and special team members named Ömer Kaplan and Sedat Hoştan, the brother of Sami Hoştan, who had been involved in the murder of Lütfü Topal, because of “insufficient evidence.” (*) Also in the Susurluk trial launched by İstanbul SSC Prosecution Office, all of the suspects, except one, were released after one or more hearings.

The state authorities attempted to conceal, minimize and cover the facts which had become evident. The members of the Susurluk Investigation Commission established in the Parliament frequently complained about not obtaining documents and information from the state, and stated that their activities were obstructed.

(*) The parliamentary immunities of Mehmet Ağar and Sedat Bucak were abolished on 11 December 1997. Following it, the trial of Ağar and Bucak was on the agenda. Sami Hoştan surrendered in February 1998. In 1998, there was no arrested defendant in the trial.

The Parliamentary Investigation

Five separate motions for investigation prepared by ANAP, DSP and CHP following the incident, were united and voted in the Parliament on 12 November, and it was decided that an Investigation Commission be established. In the ballot, Mehmet Ađar voted for the acceptance of the motion. Mehmet Elkatmıř form RP was assigned as the chair of “the Parliamentary Commission for Susurluk Investigation” which was established in November. In the course of the activities by the Commission, interesting statements and claims were made. For instance, Mehmet Eymür, the Chief of the Anti-Terror Department of the National Intelligence Organization (MİT), who informed the Commission on 26 December, made statements which implied the connections of ultra-nationalist Abdullah atlı, the suspect of massacre, with DYP Deputy Mehmet Ađar, who had to resign from the Ministry of Interior. Eymür, who had also accused Ađar of “maintaining relations with mafia” in the MİT report prepared by him in 1987, said: “We were informed that Tarık Ümit was interrogated by Abdullah atlı. Therefore I called Mehmet Ađar. I said, ‘Tarık Ümit is working for us. Give him back to us.’ Ađar said, ‘We’ll see, I will tell İbrahim (Şahin).’” The information disclosed by Eymür, who also stated that “atlı has been working for the State since 1983,” led to the comment that Tarık Ümit, concerning whom no information was available after he was kidnapped on 2 March 1995, was destroyed by atlı.

According to the statements by Eymür, Tarık Ümit was taken by two police officers, who came to his house in early March 1995, and said: “Boss is inviting you” by meaning İbrahim Şahin, the Deputy Chief of Special Operations Department. Upon the disappearance of Ümit and his family’s informing of the incident, Eymür called Mehmet Ađar. It was emphasized that with the information disclosed by Eymür, he confirmed the statement by Hande Birinci, the daughter of Tarık Ümit that “her father had been kidnapped by Ayhan Aka, the guarding police officer of İbrahim Şahin, former Deputy Chief of the Special Operations Department, within the knowledge of Ađar.” It was reported that Eymür did not reply the questions concerning the murder of Topal by saying “I am here on behalf of MİT. I can only respond to the questions relating to my position,” and upon questions about the gangs, he said: “I do not think there is a gang with a Ađar-iller connection. Discussions of gang will harm the state.” When he was inquired whether Abdullah atlı had been used against ASALA, he said, “I was retired then, I have no information,” and he said he did not atlı, but the state had assigned atlı to certain duties after 1983.

In the short statement made by Mehmet Elkatmıř, the Chairman of the Commission, he said that Eymür had disclosed useful information, and in particular he answered the questions concerning the claims made by Workers Party leader Dođu Perinek. When Elkatmıř was asked “Are you satisfied with Eymür’s answers?” he said “There are both satisfactory and unsatisfactory points. He disclosed what he knew. He did not present documents. We did not request any document from Eymür, he only explained what he knew.” Elkatmıř said that they requested information from MİT, and a communication of 5-6 pages was sent, but they had not examined it yet. When he was asked “Did they prepare the MİT report? What did Eymür said about it?”, he said “They did not prepare it. He said he did not know whether such a MİT report was existent, and in fact there was no such a MİT report. He affirmed that he himself prepared the MİT report in 1988, and therefore he renounced from his post at those dates.” Upon another question, Elkatmıř said: “Eymür said that he was in charge of only one unit of MİT. He disclosed what he could know in relation to that unit. Of course, the basic information will be supplied by the undersecretariat, which is the competent authority. Part of this information has been given, part of it will be sent.”

In his testimony, Korkut Eken, the counselor of Mehmet Ađar and a former MİT official, said that he and Abdullah atlı were friends. Korkut Eken, who stated that Abdullah atlı had been used for the state before 1980, said: “atlı was used in intelligence in Germany against the PKK after 1994.” While Eken was explaining how he got acquainted with Abdullah atlı, who was being searched by the Interpol via red bulletin, he said “Our meeting was a specially arranged event. I came across to atlı in a meal and got acquainted with him.” With regard to Mehmet Eymür, Korkut Eken said: “it is possible for him to know atlı.” Eken, who also answered the questions about the kidnapping and killing of Tank Ümit, claimed that he had no information about the incident. Korkut Eken said: “I know Tarık Ümit, but I have not met him for the last three years. It is not me who killed Tarık Ümit.” Korkut Eken, who also maintained that Sedat Bucak “helped the state in the fight against terrorism in a number of ways,” said: “I know him, and he is a good man.”

Also former İstanbul Security Director Kemal Yazıcıođlu, who was suspended from duty on grounds that he concealed some of the information with regard to the murder of Ömer Lütfü

Topal, testified to the Commission. Yazıcıoğlu said that when 3 special team members were in detention, Sedat Bucak called him twice and asked why his guards were detained. Yazıcıoğlu said: "I told him that we had found no evidence of offense. We would release them, but the Security Deputy General Director Halil Tuğ phoned us and told that not to release them, and a team led by İbrahim Şahin would come and take them to Ankara. Şahin came and took them." Yazıcıoğlu said: "It was neither my nor Ağar's initiative to assign the police officers as guards for Bucak. That was the order by Halil Tuğ." Yazıcıoğlu stated that he did not know Çatlı, and that the real identity of Çatlı could be established only after he had been caught in İstanbul with a fake passport arranged for Şahin Ekli and had been released. Yazıcıoğlu disclosed that they were informed that some persons had been used in covered state operations, and he did not approve the practices of using Çatlı and the like on behalf of the state. Yazıcıoğlu said that he had met with Mesut Yılmaz once or twice, but he did not present any document to him, and that he did not have any cassette. Yazıcıoğlu maintained that he did not take part in the interrogation of three special members, and the interrogation was conducted by the police, not MİT.

Süleyman Demirel sent the documents which he took from Doğu Perinçek and Mesut Yılmaz to Kadri Keskin, the Undersecretary of the Prime Minister, on 19 November. It was reported that the file included 181 pages of gazette clippings under 28 headings; "the New MİT Report"; the applications with accusations against Deputy Prime Minister Tansu Çiller; the journal *Aydınlık*; and a declared signed by "Patriotic police officers." It was stated that in the declaration, a group of police officers who called themselves as "Patriots," had disclosed "the dirty and dark events within the organization." In the file, it was emphasized that Tolga Atik, who was known to have relations with Tansu Çiller, and who served in the DYP General Center, had been assigned first to the Undersecretariat of the Prime Ministry, and then to MİT. President Süleyman Demirel also sent a letter to the Prime Minister Necmettin Erbakan, and informed him of the claims by Mesut Yılmaz that "Certain members of the Special Operations Department were involved in drug trafficking, gambling house, racket collecting, murder, etc. Although these police officers who had been involved in the murder of Ömer Lütfü Topal, confessed their guilt, they were summoned to Ankara, and they are still free. The documents were in İstanbul Security Directorate. The tribe chief is using the state. There are 100-120 persons who have been involved in the offense. They are the murderers who are under service of the state."

Upon this letter, Necmettin Erbakan sent two investigation orders to the Undersecretariat of MİT and the Security General Directorate. In the instructions signed by Undersecretary Kadri Keskin, it was requested that "an investigation on this subject should be performed urgently, and the resulting report should be sent to the Prime Minister." The files which also included the letter written by Süleyman Demirel were conveyed to the Parliamentary Commission for Susurluk Investigation. It was reported that the files included the all of the correspondence made by the Prime Ministry, the Ministry of Interior, MİT and the Security General Directorate. The file also included the report concerning the investigation undertaken by the Inspection Board of the Security General Directorate upon the instruction by the Prime Minister Erbakan. The report dated 5 December 1996 and signed the police chief inspectors Vasfi Selim Tek and Yalçın Çizen, included the Susurluk accident and the findings from the accident.

The inspectors reported that Sedat Bucak and his guards departed from Ankara around 11.30 on 27 October 1996. On 29 October, they arrived at the place where Mehmet Özbay (Abdullah Çatlı) stayed. At 15.30 the same day, they went to Yalova with two automobiles. On 30 October 1996, they went to Burhaniye in order to a buy land and the same day, they checked in the Princess Hotel in İzmir. They stayed there for two days. On 31 October 1996, Gonca Us joined in the group. In the morning of the same day, Hüseyin Kocadağ flew from İstanbul to İzmir without getting permission from the Security Directorate, upon the invitation from Sedat Bucak. He checked in the Princess Hotel, where Bucak stayed, and stayed alone in a room. The daughter of Mehmet Ağar was also in the same hotel for treatment purposes. But, the persons in questions did not meet with Mehmet.

In the report, it was emphasized that the address specified by Abdullah Çatlı for the gun license, was the lodgment of the Fatih Police Station. According to the report, in his statement, the chief superintendent Doğan Şimşek, who was then the chief of the police station, said that the inquiries report was prepared by the police officer Dinçer Sarıboğa, and was signed by him without due care. The headman Burhan Kocapehlivan told that he had issued the residence certificate for gun license upon a demand by a police officer.

The Commission complete its activities in April 1997. Chairman of the Commission Mehmet Elkatmış presented the 350-page Susurluk Report to the Deputy Spokesman Kamer Genç. The report included they demand for the abolishing of the immunities of Mehmet Ağar

and Sedat Bucak. In the evaluation section of the report, it was said: “It has been established that Abdullah Çatlı, Sedat Bucak and Hüseyin Kocadağ, and their guards were preparing for a illegal armed action, that they obtained the guns within the knowledge of Mehmet Ađar, and as for the Tarık Ümit incident, the behaviors of Mehmet Ađar and İbrahim Şahin, revealed that they were informed of the existence of Çatlı and his actions with the said persons.”

The “Mafia-state” connections were dealt with in a meeting of the party leaders presided by President Süleyman Demirel on 22 December. The Prime Minister Necmettin Erbakan, the Deputy Prime Minister and the Foreign Minister Tansu Çiller, Mesut Yılmaz, Bülent Ecevit, Deniz Baykal and Muhsin Yazıcıođlu participated in the meeting.

Süleyman Demirel declared the aim of the meeting as follows: “I am not willing to be involved in any political polemic between the government and the opposition. However, if this incident is hushed up, that will do harm to the state.” In the summit, Prime Minister Necmettin Erbakan read several sections from the MİT report. In the report, it was stated that “Abdullah Çatlı had been commissioned against ASALA during the times of Kenan Evren, and the organization had been existent since then.” Moreover, Necmettin Erbakan declared that Kemal Yazıcıođlu, who had been suspended from this post in İstanbul Security Directorate, told him that “I will solve this in 15 days.” Mesut Yılmaz, who was expected to deliver the documents he had, did not deliver them, but only explained their content. Mesut Yılmaz said that Mehmet Ađar had issued gun carrying licenses also to other people in addition to Abdullah Çatlı.

Mesut Yılmaz conveyed the documents in question to President Süleyman Demirel on 23 December, and to the Parliamentary Commission for Susurluk Investigation on 24 December. It was reported that among them, the most important was the gun license issued to Yaşar Öz, who had been accused of drug trafficking. This license which was similar to the one issued for Abdullah Çatlı, was signed by Security General Director Mehmet Ađar. The license included the statement that “Since the holder of the document Yaşar Öz, is working as the Technical Counselor in the General Directorate, he is permitted to carry gun within the period he spends in our country. Mehmet Ađar, the Governor, the Security General Director.” It was stated that in another document submitted by Yılmaz, the telephone number produced by a drug smuggler who was caught in Canada (*) was the telephone number of the Private Secretariat of the Prime Ministry as the contact point in Turkey. Mesut Yılmaz presented also the copies of the fake green passports belonging to Tarık Ümit and Yaşar Öz, to the Commission.

In the statement made after the meeting it was declared that “they reached to a consensus on taking the necessary action in order to free the state off the accusations” and that if necessary, the parliamentary immunities might be abolished.

Listening telephone calls

One of the points achieved by the “gangization” and lack of law within the state was telephone listening, which led to intensive discussions in this period too. From time to time it was determined that the telephone were listened without abiding by the legal provisions, and later it was learnt that the SSC public prosecution officers had issued permissions for listening not only certain telephones, but also all cities, regions and all cellular telephones. For instance, in September it was revealed out that Ankara SSC had issued permission to the Security General Directorate in January 1995 for listening the telephones. With the decision by Ankara SSC, the listening by the Security General Directorate of all telephones including the cellular and mobile telephones which are under the responsibility of PTT and private companies was “legalized.”

(*) An article by Gülçin Telci, published on 19 October in the daily *Hürriyet*, reads as follows: The Security General Directorate was informed when a contact telephone number in Turkey was found on smuggler named David Dingwall, who was caught by the Canadian police. It was found out that the telephone number belonged to the Secretariat of the Prime Minister. The Security General Directorate demanded information from the Undersecretariat of the Prime Ministry with a letter dated 21 January 1995: “It was understood that a person named David Dingwall directed the drug trafficking in Toronto via mail, that as a result of the investigations conducted in Canada, a person named Bert Samuel Davidson was arrested in this country, that on the packages were an address for return in the Netherlands, that in his testimony, Davidson stated that he was given the telephone numbers 673 344 93 and 693 72 80 in the Netherlands and 312-417 04 76 in our country so that he could contact with Dingwall, and that he made telephone calls for several times with a person named Michael via this telephone number in our country.” On the other hand, Akın İstanbullu, the Secretary of Prime Minister Tansu Çiller, replied: “The telephone number specified in your letter belongs to one of three telefax devices in our directorate. As a result of the investigation conducted in our directorate, it was understood that no communication as specified in your communication in question had not been done.”

With this decision, the police could listen the telephones in Ankara, Samsun, Bolu, Zonguldak, Kastamonu, Amasya, Çorum and Bartın, which were included in the jurisdiction of Ankara SSC.

The Security General Directorate applied to Ankara SSC Prosecution Office with a letter dated 29 December 1994, and demanded permission for the periodical delivery of the telephone numbers and address registers in Ankara and related cities, to the Directorate. Ankara SSC gave the permission. The decision by the SSC was as follows: “As it can be understood that such practice will not violate the freedom of communication, since it can be concluded from the scope of the Article 14 of the Constitution that the rights and freedom specified in the Constitution cannot be used in order to destroy the constitutional order, and that there will not be any legal obstruction for the Security General Directorate of the Ministry of Interior, commissioned for the protection of the constitutional state order, to take the necessary arrangements and measures, it has been decided that the necessary practice be permitted with rights of objection.”

After obtaining the power to receive and examine the computer bands in the telephone switchboards, the Security General Directorate applied again to Ankara SSC Prosecution Office with a letter dated 10 January 1995, demanding permission for the mounting of the special devices supplied by them to all of the telephones switchboards and the transmission lines, including the mobile and GSM, of PTT and the private companies. Next day, Ankara SSC Prosecution Office referred the issue to the SSC Office with a letter dated 11 January 1995 and numbered 1995/240. The court decided to issue the permission to the Security General Directorate on 12 January 1995 on grounds that “issuance of such permission shall not be contrary to the Article 22 of the Constitution on the freedom of communication, since the Security General Directorate is commissioned and empowered to prevent the activities of the crime elements which threaten the constitutional order and the qualities of the republic, the indivisible integrity of the country and the nation.” The decision was again signed by the Judge Major Ülkü Coşkun.

Minister of Interior Mehmet Ağar advocated the permission obtained secretly from the SSC for the listening of the mobile phones. Ağar, who claimed that everything was done in compliance with the laws, said that they prevented significantly the terrorism and smuggling with the help of the listening system. Mehmet Ağar said: “In this way, the terrorism has been eliminated in the great cities for 3-4 years. No dynamite explosion has occurred in the coastal stripes for three years. We have seized numerous PKK militants, but how? Still, the other day, we seized 2.5 tons of base morphine, but how? We have undermined the terrorism with the help of this technology. How can it employed for other purposes? If it has been employed, who has been mistreated until today? What was done to any political figure or anybody, to whom? This practice is undertaken by a small number of personnel and prevented the terrorism in Turkey. PKK has not been able to settle down in the cities for three years. The sole reason for this is our technological endowment. Explaining the details of the system means betrayal to the country.”

When it became known that during his office as the Security General Director, Mehmet Ağar had obtained permission for listening all telephones from the SSC, Deputy Prime Minister Murat Karayalçın described the decision as being contrary to the Constitution, and said: “I gave great importance to this issue. Unless they are specifically informed, the Minister of Justice, the Deputy Prime Minister, or even the Primes Minister will not be aware of such a decision. The judicial branch does not inform specifically the executive branch of the its decisions. If the prosecutors informed the Ministry of Justice, an application would be made to the Supreme Court.” Prime Minister Tansu Çiller preferred to keep silent.

In was revealed that among those whose telephones were listened was Mesut Yılmaz. (*) On 27 November, Yılmaz replied a question on this issue: “Yes, we are currently being listened by the state in this room. We have nothing to worry about being listened. This may only make our political rival advantageous, we have nothing to worry about in the face of anybody.”

The listening devices, called “ears,” were removed from the house of Mesut Yılmaz on 29 November. Three experts who came to Mesut Yılmaz’s house and room next to it, searched the office which was formerly determined to be listened, and revealed out three listening devices. It was reported that the devices worked on batteries which were capable of lasting for 7 days. The experts stated that since the devices were voice-sensitive, and worked only when there were voices, the devices worked for more than 7 days. No devices were found mounted to telephone

(*) ANAP Leader Yılmaz was punched by an assailant in Budapest on 24 November. Assailant Veysel Özerdem hit Mesut Yılmaz in the lobby of the Budapest Hilton Hotel and ran away. In February 1998, Veysel Özerdem was extradited to Turkey.

devices, but the telephones were listened via the switchboard system. The experts said: “The telephone devices without the listening devices does imply that the telephones are not listened.”

Abdullah Çatlı

Abdullah Çatlı, who was the Deputy Chairman of the *Ülkü Ocakları* Association (ultra-nationalist youth centers activating in line with the MHP ideology) (its Chairman was Muhsin Yazıcıoğlu) before 12 September 1980, was a well-known figure before the accident. The connections and the power of Abdullah Çatlı, who had been involved in the murder of Abdi İpekçi, and who was known to be responsible for the Bahçelievler massacre, became more evident following the Susurluk accident. It came out that Abdullah Çatlı was not “an ordinary militant,” but one of the executives of the counter-guerilla. For instance, Avni Çarsancaklı, an executive of ANAP who was prosecuted in the MHP case in the 12 September period, said the following on 6 November: “The State was using Abdullah Çatlı for its operations. He was a person who would meet Mehmet Ağar, and who would have meal with Tansu and Özer Çiller.” It was established Abdullah Çatlı had numerous fake ID cards as well as a green passport issued to top ranking state officials, and a special license for carrying all kinds of guns, and that he went abroad with the fake ID cards, that he signed official documents, and that even once he was detained and released with suspicion.

It was revealed that Çatlı had been detained by the police since he opened fire into air in Erdek, Balıkesir on 31 August, put on trial and released, with the fake ID card issued for Mehmet Özbay, which was also found on him in the Susurluk accident. It also came out that Çatlı had also been given a gun license in the name of Mehmet Özbay. It was understood that the license had been approved by then-Security General Director Mehmet Ağar. Susurluk Public Prosecutor İmdat Kaçan, who conducted the investigation following the accident, declared that one of the guns found in the car of Sedat Bucak had been licensed for “Mehmet Özbay.”

It was found out that the address given by Abdullah Çatlı to the court in Erdek was İstanbul Fatih Mecidiye Police Station. Abdullah Çatlı had declared his home address as Fatih Şehremini Validergahı 57. Street. The entrance floor of the four-flat building is used as the police station, and others as police lodgings. It was learnt that among those staying in lodgings was the Supply Branch Chief Mehmet İşbiren, one of the defendants in the Metin Göktepe case.

Another development was the hand grenade found in front of Bizim Yuva Apartment at İstanbul Florya Füze Street No 12 on 22 October. It was revealed out that Abdullah Çatlı was staying in his real identity in the first flat of the building, and that the hand grenade was found next to the car of the daughter of Çatlı. It was claimed that the hand grenade might have fallen from the car of Çatlı or that of his guards. It was determined that Çatlı had moved to the building where a number of businessmen stayed, together with his wife Meral Çatlı, his daughters Sercan and Gökçen in 1995. It was found out that Meral Çatlı, who had applied to the Şenlikköy Headman Office with the document taken from the Paris Embassy, had said that they had just bought the house registered on her name, and they had moved from Paris.

Hasan Yalçın, the Publication Director of the journal *Aydınlık*, held a press meeting on 9 November, and stated that Abdullah Çatlı had been kidnapped from the Bostadel Prison in Switzerland by CIA. Yalçın, who stated that Çatlı and his group had thrown molotov cocktail to the Armenian monument in Marseilles, said: “The authorities regarded the incident as failure. Abdullah Çatlı and his group had taken one million dollars from the state for this job. The failure of this operation led to the spoiling of the relations between the ultra-nationalists and MİT.” Yalçın stated that Çatlı and his group had been transferred to JİTEM later, and Çatlı had obtained a green passport during those times. Hasan Yalçın said that when Mehmet Ağar became the Governor of Erzurum in 1992, and the relations of Abdullah Çatlı with MİT improved again.

Hasan Yalçın alleged that the coup in Azerbaijan had been “contrived” by then-Minister of State Ayvaz Gökdemir; he said: “Elçibey said to Abdullah Çatlı ‘I am a teacher of history. You find another person, let me be the President later.’ Abdullah Çatlı said him that Süleyman Demirel, Tansu Çiller and Alpaslan Türkeş wanted him to be the President. This meeting and the Abdullah Çatlı’s preparation for a coup were transmitted to KGB by İ.Ü. (İrfan Ülkü), former reporter for *Tercüman*, who worked in MİT and who was a secret agent of KGB. Meanwhile, Süleyman Demirel called Haydar Aliyev, and wanted him to support Elçibey. But Süleyman Demirel was worried about Tansu Çiller’s plans on the Middle Asia and Azerbaijan. Therefore, he informed Aliyev about the coup. Azerbaijan Ministry of Interior suppressed the coup.”

Hasan Yalçın declared that MHP leader Alpaslan Türkeş had made great efforts in order to bring İsa Armağan, who was one of wanted nationalist militants, to Turkey; and said: “İsa

Armağan was undermining MHP abroad. His support for the BBP (Great Union Party) was weakening the ultra-nationalist *Ülkü Ocakları* Association. Abdullah Çatlı was disappointed with the fetching of Armağan. Abdullah Çatlı was supporting financially the other ultra-nationalist party. This support had been requested from Çatlı by the Major Cem Ersever.”

In the book titled “The Wolves of Saint-Pierre” written by French journalist Jean-Marie Stoerkel, the activities of Abdullah Çatlı in Turkey, the relations with Mehmet Ali Ağca and Oral Çelik, drug trafficking and arms trade were explained. Follows are certain sections of the book:

He took Ağca out to abroad: *Abdullah Çatlı himself arranged the flight of Mehmet Ali Ağca to abroad after the murder of the journalist Abdi İpekçi. After Ağca escaped from the prison, he stayed in the house of Çatlı in Ankara for two days. The passport which Ağca used when he was escaping abroad, was issued by Nevşehir Security Directorate, the place of birth of Abdullah Çatlı, on 11 August 1980. The fake passport on which the photograph of Ağca was attached, had been arranged in the name of Faruk Özgün. The register in which 11 fake passports were recorded, was burned suspiciously on 1 February 1983 after the attempted assassination of Pope. In a report published by the Bulgarians, it was emphasized that the Italian prosecutor Marini had had a secret meeting with Abdullah Çatlı in Paris in 1985. In this meeting, Çatlı disclosed Ağca’s lies. Çatlı, who did not admit that he was the accomplice of Ağca, did not conceal the fact that he helped his friend with regard to the passports and guns. When in the court Çatlı stated that Western German secret service offered him 500 thousand dollar provided that he cooperate with Oral Çelik against Ağca, it made a significant impact.*

He had been involved in drug trafficking: *Abdullah Çatlı, who was one of 17 Turks in the list of the Italian anti-terrorism police DIGOS, worked under the service of Abuzer Uğurlu in Varna, Bulgaria after the Bahçelievler massacre in 1978. Abuzer Uğurlu, who has been cooperating with Bulgaria since 1969, was reportedly trained as a Bulgarian secret agent in 1974. In his confessions, Ali Yurtaslan, one of the suspects of the Bahçelievler massacre, emphasized the Çatlı’s vital role in smuggling guns from Sofia to Turkey since January 1978. He says: “Immediately after the massacre in December, Çatlı went to Varna, and start to work with the Turkish mafia: Abuzer Uğurlu and Oflu İsmail. These people were providing MHP with guns. Heroin was sent as payment for the guns from Europe... The Grey Wolves (Bozkurtlar) were controlling the heroin distribution and were using the incomes in the purchase of guns.”*

They were imprisoned with fake names: *When Nevzat Bilecen was caught from the drug smuggling on 2 July 1984, the telephone numbers of Çatlı and Çelik in Poitiers were found on him. The French police made the Interpol issue a red bulletin for Çatlı and Çelik on 7 September. The two fugitives were travelling in a car with a German license plate, registered in Stuttgart. They would frequently visit the Turkish Culture Association (Türk Kültür Ocağı). In mid-September 1984, they left the flat in Poitiers. Çatlı, who had obtained a new passport, settled down in Victor-Hugo street in Clichy with his wife and two daughters. Upon a heroin denunciation, the French narcotic police raided the house of Çatlı, and found 400 grams of heroin. Abdullah Çatlı concealed his identity and claimed to be Hasan Kurtuluş.*

On 10 February 1986, Abdullah Çatlı was sentenced to 7 months in prison by a French court. And in November 1986, Oral Çelik was caught in car with a Dutch license plate, and with secret compartments full of heroin in Halluin in the Belgian border. Oral Çelik, who claimed to be Bedri Ateş, introduced him as a PKK militant in exile. A political refugee card was found on him. Çatlı was extradited from French to Switzerland on 25 November 1988 provided that he would be not sent to Turkey, where he was being searched for a charge of death penalty; he was accused of bringing one kilogram of heroin in 1982, and 3 kilograms of heroin in 1984, to Switzerland. Çatlı, who was caught when he attempted to escape from the Basel prison, was put on trial on 16 April, and answered the questions by Meier about the ultra-nationalists. Çatlı was sentenced to heavy imprisonment of 7 years, and non-residence in Switzerland in 15 years. After serving his time in the French prisons, Çatlı was imprisoned in the Bostadel Prison in Switzerland, and he was able to escape from the prison together with five prisoners. Later he appeared in an accident in Turkey, but this time he was dead.

The confessions of the ultra-nationalist: *Abdullah Çatlı was the commander of the armed raid into a house at Ankara Bahçelievler 15. Street on 9 October 1978. In “The Confessions of Ali Yurtaslan” written by Ali Yurtaslan, one of the former ultra-nationalists who had participated in the incident, but confessed later and hid himself in Sweden and Norway, he stated that Çatlı himself had given the order for the killing of 7 members of the Turkish Worker Party (TİP). Çatlı was called as “Chiefmaster” within the nationalist world at those times. Seven days before the Bahçelievler massacre, a bomb which was thrown at Ankara University led to*

the killing of many students. It was also claimed that Çatlı was responsible for this incident. One month following the incident, a MHP militant carrying TNT was caught by the police. The youth confessed that the explosives had been given to him by Abdullah Çatlı to be distributed, and he died by falling down the window of a police station in Ankara. When Abdullah Çatlı became the Deputy Chairman of the *Ülkü Ocakları*, he prepared the escaping plan for 40 ultra-nationalists from the *Sağmalcılar Prison* in order to celebrate it. On 2 November, he himself arranged the attack against the *Sağmalcılar Prison*. The collaborator prison guards helped the ultra-nationalists enter into the prison, and the other guards were put in the cells. And in a few seconds, 13 ultra-nationalist prisoner were taken out.

When Abdullah Çatlı returned from Bulgaria on 28 September 1979, he was accused of shooting Adana Security Director. Later Çatlı was seen together with Mehmet Şener, who had given the gun to Ağca to kill Abdi İpekçi, and who had been searched by the Turkish police since 1979, in Zurich in Switzerland on 22 February 1982. While Şener was arrested on charges of carrying a fake passport, Abdullah Çatlı was released with 48 hours by the Swiss state police in spite of his murders in Turkey. The Turkish Security Directorate's demand for his extradition to Turkey arrived after the suspect was released. A similar case was experienced when Oflu İsmail was caught in London on charges of carrying gun. The British police asked for the fingerprints of Oflu İsmail from Ankara. For some reason, first the wrong fingerprints were sent to the Scotland Yard. The real fingerprints were sent after Oflu İsmail was released on bail. Although it was found out that he was searched in Turkey on charges of murder, Switzerland did not pursue Çatlı since he demand the right of asylum. Mehmet Şener was imprisoned for 13 months, and since the Lausanne Court held it he should be extradited to Turkey, he was released.

Life with Oral Çelik: Afterwards Çatlı started to live with Oral Çelik in Paris. After a few weeks, Çatlı was accompanied by his wife Meral and his two daughters. These five people settled down in a flat at the 15th flat of a building in the Alphonse-Daudet street, which was hired by Çatlı with the fake name of Hasan Kurtoğlu. His Turkish friends who visited him knew Oral Çelik as Attila. And Çelik would introduce Çatlı to his neighbors as the son of his uncle. Both would say they were the students with scholarship from the Turkish government. They would frequently go to Switzerland and Paris. Oral Çelik, who lived with Çatlı in Paris, was seen in Switzerland in May 1984. An ultra-nationalist, Nevzat Bilecen took him to Geneva with car.

He smuggled drug together with Oral Çelik: Abdullah Çatlı, who managed to escaped from the hands of the Swiss foreign police, called Nevzat Bilecen (32), with whom he acquainted in a meeting of the ultra-nationalists in Olten, Switzerland, while he was wandering about together with Oral Çelik, and made an appointment with him in the Zürich Mosque. He told him that the organization needed money, and requested him to go to Turkey and bring one kilogram of heroin. Bilecen accepted the proposal. Bilecen told Çatlı that while he was serving his military duty he was the driver of a MİT General, and while he was working a companion painter he performed espionage for MİT about the communist Kurds in Switzerland. Bilecen went to Turkey via Italy, and took the heroin from the brother of Mehmet Şener.

Oral Çelik

Oral Çelik, who was key person both for the murder of Abdi İpekçi, the Publication Director and chief author of the daily *Milliyet* (1 February 1979), and the attempted assassination of Pope II Jean Paul, and for the international gun and drug smuggling, was being searched by the Interpol with red bulletin on charges of murder of a leftist teacher and the wounding of another in Malatya on 9 May 1979, and for the murder of İpekçi. When Mehmet Ali Ağca, the suspect of the murder of Abdi İpekçi, was caught, the name of Oral Çelik entered into the agenda. It was claimed that the escaping of Ağca from İstanbul Kartal Maltepe Military Prison on 23 November 1979 had been planned by Oral Çelik and Abdullah Çatlı.

Oral Çelik was caught in Switzerland in 1985 and was deported. Oral Çelik was released in the French border checkpoint, and started to carry the fake ID card in the name Bedri Ateş. He caught with heroin in his car in France in November 1986 and was imprisoned for 4 years under this name. On 28 September 1990, the Italian interrogator judge for the Pope case, alleged that Bedri Ateş, who was under arrest in France, was Oral Çelik, who was being searched by the Interpol. When he was re-interrogated, Çelik confessed that he was using a fake ID card. He was sentenced to 30 months in prison on charges of using fake ID card in September 1993. In 1993, he was extradited from France to Italy. On 21 December 1993, he was interrogated by the prosecutor who also interrogated Ağca. Ağca, who was confronted with Oral Çelik, recognized him. Also, Nedim Şengün and Ekrem Tekgül, who came from Turkey to Italy together with the police,

identified Oral Çelik. The parents of Oral Çelik in Malatya, identified their son from the photographs shown. However, since in the Pope case, his existence in the San Pietro square where the assassination had been attempted, he was released. After he was imprisoned for 2 years for a drug case in Italy, he acquitted and was extradited to Switzerland.

Oral Çelik submitted a petition to the prosecutor in Italy in September 1995, stating that he wanted to go to Turkey and deal with politics in MHP; he was extradited from Switzerland to Turkey on 14 September, and was arrested by İstanbul Heavy Penal Court No. 4 on 16 September. The prosecution of Çelik in the trial launched in 1991 on the demand of the death penalty started immediately. The indictment asserted that Oral Çelik planned the murder of Abdi İpekçi in collaboration with Mehmet Ali Ağca, he provided the guns, he performed scouting in the incident, and sought the death penalty for him under Article 450/4 of the Turkish Penal Code. Oral Çelik rejected the accusations and stated that he had been put on trial for the Assassination of Pope in Italy, and acquitted. Oral Çelik alleged that his name had been put forward by Uğur Mumcu with regard to the assassinations of İpekçi and Pope “in order to carry the rightist-leftist clashes in Turkey to Italy”, and he said: “Uğur Mumcu made great efforts so that I would be put on trial for the assassination of Pope and the assassination of İpekçi. I have read the statements by Mehmet Ali Ağca. They are full of contradictions. But he is not accusing me in the official records. He has accused me in order to utilize from the execution law. They tried to show the assassination of Pope as a political action, and put me and my beliefs on trail. Mumcu’s comments and the press wrote unreal things about me. They thought that ‘if Çelik was involved in the assassination of Pope in Rome, he must have been involved in the assassination of Abdi İpekçi in İstanbul.’ I am sure, they will distort the things I said today in the court.”

In the hearing held on 16 October, Oral Çelik said that he had helped Mehmet Ali Ağca to accommodate after he had fled away from the military prison. When Oral Çelik was reminded of his words as “I admit the offense, I want to be extradited to Turkey” in his testimony he gave in France with respect to the murder of Abdi İpekçi, stated that he did not admit the offense, and he said: “I just said that I wanted to give my testimony only to the Turkish justice for this issue. My words were misunderstood.” When Oral Çelik was also interrogated with respect to the claims by Uğur Mumcu about him, he said: “He just collected materials for his books he wrote in line with his political views and for economic benefits. He used me and this incident as means of advertisement.” When he was reminded of the fact that in the meeting of Uğur Mumcu with Mehmet Ali Ağca in the accompany of the Italian prosecutor Martella, Mehmet Ali Ağca was “Who killed İpekçi?” and he replied “Oral Çelik,” Oral Çelik said: “Even Mumcu had written that it was impossible to find out when Ağca told the truth or the lie. This answer given by such a person does not imply my involvement in the incident.”

Oral Çelik also appeared before İstanbul Heavy Penal Court No. 4 on 13 November, a short time after the accident. In the hearing, the Court Board decided to hear “the unexpected witness,” who wrote a letter to İstanbul Chief Public Prosecutor Ferzan Çitici, asserting that he would give evidence related to the murder of Abdi İpekçi should “his life security” was ensured. But, this witness named Abdullah Yavuz did not appear in the hearing on 11 December. “The unexpected witness,” who was heard in another hearing, testified so as to acquit Oral Çelik contrary to the expectations. Following these statements which were confirming the claims that the witness had been threatened or bought, the release of Oral Çelik appeared on the agenda.

İstanbul Heavy Penal Court No. 4 decided to release Çelik in the hearing held on 10 January 1997. In the trial for the killing of a teacher and the wounding of another in Malatya, Malatya Heavy Penal Court also decided to release Çelik. Thus, he was released from Kırklareli Prison on 22 January 1997. The investigations initiated about Oral Çelik on charges of “being a member of an illegal organization,” and “escaping Ağca from Maltepe 2. Armored Brigade Military Prison” and “carrying unlicensed gun,” were rescinded because of overdue.

Gladio’s extension in Turkey

There were significant amounts of clues implying that Abdullah Çatlı and other persons who became known following the Susurluk accident, formed the arm in Turkey of the “Gladio” organizations which were formed in the European countries following the World War II against the possibility of a Soviet occupation. Moreover, the dark connection such as Gladio, which had been continuously dealt with by numerous journalists and researchers for years, were evidenced again by the Susurluk accident. Some of the essays and news published in the newspapers with regard to the counter-guerrilla activities and their effects are as follows:

Counter-guerrilla Laboratory: Cyprus (11 July 1996-Evrensel/Fatih Polat)

The headlines of the local newspapers on 3 May 1958, Friday read in large sizes: "The carrying of the Turkish flag in the spring festival led to disappointment. The aliens cannot carry our flag. What had happened? Why were these headlines written? Were these the preparations for the hunt for the leftists in order to destroy the friendship between the Turkish and Greek people under the pretext of 1 May, in a period when the British government still continued?"

These are the introduction of the article by Kutlu Adalı, the author of the Yeni Düzen newspaper who was killed by the counter-guerilla recently, about the massacres done in the Island following the 1 May demonstrations in 1958 which were held together with the Greek and Turkish workers. The article titled "The leftists can be Hunted in May" which was published in the Yeni Düzen newspaper on 1 May 1989 goes on as follows: "When we take into consideration the bloody incidents which developed following immediately 1 May 1958 Thursday, we observe that the hunt for the leftists and communists really have begun in order to destroy the friendship of the two peoples, and that the chauvinist forces in both communities were taken out of the underground and started the bloodshed." When you read the rest of his article, the incidents would seem familiar and you would say "we have seen this movie" even though you do not know Cyprus and its history.

Maraş, Çorum, '77 1 May', '80 fascist coup and practices following it, the killing of the revolutionists, intellectuals and progressive persons on streets by "unknown" assailants, the incessant "disappearances," the bombings of the newspapers and parties, the evacuations of the villages by burning down and bombing them, the murders of the journalists, the executives of the mass organizations, the trade unionists, and the deputies, etc., have all engraved in your mind the geography you are living in as "the republic of counter-guerilla." The feeling you get about the identity of this movie, results from the fact that the movies has been shot there. In its crawling stage, the counter-guerilla has performed a lot of exercises in Cyprus, and when it started to walk, it returned back to its "motherland" as a capable child.

The first name of the child is the Turkish Resistance Organization (TMT). His father is the Special War Department assigned by the General Staff Office. The organization would take care of the regional interests of the collaborator Turkish bourgeois in the island. Everything would be done for the interests of the Turkish bourgeois in the island under the pretext of protecting the "Turkish" interests against the desires of the collaborator Greek bourgeois for connecting the island to Greece with the help of EOKA (the Cyprus Struggle National Organization). Kutlu Adalı says: "we observe that the hunt for the leftists and communists really have begun in order to destroy the friendship of the two peoples, and that the chauvinist forces in both communities were taken out of the underground and started the bloodshed of the leftists." What he means are the EOKA, the underground organization of the Greek bourgeois which was established in 1955, and the TMT, that of the Turkish bourgeois which was established in 1958. While one of them declares that it is 'fighting for the interests of the Greeks and the Greek people', the other is on the stage with the propaganda that it 'takes care of the interests of the Turks and the Turkish people'. The murders on which the article by Kutlu Adalı focuses, occurred following the establishment of the TMT. While the TMT is trying gather the Turkish people in the island around itself under the propaganda that it is working in order to prevent the island from being connected to Greece, the political murders for which the "assailants" are never explained by the executives start.

Then begins the killing of the Turkish revolutionists, intellectuals and trade unionists who emphasize "the living together with the Greek workers, and the struggle of the workers in both communities together for the common interests of the workers of both communities," and who appear under such an identity. The murders which point to the TMT continues until 1965.

In his article "The Leftists Can be Hunted in May" dated 1 May 1989 and "Cyprus Notes," Adalı lists the main murders as follows: Sadi Erkut and his wife, who work for Leftist Worker Units, are shot injured on 21 May 1958. On 22 May, Fazıl Özer (32), who is known to be an opponent, is shot dead. On 25 May 1958, Abdurrahman Candaş and Hasan Yaman Ali, who are also known to be opponents, are shot, which is followed by the killing of Ahmet Yahya on 26 May 1958. After the May incidents, the counter-guerilla attacks and murders discontinue for a year. On 7 June 1959, the Turkish News Office is bombed. Following it, journalist Ayhan Hikmet and Ahmet Muzaffer Gürkan, who are the shareholder and executives of the Cumhuriyet newspaper published in the island at that time, are killed. These colleagues of Kutlu Adalı are the first press martyrs which are the victims of the counter-guerilla murders in Cyprus. These two murders took place after the bombing of 'Bayraktar Mosque,' which influenced the island to a great extent. Hikmet and Gürkan, who say the bombing is not done by the Greeks as claimed, but by the fascist powers from Turkey, has written that they will explain who has bombed the

Bayraktar Mosque the next day. But this declaration is their last essay. In 1965, Derviş Ali Kavazoğlu, a member of the Communist Party (AKEL), is killed. None of the assailants of these murders and bombings have been found.

Then the counter-guerilla actions ceased until 1980. Afterwards the victims of similar actions will be selected among those who define the 1974 landing performed by the Turkish capital as 'an occupation.' The persons and institutions defining the 'Greek' side as power with which to live together, not as an enemy contrary to the official discourse, advocating that the Cyprus problem should be resolved not between the leaders of Turkey and Greece who are dependent on imperialism, but with the choices of the peoples of the island, are chosen as target.

On 14 February 1980, journalist Kutlu Adalı is again a target. His house in Lefkoşa is shot. The assailants are unknown. On 2 October 1989, a bomb is placed in the General Center of the Republican Turkish Party. But the bombs do not explode. The same night, the house of the YKP Chairman Alpay Durduran is bombed. The attacks is undertaken by the "Cyprus Turkish People's Movement" with a declaration dated 31 January 1990. On 14 January 1990, the house of Zafer Niyazi in Güzelyurt was bombed. On 16 October 1990, a bomb is placed in the house of CTP former deputy Fadil Çağda in Girne. The same night, bombs put on the cars of the owner of the journal Özgürlük, Hürrem Tulga, Sabri Tahir and Devrim Benzinci exploded. A day before these bombings, the "Cyprus Turkish People's Movement" has issued a declaration and threatened that it will start the actions.

On 15 August 1991, the car of Alpay Durduran, the Chairman of the New Cyprus Party, exploded. Durduran is always a target for these attacks for defining the '74 landing' as an occupation and advocating removal of the Turkish soldiers from the island. Durduran and his party are "traitors" according to the rulers in the Northern Cyprus and those who advocate the official thesis for the solution of the Cyprus problem. The program of the YKP does not have a socialist content providing for an alternative system, but a local nationalist line. The slogan of the party is "Cyprus belongs to the Cypriots," and their basic theses are based on stopping the population transfer from Turkey to the island and the Turkishization policies.

All of the counter-guerilla murders from 1958 to 1996, are included in the "Cyprus Notes" by Kutlu Adalı. The last counter-guerilla action which could not be noted by Adalı was communicated to all of the press organizations via fax by his colleagues: "6 July 1996. The author of our newspaper, intellectual, democrat, peace defender, patriot Kutlu Adalı was murdered in a treacherous assassination. Adalı was shot dead with machine guns while he was walking 20 meters away from his house."()*

The TMT was Established by the General Staff (11 July 1996-Evrensel)

Major İsmail Tansu was invited by Daniş Karabelen, the Chairman of the Mobilization Inspection Board (STK), in mid-November 1957. Karabelen had been invited to the General Staff, and informed of the necessity of establishing a secret organization against the EOKA, and the STK had been commissioned in this regard. Karabelen told Tansu the following: "I was invited to the General Staff. It is necessary to establish an organization against the EOKA in Cyprus. Are you ready for it?" The response by Tansu: "We are already expecting and desiring it, we'll do." Following this meeting, Karabelen informed the General Staff: "we are ready." Thus the TMT entered into the agenda. Tansu said: "This issue was at first told to the Chief of the General Staff General Rüştü Erdelhun by Foreign Minister Fatin Rüştü Zorlu. Erdelhun inquired Deputy Chief of the General Staff Salih Coşkun about this issue. Coşkun asked this topic to Major General Karabelen Paşa. And Karabelen inquired Major İsmail Tansu about it. İsmail Tansu was serving in the Mobilization Inspection Board (currently the Special War Department). As is known, the Special War Department was established upon the proposal made by US Chief of Staff Bradley to the Turkish General Staff. If Turkey is occupied by the Russians, this organization will initiate a resistance against this occupation. Daniş Karabelen, the Head of the Special War Department, and his group waited in Ankara, and Rauf Denктаş and his group

(*) It was claimed that Georgiades Theofilos, the founder of Cyprus Kurdistan Information Bureau, was also ordered to be killed by MİT (20 Mart 1994). In the trial launched at Lefkoşa Heavy Penal Court, Kyriakos Psamos, Panayiotis Kafkaris and Anikitos Kafkaris testified on 17 June, stating that Andreas Aristodemou Youroukkis, with whom they stayed in the same prison, had told them that he had been seeking a man to kill Theofilos. The witnesses claimed that Andreas Aristodemou Youroukkis had connections with MİT and that he made his brother Kypros Youroukkis committed the murder since MİT had promised him to "escape him from the prison". The corpse of Kypros Youroukkis, who had been detained following the murder, had been found in the mountainous area in the vicinity of Trodos 3 months later. The assailants are unknown.

waited in Cyprus for the order of “starting” for a complete period of 7 months. Prime Minister Adnan Menderes was believing in his close friendship with Prime Minister Karamanlis, and in the solution of the Cyprus problem through negotiations. Menderes could be persuaded only after 7 months and gave the order for starting to Foreign Minister Fatin Rüştü Zorlu. Daniş Karabelen, the Head of the Special War Department, and Major İsmail Tansu met with two Cypriots in the lobby of the Modern Palas Hotel in Ankara. The foundations of the TMT were laid in this meeting. The key persons who took part in the meeting are Fazıl Küçük and the current President Rauf Denktaş. The first personnel of the organization were chosen from the personnel of the Special War Department who trained to be commandos.”

The leader of the TMT in Cyprus was Lieutenant Colonel Rıza Vuruşkan. He had the full power in his actions in Cyprus within the framework of the instructions issued to him. And he was directly responsible against General Karabelen. The organization would be established in full secrecy and perform its activities in the same secrecy. The organization would be consisted of separate cells, and the members of any cell would not know the members in other cells. All of the personnel of the organization would be trained specially in Cyprus and Ankara.

It was decided that the TMT would be supported with all means and supplied by all kinds of guns and financial sources by the government of the Republic of Turkey. In case the TMT was revealed out, the Government of the Republic of Turkey would be excluded from these activities and it would be claimed that the TMT had emerged from the Cypriot Turkish Community. It was decided that the organization would be directed by Major General Daniş Karabelen, the Head of the Special War Department, in Ankara. His deputy was Major İsmail Tansu. (*)

“State within State!” (19 November 1996-Radikal/İsmet Berkan)

Former Minister of Interior İsmet Sezgin is on the phone, First he congratulates for the article that appeared in this corner yesterday, and he says, “That’s the essence of the matter.” Yesterday in this corner, a fictitious story from the sketch of a novel was explained, and it was claimed that the “this will end in any case” flurry lead to all of these “gang” works.

“That has happened all because of greed of Tansu Çiller and of Mehmet Ağar” says Sezgin. “That has happened because of the hurry for putting an end to terrorism.”

Sezgin is not willing to say “gang”, and that’s why, he uses always the word “that.”

“They laid the foundations of that in a hurry. Thus small states were formed within the state...” Sezgin does not say “state gang,” but he admits that parallel small states have been formed within the state. Then he mentions about “these boys.” “These boys were also used by the military administration ... But the administration used them via MİT. Then they were put aside.”

Well then, how did Mehmet Ağar and Tansu Çiller used? “They employed Korkut ...”

We have to stop here. “Korkut” is commando lieutenant colonel Korkut Eken, who served in MİT, who is among the founders of the special teams, who trained the special teams, and who served as an “instructor” in Azerbaijan. You will remember his name the well-known “MİT Report.” That’s, the lieutenant colonel who were dismissed together with Hiram Abbas and Mehmet Eymür from MİT as a result of the investigation instructed by Turgut Özal.

İsmet Sezgin goes on: “They employed Korkut ... The special teams, so on ... All of these are the result of the ambition for putting an end to terrorism as soon as possible. They say ‘We will solve the problem radically’ ... They used the boys.”(*)

(*) Rauf Denktaş rejected the claims, and said: “What was the National Forces (Kuvay-ı Milliye) for Turkey, the TMT for Cyprus. The TMT was supported by Turkey from time to time upon demand. The TMT was an organization for defense which was active until the formation of the state and which was conducted by the youths under oath in order to prevent ENOSIS. Its mission was transferred to the security forces after 1974. The claims that the TMT committed murders with unknown assailants are unfounded. Some of the murders by unknown assailants were committed due to personal reasons. Although some of them seem to be political, nothing is certain yet. These may be the murders by the Greeks.”

(*) Korkut Eken alleged that the writing in question “was unfounded”, and maintained that “he performed his duties within the framework of a democratic state of law and he was proud of his services” and that “his duty for training the special teams was one of the ordinary duties issued by the state.” Korkut Eken stated that “the desire of the security forces for putting an end to terrorism for the order in the country and the security of the nation, was quite natural,” and he said: “However, these are not the same as the illegal practices which may be performed with this feeling and unconsciously in a hurry.”

I interfere: "Well, how many of them are there?"

"Not so many" says Sezgin, "Not more than 5 or 10. They use the mafia ... When one of them is decipered, they kill him ... That's the way things go in every part of the world ..."

I have to ask: "Did you have the sense of such things in your time?" "Is it possible" says Sezgin... "Is it possible? Can it be allowed?"

*Other topics interfere. But "İsmet Abi" is deploring. "Why did such things not happen before, and why do they happen now? Are they the only ones who know how to put an end to terrorism?" asks the former Minister of Interior. Then I inquired about the role of the Bucak Tribe. (**) "The Bucaks fought against terrorism before 1980 as well. At those times, they were used against Dev-Sol, and Dev-Yol, now against the PKK ... Of course, the costs are heavy."*

Indeed the costs are heavy... It seems that it is not inexpensive to accommodate, maintain, and manage 15 thousands of armed men. The wages allocated by the state to 3500 village guards can only suffice for the personal protection of Sedat Bucak. One should see how Bucak is protected, it is not possible to describe it.

"Please pay attention" says İsmet Sezgin, "if the Söylemez incident did not happen, this would not be revealed out. If the Susurluk accident did not occur, it would not be revealed out now, it would come to light later anyhow ..."

Then my final questions comes... The green passport of Abdullah Çatlı. "Of course everybody knows the Minister of Finance has close relations with whom in the Çiller Family. They took the paper from there." I interfere, "the Security General Director stated that 'is was taken by the fake documents from the Finance'."

"Where did they get the fake documents of the Finance" says İsmet Sezgin in short. It seems he knows something. But when I ask "is it possible that you may have document or information?" he changes. He says "there cannot be any document for such things ... Even the police do not have records of them."

MGK Approval to Gladio (5 December 1996-Radikal/İsmet Berkan)

In facts, everything goes back to the beginning of 1992. At those times, the Turkish General Staff transformed radically its strategy for fighting with the PKK. The military units, which formerly would intervene the incident following the attacks and start the hot pursuit, now started to be organized like guerillas, and take steps before the actions of the PKK. The changes in strategy proved fruitful soon. Now the dominant side was the soldiers, not the PKK. PKK were running away, and the soldiers were chasing.

Through the passage of time, the PKK left the great settlements where it had actions, and sought shelter in the mountainous area. But the active war of Turkey against terrorism were continuing. This time, the logistical support for the PKK was undermined by way of evacuating the villages. The PKK had been weakened and it was giving the impression that "it would end." However, the change in strategy was consisted only of "the low intensity war" in the region. It was decided that "active" measures should also be taken in order to undermine the other sources of terrorism. Thus "it would have ended by the spring" with some effort.

In fact, this technique had been invented by the English. This technique has two important stages: first, to seized the terrorists before making their actions, and if necessary to kill them. Second, to regard those who support financially and spiritually the terrorists as terrorists.

This change in strategy was on the agenda of the National Security Council at the end of 1992. In a MGK document which was seen by the author of these lines, the organization chart of the organization to be established, and the names of its personnel were included. Among them

(**) In his article published in the daily *Demokrasi* on 2 December, Hatip Dicle, the Chairman of DEP, which was closed down by the Constitutional Court, claimed that the Bucaks "were the leading actors of the plan for prevent the PKK from entering into the regions where it was not dominant," and he said: "It was claimed that the Bucaks, who were experienced before 1980, would be successful in this regard. The group which organized this business was inquired. The group included Mehmet Açar, the Lieutenant Colonel Korkut Eken, Urfa MİT Regional Chief, Ünal Erkan. The group approved this proposal. At that time, the guerilla activities had started in the region and in particular in Siverek the youths in the region were joining the guerilla intensively. For instance, more than 200 students from Siverek High School, and even a doctor who was the sister-in-law of Sedat Bucak were among them." Hatip Dicle stated that Sedat Bucak, who became the leader of the tribe following the death of Hakkı Bucak, agreed to cooperation, and that afterwards the Bucaks were involved in the illegal actions such as theft, abducting of vehicles and animals.

was also Abdullah Çatlı. The organization would include the police officers from the special teams, several soldiers and some of the friends of Çatlı. At first, this new tactic was not approved by the MGK. The President Özal and then-Gendarme General Commander Full General Eşref Bitlis were rejecting the idea of state's cooperating with unofficial persons.

I don't think it has any connection with this matter, but it is an interesting coincidence: first the Full General Bitlis died, followed by Turgut Özal. One of them died due to an accident, and the other because of heart attack.

Süleyman Demirel became the President, and Tansu Çiller Prime Minister. At the beginning, Çiller was very soft with regard to the Southeastern problem. She was talking about the Bask model, and holding meetings with the opposition leaders with good-will. But in a short time Çiller was changed. Now she was the firmest of the firm. The only thing she said was "that will end in any case." It seemed she believed that it would end.

Now that there were no objections, the issue could be taken to the agenda of the MGK. Indeed, it was taken and this new method of fighting was approved in the fall of 1993. "The special organization," in my words, which you may call "Gladio," was established upon the decision of the MGK.

Turkey was spending more than 8 billion dollars yearly for the fight against the PKK (according to a statement made at those times). Of course, the PKK was spending approximately the same amount in its struggle against Turkey. The calculations made at higher levels of the state showed that the war budget of the PKK was not less than 3 billion dollars. In the fall of 1993 when Çiller became the new prime minister, the PKK had two main sources of income: 1. Incomes from the drugs and rockets, 2. The grants from Europe.

First, the grants from Europe were prevented. In particular Germany and France closed down the associations of the PKK, and prevented them from collection grants. The PKK went to the underground in both countries. The second source was the incomes from the drugs. At this point, this special organization was expected to intervene. We recall the statements by Tansu Çiller that "We will undermined the sources of income for the PKK."

Behçet Cantürk, Savaş Buldan, Yusuf Ekinçi, Hacı Karay, Adnan Yıldırım, Medet Serhat and finally Ömer Lütfü Topal... These figures were involved in drug trafficking in some way. Now none of them is living. They were trafficking the drugs on behalf of the PKK or they had to pay rocket to the PKK. In any case, PKK could obtain income. Now none of them is alive.

What did Turgut Özal Say on 'Gladio'? (6 December 1996-Radikal/İsmet Berkan)

Yesterday in the morning the first telephone call came from a former to ranking bureaucrat. He was calling for my article titled "MGK Approval to Gladio." "You wished them to be lies but" said he at first, "the are true." The former bureaucrat told that the name of Abdullah Çatlı could not mentioned in the MGK meeting; and my claims did not include such an argument. The name of Çatlı was mentioned in the document of the General Secretariat of the MGK, but these documents were not signed by the members of the MGK.

The calls following it were from my journalist friends. Then counselor Erhan Göksel, for whom the ANAP Leader Mesut Yılmaz said "We are not working together from now on," called. He, too, confirmed my article. Finally, a counselor who was always close to Turgut Özal until his death, called. The counselor explained the MGK meeting held in December 1992. What the counselor explained confirmed the information I got the day before yesterday.

While I was making investigation for the my article titled "MGK Approval to Gladio," a former politician told me that the issue was included in the agenda of the MGK in December 1992, but was rejected. According to the narration by this former politician, when the plan for a change in strategy which provided for a special method of fighting against the extensions of the PKK terror except for guerilla, against its financial sources, was included in the agenda of the MGK, severe discussions were made. In this meeting Turgut Özal spoke as the President and criticized harshly those who prepared the plan. According to the claims, in the meeting Özal said: "I will not allow such infamies to enter into the state," meaning Çatlı and his friends. For Özal, "If the state has to perform such an action, it should do it by itself, it should not use other men outside." The Government was, too, not willing for it. When Turgut Özal objected the project, the government rejected it as well, and this new strategy was not adopted. It was also alleged that the views of a retired full general who was very close to Turgut Özal at those times played a great role in Turgut Özal's firm objection. In the view of this retired full general, the "civil persons" which would be employed in the operations were "a gang of murderers."

Although this information and these persons are not included in the document approved by the MGK, in fact it shows that who will work for this "organization" was known by the members of the MGK. Well, after this organization was established, how did the Susurluk incident occur? In my opinion, it is a classical story of "being on the streets." Heroin, kidnappings, ransoms, gambling houses, illegal incomes, private interests of a politician, and perhaps listening to telephones and house ... All of them are the elements of "the streets"

b)- Massacres, critical murders

The obscure relationships which began to be discussed following the Susurluk Crash have turned the agenda of the public back to the bloody events experienced before the military coup of 12 September 1980. Information and documents about recent murders are also included in the public agenda. The death of Abdullah Çatlı and the recollection of the name Haluk Kırıcı in people's minds, have recalled the massacres of Bahçelievler, 16 March and Maraş, which are among the bloody incidents of the period before 12 September.

The Bahçelievler massacre

One of the more significant events of the period before 12 September 1980, the massacre of Bahçelievler, (*) acquired a new dimension with the death of Abdullah Çatlı in the Susurluk Crash. Çatlı's connections were revealed, and exposed clues to the effect that Haluk Kırıcı, a the suspect of the massacre, was being "protected by the state."

For instance; Haluk Kırıcı escaped from the Public Order Branch of the Security Directorate, where he had been brought having been arrested at Kadıköy, İstanbul, in January. It was asserted that a note in the handwriting of Mehmet Ağar, then Minister of Justice, written when he was the Security Director-General, was found on Kırıcı, saying "Be helpful to this friend, do detain him." Kırıcı, who was released on bail in 1991, fled because he would have had to go to prison because of the death penalty he had been given in the Bahçelievler massacre trial, in line with amendments to the Anti-Terror Law. It has been claimed that police officers who found the note informed Ağar, and were instructed, "Do not detain him." It has been reported that Kırıcı escaped with the aid of two unknown assistants in a corridor while he waited for a week to be transferred to the Court House in rooms where police officers stayed. (**)

One of the most important clues came to the agenda via a news article published in the daily *Hürriyet* on 26 December. In the article, which was supported by a photograph, it was documented that while he was Governor of Erzurum, Mehmet Ağar had attended Kırıcı's wedding there on 1 August 1992. Ağar was a witness for Vesile Erzincanlı, Kırıcı's wife.

After the Bahçelievler massacre, at the end of 1978, a trial was launched at the Martial Law Military Court against defendants Ercüment Gedikli, Ömer Özcan, Duran Demirkan, İbrahim Çiftçi, Ömer Yavuz Hacıömeroğlu, Kadir Temir, Abidin Şahiner and Mehmet Kundakçı, and the fugitive defendants Abdullah Çatlı, Ünal Osmanağaoğlu, Kadri Kürşat Poyraz, Mahmut Korkmaz and Bünyamin Adanalı. In the first hearing, Çiftçi, Hacıömeroğlu, Temir, Şahiner and Kundakçı were acquitted, Gedikli was given the death penalty, and Özcan and Demirkan were sentenced to Association imprisonment. The Military Supreme Court approved the acquittals, but overturned the imprisonment on the grounds that the defendants "should be sentenced in accordance with article 450/5 of the Turkish Penal Code, concerning 'the murder of more than one person'." The court file was referred to the Committee of Offices of the Military Supreme Court, as the Martial Law Military Court persisted in its first decision. As the decision of the Committee of Offices is absolute, Gedikli and Kırıcı, whose trial were combined with this trial after his arrest, were given the death penalty, Özcan and Demirkan were each sentenced to 12

(*) Students named Serdar Alten, Latif Can, Salih Gevence, Faruk Ercan, Efraim Ezgin, Osman Nuri Uzunlar and Hürcan Gürses were either shot or suffocated to death during the raid carried out by Nationalist Action Party militants against a house in Bahçelievler, Ankara, on 8 October 1978.

(**) At the end of the investigation in which a decision of non-prosecution was issued for Sedat Demir, then Director of the Public Order Branch, Police Chief Servet Atan and police officers Cevat Yanar and Nihat Demiray were remanded in custody. In his statement at the court, Yanar stated that Mehmet Ağar had called them by telephone and requested them not to detain Kırıcı, and that upon this, they had not detained him. Ağar stated that he had no information about the event, he had not given any document to anybody, and if there were such a document it must be counterfeit. Subsequently, a trial was initiated against the police officers at İstanbul Primary Penal Court No. 7, on charges of "causing flight by negligence." The trial ended in acquittal. The court concluded, "The three police officers cannot be held responsible for the Kırıcı's escape from İstanbul Security Directorate, where strict security measures are taken."

years 6 months in prison. Gedikli was given 7 death sentences at first, but later this was commuted to a single death penalty. On the other hand, Kırcı was given 7 death sentences, one for each person murdered. (*) This decision was also convinced that Abdullah Çatlı had “directed and participated in this attack.”

Upon the abolition of Martial Law, trials other than those being held at Military Courts were transferred to civilian courts. The court file of the fugitive defendants, Abdullah Çatlı, Ünal Osmanağaoğlu, Kadri Kürşat Poyraz, (**) Mahmut Korkmaz and Bünyamin Adanalı, was transferred to Ankara Heavy Penal Court No. 3. There have been no further developments in this trial for many years.

One of the defendants, Mahmut Korkmaz, was captured at İstanbul Yeşilköy Airport in 1990 while entering Turkey. Since the other defendants were still fugitives, the case file against Korkmaz was separated once again. Korkmaz, who remained under arrest for a period, disappeared again as soon as he was released on bail. In the trial, at Ankara Heavy Penal Court No. 3, Korkmaz was sentenced to imprisonment. Bünyamin Adanalı was also caught at the end of 1995. Just like the case of Korkmaz, the case file against Adanalı was also separated, and he was put on trial at Ankara Heavy Penal Court No. 3. Adanalı, who remained under arrest for 7 months, also disappeared after having been released on bail. Adanalı was acquitted on 27 March.

The Supreme Court overturned the judgements against Korkmaz and Adanalı. After the Supreme Court decision, the case files against both defendants were combined in a single trial at Ankara Heavy Penal Court No. 3. In the trial, which is still pending, arrest warrants have been issued for all the defendants (except Abdullah Çatlı). The defendants have been indicted with demands for the death penalty under Article 450 of Turkish Penal Code.

The trial at Ankara Heavy Penal Court No. 3 continued on 22 November. The lawyers intervening for the families of the victims requested that Mehmet Ağar, and Sedat Edip Bucak, a True Path Party MP, be heard as witnesses, as both were acquainted with fugitive defendants Osmanağaoğlu and Poyraz, as well as Çatlı, who had died in the Susurluk Crash. Lawyer Erşen Şansal read a petition at the session, which stated that the investigations had failed to obtain results, but that evidence was being revealed and thus the truth of the matter was becoming clear bit by bit despite all obstructions. The petition said: “The Bahçelievler massacre was planned on the instructions of Abdullah Çatlı, at the home of Mahmut Korkmaz, by Haluk Kırcı and Ahmet Ercüment Gedikli, who were given the death penalty by the Martial Law Military Court, and defendants Çatlı, Korkmaz and Poyraz. This was how the incident occurred, as ratified by the Military Appeal Court’s decision to uphold the verdict.” Şansal noted that although 18 years had passed since the event, the fugitive defendants were not apprehended. He stated that the appearance of Çatlı at an accident together with a security director and an MP despite having been wanted for 18 years by Interpol, was contempt of the judging right, authority and function of the court. Recalling that Ağar was a witness at Kırcı’s wedding and that his signature was on the Çatlı’s arms license, Şansal said, “The information he may give to the court not only about Abdullah Çatlı and Haluk Kırcı, but apart from this, about the other fugitive defendants and the possible places they may be found, may lead to the capture of the defendants.”

The 16 March Massacre

One of the most bloody incidents of the period before 12 September, took place outside İstanbul University Faculty of Pharmacy on 16 March 1978. An assault was conducted with guns and bombs against students leaving the school. Students named Hatice Özen, Cemil Sönmez, Baki Ekis, Turan Ören, Abdullah Şimşek, Hamit Akıl and Murat Kurt were killed, and 41 students were wounded. (*) After the attack, a trial was launched at İstanbul Martial Law Court

(*) The Anti-Terror Law passed in April 1991 ruled that suspects sentenced to capital punishment shall fulfil their penalty by 10 years imprisonment. In accordance with this ruling, Ercüment Gedikli was imprisoned for 10 years and released. Haluk Kırcı, who should be imprisoned for 10 years for each capital punishment, is fugitive now from a total term of 49 years.

(**) Poyraz was arrested in France but was not extradited since he had been given the death penalty. The process of extradition was not executed despite the provision of the Anti-Terror Law on the commutation of the death penalties into 10 years imprisonment.

(*) It has been learnt that the police was informed prior to the attack, but the information was not taken into consideration. According to a document shown on the ATV channel on 13 December, Şükrü Balkar, then Deputy Security Director, said in his report of 7 March 1978 that, “The students belonging to the nationalist

against Orhan Çakıroğlu, Head of the İstanbul Branch of the *Ülkü* Association, Kazım Ayaydın, Mehmet Gül, Ahmet Hamdi Paksoy and Siddık Polat. At the end of the trial on 30 March 1980, Polat was sentenced to 11 years imprisonment, but the remaining defendants were acquitted. Polat too was acquitted after the ruling of the Military Supreme Court dated 5 October 1982. When the trial was about to drop due to time limitation, it was brought for the second time in the light of new evidence at İstanbul Heavy Penal Court No. 6, 17 years after the event. In the course of the trial, the lawyers intervening for the families of the victims demanded that Latif Aktı be remanded in custody, but this demand was continuously rejected by the Court. Furthermore, the Security Directorate continuously gave inconsistent information to the court about the police officer Mustafa Doğan, who was one of the most important defendants of the trial. In one of the replies, it was brought forward that there was no police officer named Mustafa Doğan, but in another, that there were four people so named.

After an official letter including identity details was sent to the Security Directorate, it was admitted that these details fitted an officer named Mustafa Doğan who had been on duty at the time of the event, and moreover that he had been on duty around İstanbul University, but it was purported that his present whereabouts was unknown. When Doğan somehow could not be found, an arrest was issued. However, in a news story published in the daily *Emek* in November, it was claimed that Doğan had left Turkey and gone to Germany a year after the massacre. The article read, "Someone who has given information to our newspaper 18 years after the massacre, has claimed that Doğan is in Germany. Although the Security Directorate stated in the report given to the court that Doğan was sacked from the police due to his bad record, our source declared that Doğan had left for Germany a year after the massacre, with the aid of a superintendent named Hakkı Eroğlu, who was then on duty at Atatürk Airport. The source stated that Doğan had settled in Munich, and resigned after handing over his gun to the Turkish Embassy."

In the 10 April 1996 issue of the daily *Cumhuriyet*, information given in an article about Mustafa Doğan under the title "*Massacre Suspect in Flight*," was as follows:

Mustafa Doğan, for whom the an arrest warrant was issued on the grounds that he planned and carried out an assault against students on 16 March 1978, and who was thrown out of the police force some time after the incident, could not be found for 4 years. If Doğan is captured, the mystery of the massacre of 16 March can be solved and the real planners of the event brought to light. As the result of all investigations related to the massacre of 16 March, one person was initially sentenced to 10 years' imprisonment, but as the Supreme Court overturned the decision subsequently on grounds of insufficient evidence, the trial in connection this event was almost left to run out of time. However, the team of intervening lawyers for Cem Alptekin, Şeyhmus Önen, Hilmi Hanta, Bülent Utku, Savaş Sertataş, Necati Tarakçı and Barbaros Taşan did not stop investigating the issue. The lawyers made contact with the family of Zülküf Isot, who was murdered by his nationalist friend Latif Aktı on 2 July 1978, at Baskil, Elazığ, and heard the confessions of the family. The family said that their son Zülküf Isot had planned the attack along with some police officers at their own house and then carried out it.

Upon the testimony of the family, lawyers made an official complaint against Mustafa Doğan, Latif Aktı and Siddık Polat, who were police officers at the time of the event, and their friends whose names could not be determined, for "Giving rise to conflict by arming the people of Turkey and inciting them to kill each other," to İstanbul Chief Prosecution on 10 September 1992. Atilla Alici, Istanbul State Prosecutor, officially requested Adana Public Prosecution to arrest Mustafa Doğan on 15 September 1992. In his letter, the prosecutor stated that Mustafa Doğan had thrown a grenade from a police car at the students, and had planned the action together with Zülküf Isot. Three months later, prosecutor Ulvi Sezgin asked İstanbul Security Directorate Personnel Branch in writing for the identity details, a copy of the ID and address for Mustafa Doğan, who had worked between 1977 and 1978 as a community police officer.

The reply was strange. In the letter sent with the signature of Gülen Deniz, the Personnel Director, it was stated that there had been several police officers named Mustafa Doğan in the Security Directorate of İstanbul at the time of the incident, and the full identity of the Mustafa

group will attack students with the opposite ideology on 8 March, at the Faculty of Law. If the left-wing students continue to attend the faculty, dynamite will be thrown at the group within 8-10 days. It is reported that the leader of the assailants is a student named Özgün Koç, and meetings are held in a coffee house at Beyazıt Square, Platin. Measures shall be taken urgently." Among other things, a police officer, Yahya Gergin, declared at the court that, "My friends wanted to chase the person who was running away, after the bombs were thrown and firing started, but the superintendent Mr Reşat (Reşat Altay, Deputy Security Director of İstanbul in 1996) instructed them not to."

Doğan who was wanted was requested from the Prosecution. Whereas the aim of the Prosecution had been to learn the identity details of Mustafa Doğan from the police. The police were sending the job right back, and asking the Prosecution for the identity details. The prosecutor, Ulvi Sezgin, wrote another letter on 19 January 1993 in response to this procrastination by the police, and asked for all information about every chief superintendent, superintendent or police officer named Mustafa Doğan. As no reply was received to this letter, he wrote again on 14 May 1993. This time, a still stranger reply came to the Prosecution, in a letter dated 20 May 1993, and signed by Muhterem Kavalcı. It stated:

“.. on examination of the card indices, it is understood that, no personnel by the name of Mustafa Doğan worked at the Security Directorate in this province, on the dates mentioned.”

But the letter from Gülen Deniz, Director of Personnel Branch of the Security Directorate, dated 28 January 1993, it was stated that there were several members of staff named Mustafa Doğan. Five months later, Muhterem Kavalcı became Director of Personnel Branch, and not even one Mustafa Doğan was left out of so many. The Prosecution wrote another letter. Another reply came with Kavalcı's signature. In this last reply it was stated that, many officers named Mustafa Doğan had been present in 1993, some had been appointed to other provinces, but that there had been no officer named Mustafa Doğan on duty between 1977 and 1978.

As the Prosecution could not force İstanbul Security Directorate to find the police officer named Mustafa Doğan, son of Mehmet from Tarsus, they wrote a letter to the General Security Directorate on 20 September 1993, and received a reply on 27 September 1993. The name was not there... the name of Mustafa Doğan was not in the records of the General Security Directorate either. Not even one officer named Mustafa Doğan could be found, and they said, “If you give us his employment record number, we'll check again.”

The first clue about Mustafa Doğan came from the Şakirpaşa Police Station in Seyhan. According to a letter of 18 June 1994, Mustafa Doğan, son of Mehmet, was not coming to Adana since his dismissal from official duty in İstanbul, but he was calling his family from time to time, although his address could not be determined. At last, İstanbul Security Directorate stated in their letter of 25 November 1994 that they had found three officers named Mustafa Doğan, whom they had somehow been unable to find before. The letter said that police officer Mustafa Doğan, born in Tarsus, Adana, may be the person the Prosecution was looking for. Although the Personnel Branch had declared repeatedly “No police officer named Mustafa Doğan was on duty in İstanbul between 1977 and 1978,” Mustafa Doğan had worked in the Directorate of Public Police between 8 September 1977 and 13 June 1978, and been dismissed from official duty in 1979, according to the police records. (...) The latest information to arrive at İstanbul Heavy Penal Court No. 6 related to Mustafa Doğan was a written report drawn up by Tarsus Security Directorate. According to the report, Mustafa Doğan had not been seen in Tarsus for 14 years, and it was unknown whether he was dead or alive.

Remziye Akyol, one of the witnesses in the trial, claimed in the session of 1 April that the orders for the massacre had come from Alparslan Türkeş, the President of the Nationalist Action Party. Akyol based her claim on the confession of her brother Zülküf Isot, who had been murdered for his “betrayal of the ideal,” although he had participated in the massacre. Akyol explained that her brother was the second man of the Beyazıt and Eminönü Ülkü Association, and that he used to say “I even talk with Alparslan Türkeş,” and also stated that Isot had come to Kars some time before the massacre. Akyol pointed out that her brother left home declaring, “These are Türkeş's orders. I must go urgently,” after meeting with one of his friends who came to the house a few days before the massacre, and continued that when her brother came back home again several days after the massacre, he was very troubled. She declared: “When I asked him the reason for his uneasiness, he replied ‘I must join the army immediately.’ Subsequently, he told me that he had participated in the action in which the students were killed, and even that it was he who had thrown the grenade, under pressure from Siddik Polat and Mustafa Doğan, police officers whom he had met in Adana before. He said that the action had been planned personally by Türkeş and his companions. He stated that he had carried out the action together with Mustafa Doğan, Latif Akti, Siddik Polat and other men whose names I cannot recall. He was saying that, if we could prevent him from being tortured, he would surrender and confess everything. Later, he joined the army, but he came back in 15 days as a deserter. So we sent him to Elazığ. After some time, he was murdered there by Latif Akti, whom he had said had been a participant in the massacre. My brother was murdered for his betrayal of the ideology.”

Remziye Akyol recognised Mustafa Doğan, who is wanted having been given 7 death sentences, from his photograph in the file. Akyol's husband, Mehmet Akyol, also stated that

Zülküf Isot had said, “I am very important. If I withdraw they will kill me, and also harm you.”(*)).

The Maraş Massacre

An extremely important event of the period before 12 September, was the Kahramanmaraş massacre, which was never explained completely. The chain of events, in which, according to official statements, 111 people died, began with an explosion at the Çiçek Cinema, where the film “*Güneş Ne Zaman Doğacak* (When Will The Sun Rise)” was showing, on 19 December 1978. The tension reached its peak point after the murders on 21 December of Hacı Çolak and Mustafa Yüzbaşıoğlu, members of TÖB-DER (Teachers Association of Turkey). A group prevented the bodies of the teachers being brought to the mosque, and provoked the people with the words, “No communists bodies are allowed in here.” In the incidents which broke out, 2 died and over 50 were wounded. On the same night right-wing groups gathered in the side streets, called for an uprising, chanting, “Our religion is in danger. The communists and atheists are setting the mosques on fire!” During the incidents, which lasted 3 days, attacks were organised against the Yörükselim, Mağaralı, Sakarya, Yenimahalle, Yusufklar and Namık Kemal neighbourhoods, in which Alevi people were living. The assailants murdered many people ranging from 3 year old babies to women of 80, in homes which they entered with guns and clubs. The military and police were only able to help the people stuck in their homes, only after three days. The after-effects of these events echoed across the whole of Turkey. In incidents occurring during protest demonstrations, 11 people died in 6 provinces. When the events spread to other provinces, martial law was declared in 13 provinces.

The report about the incidents by Interior Ministry inspectors Erol Akdoğan and Erbay Fiş concluded that “Right-wingers massacred Alevi citizens in an organised way, as a result of long-term plans.” Approximately two thousand people were detained and arrested in operations following the events. The first decision of Adana Sixth Army Corps Command Martial Law Military Court No. 1, in the trial launched on 16 April 1979, was made on 8 August 1980. 804 people were sentenced to various imprisonment, and 22 were given the death penalty. With a decision of 2 October 1984, the number of people receiving the death penalty decreased to 13.

The murder of Ömer Lütfü Topal

Ömer Lütfü Topal, who was known as “the Casino King,” since he owned many casinos, was murdered in his car on 28 July, at Yeniköy, İstanbul, in a machine gun attack. A month later, at the end of August, information leaked to the media that three police officers had been detained in connection with the murder. It was revealed that the names of the officers held at the İstanbul Security Directorate were, Ayhan Çarkın, Ömer Kaplan and Ercan Ersoy. (**) The officers were questioned not only about Topal’s murder, but also about the abductions of broker Yener Kaya and MİT informer Tarık Ümit. Security Directorate officials, on the other hand, claimed that the officers under arrest had no relation to these events. Bilgi Ünal, the Deputy Director of Security responsible for Public Order, confirmed the detention with a statement, but suggested that the police officers had nothing to do with Topal’s murder. Ünal said, “The detention is in relation to an internal investigation. We cannot blame them if there you cannot prove anything relating to the incident.” The police officers were transferred to Ankara on 29 August, for questioning. No further development took place after the transfer was reported in the media. However, two months later, following the Susurluk Crash Topal’s murder came back onto the agenda.

ANAP leader Mesut Yılmaz announced on 14 November that Topal’s murderers were Sedat Bucak’s bodyguards. It was clarified that Abdullah Çatlı had called the three Special team members with his mobile phone numerous times on the day of the incident, and that “Şahin Ekli,” whose fingerprints were detected on the magazines of the weapons found at the scene of the

(*) The trial is underway at Ankara Heavy Penal Court No. 3.

(**) Ayhan Çarkın and Ömer Kaplan have been put on trial for a number of “extra-judicial executions.” These are the killings of Servet Samim, İsmail Cengiz Gözenek and Hüseyin Yaşar, on 27 January 1992 (Bakırköy Heavy Penal Court No. 3); İbrahim Yalçın Arıkan, Avni Turan and Recai Dinçer, on 24 March 1992 (Bakırköy Heavy Penal Court No. 2); Bedri Yağan and his friends in Kartal on 6 March 1993; Selma Çıtlağ, Mehmet Salgın, Sabri Atılmış, Hakan Kasa and Nebi Akyürek in Okmeydanı (Perpa centre), on 13 August 1994 (İstanbul Heavy Penal Court No. 7); Sebahat Karataş, Sinan Kukul, Taşkın Usta and Eda Yüksel in Çiftelavuzlar, İstanbul, on 16-17 April 1992 (Kayseri Heavy Penal Court); İbrahim İlçi (İstanbul Heavy Penal Court No. 4); and Nurten Demir and İsmail Akarçeşme (Beyoğlu Heavy Penal Court).

incident, was one of Çatlı's false identities. On 29 November, Meral Akşener, then Minister of the Interior, announced that she had received audio tapes containing the confessions of special team members who had murdered Topal. However, the existence of the tapes was later denied. It was alleged that in the tapes the police officers had claimed responsibility for the murders of Kurdish businessmen in particular, but that they "had not done the Topal job," and that they had made threats against "talking." On 5 December, Meral Akşener declared that Kemal Yazıcıoğlu, Security Director of İstanbul; Bilgi Ünal, Deputy Director of Security; İbrahim Şahin, Acting Chief of Special Operations Branch; and Ercan Ersoy, Ayhan Çarkın and Oğuz Yorulmaz, the bodyguards of Sedat Bucak, True Path Party MP for Urfa, were suspended from duty.

At that period, certain news appeared in the media which said that one of Çatlı's fingerprints (the middle finger of the right hand) had been found on the cartridge of one of the weapons used in the killing of Topal. The Ministry of the Interior made a statement on 13 December and confirmed information. The statement declared that "the staff members who caused delay, by not examining the fingerprint on the weapon used in the incident, are included in the scope of the investigation," meaning Kemal Yazıcıoğlu, the suspended Security Director.

It was later officially documented that the instructions to transfer the three Special Team members involved in the Topal murder from İstanbul to Ankara was given by Mehmet Ağar, then Minister of the Interior. A report of 22 November 1996, prepared by Şakir Erten and Hasan Akdeniz, Chief Inspectors of the General Security Directorate, stated that Halil Tuğ, the Deputy Director General of Security and İbrahim Şahin, the Chief of Special Operations Branch had stated "We were instructed by Mehmet Ağar." Şahin's statement in the secret investigation report of the General Security Directorate was as follows: "Halil Tuğ, who is connected to Personnel, called me by telephone to see him at 16.00 on 28.8.1996. He said that there were 3 police officer members of special teams at İstanbul Security Directorate, and that we were to bring them to Ankara. I went to my office from there. Mr. Mehmet Ağar, the minister, phoned then. He gave the same instruction. On the same day around that time, I left for İstanbul together with police officers Yusuf Yüksek, Şahin Aslan and Uğur Şahin, who were on duty at the office, in two cars. We arrived at the Çamlıca ferry terminal ticket office around 22.00 of the same night. After waiting about an hour, we picked up our colleagues from there and brought them to Ankara."

İbrahim Şahin declared in his statement that they brought the casino manager Sami Hoştan and Ali Fevzi Bir from İstanbul to Ankara, together with Ayhan Çarkın, Ercan Ersoy and Oğuz Yorulmaz. Şahin stated that, they drew up a "custody report" dated 29 August, when these people were brought to the Special Operations Branch Command, however, they set the defendants free on the following day, 30 August, with a "release" report. In his statement, Halil Tuğ also admitted that the instructions had been given by Ağar. Ağar confirmed in his statement of 12 December that he gave the instructions, declaring "I did nothing unlawful or illegitimate."

Special team members Ayhan Çarkın, Oğuz Yorulmaz, Ercan Ersoy Mustafa Altunok, Serdar Özdağ (Muhsin Yazıcıoğlu's Secretary), Ali Fevzi Bir and Sami Hoştan (Topal's business partners) and Haluk Kırıcı (for whom an arrest warrant was issued) were put on trial at Beyoğlu Heavy Penal Court No. 2 in İstanbul in connection with the Topal killing. None of the defendants are remanded in custody in the trial, which is still pending. In addition, Sarıyer Public Prosecution launched a trial against Bilgi Ünal, former İstanbul Deputy Security Director, who was accused of transferring the three members of Special Team, the defendants in the Topal murder, to Ankara; and Fatih Özkan, former Director of the Public Order Branch; Alp Duran, Deputy Director of the Public Order Branch; Refik Baştürk, Chief of the Homicide Department; Şentürk Demiral, Chief Superintendent; and police officer Ziyaettin Ferman, for neglect of duty by not providing information and evidence to Sarıyer Public Prosecution, which was conducting the investigation. The trial is pending.

The killing of Nurullah Ağansoy

Nurullah Tevfik Ağansoy, who had been tried in the Nationalist Action Party case after the coup of 12 September 1980 and had become a confessor, was killed in an armed attack carried out at a cafe in Bebek, İstanbul on 28 August. In the incident, a clash broke out and Recep Çiçek, one of the assailants, Celal Babür, a police officer sitting at the cafe with Ağansoy, and another customer named Gülçin Balaban died, and Ferda Temel, another police officer sitting at the cafe with Ağansoy, (whose official duty was protection of True Path Party Leader Tansu Çiller) and others were wounded.

The trial initiated by İstanbul Public Prosecution in connection with the incident started at İstanbul Heavy Penal Court No. 2 on 21 November. In the trial, the death penalty and various

Association imprisonment were sought for 12 defendants, for 7 of whom arrest warrants were issued and 3 of whom were remanded in custody. The death penalty was sought in the trial for defendants Alaattin Çakıcı, (mafia boss and an old friend of Ağansoy who had reportedly been involved in many murders), Adnan Çiçek and Kenan Ali Gürsel on charges of “incitement to murder,” and for Ferdi Heybet, Kamil Özkılınç, Hasan Taşkın, Ahmet Atlılar and remand defendants Aydın Göker and Yener Üçüncü for “committing the murder,” and various Association imprisonment were sought for Ferda Temel (tired in absentia), for Ağansoy’s bodyguard Burak Çalışkan, and for his driver Ramazan Vurmaz.

“Ağansoy is Serhat’s murderer” (15 November 1996 - Cumhuriyet)

Light has been thrown on one of the “police-mafia-politician’s gang” murders revealed after the lorry crash at Susurluk. It is claimed that the well-known lawyer and Kurdish intellectual Medet Serhat, was murdered by the Nationalist Action Party confessor Nurullah Teyfik Ağansoy, a member of this gang on 11 November 1994. Serhat’s wife, Yurdanur Serhat, has declared that the person who fired the gun at the event was definitely Ağansoy, and there is no possibility of error as Ağansoy fired from a distance of only two or three metres.

(...) Medet Serhat had attended the wedding of one of his relatives at the Holiday Inn Hotel, on 11 November 1994, and was murdered together with his chauffeur while his wife Yurdanur was seriously wounded, on their way home. The “police-mafia-politician’s gang” which came to surface with the crash at Susurluk is revealed to be behind the murder of Medet Serhat, who had been taken into custody repeatedly for the opinions he stated about the Kurdish Problem and whom it is alleged was murdered because he was on a list of “people helping the PKK.” Yurdanur Serhat, the only witness to Medet Serhat’s murder, brought an end to her silence at a dinner she gave to her husband’s friends for the second anniversary of the murder, declaring to the Cumhuriyet that, she had seen the murderer of her husband and had later identified him. Yurdanur Serhat described the murder night of November 11, 1994, as follows:

“We left the wedding. Medet was tired. It was a long way from Ataköy to Fenerbahçe, and Medet fell asleep on my lap at the back seat. We had passed the Maksim Casino. As soon as we drove into our street, a fast car came up close from behind. There was something strange. The street was always full of cars. There should have been cars parked on both sides of the street, on the pavements. But there was not a single car parked on the night of the incident. The car approaching from behind wanted to overtake us, and to do this, it mounted the pavement on our left. It had two wheels on the pavement and two wheels on the road to the end of the street. At the corner, the chauffeur stopped in order not to crash into it. The car stopped too. It was on our left, one metre ahead. A tall person with short hair in a grey or green suit and a waistcoat, got out of the car and shouted as, ‘Now I’ve cooked your goose!’ He put one foot on the bumper, and began to shoot with the long-barrelled weapon in his hand. He first shot at the driver. Medet was on my lap. Then he shot towards us. I laid over Medet to protect him. He was shooting from two or three metres. He understood Medet was not sitting, and he was shooting at my lap, at Medet. He shot for a long time. Till he emptied the magazine... I laid over Medet, but the first bullet went into his cheek. When the gunman had emptied the magazine, he got into the car, and the car went away. Our car slid slowly forwards and bumped into an electricity pole a few metres ahead. A black BMW and another car came up close from behind, and the people inside them stared into our car as they went slowly by us. Perhaps, they were checking whether or not we were dead. Then they left quickly. It did not take two minutes for the police to come.”

Yurdanur Serhat stated that she told the police what she had seen and heard on the night of the murder, but that they noted the gunman as wearing a white coat, not a suit. Serhat, who declared that she can never forget the face of the gunman, said that one evening when she was watching news on television 13 months after the murder, her left arm began to tremble. Yurdanur Serhat described that evening of December 1995, as follows: “I was watching TV. The news was about the assault on Engin Civan. It was announced that a suspect has been brought to Turkey. The suspect was on the screen. Suddenly, my left arm trembled. The man they were accusing of the Civan incident was my husband Medet’s murderer. I recognised him at first sight on the television. My husband’s murderer is Teyfik Ağansoy... There is no possibility of error. There were only a few metres between us.”

Serhat explains why she has not informed the police or prosecution, why she has not spoken although almost a year has passed since her recognition of Teyfik Ağansoy, as follows: “What difference would it make if I had gone to police or the prosecution? As the recent accident at Susurluk makes clear, these men are hand in hand with the police, with the government. The police do not apprehend them; if they are arrested accidentally, they

are released; they are protected. Moreover, maybe they would harm me if they learned that I knew this. After all, I am not angry with Teyfik Ağansoy, some people exploited him. Actually, I am angry with these people who exploited Teyfik Ağansoy for their dirty work. I am angry with the counter-guerrillas. They exploited him too, and murdered him later. I beg God's mercy and grace for him, and I am sorry for his mourning wife, that's all."

The name of the police-mafia-politician's gang member Teyfik Ağansoy, which was revealed two years later through the testimony of Yurdanur Serhat, met with adverse reaction from his spouse Hülya Ağansoy. She said that her husband had been in Eskişehir Prison until 2 August 1994, and that the Civan incident had occurred after he was released. (...)

c)- The Yüksekova incident, other gangs

The "Yüksekova Gang," about which Diyarbakır SSC Prosecutor Nihat Çakır, said; "Susurluk is nothing if we compare it with the things he (the PKK confessor, Kahraman Bilgiç) has related. Turkey's policy towards the Southeast may even change," came to the surface with the seizure of narcotics in a vehicle in Yüksekova district in September 1996. (*) It was revealed that the smuggling, investigated by a non-commissioned intelligence officer, Hüseyin Oğuz, was conducted by a "gang" formed of special team members, high ranking military officers, PKK confessors and village guards. Kahraman Bilgiç, whose testimony proved to solve the event, became a confessor in April 1994. No trial was launched against Bilgiç, who was held at Hakkari Mountain Commando Brigade, until the stage of investigation of the Yüksekova Gang. When, however, the death penalty was demanded for him at the trial launched after the discovery of the gang, it was alleged that he had only committed out two propaganda offences. What is known about the "Yüksekova Gang" whose trial is pending at Diyarbakır SSC, is basically as follows:

Abdullah Canan (43), who disappeared on 17 January in Yüksekova, Hakkari, was found dead in the vicinity of Altınbaşak village in Yüksekova on 21 February. It was revealed that Canan had been tortured and killed with 3 bullets 10 days after his disappearance, and that his face had been chopped up with a knife. His relatives recalled that he had been detained during an ID check, and stated "Some time ago Abdullah applied to the Regional Administrative Court together with a number of other villagers in relation to the evacuation and burning of villages in Yüksekova by military forces. Although all other villagers withdrew their cases, Abdullah did not give up. He has occasionally been threatened with death by the Yüksekova Battalion Commander." The autopsy carried out at Yüksekova State Hospital revealed that Canan was tortured systematically. The autopsy report said that, "His head has been destroyed to the extent that it is unrecognisable by beating with blunt objects, cigarettes have been extinguished on his chest, his feet split open and the nails of his feet and hands cracked as a result of *falaka* with his feet and hands tied, his testicles are extremely swollen as a result of being squeezed, and extreme bruises and injuries have formed all over the body as a result of beating with blunt objects."

Vahap Canan held Major Mehmet Emin Yurdakul, Yüksekova Battalion Commander, responsible for the murder of his father, stating that one week after the destruction of their village (Karlı) by soldiers under Yurdakul's command on 23 November 1995, his father made an official complaint about the Brigade Commander together with six other villagers, and that his father and two of the villagers were summoned to the battalion after the trial had started; he said, "My father and his companions were taken to Yüksekova commando battalion, the Commander Major Yurdakul (*) pointed out my father in a hall in which 15 officers were present. He

(*) Other cases of drug smuggling in Yüksekova, which have been covered in the media, are as follows: A NCO named Ali Kurtuğlu, who was on duty at Yüksekova, was caught in İzmir in February with 15.5 kg heroin. Kurtuğlu stated that he became a courier with the mediation of Abdülcabbar Karay who was working at the Meat and Fish Administration. Upon this testimony, another 15 kg heroin was seized in İstanbul. During a raid on Aykar Hotel in Adapazarı on 4 March, NCO Hasbi Aladağ, who was on serving in Siirt, police officer Ekrem Yeltik, and two others, Abdurrahman Yıldız and Gıyasettin Bilici, were caught with 4.016 kg of heroin. In December, 10 people, including three Special Team members, Burhanettin Karaoğlu, Kazım Pekcan and Necdet Durmuş, were detained at Yüksekova on charges of drug smuggling.

(*) A footsoldier, E.G., who was a courier for Major Yurdakul between 1995 and 1996, declared in a statement he submitted to İstanbul SSC in April 1997 that many military officers were carrying out counter-guerrilla activities. E.G. stated that, the body of Şemsettin Yurtseven, who was detained on 27 September 1995, was burnt after he was murdered, that Abdullah Canan was murdered by the Director of the Special Operations Branch and that narcotics were transported in Meat and Fish Administration lorries. He also said that Yurdakul, First Lieutenant Bülent Yetüdü, Captain Nihat Yiğitler and confessor Kahraman Bilgiç murdered a shepherd, and that many corpses were buried, including 2 youths, in the hand grenade test area of Yüksekova Battalion Command. One of these youths was identified as Münir Santaş (15).

addressed to the officers saying ‘look gentlemen, here are Abdullah Canan and his friends who complained about us.’ After applying pressure, insults and threats to them to withdraw the case, he said to my father, ‘your home and bed are comfortable just now, but you will miss these days,’ and released them. He was also called to Yüksekova Prosecution Office a three or four of times and was pressurised with threats to withdraw the trial. On 17 February my father went to Hakkari to renew his gun licence. He was detained on the way, and his detention was witnessed by many people, near Dilan Fountain, between İkkiköprü and Keremağa Bridge, by battalion commander major and a number of bearded people. It was the first time a search was conducted there.”

Esat Canan, former Republican People’s Party (CHP) MP for Hakkari, stated that they had applied to the authorities after becoming certain that Abdullah Canan was killed in detention, but received no result. Canan stated that confessor Kahraman Bilgiç, now known to be Abdullah Canan’s murderer, using the code name “Havargot-Hawar,” gave them information in return for 12,000 DM, on 29 September, after the “gang” was discovered. Canan said that Bilgiç told them Abdullah Canan was held at Yüksekova Brigade Command, before he was killed. Canan added that Bilgiç had said, “Emin Yurdakul, former Battalion Commander, handed Abdullah Canan over to us for execution.” On 21 March, CHP MPs Ercan Karakaş, Mahmut Işık and Mustafa Yıldız announced their reports on murders by unknown assailants in Hakkari. Karakaş made a statement about the rumours that Yurdakul had a hand in the murder of Abdullah Canan, and demanded his dismissal. The Office of General Staff, however, made an official complaint about Karakaş, Işık and Yıldız, on the grounds that they had made Yurdakul “a target for the PKK.”

On 26 February, shortly after the discovery of Canan’s body, two more bodies were found, identified as the brother Eyüp (26) and Mahir Karabey (18), both of whom had disappeared on 28 December 1995 in Çukurca, Hakkari. It was reported that both Eyüp and Mahir Karabey had been shot with rifles, and that there were traces of bayoneting on their bodies. They were buried in Çukurca on 27 February. The father of the murdered brothers, Recep Karabey, claimed that his sons had been murdered under torture, after having been detained by plainclothes police officers. Karabey said that he had applied to Çukurca Prosecution, Hakkari Security Directorate and the Gendarme Regiment Command when his children were detained, but received no result. In addition, Nurettin Aksoy, who was also detained by troops of Hakkari Gendarme Battalion, was found dead near Yeniköprü on 17 January.

How the gang was exposed

The event which brought the “Yüksekova Gang” onto the agenda of the public occurred when “people disguised as PKK militants kidnapped Necip Baskın and asked for ransom from his family,” in mid-September. 10 people raided the house of Faris Baskın, the Deputy Director of Yüksekova Milk Assembly Administration, in Vezirli village of Yüksekova, abducted Faris’ son Necip Baskın (22), and demanded a ransom of 200,000 DM from him. An investigation was launched when Faris Baskın informed the District Governor Aydın Tetikoğlu about the incident, and two village guards were caught when they came to collect the ransom. Upon the testimonies of the guards, four more village guards were caught together with Selim Serdar, the Team Chief in Special Operations Branch Directorate of Hakkari, and three police officers. Meanwhile, PKK confessor Kahraman Bilgiç was detained. Bilgiç was designated as the man who had pulled the trigger in the murder of Abdullah Canan.

Kahraman Bilgiç made interesting statements in the testimony he gave during inquiry. He stated that they organised the helicopter accident in which General Eşref Bitlis died,^(*) and

(*) The helicopter, which was carrying the General Gendarme Commander Eşref Bitlis to Diyarbakır, crashed in Ankara on 17 February 1993. Squadron Leader Yaşar Erian, Pilot Captain Tuğrul Sezginler, NCO Emin Öner and Colonel Fahir Işık died together with Bitlis. The Office of General Staff made a statement immediately after the crash, before while the wreckage was even gathered, that the cause of the accident was “frost in the engine.” Nusret Senem, lawyer for Saime Sezginer, the elder sister of Tuğrul Sezginer, claimed that the necessary inquiry had not been held, and said “the Military Prosecution closed this file with a decision of non-prosecution, being content with the reports from the chain of command. Our objection, demanding an inquiry by experts, was not accepted.” Senem, who claimed that the inquiry had been concluded with “frost” as the cause on statements of Doğan Güreş, MP for Kilis, and then Chief of General Staff, and said “the incident appears to have occurred because opinions of Bitlis relating to his discoveries in Northern Iraq were not received well, or in other words, for fear of revelation of his findings in Operation Provide Comfort. It is interesting that the inquiry was closed in such a way.” The findings in the expert report, which was prepared in November upon the demand of Ankara Court of First Instance No. 10, reinforced the theory of sabotage as the reason for the crash. Specialists from the Faculty of Airplane and Space Sciences of İstanbul Technical

that it was they who had killed General Bahtiyar Aydın in Lice, Diyarbakır, on 23 October 1993, by using a Kanak brand assassination rifle.

When these “confessions” were covered in the media, CHP MP Ercan Karakaş said that no result had come from the information they had provided 6 months before, but that they themselves had been passed off as guilty parties, and added, “We informed the Brigade Commander about this confessor. We informed the President, the Minister of the Interior and the Prime Minister about this issue at the time. I talked with Ülkü Güney, then Minister of the Interior, personally. I gave him the reports. Güney said ‘I will take care of it.’ Later, they said that our claims were baseless. Somebody does something in the Security Directorate, and Security itself investigates it.”

In the course of the investigation it was determined that Necip Baskın had not been taken to a house after abduction, but to Yüksekova Security Directorate. Special Operations Branch members Fatih Özhan, Yusuf Azmi Aydın and Abdulkadir Bayram, who were interrogated in connection with the abduction, stated in the testimony they gave to the police inspector that, “We are not gang members, and we have no relations with the gang. We took Necip Baskın for interrogation since we learned he was to meet with people from PKK. We do not have any information about the ransom.” According to the information gathered; village guards wearing snow masks and PKK outfits went to the house of Faris Baskın in Vezirli village together with PKK confessor Bilgiç, who was not wearing a mask. Introducing himself as a member of PKK, Bilgiç asked for 200,000 DM for Necip Baskın, and gave a PKK receipt to İlhan Baskın, a relative. Necip Baskın, whose face was covered, was handed over to police officers waiting at the entry to the village. Although it was claimed when the event was uncovered that Baskın had been taken to the house of one of the officers, in the inspector’s report it was stated that he was taken to the District Special Operations Branch Office. Later, the authorities story of how the event was uncovered was: “After the Gendarmerie Command was informed about the abduction of Necip Baskın by PKK militants, İlhan Baskın’s statement was taken. Information was taken about the physical appearance of the person not wearing a mask during the raid. The fact that the man whose face was uncovered had a short back and sides helped us. Upon this, Bilgiç, who had been assisting troops in the Brigade for about three years and whose name had been mentioned in connection with some events previously, was taken for interrogation. Bilgiç confessed that they had carried out the action, and gave the names of the village guards who had been with him at the time, and of the police officers they had handed Baskın to, so the matter was solved.”

After these developments, the CHP MPs carried out more research in the region in September, and prepared another report. The report, read out by MP for Tunceli Orhan Veli Yıldırım on 9 October, stated, “Urgent measures must be taken for the period after the abolition of the Special Team and village guard systems in Eastern and Southeastern Turkey. Otherwise, the people of the region will slaughter each other in total civil war.”

The report said that the previous report prepared in March by the CHP MPs reflected the facts. It recorded that the gang members abused their posts for their personal interests, and included the statement “An illegal gang has come into existence within the state institutions, which cannot be reconciled to the principles of the social legal state.” The report claimed that the gang members obtained commission from the narcotics trade, and that this was one of the factors that paved the way for murders by unknown assailants. The report said that the gang abused the identities and authority of state officials, and stressed that state administrators were aware of the activities of the gang. This assertion was supported with the statement of an official whose name was not released, “If something happens and is not uncovered, surely we must also be involved in it.” The report added, “The Necip Baskın incident should not be concluded with a few victims, but must be followed to the end. Thus, Turkey will be acquitted and will gain credit in world opinion and the murders by unknown assailants will be solved; and our citizens will gain confidence in their state at the same time.” Yıldırım stated that they had not included in the report many of their findings and documents in regard of the progress of the investigation, and said that an NCO named Hüseyin Oğuz, serving at Hakkari, had called and informed them that he had been conducting out investigation of the Baskın incident of 29 September for the first two days, but that later he had been relieved of duty. Yıldırım said, “This NCO declared to us that he had found some important information and documents, and on condition of guarantee he may make

University determined that some parts of the engine were not found, and the suspicion of external interference to the helicopter came onto the agenda.

important statements.” Yıldırım noted that the government was in possession of all the documents they themselves had.

The report also said that 2 NCOs died and 5 shepherds disappeared during a clash between the PKK and security officers on 25 August in Otluca village, Hakkari, and stated: “The villagers examined the area 15 days after the event, and discovered bloodied felt coats, shirts, and trousers, but could not find the disappeared people. No information was found regarding the whereabouts of Lokman Kaya (18), Halit Ertuş (65), Ahmet Bozkır (39), Selahattin Aşar (45) and Süleyman Tekin (50) despite various applications. Their relatives believe that these people have been taken by the special gang.” The statements of a regional businessman, Seyit Geylani, were included in the report, “Our patience is at the limit. There is no businessman or wealthy man left in Yüksekova and Hakkari who does not give protection money to the gang. There is not one official who does not know by whom this protection money is taken. Because we even gave tapes to the authorities and to some MPs of our region. But nobody did anything about it until now.”

Colonel Hamdi Poyraz, Lieutenant Colonel Mehmet Emin Yurdakul, Lieutenant Colonel İbrahim İşgüder, Lieutenant Colonel Kamber Oğuz, Captain Nihat Yiğiter, First Lieutenant Hamza Çeleboğlu, Special Team Chief Fatih Özhan, police officer Azmi Aydın, village guards Kerim Özcük, Osman Özpazar, Necmettin Haceyi and Kahraman Bilgiç were detained in the scope of the investigation. The investigation against the “gang members,” who were in detention for 20 days, was completed on 12 October. The same day, Yüksekova Heavy Penal Court remanded Fatih Özhan, police officer Azmi Aydın, Kerim Özcük, Osman Özpazar, Necmettin Haceyi and Kahraman Bilgiç in custody. Police officer Abdülkadir Bayram and the village guards Selim Ergen and Osman Ergen were released. Necip Baskın was confronted with Kahraman Bilgiç in the trial, and identified him as the head of the gang who had abducted him. Bilgiç, who was confronted with Abdullah Canan’s brother Mehmet Canan, rejected the accusations of murder. Meanwhile, Yüksekova State Prosecutor Mehmet Turgay, was dismissed from his post in Yüksekova and assigned to the Yazıhan District of Malatya. The trial launched by Diyarbakır SSC, started on 11 April 1997. (*).

Other gangs

The crime organisations known for years as “cheques and deeds mafia” and “*ülküci* mafia,” were called “gangs” after the Susurluk accident. During the process of investigations it was understood from the number of the people detained and the equipment seized, that some of these gangs were well-organised hierarchies. Another noteworthy point was that the gangs in question somehow had relations with each other in general. For instance, Mahmut Yıldırım, with the code name “Yeşil,” who was involved in a number of murders by unknown assailants in the Southeast was taking protection money from Ömer Lütfü Topal, and the “Hadi Özcan gang,” which was active in the area of Sakarya, was in discussions to kill Abdullah Çatlı.

The Söylemez Brothers

The “Söylemez Brothers Gang” was the most distinguished among these organisations. The Söylemez Brothers Gang formed an important example of the “gang” concept. One of the chief events that made the name of “Söylemez” known occurred on 26 February. A group of people raided the office of Ömer Çetinsaya, the nephew of Ahmet Çetinsaya, Mayor of Eminönü in İstanbul, and took two police officers hostage. In the clash Çetinsaya killed Sait Aydın (later it came out that this man was wanted for the murders of two people), and wounded Şeref Aydın. Five or six people managed to escape after the incident, but three were captured alive. It was claimed that the people who raided the office were the members of “Söylemez Brothers Gang.” As well as Çetinsaya, Ahmet Söylemez, Abdülhalim Kahraman, Arif Yanık and Barış Bedirhan Çınar, members of the Söylemez Brothers Gang were arrested in connection with the incident.

Following this, Resul Söylemez (a retired police officer) and his brother Nasır (a retired superintendent) were murdered while visiting Ahmet Söylemez at Eskişehir E-Type Prison on

(*) A trial at Diyarbakır SSC was an interesting example of the protection of confessors. In the course of the trial, in which 7 people, detained on 21 and 22 June 1994 upon the testimony of Kahraman Bilgiç, were prosecuted on charges of “aiding the PKK,” the lawyers requested Bilgiç be heard as a witness. Upon this, the SSC demanded the Provincial Gendarme Regiment Command of Hakkari to transfer Bilgiç to court. But a letter to the SSC, signed by Colonel Kamil Ertiryaki, stated that Bilgiç had been assigned to Northern Iraq, and so could not be brought to Court. The SSC made a second request in 1996, but this time the letter, signed by Hakkari Provincial Gendarme Regiment Commander Colonel Necati Kılıçkaya and sent to the Court stated that the person with the code name “Hawar” was a Syrian and had died in a clash.

12 March. A taxi driver named Ercan Akyol was also murdered in this incident. The assault was claimed to have been carried out by Ali Bulut and İlyas Sarınca. Later, on 20 April, the grandfather Halit Pişkin (62) of Ahmet Çetinsaya, the Mayor of Eminönü, and his nephew Hakan Çetinsaya (20) were murdered in Erenköy. In the statement made by the police, it was claimed that former officer Faysal Söylemez, Mehmet Sena Söylemez who had been a doctor but was expelled from the profession, and Mustafa Söylemez, who had been expelled from the police, ordered the killings of Hakan Çetinsaya and Halit Pişkin for revenge.

After these and similar incidents, an operation was launched against the Söylemez Brothers Gang. A clash broke out between members of the Söylemez Brothers Gang and İstanbul police officers on 11 June at the toll-booths at the entry of Adana-Pozantı highway. Mehmet Faysal and Mehmet Sena Söylemez, Fevzi Şahin and Can Köksal were apprehended in the clash. Subsequently, many people, including soldiers and police, were detained on charges of being members of the gang. Among the detainees were Mehmet Sıddık Bakır, assistant police superintendent (serving as second lieutenant at Silopi District Gendarme Squadron Command when caught), NCOs Kamil Türk, Cevdet Koçak, Abdullah Alaca, Süleyman Şahin, Serdar Doğan and Selçuk Esin, serving at Güvercinlik Ground Aviation School Attack Helicopter Battalion, on charges of “assisting the gang,” and NCO Oktay Karagöz and retired NCOs Ünal Özkan and Ayhan Lallı, who were determined to have relations with the above mentioned people.

On 25 June, Mehmet Faysal Söylemez and Can Köksal were remanded in custody. Oktay Söylemez, Numan Akman, Nazlı Akgün, Cafer and Mehmet Şükrü Ergin, Fehmi Uzel, Metin Savcı, Muhsin Çayan and Şevki Anlar were released pending trial. More than 10 trials are underway for the Söylemez Brothers Gang.

In a statement he gave to the daily *Radikal* on 3 December, Mehmet Sena Söylemez, a leading member of the gang, made very important allegations about “the Bucak clan, Sedat Bucak and Mehmet Ağar.” According to the news article, the Söylemez brothers, who were in feud with the Bucak clan, were supposed to be transferred to Kütahya Prison, where members of the Bucak clan were imprisoned, during the period when Ağar was the Minister of the Interior. Metin Aslan, the Kütahya Prison Prosecutor, stated that he had received a letter from the Ministry of Justice on this matter last July, and said, “There were enemies of the Söylemez brothers in the prison. Therefore, I submitted a counter letter indicating the transfer of Söylemez brothers would not be sound.” In his letter to the Ministry of Justice, Prosecutor Aslan said “enemies of the Söylemez brothers are on remand in the prison, and such a transfer would not be sound from the point of view of personal security.” Mehmet Sena Söylemez said the following, according to the above mentioned article: “I was transferred to Kütahya Prison. Some murderers who been involved in the murders of my elder brother and nephew and other gunmen from the Bucak clan were waiting there for me. As the prosecutor of the prison knew this situation, he used his authority to refuse my entry into the prison, so I survived. I was waiting outside the prosecutor’s house in the prison van, while the prosecutor was under pressure to accept me to the prison. As this did not work, they sent me to Kırklareli Prison with instructions by fax half an hour after office hours. Confessor Alaattin Kanat and some gunmen were waiting there for me. I became ill on the way and they had to take me to a doctor. I was brought back to İstanbul Prison.”

Meanwhile, İstanbul Public Prosecution launched a trial against 10 people, including 4 police officers, on charges of “receiving bribes from and turning a blind eye to the activities of the Söylemez Brothers Gang.” Deniz Gökçetin, Assistant Security Director, was indicted with a demand of up to 24 years imprisonment, for the double offence of “accepting bribes.” On 5 September, arrest warrants were issued for Gökçetin, Sedat Demir, former Director of Public Order Branch, chief superintendents Erdal Durmaz and Halim Apaydın, and for Halim Karakaş, a hotel manager accused of giving bribes to police officers. The fugitive police chiefs Demir and Durmaz were caught at the house of former police officer Mustafa Haskırış (*) in Elmalı village, İstanbul, on 15 January 1997. Gökçetin was caught at another house in İstanbul. The trial against these people started at İstanbul Heavy Penal Court No: 5 on 18 October. In the trial, Apaydın, who had been serving at İstanbul Anti-Riot Branch Directorate, claimed that his testimony had

(*) Before 1980, Sedat Demir had been a member of the left-wing police association Pol-Der, and Mustafa Haskırış a member of extreme right-wing police association Pol-Bir. Haskırış served at Ankara Political Police centre after 12 September, and was sentenced to 13 years 4 months in prison for killing Zeynel Abidin Ceylan under torture in 1981. Haskırış, who had been released on bail just prior to the verdict, was wanted for a period of time. The name of Haskırış, who was expelled from the police force, was mentioned in relations to the kidnapping of a jeweller in Kayseri in 1986.

been taken under torture during 11 days period of his detention, and stated that he had a doctor's report certifying his need for 10 days recuperation.

The trial launched against First Lieutenant Can Köksal, NCO Oktay Sağlam and NCO Osman Nuri Sunar, who were tried at İstanbul First Army Command Military Court on charges of supplying military equipment to the Söylemez Brothers Gang, was concluded on 6 December. Köksal and Sağlam were each sentenced to 3 years imprisonment. The sentence of 3 months in prison given to Sunar was later commuted to a fine.

Other incidents

Ten people claimed to have participated in the abduction of İskender Gül, Foreign Relations Director of İzmit City Municipality, were detained in Antalya and Kocaeli in June. It was claimed that these people, reportedly Hadi Özcan's men, had been involved in offences of murder, ransom, wounding, kidnapping, opening fire at a car, and extorting cheques and deeds by force of arms. As a result of operations carried out by the Political Police, Recep Alp, Ata Karadereli and Muhammet Ali Oylum were detained in Kocaeli; and Murat Oral, Nevzat Şenoğlu, Murat Fil, Ömer Özdemir, Ertan Taştan, Cihan Tuna and Serkan Hebil in Antalya. During their interrogation, the defendants confessed that they had kidnapped Gül, and it was understood that they had taken part in incidents such as extortion of 50,000 DM from Metin Alan, President of Public Works Commission of Saraybahçe Municipality, extortion of \$US300,000 from Sami Koçak, the owner of an exchange office, opening fire at the car of Tuncay Reşat Bellisan, and wounding Halil Türkan in Antalya, on the instructions of Özcan.

Kocaeli Security Director Affan Keçeci reported that the names of those detained in the operation along with Özcan, who was caught with a fake IDs in the name of Orhan Can and Turhan Şentürk, were Metin Ali Bağdat, Savaş Uzun, Mehmet İlker Kayış, Muzaffer Osmanlı, Serkan Demirci, Selim Gökkaya, Sahit Sekanlı, Tuncay Çora, Servet Savaş, Şahin Tekdemir, Alaattin Keskin and Ramazan Öztürk. Keçeci stated that, out of those accused of "aiding the gang," Kayış was police officer on duty at Bursa and Öztürk was a retired captain. He also said that 4 high-level security officers had been revealed to have connections with the gang. Keçeci listed the following murders among the incidents that the members of the gang were claimed to have been involved in: The killings of Sürmeli and Fehmi Göçer and Nizamettin Keskin at Köseköy in August 1994, of Şaban Kurtuluş 15 days after that, of Reşat Yüksel on the TEM highway in August 1995, of Kader Yılmaz in February 1995, and of Muzaffer Yüksel in March 1995.

Özcan, who had previously been tried in 19 cases and who had been acquitted once and released twice, and Savaş, Muzaffer and Seyfettin Uzun and Mehmet Ali Bağdatlı were not released in the course of the trial. The trial is continuing at İstanbul SSC.

Ali Rıza Gürbüz, the owner of a tourism agency named 'Alibaba Reisen' in Switzerland, who had been an candidate from the MHP in 24 December 1995 general election, was captured with 40 kg of heroin and 150 kg of materials used in producing heroin during a raid on a garage at Oerlikon, Zurich on 17 February. It was reported that two other Turks and a Yugoslav were caught along with Gürbüz. The papers said that Gürbüz had spent approximately 70 billion Lira in his election campaign, borrowed 500,000 Fr. from the Yugoslav Mafia prior to the elections and had had problems repaying it as he was not elected. In a news article published in the daily *Evrensel* on 6 December 1995, it was asserted that Gürbüz had been involved in drug trafficking. The article said that Gürbüz and Cengiz Ünal, another candidate from the MHP, had been involved in drug trafficking and provided support for nationalists in prison. After this article was published, Yusuf Kırkpınar, the MHP İzmir Provincial President, invited İzmir Representative of the *Evrensel* to his office, and threatened him with a gun. The article stated that Gürbüz had not been a member of the MHP before he becoming an electoral candidate, and that MHP members living abroad had warned the leadership about him, but the warnings had been disregarded.

Five armed people raided Çiğdemli village, Silvan, Diyarbakır, on 19 October, declaring that they were PKK militants, and attempted to abduct two villagers. The event was exposed by an application to Diyarbakır Branch of the İHD. In the application made by relatives of Davut Yanık and his wife Hayriye, who had been abducted and wounded, the incident was related as follows: "Five people came at 9pm to the village in a minibus whose registration number we did not get, and went to our relative Davut Yanık's house. They introduced themselves as PKK militants. They questioned Davut about his wife, and upon learning that Hayriye was attending a wedding ceremony of relatives in Silvan town they went there taking Davut with them, and left there for Diyarbakır, after taking Hayriye with them. Davut and Hayriye were searched on the way. 10,500,000 Lira were seized from Davut and gold jewellery from Hayriye. The armed men

and our relatives were wounded when the minibus had an accident on the same night, near Kağıtlı Gendarme Station. After soldiers arrived on the scene, the armed men were taken to hospital with care in a very short period of time, and our relatives were left there and taken to the hospital by villagers later.” The relatives of the Yanık family stated that Davut had been detained in Silvan on 4 October, and kept in detention for 2 days.

d)- Murder Investigations

Insensitivity towards murders by unknown assailants, and initiatives to cover up these murders, with few exceptions, continued as in previous years. Investigations were either closed or shelved. Authorities did not take any action beyond issuing statements saying “the assailants will be apprehended.” In these statements it was continuously stressed that “murders by unknown assailants were committed by the PKK and Hizbullah militants active in the region.” In some of the official statements, it was announced that the assassins in certain murder cases had been caught. However, these statements gave no information as to the identities of the assailants. The investigation regarding the murder of journalist and writer Uğur Mumcu in a bomb attack constituted an example of investigations dragged out.

Mumcu died on 24 January 1993 outside his house in Ankara, as the result of the explosion of a bomb placed in his car. After the Mumcu killing, numerous state officials, first and foremost Süleyman Demirel, then Prime Minister, promised that the assailants would be found, special investigation teams were formed, and a commission was established within the National Assembly to investigate murders by unknown assailants. However, no steps were taken in course of the investigation. Four separate prosecutors dealt with the case file. The Ministry of Justice launched an investigation against Military Prosecutor Ülkü Coşkun, who had undertaken the initial investigation, on the grounds that “he delayed the investigation.” The file against Coşkun, who is currently working at Ankara SSC, was referred to the Ministry of Defence, as he had served as a military judge. The Ministry initiated no proceedings against Coşkun, who said to Mumcu’s spouse Güldal, “The state must have done this. It can be solved should the political power show the will.” (*)

The Parliamentary Commission to Investigate Murders by Unknown Assailants, which was formed in February 1993 after the great public outcry caused by the Mumcu murder, managed to complete its task in April 1995. However, the report prepared sparked discord among the Commission members. Some members of the Commission from the True Path and Motherland Parties complained, “There are some statements and sections in the report that will lay the blame on the state,” and demanded these sections be reviewed. For this reason, the report was not officially released, but it was reported in the press and caused great reverberations.

The report emphasised that murders by unknown assailants increased rapidly after 1991 and panicked the people to a great extent, and said that 908 murders by unknown assailants had been committed by the end of 1993. The report put forward that the increase in the number of murders and failure to reveal the people or organisations who had been involved in these murders had generated distrust in the society and put the state under suspicion. It added, “Political murders by unknown assailants are generally committed on the streets, in the busiest parts of cities and in the daytime. The assailants in these murders are not found, and this frightens citizens and causes suspicion. Security forces cannot apprehend the assailants in political murders, although they apprehend or identify the assailants of ordinary criminal murders within a short time, and therefore citizens think that the state is an accomplice to the political murders.”

(*) Uğur Mumcu’s spouse Güldal related the incident as follows in her statement at the Parliamentary Commission to Investigate Murders: “We were planning to leave the house at 1.30pm as we wanted to pay a visit to a patient. I remember the time very well; as he said ‘Be quick please, I will write my article when we come back,’ and I looked at the digital clock on the oven, and said ‘It is 1.18. We won’t not hurry, the visit starts at 1.30.’ He said, ‘Anyway,’ and left the house. Then I left the house. I saw the face of the next apartment’s manager Mr. İbrahim who was washing his car in the car park of that apartment. The explosion took place when I was about to say ‘Good day.’ I was at the entrance of the apartment, and I stepped back automatically. Another explosion took place. It was so big that I thought at once that the electric transformer had exploded. And again as I thought of going back in... three more explosions. The whole place was covered with smoke and soot. I began to walk. That moment a white car passed by. It was like a dream. As I was still thinking that the transformer had exploded, I could not remember where we had parked the car. ‘Did anything fall onto the car, was it an explosion?’ I was asking, when I saw what happened to the car. People came, I said ‘Okay, an explosion took place, where is Uğur?’ I looked around, and saw him there.”

The report stated that there were security officers, confessors and village guards who had been involved in murders by unknown assailants or who had committed murders themselves, and gave examples. In addition, it stated that some of the murders by unknown assailants had been committed by radical Islamic organisations like the Islamic Movement and the Hizbullah, and some others by the PKK. The report pleaded that confessors in prisons had been allowed out with special permission and then charged with carrying out operations, and that some crimes committed by confessors had been disguised by top level state officials.

Welfare Party MP for Bingöl Hüsametdin Korkutata, a member of the commission, criticised Nusret Demiral, then Ankara SSC Chief Prosecutor, in a statement he made in January. Korkutata disclosed that the Commission's report, which certified that the investigation had been dragged out, had been shelved, and added that the state should have taken the responsibility if it was at fault. He said that the Commission had concluded that Ayhan Aydın, the only person to witness the incident, would have to clarify it. He added, "Demiral treated Aydın as a false witness, and concealed his whereabouts. We applied to the Security Directorate in order to meet this person. However, it was reported that he could not have been found at his address. On the evening after this information was given, they put him on the TV and made him appear as a false witness. Only then they brought him to us. The key person in this process is Demiral. He must know something, because he tried to hinder the investigation. We asked for information from bodies that were investigating the murder. However, Demiral wrote secret letters to these institutions demanding that the Commission should not be given information. Some people make false claims to create false targets."

An important sign of attempts to cover up the Mumcu killing came out when Şefik Polat, a man listed among the leaders of the Islamic Movement Organisation, sought political asylum in Germany in February, when operations against the organisation were underway. Polat applied for political asylum in Oldenburg, Schlesweig-Holstein, and his application was accepted. The daily *Özgür Politika*, published in Germany, included in its issue dated 10 February 1996 a copy of the application for political asylum by "Polat, code-named 'Kerim,' a member of the executive council of the Islamic Movement Organisation." The article asserted that Polat, who declared that he was a Kurd and praised the PKK, had accused the Hizbullah, thus misleading the German judge. Two days after the Mumcu killing, the police had raided the house of Necmi Aslan, Ankara representative of the Islamic Movement Organisation, and Polat had not been detained during this raid, although he had been present in the house. This had brought out certain questions of whether "he had not been detained intentionally or whether the investigation had been carried out without any clear direction."(*)

After Polat got political asylum, it came out that the Turkish government had made no attempt to maintain his extradition. Volkan Vural, the Turkish ambassador in Bonn, declared that they had been in touch with the German authorities after it had been published in the press that Polat was in Germany, and said, "We saw that there were no demands from Turkey for Polat's extradition." Vural added that no proceedings could have been initiated as there had been no application. It was discerned that Polat had entered Germany on 20 August 1993 and applied for political asylum on 1 October 1993. Polat had described himself as a person of Kurdish origin and a sympathizer of the PKK. He had declared that he wanted to obtain political asylum in Germany as his life had been under threat after the killing of his friend, Democracy Party member Hasan Kara, in 1993. He claimed that he had hidden in Batman for a while after Kara's killing, and then he had escaped to Germany. It was worth noting that Şefik Polat had been in hiding shortly after the Mumcu killing.

In October, Ankara Administrative Court No.4 decided that Mumcu's spouse and children should be given compensation of a total of 5 billion 55 million TL for material damages and 5 billion TL for mental damages. The court, rejecting the Mumcu family's claims that the Ministry of the Interior had been seriously negligent in the incident, concluded that the damages should be compensated in line with the principles of "responsibility without negligence and collective responsibility." The expert report in the proceedings had denoted that the Mumcu

(*) Two days after the Mumcu killing, the police were given information that "The middle floor of a building on the corner of the Ahmet Refik Paşa and Atış streets in Aydınlikevler was used as a base of the Islamic Jihad Organisation." The police raided the house, but people in the house, Necmi Aslan and Şefik Polat, were not detained. Four days after the raid, Aslan was detained on charges of "being Ankara representative of the Islamic Movement Organisation," and put on trial at Ankara SSC. However, Polat could not be apprehended. Sıddık Tan, an İHD Batman Branch executive member, had been killed in Polat's house in 1992. Polat had been detained for 10 days after the incident, and later released. Later Polat disappeared.

family had suffered material damages amounting to a total of 24,306,070,586 TL (18,048,038,000 TL for Güldal Mumcu, 1,929,018,953 TL for their son Özgür, and 4,329,013,435 TL for their daughter Özge). Güldal, Özgür and Özge Mumcu had launched a trial against the Ministry of the Interior, claiming compensation of 5 billion 85 million TL for their material losses and 30 billion TL for the mental damage.

Meanwhile, a university student named İrfan Özer, who was detained on 27 July in connection with the bombing, was released after having been interrogated at Ankara Security Directorate for 5 days. In the course of the investigation, which was initiated when Abdullah Papağan, a prisoner confined in Bursa Prison for murder, had applied to the prosecution office and claimed that a prisoner named “İrfan” had said to him that he would kill Mumcu as soon as he was released, it was revealed that the person that Papağan had spoken of was Özer, who had been charged and then acquitted by İstanbul SSC on charges of “being a member of İBDA-C [*Islamic Great Eastern Raiders-Front*].” Upon this, an arrest warrant was issued against him, and he was detained in Maraş and brought to Ankara. Özer claimed that he had no connection with the incident. Özer was referred to SSC Prosecution Office on 31 July, and released, after having been interrogated, on the grounds that “he had no connection with the incident.”

e)- Hizbullah

The name of the radical Islamic Hizbullah organisation, which carried out its attacks “under serious protection,” was frequently mentioned in 1996 in connection with murders by unknown assailants in the State of Emergency Region. The long-time dispute between two factions known as “İlim” and “Menzil,” erupted into armed clashes in the second half of 1993. These clashes, which constituted an important dimension of the murders by unknown assailants, became bloodier in 1994. They continued in 1995 and 1996, although less severely when compared to 1994. Numerous people were murdered in attacks with meat cleavers or in armed attacks or bombings. (*)

“Once Upon a Time There was Hizbullah” (2 November 1997-Gazete Pazar/Ersin Kalkan)

In 1991, downing shutters protests were becoming widespread in many cities and towns in the Southeast. First, the members of the Special Teams made some attempts at re-opening the shops of the tradesmen and artisans, trying to break the locks of the shops with the butts of their rifles. International news agencies were sending pictures of policemen in such acts to the world press and television channels. In those days, the local tradesmen were having quarrels with the police with their downing shutters protests, and the PKK was increasing its activities in all settlements. In the second half of 1991, all of a sudden the Special Teams were replaced by certain bearded men, who wore baggy trousers, and carried clubs and chains. They were beat tradesmen who did not open their shops with the clubs forcing them to open up. When they appeared in the streets the policemen disappeared. This group were calling themselves “Hizbullah” meaning the party of God. They armed themselves in a short period and afterwards numerous murders by unknown assailants were committed.

The first news about Hizbullah appeared in the journal “2000'e Doğru” and it was claimed that members of Hizbullah were being trained at the Anti-Riot Directorate in Diyarbakır. Two days after the publication of the news, Halit Güngen, Diyarbakır representative of the journal, was murdered by unknown assailants in Diyarbakır. In the trial against Hizbullah with 35 suspects, held at Diyarbakır SSC in 26 June 1994, the organisation was defined in detail for the first time. In the “Brief History” section of the indictment, the Lebanon and Iran wings of Hizbullah were emphasised, and in relation to Turkey, the following was said: “In Turkey, the Islamic struggle, grouping and organising under the name of Hizbullahi Yol (Way of Hizbullah), is a situation effectively appearing as a response to the domination of the PKK terrorist organisation over the other left-wing organisations through armed struggle as a single radical Marxist-Leninist armed gang in the region increasing its influential activities and performing

(*) On 27 July 1993, members of the Parliamentary Commission to Investigate Murders by Unknown Assailants were given a briefing at Batman Security Directorate. Having participated in the briefing, Öztürk Şimşek, former Batman Security Director, asserted that soldiers had been active in Hizbullah camps in the Sekü, Gönüllü and Çiçekli villages in Gercüş, providing members of the organisation with political and military training. The Deputy Governor repeated the same claim. The Gendarme Command sent a letter to the Commission on 22 December 1993, asserting that the claims were baseless, that the Hizbullah had no camps and had not been active in the region.

widespread acts of violence. Since the religious sentiments of the local people are strong and the PKK carries out terrorist acts against the people regardless of sect it has emerged as an extremist, radical, illegal right-wing organisation aiming at establishing a Kurdish state modelled on the Islamic Republic of Iran, based on Islamic principles and responding to the terrorist acts of PKK.”

The indictment stated that the organisation in question was as dissident and dangerous as PKK. On 22 July 1994, the case of “the İlim wing “ was held at Diyarbakır SSC. In the indictment, Hizbullah was defined as follows: “The Hizbullah organisation is led by two leaders, one religious and the other political. The leaders are supported by an Islamic “Şura” (council) in which they too are included. The şura comprises of 4 people. These 4 people are responsible respectively for the political wing, the military wing, logistics, and press, publications, and public relations. The şura is the legislative body of Hizbullah with the power of decree. It is subordinated to affiliated military and political wings. These wings are the executive and enforcement bodies of Hizbullah. The wings are led by wing leaders, and subordinated to group leaders are cell leaders and cells. The political activities of the organisation are performed by ulema (scholars), mollahs and okutman (lecturers) in small and large mosques, student residences, schools and business offices. These activities are conducted under the supervision of a person running a mosque, called “Seyda.”

In the indictment, it was stated that there are two groups within Hizbullah; of these, “the İlim wing” is named as such as it is based around the İlim Bookstore, and “the Menzil wing” are called as such as it is based around the Menzil Bookstore. The indictment expressed that the decrees or fatwas are first issued by the militants in writing to the military wing, and then to the Şura, and after the approval of the Şura, these decisions are implemented, and added: “Intelligence activities are performed by a cell member commissioned by the person in charge of the military wing. The person in charge of the actions performs the assignment, and arranges the arms and, if necessary, accommodation. If reconnaissance is performed by him, he also takes part in the act of pointing out the target. Four people take part in a mission: one person to indicate the target, a watchman and general guard, a person responsible for close-up protection, and a gunman. Following the mission, the people taking part in the mission make an assessment about it. The arms employed in the mission are taken out of the area, and new arms are brought in.

Most of the above-mentioned data were obtained from operations against the Menzil wing in Diyarbakır and environs in May 1994. This organisation operated in utmost secrecy, and was exposed by chance (members of Menzil wing claimed that it was not chance, but that their friends were denounced to the police by members of the İlim wing). In Diyarbakır city, the police caught a student named Selçuk Atasoy, who was carrying a gun. Several militants were detained following an operation initiated in line with information given by Atasoy. Twenty-three guns including Takarof, Makarof, Smith Wesson and MP-5, which had been used in several attacks, were seized in eight separate safe houses. The ballistic examination revealed that these guns had been used in many murders and assaults.

Relatives of victims would not usually make official complaints after murders committed by Hizbullah, and eye witnesses refrained from testifying. Thus numerous murders committed remained uncovered. The only evidence in the murders was from the arms. Therefore, the seizure of the arms led to important results. For this reason, Hizbullah tried to take the arms out of the area as quickly as possible, and each time new arms were brought to the region. Afterwards, members of Hizbullah started to use mainly meat cleavers in the murders. Since the degree of violence incurred in the murders committed with the meat cleavers was very high, the witnesses were effectively silenced, and, as the risk of ballistic evidence was low, the assailants were acquitted if captured after the murder.

In an indictment prepared for another comprehensive Hizbullah case held at Diyarbakır SSC in March 1995, it was stated that the number of attacks with meat cleavers performed by the organisation increased from 98 in 1993 to 131 in 1994. The targets of the attacks between 1994-1995 were PKK or Democracy Party sympathisers. After Hizbullah lost significant power due to operations undertaken by the police at the end of 1994, the target of attacks changed in 1995. The political nature of the attacks with meat cleavers became a social one, and new targets were mainly prostitutes, pimps, women who did not wear headscarves and girls wearing short skirts and jeans. According to this indictment, Hizbullah carried out “socially oriented” attacks before 1995 as well, but meat cleavers were not used in these attacks. The girls who were the target of

such attacks, who studied at high school in Diyarbakır and Batman, and who did not wear headscarves, were attacked with knives and had nitric acid thrown in the face.

The Menzil wing, which lost most power in the 1994 operations, represents the “moderate” wing within Hizbullah. They even strongly object to being called Hizbullah, which name they think is deserved by İlim wing, and they do not want to resort to violence more than necessary. Most of the attacks with meat cleavers are by the İlim wing. It is obvious the İlim wing is inspired by the Hizbullah organisation in Lebanon with regard to the arms used and the targets of attacks. The target of the attacks by Hizbullah in 1982 was prostitutes, women who lead lives incompatible with religion and who wear obscene clothes; and thus it drew its sword. Hizbullah, like the İlim wing, made the breast and sexual organs of women the target of their meat cleavers, and killed hundreds of people.

In Diyarbakır, the İlim wing killed 23 men and women, and injured 8 others in the bloody attacks in the first part of 1995 alone. The right hand of Adil Yılmaz, who walked around with his cigar in his hand during Ramadan, was cut with a meat cleaver on the morning of 23 February. But “nobody saw, heard or knew of” the attacks. The organisation gradually achieved its aim. Society was silenced and oppressed. Even the executives of the İHD and political parties in the region were afraid to speak, since it was not known when or where attacks would start. The assailants could easily flee the spot after the murder. The assailants could easily disappear in the narrow streets of the Bağlar area of Diyarbakır, where the incidents were frequent. The darkness was getting denser. The target of Hizbullah was not only PKK sympathisers, Democracy Party members, journalists, women, but also pro-Islamic circles and factions which differed from Hizbullah. In other words, this organisation declared everybody other than itself as Hizbulşeytan (the party of Satan), and killed hundreds of people.

The area of activity of the organisation was not only the Southeast. The organisation, which was active in Adana, Mersin, Ankara, Bolu and İstanbul as well, carried out murders, thefts, and kidnapping in these cities too. In an operation carried out on 18 May 1995 in İstanbul, the police caught 8 Hizbullah members. Two rifles, 9 pistols and 8 hand grenades were found in the homes of members of the organisation. It was understood that these people had kidnapped Selahattin Talayhan, the İstanbul representative of the “Menzil” wing. With information from organisation members, it was discovered that Talayhan had been buried in the woods in the vicinity of Servetiye, Bahçecik, Kocaeli. The place selected by Hizbullah for the burial of the murdered man was in the middle of the satanic triangle of İzmit-Sapanca-Adapazarı of the Susurluk gang.

Between 1991-1995, when Hizbullah was most active, hundreds of people disappeared and were kidnapped, and there were almost 3500 murders by unknown assailants. The founder of the organisation is not known for certain. But tracing the Hizbullah course leads again to Susurluk. Today, some Hizbullah members have been tried and sent to jail. There are hundreds of Hizbullah members in the prisons in Bingöl, Adıyaman, Kırşehir, Bandırma and Nazilli. However, the intelligence establishment is able to declare that “Hizbullah is non-existent”...

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 Hizbullah.” Official statements made after the operations claimed that numerous cases of murders by unknown assailants had been solved as a result of the interrogation of the detainees and that they had been involved in numerous cases of killing, wounding and bombing. Trials were launched against these people, but no serious result was obtained at the end of the prosecutions.

During operations conducted in Batman in the first days of January, 19 followers of the İlim wing of the Hizbullah were detained on charges of “having killed many people and wounded and kidnapped many others in 1993, 1994 and 1995.” Fifteen people, who were kept as hostages by the Hizbullah for periods between 3 and 15 months, were rescued during the operations (Detailed information is on page 364). Six of the 19, who were transferred to court on 2 February, were remanded in custody and 13 were released. During the proceedings, the number remanded in custody rose to 8. In March, Diyarbakır SSC Prosecution launched a trial against the 8 on charges of “being members of the İlim wing of the Hizbullah, having killed 13 people, wounded 12 others and abducted certain people.” In the trial, Adnan Demir, Selim Çelik, Hayrettin Batu and Nurettin Irmak were indicted with a demand for the death penalty, and the remaining four defendants with demands for between 5 and 15 years imprisonment.

A house in Gülaçan Village of Piriçlik, Diyarbakır, was raided by security officers on the night of 7 February. As a result of the raid, 3 people in the house, Ahmet Kaya and Nihat and

Nefer Yoldaş, were killed and İsmail Yoldaş was arrested wounded. During the operations following the raid, 4 people, Mehmet Ali Gül, Mustafa Özmen, Mehmet Solmaz and Mehmet Nesim Selamboğa, were detained. Selamboğa was reportedly one of the leaders of the Hizbullah. State of Emergency Regional Governorate authorities declared that the raided house was used as a safe house by the Hizbullah militants, that the deceased and detained individuals had participated in numerous armed attacks and bombings, and added that large amounts of arms, bullets and bombs had been found inside the house. Diyarbakır SSC Prosecutor Bekir Selçuk related the incident as follows: “Developments demonstrate that the Hizbullah acquired enough equipment and militants to launch attacks against security forces. They can carry out large-scale acts such as raiding villages as does the PKK. The Pirinçlik case reveals that the Hizbullah was preparing to enlarge the scope of their actions, which they had previously carried out in cities, to cover rural areas too. In the city attacks, the victim is killed with a single bullet in the back of the head with a Takarof or Makarof pistol, or else victims are attacked with meat-cleavers. The developments demonstrate that the organisation has changed the place and the target of their attacks. They used to believe that they would not have any strength against the security forces. For this reason, they often surrendered with entering any clash. However, it seems recently that they consider themselves powerful enough to enter clashes against the security forces and fight with them. In a recent operation, a man-made shelter was discovered, suitable for use day and night and for hiding weapons. This indicates that the organisation is in preparation for large-scale attacks.”

In the trial launched against these people, Nesih and Salih Selamboğa and İsmail Yoldaş were indicted with a demand for the death penalty under Article 146 § 1 of the Turkish Penal Code on charges of “killing 5 people, 2 of whom were village guards, wounding 2 others, and forcibly seizing money in the guise of collecting alms,” and Mustafa Özmen, Mehmet Solmaz and Mehmet Ali Gül were indicted with demands of between 5 and 15 years imprisonment. The indictment said that the organisation had for the first time entered a clash with security forces in Hatuni hamlet, launching fire on the security officers, an imam, Ahmet Kaya, and people named Nihat and Noter Yoldaş, killing these people in the clash. The indictment stated that “the defendants aimed to establish a Kurdish state in the Southeast, which would be governed in line with Islamic rules.” SSC Prosecutor Bekir Selçuk said that Melle Şanlı, who had played an active role in the rural organisation of the Hizbullah in Southeast Anatolia, had been wanted. He said that Şanlı was one of the most important names in Hizbullah, and added, “This person carries out activities not only in the villages of Diyarbakır, but in the Southeast as a whole. The people visit villages, and disappear immediately after making propaganda for the organisation.”

In mid-February, Selim Ek, Ali Yetkindağ, Nasır Bozdemir and Zeki Bağrıyanık, were detained in Antalya on charges of “collecting money in order to maintain financial support for the Hizbullah,” and Nuri Baybars and Emin Ayva on charges of “aiding the 4 people.” The Security Directorate officials stated that the detainees had been beaten, blindfolded, tied and then left on the street at a place where they had gone in order to forcibly seize money, and then detained by the police.

The Hizbullah group was also established outside the Eastern and Southeastern regions, especially in Düzce and Sakarya. For example, a trial against 15 people in 1995 on charges of “being members of Düzce (Bolu) group of the Hizbullah, and having carried out attacks,” ended in 1996. In the trial, which concluded on 6 May, defendants Hasan Aşar, Cengiz Çelik and Güngör Gök were given the death penalty under Article 146 § 1 of the Turkish Penal Code on charges of, “aiming at establishing Islamic law.” The death penalties were then commuted to life-term imprisonment. Defendants Yılmaz Demirtaş, Halil Kurt, Hayri Yıldırım, Cengiz Aksoy, Mehmet Dinç and Arif Seçkin were each sentenced to 3 years 9 months in prison, and 6 other defendants were acquitted.

In the explanatory decision, it was stated that the daughter and grandson of Ayatollah Khomeini had visited Recep Güler, a fugitive defendant in the trial, in Düzce, given him the title of “regional imam,” and invited him to Iran. Accordingly, Güler had visited Iran together with his wife, and all his expenditure during the 20 days he had stayed there, had been covered by Iran.

On 15 September, Veysi Kaya (18) and R.Ç. (17) were wounded in an attack with meat-cleavers by 10 people in the vicinity of Namık Kemal High School in 5 Nisan area of Bağlar, Diyarbakır. After the incident, which reportedly took place between the *İlim* and *Menzil* wings of the Hizbullah, the police raided the Hacı Kudret Mosque, found many sharp instruments, and detained 4 people, including Süleyman Koru (16). On 17 September, Koru’s brother Hamit Koru sustained an attack with meat-cleavers and was wounded while he was on the way to work.

Koru's father Kutbettin Koru stated that his younger child, who had no connections with any incidents, had been detained, and thus that their family had been made a target.

Attacks against imams

From 1995 onwards, murders by unknown assailants in the region targeted *imams* and religious figures more than previously. These kind of attacks continued at an increasing pace in 1996. It was disclosed that the attacks were carried out against religious people who had opposed the Hizbullah activities and had not let its militants into the mosques or schools they worked at.

In 1996, the Directorate of Religious Affairs withdrew about 360 *imams* working in the East and Southeast because of attacks by the Hizbullah. A total 221 *imams* on duty in Diyarbakır, Şırnak, Batman, Hakkari and Mardin, which were devastated by Hizbullah attacks, were sent to other regions. The number of *imams* withdrawn from each of the 25 provinces are as follows: Adıyaman 6, Bingöl 12, Bitlis 22, Diyarbakır 94, Elazığ 7, Erzincan 11, Erzurum 6, Gümüşhane 10, Hakkari 24, Maraş 3, Mardin 20, Siirt 16, Tunceli 11, Van 16, Bayburt 3, Batman 39, Şırnak 44, Iğdır 4, Kilis 3, Ardahan 2, Gaziantep 2, Urfa 2, Malatya 1, Ağrı 1 and Muş 1.

Diyarbakır SSC Prosecutor Bekir Selçuk, in his statement published in the daily *Cumhuriyet* on 7 May 1995, evaluated the attacks against the *imams* as follows: "The Hizbullah chooses mosques as places of hiding after committing crimes, for accommodation and to carry out training activities. They first warn the officials of the mosques who oppose and resist them and refuse to hand over the keys of the mosques. Then they punish people who do not abide by this warning with their own methods; they kill them with meat cleavers. There may have been certain *imams* who accepted the ideology of the Hizbullah. They do not disclose the name of the *imams* who help them. Up to now, no confessor has come out of the Hizbullah to give us information about the organisation. After they are captured, they do not carry out activities for a period of time. But they recover within a short time. They can easily find members for the military wing which carries out the attacks. Despite this, they remain silent and do not carry out attacks for a while, sometimes 2 or 3 months. Then they train those people who were found to replace the arrested ones in a short period of time, and brainwash them, and they push them to carry out attacks."

Bloody Encounter in the Mosque (18 March 1996–Demokrasi)

The struggle for domination among the organisations known to have close relations with the state forces in Diyarbakır, has focused on the mosques. The Welfare Party, which gained the municipalities in Diyarbakır in the 27 March local elections, also took part in the struggle between the İlim and Menzil wings of Hizbullah, in attempts to dominate the mosques. For the last three years, the ritual prayers have been performed in the company of people with arms and meat cleavers, in this city where 23 imams who objected to using the mosques for political aims have been killed. In the "struggle for the share of the mosques" in Diyarbakır in the last 3 years, 23 imams have been killed and 12 injured. In the same period, in the intra-Hizbullah conflicts between the İlim and the Menzil wings, 89 people have been killed and 105 injured. In the [State of Emergency] region it was believed that these numbers were far higher.

Hizbullah, which carries out activities against factions opposing the state, made imams target of its activities, as some imams objected to using the mosques for political aims. "The pro-State and pro-Islamic" political activities which regressed for a time due to police raids on the some of the cells of the "pro-State" organisations which were held responsible for murders by unknown assailants in the region, became active again with the increase in the activities of the National Youth Association, the youth organisation of the Welfare Party. The imams said that all mosques except for some large mosques in the city centre, were completely shared.

Imam Bekir Tunçin stated that the mosques and imams in Diyarbakır were under pressure, and that this was clearly evidenced by the fact that 35 imams had been attacked in the last 3 years. He said, "Because of the pressure and terror by the so-called Islamic groups, both imams and inhabitants of the neighbourhoods prefer not to attend the mosques." Imam Tunçin, who stated that such groups had been highly active for two years in Diyarbakır and that the conflicts among them resulted from the question of the dominant Ulu Mosque, the largest mosque in the city, and said that "They have been coming to Ulu Mosque and making plans for it for a year. Although they come to the mosques with their meat cleavers and clubs, the police do nothing. Both imams and the people have stopped attending the mosques. The mosques have become frequenting places of those who called themselves "pro-Islamic faction" rather than a place for worship. After the ritual prayers, the mosques are occupied by these factions."

(...) Imam Tunçin emphasised the facts that such factions were far from real Islamic education, and that they used Islam for their ideologies. He said, "They recruit little children and

train them. These children will become future criminals. The schools in Diyarbakır are another area of influence of such groups. In the mosques, they plan attacks against students in the schools. After the attacks, they seek shelter in the mosques. Although this is known to the State, no steps is taken against it.”

Like Imam Tunçin, Hidayet Elaltunkara, registered at Bingöl, a long time member of Hizbullah, against whom there had been an attempt on his life with meat cleavers for leaving the organisation, thinks that the reason why the mosques are preferred by these groups is their immunity. Elaltunkara, who said that he joined the organisation via S. B. from Bingöl, whom he became acquainted with when he was studying at Diyarbakır Atatürk High School in 1994, said “They frequently gathered me and others like me they had recruited in a bookstore on the second storey of the Kupik Trade Hall on Gürsel Avenue in Bağlar. There they were making us read books which were their own publications. They gathered and trained those who were older than us in Hacı Hüseyin Mosque. Some people whose names I did not know used to come there and make propaganda.” Elaltunkara related that the organisation stored their arms and ammunition in the mosques, said that “Imams in general were unaware of it, and those who objected would become targets. The policemen who were on duty outside Atatürk Lisesi, would allow us to enter the school with our meat cleavers. The whole of the Balıkcılarbaşı minibus route is under their control. A lot of group members work on this route. When I realised that I had been deceived I did not take part in the meetings for a while. After pressure from my family and close circles, I severed all my ties with them. As a result they tried to kill me in the beginning of 1995. I was attacked with meat cleavers.”

An imam named Yakup Veysioğlu (43) died in an armed attack with meat-cleavers by 2 unknown people on 4 March around 8am in 5 Nisan area of Bağlar, Diyarbakır. Veysioğlu had reportedly been threatened for quite a long time by people favouring the *İlim* wing of Hizbullah, whom he had not allowed to organise within the mosques where he worked. Veysioğlu had been beaten with sticks on May 1995 by unknown attackers. He had spoken of the pressure on him as follows: “As I am a believer, I talk about true Muslim belief on every occasion. People who hate this threaten me, saying, ‘You are on the wrong path, you will be punished’.” His brother Mükerrerem Veysioğlu faced an attack with meat-cleavers in the same area on 9 May and was seriously wounded.

Hasan Acar, the imam of Sivrice village in Midyat, Mardin, was shot dead by 2 unknown people who came to his house on 20 November. Another imam, Felemez Öngül (62) working at Kocainiş village in Mutki, Bitlis, died in an armed attack on the night of 9 December. The reason for the attack was not revealed.

f)- Confessors

The confessor militants (*) accounted for a significant part of the players in the murders by unknown assailants. The role of the confessors in the murders by unknown assailants became much more evident in developments following the car crash on the night of 3 November in Susurluk. Such activities by the confessors were first indicated in the report by the Parliamentary Commission to Investigate Murders by Unknown Assailants. The report emphasised the fact that the confessors were taken out of the prisons with special permission and took part in operations, that crimes committed by the confessors were covered up by top state officials, and claimed that “The implementation of the law of remorse has gone astray. Such legal opportunities were also provided for those who were caught after clashes, and terrorists who were found to be in dispute with the organisation or who used financial resources of the organisation for their own benefit, and thus the scope of this practice was widened. The confessors, who benefited from the protective umbrella of the state and who even resided in residences allocated to the police in Diyarbakır, have established criminal organisations, and taken part in such activities as arms smuggling, murder and drug smuggling since the state failed to discipline them.”

There were several events in which confessors took part in illegal activities and committed crimes under the protection of the authorities; and these have been reflected to the public in witness statements, testimonies given in the courts, and court decisions. For instance, Fettah Balta, who was killed on 29 October in Balıkcılarbaşı area of Diyarbakır, had applied to

(*) It was stated that there were 483 confessors, 385 of whom were on remand and 125 of whom were convicted, in the prisons by the end of 1995. These numbers showed that the confession rules did not produce the intended results and that the number of the confessors did not even make up 5 percent of political prisoners. According to the Ministry of Justice, of the confessors 24 are women and 5 children.

the İstanbul Branch of the İHD on 14 April 1996, and related the activities of confessors named Faruk Tekin and Abdülkadir, who killed two PKK militants in 1995 in Zenge, Lice, Diyarbakır, but had declared that they had “killed five militants” and got money from the state for five. Balta was being threatened with death after he made this statement, and so had to move to İstanbul with his family. Later, Balta was killed by Tekin and Abdulkadir Bingöl in the Balıkçılar area of Diyarbakır. Tekin and Bingöl were arrested after this incident.

Mehmet Balta, the son of Fettah, said “3 days after my father went to the village, the confessors went too. My father returned immediately. Last time I talked with my father on the telephone was 25 October. He said ‘The confessors are here. They followed me to the village. I am old, they would not do any harm to me. But take care of yourselves.’” Mehmet Balta stated that no measures were taken in spite of their statement to the İHD, said “Necmettin Erbakan and Mehmet Aġar are responsible for their deaths.”

The trial against Tekin and Bingöl started at Diyarbakır Heavy Penal Court on 15 October. Hüsnü Balta stated that the confessors were kept in the same wings as criminal prisoners in Diyarbakır Special Type Prison, said “Two confessors made statements to the newspapers that ‘Fettah Balta was working for PKK, he had our fathers killed by the PKK, so we took our revenge.’ I am surprised that this incident was portrayed as a criminal case.” Rejecting statements given by the suspects at the security directorate, Hüsnü Balta added: “My brother was loved by everybody. On the other hand, the suspects are claiming that he was following them and saying ‘I will kill you and drink your blood.’ Is it possible for a 70-year old man to say such things? Rather, they were continually threatening to kill us.”

Following the Susurluk crash and after the activities of Yüksekova gang were exposed, the activities of the confessors, and their function within the counter-guerrillas were more clearly understood. The “information note” sent by the MİT relating to “**Mahmut Yıldırım**,” who with his code name “Yeşil,” was connected to numerous murders in the State of Emergency Region, and to the “**confessors**,” was included in the report prepared by Kutlu Savaş, commissioned with special powers by the Prime Minister following the Susurluk crash:

MAHMUT YILDIRIM: *On 08.04.1973, he was assessed by Bingöl/Genç District Gendarme Command. On the same day, since it was difficult for the command in question to assess the information provided by him, he was transferred to our organisation.*

On that date, he started to be employed by the Tatvan Regional Directorate. Since he was on military duty between October 1973 and November 1975, no contact was established in this time, but after completion of his military duties, he was used with regard to the Islamic organisations. However, due to complications he caused in May 1989, his ties with our organisation were severed. Later, under orders from and on behalf of Tunceli Gendarme Regional Command, he provided intelligence in the Nazimiye and Ovacık regions, and took part in practices with the security forces.

Since after this work his cover was blown with regard to citizens in the region, he was transferred by the Gendarme Public Order Commander to Diyarbakır. During this period, the he got acquainted with one of our personnel in Tunceli Gendarme Public Order Command, and stated that he was conducting activities in the rural areas in subordination to Gendarme Public Order Commander in Diyarbakır. In March 1992, he was working for Tunceli Security Commander, and he said in a conversation with our personnel in our related unit that he was to illegally interrogate Aysel Doġan, who directed PKK activities in Tunceli, and that if she did not reveal put anything he would kill her, but our personnel persuaded him “not to commit such an act.” On 17.03.1993, our related units were instructed “not to have contact with him since he was a person who would led to complications.”

Five PKK members were killed by the person in question while they were being taken to the Special Operations Branch Directorate for interrogation having been caught by security forces in Muş on 27.05.1992. In connection with the incident, in which 2 of our personnel working in our Bingöl unit also took part, there is a letter dated 28.05.1995, in the name Ahmet Yeşil, with his signature, and the slogan, “Officer of the Public Order Army Corps Command.” According to information on the individual with regard to the incident, he was recognised by our Bingöl units in a circle which also included the Public Order Army Corps Assistant Commander, in the office of Bingöl Provincial Gendarme Commander, and when the individual (Mahmut Yıldırım) demanded money, the Public Order Army Corps Assistant Commander gave the order for him to be given money. In the meeting, held upon the insistence of the individual when encountered in the interrogation room of Elazığ Security Directorate on 07.12.1992, the individual stated that in 1991 he and Gendarme teams had killed 3 terrorists who were about to

launch an attack on the Gendarmerie Station between Muş and Bulanık, that in the same year, he engaged a woman from Hatay (possibly Neval Boz), whom he placed in Muş, and who was a courier for Abdullah Öcalan, and he introduced her to a Major (Cem Ersever) serving in the Gendarmerie Intelligence Unit in Ankara, and that he wanted to work for our organisation. This request by the individual was not accepted.

On 27.01.1993, he demanded money, via two men he sent in the guise of PKK militants, from Celal Yaşar, who had been arrested since he was among the people from whom PKK requested money in Tunceli, but subsequently released.

On 16.02.1993, in a meeting with our related unit, Diyarbakır Gendarmerie Intelligence Unit Group Assistant Commander stated that the individual wanted to establish contact with our organisation, that the person in charge of Muş was with him, that he was planning to kill Şemdin Sakık, and that he wanted to be issued with a guarantee that he could go to Switzerland after the mission. This proposal was not accepted. In a testimony PKK member by Salih Derviş, who surrendered to the Gendarmes in Karakoçan, Elazığ on 07.08.1993, he stated that Mahmut Yıldırım, to whom he had been introduced by the Gendarmerie Commander had said that "He was working for MİT, that he was on duty in the Southeast, and that he would train him and make a him member of MİT." Muhsin Gül (Code names: Kekeç-Pepe-Metin), who was under arrest in Diyarbakır Prison in 1994, stated, in statements made by him in Diyarbakır Homicide Office between 22.07.1994 and 16.08.1994, with regard to Ahmet Demir:

that Bayram Kanat, who was kidnapped from Diyarbakır Şehitlik 75. Street No.31 on 06.04.1994, and who was found dead under On Gözlü Bridge on Mardin road on 01.06.1994, was kidnapped according to plans by Demir, who worked for the Gendarmes in Diyarbakır,

that retired major Ahmet Cem Ersever, who was killed in the vicinity of Elmadağ, Ankara, was killed by Demir (code-name Yeşil), the confessor Alaattin Kanat (code-name General Zinnar)^(*) İbrahim Babat (code-name Mete), and a short person, who spoke with an Antep accent, aged 35, wearing glasses with the code-name Hoca (real name unknown), and that later Mustafa Deniz, a friend of Ersever, and Neval Boz, his lover, were killed in the same way, these individuals left their arms at the Gendarmerie Intelligence Branch in Aydınlikevler, Ankara, and were sent to their destination by bus,

that the man with code-name Yeşil 'had performed similar activities for 23 years, and always said that those killed by him or those whose deaths were ordered by him were communists', thus labelling the people he would kill as communist, he brainwashed the confessors and other people around him, that the confessors Mesut Mehmetoğlu and Serdar Od were taken in those days to Ankara by plane to be used in the Ersever incident, however, when the people in question declared that they 'would not take part in this incident', their arms were taken, and they were sent back, and that these points could be confirmed by the airline records,

that after the headman of Hoşgeldi, Bulanık, Muş, transferred from Diyarbakır Gendarmerie interrogation centre to the SSC, Zeynep Baba, the daughter of his brother who ran a minibus in İstanbul, and Şükran Mizgin in Tatvan, Bitlis (whose father was a carpenter), were released after their initial questioning, Demir and code-name Rezzak, resident in Elazığ, took these people and tortured and raped them for a while, killed Şükran Mizgin under the bridge at the entry to Muş, but that what they did to Zeynep Baba was not known,

that, in order to establish a public bus company in Diyarbakır in March 1994, Demir and Kanat had took money from Ahmet Kaya, director of Yıldız Construction Cooperative, and Musa Fidan, an official in the same co-operative, on the pretext that they would make them the members of the company, that in addition, they collected 3 billion Turkish Lira from the people they deceived, that they even took 600 million TL from MHP Diyarbakır Provincial President İbrahim Yiğit, that they first deposited TL 600 million of the money they collected into A. Demir's account in Elazığ Ziraat Bankası in account number 3003-30, that the individual had more than trillion Turkish Lira in this account,

(*) Alaattin Kana, was released 11 times during his imprisonment between 1991-1993 with the knowledge of Diyarbakır E-Type Prison Directorate, and spent the last 3½ months of his term outside the prison (in accordance with Remorse Law, a confessor taken out of the prison upon fulfilment of the legal requirements should be returned within at most 15 days). When Kanat was outside prison, many people including journalist and writer Musa Anter, Democracy MP for Mardin Mehmet Sincar, İHD Elazığ Branch President Metin Can and his friend Dr. Hasan Kaya, were killed.

that by March 1994, Kanat began to introduce him as the person in charge of the Southeast Region for the MHP, that during this period, his good relations with MHP Diyarbakır Provincial President İbrahim Yiğit were severed, that during those days Demir and Kanat took Yiğit from the Turistik Otel where he stayed in order to kill him, but released him for reasons unknown, and in this way they took company money from him,

that the incident in question was witnessed by special sergeant Gültekin Sütçü (code-name) Kürşad, the confessor İsmail Yeşilmen (*) and the confessor Burhan Şare, that Kanat, Mehmetoğlu, Yeşilmen and Demir code-name Yeşil together planned to kill, and actually killed the MP Mehmet Sincar in Batman, that after this incident, Kanat said he had a 'signed guarantee paper', that Demir sometimes told him (Gül) and other friends that he had 'caused the İstanbul mafia to collapse, that he had planned the killings of and killed Behçet Cantürk and other mafia members and PKK sympathisers who were killed in the same way', and that the killing of Vedat Aydın and Musa Anter had been planned and implemented by Demir himself,

that Demir and Kanat's group collected a significant amount of money from Diyarbakır and neighbouring provinces with threatening letters bearing PKK seals, that he himself (Gül) gave threatening letters of to Cezayir Trade on Melikahmet Street in 1993, which dealt with white goods, to the Öz Diyarbakır, Diyarbakır Sur and Diyarbakır İtimat companies and Ceylan Construction and İtim Construction companies and that the collection was done by Mehmetoğlu and Kanat,

that Kanat collected 1 billion TL from Sedef Trade on grounds that the owner's brother, Abdulkерim Avcı, who had been imprisoned at Diyarbakır E-Type Prison on charges of PKK membership in 1993, was taken to the confessors' dormitory, that they re-iterated their demands in 1994, but that when the money was not paid, they killed Şerif Avcı, a partner in the company, and that for reasons unknown, this incident was later exposed,

that in line with planning by Demir, a contact was established with Lokman Zuhurlu (Zuğurlu-16) and his cousin, Zana Zuhurlu (18), in the guise of PKK militants on 10 October 1993, that these individuals were taken from their home in Şehitlik by Mehmetoğlu, Kanat and two soldiers in plainclothes using '81-82 walkie-talkie code', that after a short cross-examination, they were killed 4 km along the Bismil road from Saran Brick Factory in Pağvar Town,

that on 20 October 1993, Od, Mehmetoğlu and himself (Gül) were commissioned to kill the lawyer Hüsnüye Ölmez on Bismil road, that he (Gül) was ordered to do the killing himself, but that they failed to fulfil the mission, that he was also instructed to kill Fethi Gümüş, President of the Diyarbakır Bar, and Suphi Koç, a teacher working at Karşıyaka Science High School in Elazığ, but that they failed to fulfil either mission,

that after they learned that these people, who deceived confessors like him into believing they were serving the country and eradicating terrorism, performed these missions for their own benefit, raped women and girls, and lived luxurious lives with the money they collected, the confessors Adil Timurtaş, İsmail Yeşilmen, Burhan Şare and Serdar Od together with him abandoned the group, but that since they had no subsistence they continued to take part in robbery and thefts, that after each execution, they were given an allowance of 10 million TL by Kerim Binbaşı, Yeşil and Kanat, that these individuals said the remaining money was appropriated for the organisation, that a house at Ofis Gevran St. Yeniçeri Apt. F.2 No: 6 was hired for residence by himself (Gül), Demir, Yeşilmen and Şare, that there were numerous secrets relating to Yeşil in a black diary in the same house,

that the receipts with ERNK seals in the form of booklet were the receipts which were seized from a PKK member who had been caught in a plane 1½ years before in Ankara, that these receipts had been transferred to Demir by Ankara Gendarmerie Intelligence, that he collected these receipts himself and via his other friends, that the forms of threats and the amount of money to be demanded were determined by Yeşil, Kanat, Yeşilmen and Mehmetoğlu, that on the second day he (Gül) was in prison, Demir came to visit him and asked him 'why I had told of Czech weapon no 16 to the security directorate' and 'what else I had told them about him', and that he had said that he had spoken because he could not withstand the torture,

(*) İsmail Yeşilmen was sentenced to life imprisonment by Diyarbakır Heavy Penal Court No. 1 for killing Şehmuz Yavuz on 11 March 1994. It was claimed that in the incident Hüseyin Albaş (Akbaş), serving at Şırnak Security Directorate and two other policemen whose names are not known, co-operated with Yeşilmen. He was also sentenced to 20 years in prison for a robbery he committed in 1994 in Diyarbakır.

that he did not know the full identity of code-name Yeşil, but that he had determined that he was a retired Colonel, that the money given for the public bus had been taken by Kanat, Yeşil and Yiğit, and the eyewitnesses to this were himself (Gül), Dalyan Ay, Hakan and Mustafa Pamuk, that Dalyan Ay was killed with meat cleaver on 05.08.1994.”

The individual made a proposal via personnel working at our Bingöl unit in June 1994, stating that if asked by us, he could mediate between us and a group conducting activities in European countries, so that some missions abroad could be subcontracted to this group, that this point should be transmitted to Mehmet Eymür, and that a meeting should be arranged. Therefore, a contact was established with the individual in September 1994.

The individual was detained by Ankara Security Directorate in January 1995; he was interrogated by Orhan Taşanlar, then Ankara Security Director, about his relations with our organisation, people with whom he was in contact and what information had been given by him. During his interrogation, the individual told Taşanlar that he wanted to know where he was being interrogated, because he found it strange that he was being questioned at a unit of the Security Establishment of another body also related to the security of Turkey. During the cross-examination, the pistol of individual was fired, and he was threatened with shell cases from the pistol being planted at the scene after some incident. When the individual came to our establishment in order to inform us of these events, his rib, broken during the interrogation, was treated. We have severed our ties with the individual since 30 November 1996.

The incident of Ahmet Akkurt

The incidents that Ahmet Akkurt, who became a confessor while being prosecuted in a PKK case at İstanbul SSC, experienced, revealed another dimension of the implementation of the Law of Remorse. Akkurt declared that he would become a confessor and made confessions while on trial, later retracted his confessions and committed suicide on 7 September. The events which led to Akkurt's death are given below.

Akkurt (39), was detained on grounds that he was the leader of the Gebze Regional Committee of the PKK and that he took part in the killing of Hasan Çakır in Kurtköy, Pendik, in November 1993, and he was tried with a demand for the death sentence. In the trial at İstanbul SSC on 2 June 1995, Akkurt declared that he would make confessions. Afterwards, he was taken to Kırklareli Prison, where Alaattin Kanat was too staying. In line with the information provided by Akkurt, who was taken back to İstanbul on 7 June 1995, numerous people were detained in Dilovası and Gebze. On 16 October 1995, a person named Hayrullah Çelebi was killed on Baraj road, Sarıgazi Mevlana area, İstanbul (Detailed information is on page 239).

However, in the hearing on 23 January, it was stated that the Ministry of the Interior had not found it appropriate that Akkurt should benefit from the Remorse Law. Akkurt then decided to withdraw his confessions. In the hearing on 5 March, Akkurt read a three-page petition which he declared that he could get out of the prison by writing it on paper handkerchiefs, and stated that on 24 January, after a hearing on 23 January, he had been taken to Kırklareli Security Directorate. Akkurt said that an official he met here said to him “Your testimonies are too old and useless. In order that the state can rely on you and you can benefit from the Remorse Law you have to kill someone.” Akkurt stated that the proposal by the official in the security organisation reminded him of Musa Anter and other people killed in the same way, said that afterwards they interrogated him, and that he regretted what he had done. He declared that the confessor Kanat had told him in Kırklareli Prison that he killed Democracy MP Mehmet Sincar, and he informed the SSC delegate of the conversation between himself and Kanat. Akkurt reported that Kanat told him that he had also killed Sincar's brother Kamuran Sincar, and that when he asked him “Weren't you in the prison at that time?” and Kanat replied “I can go out whenever I want.”

In a hearing on 25 April, Akkurt officially withdrew his confessions. On 7 May, Akkurt started a hunger strike to the death in order not to be sent back to Kırklareli Prison where there were confessors. After a 60-day fast, he was sent to Bayrampaşa Prison. Before starting hunger strike, Akkurt said, “As understood from the reports I have received, the attitude of the State towards me is obvious. I have committed a deadly crime by becoming a confessor. But as I began to understand myself, I also began to understand the State. I saw how the State is involved in dirty work, and how it exploits confessors and I related this at the SSC. Therefore the State wants to get rid of me, and kill me. After the hearing, an NCO told me ‘The last place you stayed was Kırklareli Prison. You know what happens in such cases, be careful.’ Another soldier threatened

me saying ‘We may kill you, and report that you have run away.’” Akkurt said that on 25 April he was attacked by soldiers and officers, and that as a result he was given a medical report for 7 days recuperation, and he said “If I killed people I would be released, and work on behalf of the PKK. I would carry out such activities together with Alaattin Kanat, Battal Aktaş, Hüseyin Erkan, Süleyman Söylemez and Atilla Kaya.”

The trial ended on 27 June. Akkurt, Hikmet Çalağan, Suat Gökalp, Adnan Özbey, Abdullah Çelik and Mahmut Yamalak were sentenced to life imprisonment. Songül Coşkun was sentenced to 22 years 6 months in prison, Devrim Kıyak to 30 years, Tuncay Koçak to 12 years 6 months, Bülent Güner to 16 years 8 months, Nuri Kayar to 4 years 6 months, Mehmet Kımaz, Muhlis Güzel and İbrahim Ağaçtutan to 3 years 9 months each, Musa Avyüzen, Mehmet Halit Tay, Paşa Kaya, Behran Sezgin, İsmet Yıldız; Abdullah Gökçen, Kahraman Karakut, Enver Can, Cemal Dülger, Zeki Sapan, Saim Kanam and Ali Çuhan on the other hand, were acquitted.

Akkurt committed suicide in Bayrampaşa Special Type Prison on 7 September 1996. He hanged himself at about 8pm, and went into coma. He died in hospital.

Akkurt is not the only confessor to commit suicide. A PKK confessor named Abdullah Adıgüzel also committed suicide on 3 June in Kulp, Diyarbakır. Adıgüzel committed suicide when he came to Kulp during leave from military duties at Bismil Gendarmerie Command; his brother Kemal said that a major named Ali, whose surname he did not know, caused the suicide of his brother. Abdullah Adıgüzel joined the PKK in 1989, and surrendered after 6 months, and then took advantage of the Remorse Law. After release he carried out activities in Diyarbakır until 1992, then he was sent to Kulp and became a village guard in Narlıca village. There were claims that Adıgüzel caused people from whom he demanded donations in the disguise of a PKK militant to be detained in Kulp where he stayed until 1994; he took part in “murders by unknown assailants.” There were claims that he was sent to several regions, was frequently seen especially in Silopi in Şırnak and was involved in shady dealings. Local sources in the region revealed the following with regard to Adıgüzel: “A major in the region formed a group of select village guards by choosing two people from each village. He commissioned Adıgüzel as team commander. The village guards were given high wages. Since the group was not welcomed by the village guards, a gang was formed from Esat Ayyıldız and Ömer Altun from Narlıca village; the chief guard Mizbah, Maruf, Vezir, Enver, Şükrü, Örfi and Salih Akdeniz and İhsan Bozkuş from Kanıkan village; the chief guard H. Beşir Bozkurt, and Vezir Dinar from Şavuşan village; the chief guard İlhami from Nederan village; Nuri, Beşir and Ali from Hevêdan village; and Recep from İslam village. The first mission of the gang in Kulp was a kidnapping. They detained Osman Buluttekin by introducing themselves as policemen on 26 August 1995; no information about him has been available for a year. Buluttekin’s relatives declared that they had recognised Adıgüzel and other village guards, and his mother attempted to set herself on fire outside the District Security Directorate. Adıgüzel went to İstanbul together with Akdeniz, Dinar, Bozkuş and M. Emin Ateş, the chief guard of Şavuşan village in Kulp about three months previously, threatened numerous people from Kulp, who had moved there previously, and caused many of them to be arrested. After spending another month in İstanbul, they returned to Kulp.”

İbrahim Babat was a significant figure among the confessors after the issue of murders by unknown assailants came onto the agenda. When Babat, a PKK confessor who had taken part in a theft in 1995, participated in an armed clash in Kadıköy, İstanbul while collecting cheques and deeds at the end of August, he was arrested with an automatic weapon. According to the statement by Public Order Branch Directorate, a car carrying Şehmuz Arık, Süleyman Ülger and Köksal Kurt was fired on from another car on 28 August in Aynalık Çeşme, Göztepe. In the clash Ülger and Arık were slightly injured. Ülger was detained. As a result of this person’s interrogation, İbrahim Babat too was arrested on 7 September. After Babat’s interrogation, Eşref Erdal, who also took part in the clash, and Yunus Murat Söyler, who attempted to take responsibility for the crime on Babat’s orders, but did not take part in the clash, were arrested. The trial of Babat, Ülger and Erdal on grounds that they “collected cheques and deeds” began on 12 November at Kadıköy Court of the First Instance No 1.

g)- Sample cases of murders by unknown assailants (*)

(*) Detailed information about party executives and members, teachers, health personnel and newspaper vendors who were victims of murders by unknown assailants is in the sections related to human rights abuses, pressure and attacks directed at these professionals. In addition, people who had been reported as missing and found dead afterwards, are listed in the section entitled “Disappearances” (page 346)

Süleyman Soysal, who was reportedly “detained” in the beginning of December 1995 while going from Salatini village in Silopi district, Şırmak, to Silopi town, was found dead on 2 January. Relatives of Soysal, whose head been cut off and whose body had been found in the vicinity of Hazar village, Silopi, stated that they had identified Soysal from his body alone.

Hanifi Gürcan (22), a street peddler in Diyarbakır, was found dead around Nusaybin, Mardin, on 14 January. It was stated that his hands were tied behind his back with strings and that he had been shot dead in the head with a single bullet. Gürcan’s uncle Bedri Gürcan stated that his nephew had twice previously been detained by the police and he had been threatened and told not to go to Nusaybin. He added that Hanifi had gone to Nusaybin on 9 January, and that they had heard no word of him after that day, and said, “Hanifi was making a living by selling the goods he bought from Nusaybin in Diyarbakır. In his travels, he used to call his family and inform them of his whereabouts. However, no news had been heard from him on this last journey. We heard about the incident from his friend, together with whom he did the shopping.”

Hüseyin Karayel (43) died in an armed attack outside his house in the Cumhuriyet area of Kızıltepe, Mardin, around 6pm on 27 January. Karayel was reported to have been tried after the 12 September military coup, in a trial at Diyarbakır State of Emergency Court related to the KUK (Kurdistan National Liberationists) organisation and to have been in prison for a long time.

Yavuz Gülden (32), a salesman who was reportedly “detained by soldiers in the vicinity of Kulp on his way from Kulp to Diyarbakır on 17 January,” was found dead in the area between Kulp and Lice on 29 January. The company he worked for, GAP Agricultural Chemicals Sales Corp., could not get any information regarding his fate. No concrete information could be discovered as to when Gülden’s body had been left in the region. It was reported that Gülden, whose body was by a shepherd named Mahmut Tanyeli, had been killed with two bullets in the head at short range. An official of the company said that they had received information claiming that Gülden “had been detained by soldiers,” and they had then applied to the prosecution. He said, “The prosecution said that they would investigate the case. His dead body was found while we were waiting to hear information.” Meanwhile, it was claimed that certain village guards had pressurised Gülden for free chemicals, and complained to the soldiers about him. Gülden had previously sustained an armed attack by village guards in the vicinity of Lice in 1995.

A worker named Kemal Yoltay (23), who left his house in Keçiören, Ankara for work on 13 February, was found dead by gendarmes on the road between Ankara and Çubuk on the night of 14 February. It was revealed that Yoltay, who had reportedly been arrested in 1995 and kept for 5 days in detention, had been killed with 6 bullets. His relatives asserted that he had been killed after having been arrested. Yoltay was buried in Tunceli on 15 February, after an autopsy performed at the Forensic Medicine Institute. Lawyers Şenal Sarıhan and Meryem Erdal, who attended the autopsy, stated that there were no marks on Yoltay’s body except for the bullet wounds. His fiancée Havva Kutlu said that Yoltay had been a target as he had been a “revolutionary and a democrat,” and added, “They made low and disgusting offers such as sex with three people. Neither me nor Kemal were that kind of people.” Kutlu stated that the investigation regarding the murder had not been taken seriously, and said, “Two police officers followed us continuously during actions Kemal and I participated in. They acted as if it was a coincidence, but it was not, to my mind. One of them was always the same person, while the other changed occasionally. We saw them at every action we participated in or while walking on the street. One day before he was killed, Kemal told some of his friends over a meal that two police officers had continuously followed him, even on the way to that meal. His friends had told this to the İHD. However, they changed their statements later on as they were afraid.”

A tradesman named Halim Dinçli (21), who faced an armed attack by unknown people on the morning of 16 February in Kızıltepe, Mardin, was shot dead with 3 bullets in the head. It was learnt that Dinçli had been detained a few times on charges of “aiding the PKK and sheltering its militants” and that his elder brother too had been a victim of murder by unknown assailants in June 1995.

In 5 Nisan area of Diyarbakır Bağlar, a high school student named Kaya Geren (17) was shot dead in an armed attack by unknown people on 25 February. A person named Musa Demir (21), who just happened to be there, was shot in the foot. Geren’s father Hakim Geren stated that his son had been a member of the Hizbullah till 4 months before, and added, “But he broke up with the organisation due to my efforts and those of our relatives. Upon this, he was beaten up by people at school. He did not know the people who beat him. I was thinking of sending him to our relatives in İzmir after all these incidents.”

In the Agora area of İzmir, A high school student named Hikmet Öztan (19) was shot dead in an armed attack by unknown people on at about 8am on 2 March. His father Süleyman Öztan stated that his son had ignorantly joined the Hizbullah about a year before, and added, “But he broke up with the organisation due to our efforts. And we sent him to relatives in İzmir. He was attacked for breaking up with the organisation.”

Tacdin (Tacettin) Ertaş, who suffered an armed attack by an unknown person at about 12.30pm on 5 March near to Van Flea Market, was shot dead in the head. Ertaş, who was killed by a gun with a silencer attached, had reportedly been frequently detained by gendarmes.

Ramazan Elduman (20) was wounded in the head and back in an attack with meat-cleavers by two unknown people in 5 Nisan area in Bağlar, Diyarbakır on 15 June. Abdurrahim Elduman, the father of Ramazan, who was reportedly a member of the *Menzil* wing of the Hizbullah, said that both wings of the Hizbullah had pressurised his son to take their side, and added, “My son began to perform prayers and to spend his time in mosques because of some of his friends he met three years ago. We said him that performing prayers was good, but he should not engage in any other activity. Two of his friends had been attacked previously. Upon this, we sent him to his sister in Adana. He came back to Diyarbakır two months ago, and then this happened.”

Kudret Kıyı was wounded in the head and back with meat-cleavers in an attack by unknown people in 5 Nisan area in Diyarbakır Bağlar on 24 June. The people who attacked Kıyı, who was known as a Hizbullah member, were reportedly aged between 16 and 18. His father Kemal Kıyı said, “He was saying that he did not want to go near them, but he had no other choice. We were planning to send him to İstanbul, but then the incident happened.”

On 28 June, some children found a dead body in Balıklıdere region on the highway at Yanık, Bursa. It was revealed that the person was body Kevork Tayran, a member of the Armenian minority. The authorities stated that Tayran had been killed with blows to the head in some other place and left in Balıklıdere between 10 and 15 June. It was worth noting that Tayran’s body had been found in the region where Nesim Malki (*) had been killed.

Mehmet İnanç, who reportedly moved to Mersin from Cizre in 1994 for safety reasons, died in an armed attack by unknown people in the Kurtuluş area of Cizre, Şırnak, on the morning of 6 July, when he went to Cizre for a holiday. İnanç’s dead body was thrown onto the roadside on Mardin Street. İnanç was reportedly detained some time before the attack. İnanç’s relatives related that he had been abducted and threatened in 1994 then moved to Mersin. They said that İnanç went to Cizre a few times, and that the same people had attempted to abduct him again some time before. They added that İnanç had been threatened by police in Cizre. They said, “Mehmet attracted attention as he worked actively in the 24 December (1995) general elections. He became a target after the HADEP received substantial votes in many villages with village guards. On the morning of 5 July, two police officers on duty in Cizre, village guard Ali Pomak and a confessor from Batman named Mehmet followed him in a car. Mehmet İnanç, was close to his office located behind MİT, and there he was attacked by the aforementioned people. İnanç beat one of the assailants. Then he was machine gunned with a Kalashnikov by another person.”

On 19 July the corpses of 3 people, which had been burnt after death, were found on the road between Lice district and Mermer town, Diyarbakır. It was learnt that 2 of the corpses belonged to Şükrü Yanar (45, *İmam* of Darköprü village, Silvan) and Nurettin Yazıcı (60, from Yayıklı village, Silvan). The third person was reportedly registered at Alibeyköy village, Silvan but his name could not be learnt.

On 6 August, the slightly decayed corpse of a person, whose hands were reportedly tied behind his back and who had marks of severe torture on his body, was found in a bag at a cemetery in Mardinkapı, Diyarbakır. It was disclosed that the deceased person was Necip Avcı (20) registered at Hazro, Diyarbakır, and that he had been subjected to torture. Avcı was reportedly killed as a result of the dispute between the *İlim* and *Menzir* wings of the Hizbullah.

Şevket Alpaşlan (52), the President of Van Union of Chambers of Tradesmen and Artisans and a candidate for the Motherland Party in the 24 December 1995 general elections, died in an armed attack by unknown people at about 8.45am on 22 August in the Cevdetpaşa area

(*) Nesim Malki, a usurer from the Jewish minority, was killed in Bursa on 28 November 1995. An unknown person telephoned a Gendarme station after the incident, stating that he had been killed in revenge for the killing of Fethi Şakaki, the leader of the Islamic Jihad Organisation, by Israeli agents in Malta. But, Bursa Security Director Ahmet Demir said he did not believe that the killing of Nesim Malki had political connections. Demir stated that the telephone call might have been aimed at misleading the investigation.

of Van. The IDs of Abdulselam Işık (from the Gewdan tribe) and Tahir Baran (from the Jirki tribe) were found at the scene. It was claimed that these people were “Hizbullah gunmen .” On 23 August, three of Baran’s brothers were detained. Local sources asserted that these people had gone to the house of Alpaslan on 21 August to get money, and killed him when he refused to pay.

The corpses of 5 people were found around Baharlı village in Bismil, Diyarbakır (nearby Kağıtlı Gendarmerie Station). It came out that names of 4 of the 5 people, who were reportedly killed each with a single bullet in the head after having had their hands tied behind their backs, were Nasır Alan (19), Faik Orak (32), Nuri Yiğit and Esat Yaşar (33). It was reported that Yaşar had been detained in Lice, Diyarbakır, on 6 September, Yiğit in Bağlar, Diyarbakır on 8 September, Alan in İskenderpaşa, Diyarbakır on 9 September and Oran in Kürekli village, Çınar on 8 September. Corpses of 4 other people were found in the same area on 16 and 17 September.

Mehmet Alan, Nasır’s father, said that armed plainclothes people carrying walkie-talkies had raided their house on 9 September and taken his son away. He said that Nasır had phoned about an hour after being taken away, saying, “I am going to make a statement. I’ll be home in an hour.” He added, “We applied to the Security Directorate as my son failed to come home, but they denied that my son was in detention. I applied to the SSC Prosecution three times. Later, I found my son’s corpse at the hospital morgue on 14 September upon certain bits of information. Cigarettes had been put out on various parts of his body. His skin had peeled, because he had been dragged along the ground. He did not have any clothes on him, except his undershirt.”

Yaşar’s brother Şevket Yaşar, applied to the Diyarbakır Branch of the İHD, saying the following: “Soldiers on duty at Lice Gendarmerie Command raided the village 15 days ago, and wanted to detain my brother. He was not in the village at that time, they detained the *headman* Sait Doğan for having failed to deliver my brother. They took him to Lice, and tortured him for 4 days.” Şevket Yaşar added that Esat had come to the village later on, then left for Diyarbakır and stayed with a relative, Abdullah Hatun. He said, “The house he stayed as a guest was raided at 9pm on 7 September. Three people, in plain clothes, armed with rifles and carrying walkie-talkies, took my brother away. Our relatives informed us on 15 September, saying that Esat’s dead body of was at the morgue of the State Hospital, and that we should collect the body.”

The bodies of Kamber Güneş (30), a shepherd, and Aziz Karakuş (60) were found around Aşağı Peydere and Doğan villages in Çemişgezek, Tunceli. Güneş had reportedly been detained on 24 October. It was also reported that he had previously been arrested on the charges of “aiding PKK militants,” and released in February. Karakuş, who was reportedly detained about 3 months earlier and killed under torture, was found in the vicinity of Doğan Village.

Selahattin Demir (28), İhsan Mehmetoğlu (30) and Eyüp Taş (35) died in an armed attack by unknown people in the vicinity of the 19 Mayıs area of Batman on the morning of 20 November. It was claimed that the three had been “PKK sympathisers.” Relatives of Demir disclosed that Hizbullah members had been asking him for money and threatening him with death,.

h)- Victims of murders by unknown assailants

In cases of murders by unknown assailants, most of which occurred in the State of Emergency Region, a total of **113** people lost their lives during the year. (42 people were killed between 1989 and 1991, 362 in 1992, 467 in 1993, 423 in 1994, and 166 in 1995 in cases of murders by unknown assailants). The decrease in cases of murders by unknown assailants, which was worth noting in 1995, also continued in 1996.

Name & surname	Place	Date	
001)- Süleyman Soysal	near Silopi	02 January 1996	
002)- Kadri Korkmaz	Mardin	03 January 1996	
003)- Mehmet Pişkin	Cizre	04 January 1996	Fisherman
004)- Fahri Taşkın (15)	Diyarbakır	07 January 1996	
005)- Maruf Göçen	Cizre	09 January 1996	Labourer
006)- Yahya Veziroğlu (21)	Mardin	12 January 1996	Hizbullah ad.
007)- Hanifi Gürcan (22)	Mardin	14 January 1996	
008)- Mustafa Koç (21)	Diyarbakır	15 January 1996	
009)- Arafat Çakır (15)	Batman	17 January 1996	
010)- Nurettin Atasoy	Hakkari	17 January 1996	
011)- Nimet Akgün (26)	Diyarbakır	20 January 1996	
012)- Hüseyin Karayel (43)	Mardin	27 January 1996	
013)- Yavuz Gülden (32)	Kulp-Lice	29 January 1996	Salesman
014)- Ahmet Pişkin (16)	Adana	30 January 1996	
015)- Kemal Yoltay	Ankara	14 February 1996	Labourer

016)- Halim Dinçli (21)	Mardin	16 February 1996	Tradesman
017)- Abdullah Canan (43)	Hakkari	21 February 1996	
018)- Nihat Uzun (21)	Diyarbakır	22 February 1996	
019)- Kaya Geren (17)	Diyarbakır	25 February 1996	Student
020)- Selahattin Akbulut (60)	Bismil	25 February 1996	
021)- Eyüp Karabey (26)	Hakkari	26 February 1996	
022)- Mahir Karabey (18)	Hakkari	26 February 1996	
023)- Hikmet Öztan (19)	İzmir	02 March 1996	Student
024)- Yakup Veysioglu (43)	Diyarbakır	04 March 1996	İmam
025)- Mehmet Kesim (23)	near Derik	04 March 1996	Tradesman
026)- Tacdin(Tacettin) Ertaş	Van	05 March 1996	
027)- Süleyman Seyhan (65)	near Kızıltepe	06 March 1996	Farmer
028)- İbrahim Peşçi	İğdır	09 March 1996	
029)- (22-male)	Akazi,Sakarya	21 March 1996	
030)- Ramazan Elen (28)	Diyarbakır	27 March 1996	
031)- Hüseyin Şenyigit (22)	Diyarbakır	30 March 1996	
032)- Abdülrahim Altın (33)	Kayseri	02 April 1996	HADEP exec.
033)- Metin Bozan (13)	Nusaybin	02 April 1996	
034)- Ramazan Uran (23)	Diyarbakır	06 April 1996	
035)- Hasan Gen	Diyarbakır	10 April 1996	Hizbullah ad.
036)- Yusuf Demir (35)	Mardin	14 April 1996	
037)- Nurettin Aslan (28)	Maraş	22 April 1996	Teacher
038)- Hacı Ömer Serin (24)	Maraş	22 April 1996	Teacher
039)- Aydın Yılmaz	Maraş	22 April 1996	Teacher
040)- (male)	Sakarya	12 May 1996	
041)- Ahmet Ürün (31)	Şırnak	14 May 1996	Civil servant
042)- (male)	Şırnak	14 May 1996	
043)- Emin Diker (31)	İstanbul	24 May 1996	
044)- Ömer Topçu	Mersin	26 May 1996	Labourer (TEK)
045)- Kutbettin Kuru (17)	Mardin	09 June 1996	
046)- Mehmet Kaya (38)	Kayseri	24 June 1996	HADEP exec.
047)- Mustafa Öztürk (47)	Kayseri	24 June 1996	HADEP exec.
048)- Kevork Tayran	near Bursa	28 June 1996	Merchant
049)- Mehmet İnanç	Cizre	06 July 1996	
050)- Mesude Kartalasan	Diyarbakır	06 July 1996	
051)- Kenan Demir (21)	Mardin	07 July 1996	
052)- İbrahim Akın (35)	Adana	11 July 1996	Shepherd
053)- Sükrü Yanar (45)	Diyarbakır	19 July 1996	İmam
054)- (male)	Diyarbakır	19 July 1996	
055)- Nurettin Yazıcı (60)	Diyarbakır	19 July 1996	
056)- Mehmet Demir (55)	Mardin	27 July 1996	Headman
057)- Ömer Lütfü Topal	İstanbul	28 July 1996	Casino owner
058)- Ferit Yıldırım	Diyarbakır	30 July 1996	
059)- Necip Avcı (20)	Diyarbakır	06 August 1996	
060)- Altun Çalım (40)	Diyarbakır	07 August 1996	
061)- Zülküf Çalım (45)	Diyarbakır	07 August 1996	
062)- Mehmet Odun (34)	Kulp-Lice	18 August 1996	
063)- (30-female)	near Pirinçlik	19 August 1996	
064)- Harun Çayır (25)	Diyarbakır	20 August 1996	Labourer
065)- Şevket Alpaslan (52)	Van	22 August 1996	Trades Chamb. C.
066)- Mustafa Tokuş	Sivas	22 August 1996	CHP executive
067)- Nasır Aslan (19)	Diyarbakır	14 September 1996	
068)- Faik Orak (32)	Diyarbakır	14 September 1996	
069)- Nuri Yiğit (22)	Diyarbakır	14 September 1996	
070)- Esat Yaşar	Diyarbakır	14 September 1996	
071)- (male)	Diyarbakır	14 September 1996	
072)- Necip Odabaşı	Diyarbakır	14 September 1996	
073)- Veysi Kaya (18)	Diyarbakır	15 September 1996	
074)- (male)	Diyarbakır	16 September 1996	
075)- (female)	Diyarbakır	17 September 1996	
076)- Ensari Akalp (55)	Diyarbakır	19 September 1996	Retired worker
077)- Nezir Çiçek (30)	Diyarbakır	21 September 1996	Labourer
078)- Mehmet Polat	Diyarbakır	26 September 1996	
079)- Nesrin İdiş Ürengör (30)	Diyarbakır	30 September 1996	Teacher
080)- Cuma İdiş	Diyarbakır	30 September 1996	Teacher
081)- M. Sadettin Küçük (23)	Diyarbakır	30 September 1996	Teacher
082)- Uğur Gören	Diyarbakır	30 September 1996	Teacher
083)- Fethi Gül	Maden	30 September 1996	

084)- Ahmet Akbulut	Maden	30 September 1996	
085)- Mehdi Fayka	Diyarbakır	01 October 1996	Headman
086)- Nimet Çakmak (30)	Batman	04 October 1996	Merchant
087)- (20-female)	Batman	04 October 1996	
088)- İsmet Güvenç (30)	İstanbul	06 October 1996	
089)- Hacı Meter (58)	Başkale, Van	06 October 1996	
090)- Veysi Baş (38)	Batman	10 October 1996	Tradesman
091)- Ali Rıza Takovili	İstanbul	15 October 1996	Iranian ref.
092)- Kamber Güneş (30)	Tunceli	24 October 1996	Shepherd
093)- Aziz Karakuş (60)	Tunceli	24 October 1996	
094)- Mehmet Veysi Eti	Diyarbakır	29 October 1996	
095)- Fettah Balta (70)	Diyarbakır	29 October 1996	
096)- Hasan Gül (35)	Mersin	01 November 1996	BBP President
097)- Ramazan Kanay	Diyarbakır	13 November 1996	
098)- Nusrettin Çomak (45)	Yüksekova	17 November 1996	Farmer
099)- Selahattin Demir (28)	Batman	20 November 1996	
100)- İhsan Mehmetoğlu (30)	Batman	20 November 1996	
101)- Eyüp Taş (35)	Batman	20 November 1996	
102)- Hasan Acar	Midyat,Mardin	20 November 1996	
103)- Fuat Acemoğlu	Siverek, Urfa	25 November 1996	Headman
104)- Reşit Gök	Batman	29 November 1996	
105)- Felemez Öngül (62)	Mutki, Bitlis	09 December 1996	İmam
106)- Mustafa Tokur	Diyarbakır	12 December 1996	Student
107)- Ercan Aslan	Adıyaman	12 December 1996	
108)- Hasan Kılıç (25)	near Diyarbakır	15 December 1996	Labourer
109)- Mehmet Koray	Diyarbakır	22 December 1996	
110)- M.Nuri Koca	Kahta,Adıyaman	25 December 1996	
111)- Atilla Korkmaz	Kahta,Adıyaman	25 December 1996	
112)- Mahmut Önardı	Kahta,Adıyaman	25 December 1996	
113)- Faruk Erdem (29)	Muradiye, Van	00 December 1996	

EXTRA-JUDICIAL EXECUTIONS

As a heavy blow to the right to life, the most fundamental of acknowledged human rights, extra-judicial executions have spread since the enactment of the “Anti-Terror Law” (12 April 1991), and continued in 1996. Throughout the year, a total of **98** people lost their lives as a result of actions by security officers referred to as “extra-judicial executions,” such as house and shop raids, fire opened on people in demonstrations, people disobeying stop warnings or merely at random, and the execution of people captured alive. Extra-judicial executions were mostly observed in the State of Emergency Region and in İstanbul. Extra-judicial executions were legitimized and systematized under the guise of the “struggle against terrorism,” and came to a point where all society was threatened. Extra-judicial executions, both a systematic punishment method and political revenge apparatus, have also become an important apparatus of oppressing, subduing and terrorizing the society.

Extra-judicial executions never attracted the attention of the government officials and the authorities. Statements of some witnesses indicating that “Security forces opened fire without any call to surrender” and “These people were killed instead of being apprehended alive, or after being apprehended” were not taken into consideration. Insensitivity towards such incidents expanded from single individuals to people in higher official positions. While an extra-judicial execution in Germany led a minister, proclaiming himself responsible, to resign and a case in France led police officers to accept that they were guilty, (*) the situation in Turkey was the contrary, in a way that encouraged new extra-judicial executions. Extra-judicial executions were applauded and defended. Security forces who were involved in extra-judicial executions were rewarded. Those who brought up extra-judicial executions were criticized and condemned. For example, no trial has been launched in connection with the raid against a house in Batkent, Ankara, on 12 April 1995, during which Şirin Erol, Seyhan Ayyıldız and Mustafa Selçuk were killed, although a minister had declared that the incident was “an extra-judicial execution.” Algan Hacaloğlu, then-Minister of State responsible for human rights, examined the raided house, and related the incident as an “extra-judicial execution.” Besides, he wrote letters to the then-Prime Minister Tansu Çiller, Deputy Prime Minister Hikmet Çetin and Minister of Interior Affairs

(*) The incident that led the resignation of Federal Interior Minister Rudolf Seiters took place as follows: Brigit Hogefeld and Wolfgang Grams, members of the outlawed Red Army Faction (RAF), were involved in a clash with GSG-97 forces in Bad-Kleinen town of Mecklenburg Vorpommern province on 27 June 1993. Grams and a security officer named Michael Newrzella were killed during the clash. A witness who appeared in the course of the investigation about the incident explained that Grams had been killed by a shot to his head from close range. It was also alleged that the security officer who died in the incident was accidentally killed by his colleagues. The lawyer of the Grams family explained that he had been killed by a bullet to his temple, but the Interior Ministry denied all these allegations. The result of the autopsy on Grams affirmed the allegations. When it was revealed that Grams had been shot dead in the temple, the Federal Interior Minister Rudolf Seiters resigned on 4 July 1993. The killing of an Algerian named Khalid Kelkal (24), accused to have been one of the assailants of the bombing against the Paris metro in July 1995, in Lyon at the end of September 1995 prompted a similar investigation. It was then revealed that Kelkal was a victim of an “extra-judicial execution.” A police authority, who argued during the hearing of the case that the attack against the metro had been carried out by a person who came from abroad for that purpose, said, “Khalid Kelkal had never been abroad. Of course he was a dangerous person, but not a big terrorist. He was just a criminal playing on the wrong field,” and admitted the extra-judicial execution.

Nahit Mentese, informing them about the incident. However, his appeal was not taken into consideration, and no result could be obtained from the official complaints.

A considerable number of those killed in extra-judicial executions were presented to the public as “members of illegal and separatist organizations” who clashed with the security forces or “criminals escaping from security forces.” The discussions focused on the judicial records of the killed people, whether they were criminals or not, their organizational connections or whether they were drunk or not. This propaganda and insensitivity within the society led security officers to act even more comfortably. Thus extra-judicial executions began to target the whole society, regardless of whether the victim was guilty or not. People guilty of nothing other than selling water at police lodges, young girls who looked suspicious while looking for a toilet, mentally handicapped or deaf people, drivers who drove fast or who parked their cars illegally constituted a considerable number of victims of the extra-judicial executions.

The article titled “**Secret Organization in Honduras on Trial**” published in *Evrensel* on 2 January 1996, revealed how other countries struggled against the extra-judicial execution and the organizations connected with extra-judicial execution:

The secret activities conducted by the USA were always known by the world public opinion, but could be documented. In its issue of 28 December 1995, International Herald Tribune investigated the human rights violations by the Honduras army supported by the USA, and emphasized the recent activities by CIA in Honduras. In the ‘special war’ against the leftist guerillas in Honduras, hundreds of people were abducted and killed as a result of tortures on grounds that ‘they supported the guerillas.’ The Honduran soldiers continued to commit crimes thinking that they would be held responsible for the tortures they have done. International Herald Tribune reported comprehensively the trial of 10 military officials who had kidnapped and tortured 6 leftist university students in 1982. For the first time in Honduras, a civil court judged the top ranking military officials for torture and murder, and for other human rights violations in 1980s. For the present, the soldiers who have been sentenced for human rights violations in Honduras, still can conceal themselves with the support of their commanders. In Honduras, as in Argentine, Chile and other Latin American countries, it is impossible to deal with terror organized by the state. After the trial of the soldiers who tortured university students, Leo Valladares Lanza, the Chairman of the Human Rights Commission of Government, had to declare the disappearances, tortures and murders throughout the country.

Yet until December 1993, it was a taboo to talk about the human rights violations and the role of the Army in these violations in 1980s in Honduras. In his report titled “Realities Speak”, Leo Valladares Lanza declared 184 disappearances. The report noted that there were at least 26 secret cemeteries in the country. The report revealed that more than 100 military officials had been involved in kidnapping actions. The report by Valladares, the Chairman of the Human Rights Commission, emphasized, in particular, that there was a special organization called ‘Battalion 316’ (Secret Battalion), which was organized with supports and suggestions of Argentine and the USA, and the personnel of which were trained in these countries.

CIA played a great role in the activities undertaken by the army in Honduras in 1980s. CIA paid wages to the Honduran officers so that they would reveal information to CIA and help the USA in the secret war against the Sandinist government in Nicaragua and the leftist guerillas in El Salvador. The US officials admitted that CIA paid wages to some top ranking Honduran army members, including the executives of Battalion 316. Honduran military and intelligence authorities claimed that CIA played the most significant part in the formation of Battalion 316. General Luis Alonso Discua, the Chief Commander of the Honduran army, was trained in the USA before he became the commander of Battalion 316. There was also an interesting point with regard to the relations between Honduras and CIA. That is, John M. Deutch, the CIA chief, who gave the order for organizing the operation in Honduras, stated that their practices in Honduras provided a good example for ‘the way how this job is not done.’

Following the preliminary hearings in August, General Discua spread intimidation by sending the armored personnel carriers to the streets of the capital. The court issued arrest warrant for 3 persons, including Colonel Alexander Hernandez, former operation chief of “Battalion 316” who is currently the General Inspector of the Honduran Police Organization. And General Discua supported his men and stated that “The Armed Forces does not rely on the current judicial system.” Lopez said that on October 1995, 4 retired superintendents and 2 denouncers who had connections with the military intelligence were killed, and that according to the information obtained by the Human Rights Commission, “Six persons in question were killed since they knew a lot about the incidents in 1980s.” Valladares had applied to the Honduran

Embassy of the US in 1993 for the documents related to "Battalion 316" and he had repeated his demand in July 1995. However, the USA had sent no document to him so far.

The table below shows the extra-judicial executions during the last 4-5 years, indicating that the extra-judicial executions in Turkey has increased to a level that even exceeded those during 12 September post-coup period. When the number of the people killed in detention or in attacks against settlements are also taken into consideration, the table becomes more sorrowful.

	Those killed during house and shop raids	Those killed in fire on demonstrators (except Newroz incidents)	Those killed for disobeying stop warnings, in random shootings, and after being apprehended alive	Total
1991 :	22	32	44	98
1992 :	63	26	103	192
1993 :	57	20	109	186
1994 :	32	-	97	129
1995 :	21	26 (*)	49	96
1996 :	42	4	52	98
TOTAL	237	108	454	799

a)- Trials and investigations

Deaths caused by security forces fit the definition of "extra-judicial (extra-legal) executions" stated in the documents of the United Nations. However, this situation was never taken into consideration, and almost all of the extra-judicial execution cases, despite the regulations stated in the UN documents, were not investigated properly. Instead of serious investigations, some practices and statements were observed which were bound to encourage security forces. The trials which were opened were only for show. Defendants were generally acquitted in the trials, which continued for a long time. Sentences, rarely given, did not exceed one year or two years in prison. Generally, the sentences were not carried out due to suspensions or prescription. There were even trials launched on the request of an acquittal decision rather than a conviction.

For instance, police officer Osman Uğur, against whom an trial was launched for attempting to kill İzzettin Kapar in Ergani, Diyarbakır, was promoted and given a position in Ergani Political Police Center during his trial. The event in question developed as follows: The police officer who raided the Şölen Teahouse in Ergani claimed that there were 3 PKK militants inside. As İzzettin Kapar, the owner of the teahouse, said that "The PKK militants did not come into his teahouse" and advanced towards the police officers, the police officer Osman Uğur shot him. İzzettin Kapar was shot by his head, and the medical reports stated that he would be disabled for the rest of his life. The official statement claimed that "The careless and incautious actions by Osman Uğur led to the event." İzzet Kapar, the elder brother of İzzettin Kapar, stated that his brother underwent a significant loss of consciousness after he was wounded. He said, "My brother is not aware of what he is doing, and he cannot know his relatives. His three children has to quit school due to the financial reasons. What happened was not because of incautiousness and accident as stated. It was purposive. The policemen knew my brother since he had been imprisoned for 5 years for a PKK case. My brother has been under treatment for a year. Since I could not afford the treatment costs, I applied to İHD Diyarbakır Branch for assistance. If İHD does not help us, my brother cannot undergo the operation and he will die wasting away day by day. Before that, I applied to Ergani District Governor, Diyarbakır Governor and the Ministry of Interior. But they did not help us. The Ministry of Interior provided the justification that 'they cannot provide assistance since it is not due to an incident of terrorism.' Everything police did is regarded as legitimate and is justified. If the person killed by a policeman had been sentenced for imprisonment, the policeman becomes more free. My brother was wounded in a summary execution. And therefore the police officer was not regarded as guilty and was awarded."

Legislation Favors Criminals (4 February 1995-Evrensel/İrfan Kurt-Yusuf Sahici)

Since Süleyman Kaygusuz (23), who was shot and wounded by the police and who had to use a wheelchair for 4,5 years, could not bring an action against the police because of financial

(*) Including the people killed during the incidents in Gazi quarter and Ümraniye in İstanbul.

reasons, the criminals can freely wander around. Although Şişli Security Chief stated that those who shot were the police officers, the so-called prosecution initiated proved to be a failure. Even though the teams who were on duty in the district during the event were known.

The event binding Kaygusuz to the wheelchair happened on 24 August 1991. Kaygusuz and his four friends left the entertainment place in Taksim around 03.15 and got on a commercial taxi licensed 34 TJM 85 owned by them in order to go home. At this point, 2 plain clothes police officers approached the taxi and attempted to detain Kaygusuz in driver's seat. But they did not revealed that they were policemen. Getting afraid, Süleyman Kaygusuz did not get off the car and drove off the spot in a hurry. Then in the dissemination by police walkie-talkies, the car and persons in it were declared to be under suspect and should be caught. The police waylaid the car travelling from Taksim to Dolapdere in the junction of Divan Hotel. Getting more panicked, the driver did not stop, and then the police shot the car behind. As a result of the shots fired, Kaygusuz was injured by his spinal cord; although he underwent treatment, he lost his ability of working by 90 percent.

The police did not admit that they opened fire. While the policemen subordinated to the Public Order Branch Directorate and Şişli and Beyoğlu Teams Office played a common role in the incident, the written records prepared by them were not consistent. 3 policemen who worked as Şişli team with code no of 86.62, stated that they heard the announcement about the car and they went to the junction in front of Divan Hotel, and said that "Though our team warn the car to "stop," the car did not stop and took the Dolapdere direction in a hurry and dangerously." They told that afterwards they heard one single shot, but they did not know who shot the fire.

On the other hand, the policemen from the team with code no of 83.75, stated that they found the car in front of Taksim First Aid Hospital, and in it Süleyman Kaygusuz wounded and that afterwards they delivered the persons they caught to the team with code no of 4567. But in the document on the incident sent by Superintendent Hüseyin Özsoy, the Deputy Senior of Harbiye Police Station to the Şişli Public Prosecution Office, the team with no code of 45.67 was stated to be on duty only at the beginning of the incident. Another interesting point in the report by Hüseyin Özsoy was the statement that "The Beyoğlu and Şişli teams from the Public Order Branch Directorate involved in the incident and since both teams stated that they "did not fire any shots", it was impossible to determined who fired the shot and the revolver used." Yet in the document sent by Cahit Yıldıztekin, Şişli Security Chief, to the Public Order Branch Directorate, it was stated that "The authorities fire warning shots to stop the car."

While in the examination performed in the Police Laboratory, it was determined that the bullet shell taken out the Kaygusuz's body was shot from a revolver of Parabellum, in the report prepared it was stated that "Since the revolvers of the police officers were not brought, it was impossible to determined the revolver shot." That no investigation was undertaken although the team on duty in the district were known and it was possible to determined who made the shot by examining their revolvers was interpreted "an attempt to conceal the criminals."

The prosecution undertaken afterwards by the Şişli Public Prosecution Office about the police officers subordinated to the Public Order Branch Directorate and Beyoğlu and Şişli Teams Office, was completed on 7 February 1992. In contrast to the written records prepared by the police officer following the incident, the decision admitted the fact that police officers opened fire in order to stop the car, but it was claimed that the shot in question was opened "during the performance of their duty", and thus it was decided not to prosecute. Consequently, the file was closed down without investigating the police officer who opened the fire.

But the problems of Kaygusuz did not end. In accordance with the legislation, Kaygusuz could bring an action against the police officers within at most one year following the incident, but he had no money. And in accordance with the legislation, he lost his right to bring an action. But Kaygusuz stated that he had not forgotten the police officers who shot him, and added: "I can figure out the police officers who shot me in any case."

Following is information about the extra-judicial execution investigations and trials launched or continuing in 1996:

The prosecution of 9 security officers who participated in the raid against a cafeteria in the Perpa Business Center in Okmeydanı Quarter of İstanbul on 13 August 1993, which resulted in the killing of Selma Çıtak (22), Mehmet Salgın (21), Sabri Atılmış (16), Hakan Kasa (18) and Nebi Akyürek (27), continued in 1996 and 1997. In the hearing held at İstanbul Heavy Penal Court No.7 on 18 January, the court board disregarded the demands which would clarify the incident. Lawyers Ahmet Düzgün Yüksel and Muhittin Köylüoğlu pointed out o the fact that 2 police officers who had witnessed in the hearing had been arraigned in similar trials of extra-

judicial executions, and stated that they did not accept their testimonies. The names of the defendant police officers are as follows: Ercüment Yılmaz (Deputy Director of Political Police Center), Ali Çetkin, Hasan Erdoğan, Hüseyin Doğrul, Ömer Kaplan, Ayhan Çarkın, Ayhan Özkan, Selim Kostik and Kadir Uçar. The trial is under way.

Police officers Levent Yapsan, Sadık Sungur and Ersin Batan, who shot Ecevit Balcı (18) dead when he attempted to hang a banner on a bridge in the İstanbul Maltepe Gülsuyu Quarter on 4 November 1994, were acquitted. The acquittal decision in the trial that ended at İstanbul Kadıköy Heavy Penal Court No.1 on 2 February was made on the grounds that “Ecevit Balcı had been shot during the clash which broke out between the policemen and the militants.”

Police officers Yaşar Karaçam, Ömer Kaplan, Hasan Erdoğan and Ayhan Çarkın, who were on trial since 26 October 1993 in connection with the killing of Bedri Yağan, Gürcan Aydın, Menekşe Meral, Rıfat Kasap and Asiye Fatma Kasap in the raid against a house in Esentepe Quarter of Kartal, İstanbul, on 6 March 1993, were acquitted. The acquittal decision in the trial that ended at Kartal Heavy Penal Court No.1 on 18 February was given on the grounds that “the defendants utilized their authorities and fulfilled a legal provision.” Children of Rıfat and Asiye Fatma Kasap couple, Özgür (4) and Sabahat (7-month), had survived the raid.

In 1996, a trial was launched against special team member Soner Ağbaba, who shot dead a person named Mustafa Dölek (*) during a house raid on 24 June 1995 at Cennetpınarı Village of Pazarcık, Maraş. In the trial launched by the Maraş Public Prosecution Office, Soner Ağbaba was indicted on the demand of an imprisonment term up to 8 years on charges of murder in a way to exceed the limits of duty. The trial was transferred outside Maraş for “security” reasons, and Ağbaba, who was not arrested, was put on trial at Ankara Heavy Penal Court No.8. Cross-examined in the hearing on 5 March, Ağbaba defended that the incident had taken place due to an accident, and added, “Mustafa Dölek wanted to get hold of my weapon. Upon this, we started tussling. I had no intentions of killing him. I just fired at his legs.” Intervening lawyer Kazım Genç said, “The defendant says that he fired at his legs. But the reason for the death is the bullets on the chest and the stomach. When Mustafa Dölek got shot on the legs and fell down, it was also fired at his chest. Besides, he was not hospitalized on time after he got wounded.” Drawing attention to the point that the prosecution took place on charges of “murder”, Kazım Genç demanded Ağbaba be arrested. This demand was not accepted by the court. In May 1998, Soner Ağbaba was sentenced to 1 year 1 month 10 days in prison, but the sentence was reprieved.

In March, a trial was launched against 20 police officers in connection with the killing of 3 people, Güner Şar, Özlem Kılıç and Hüseyin Arslan, during a house raid at Bağcılar, İstanbul on 4 August 1995. The indictment demanded that the defendant security officers be arraigned on charges of “murder;” however, the self-defense provisions should be exercised on the grounds that “they complied with the orders and had to use guns during the clash.” The police officers on trial are Ali Bulut, Mehmet Palaz, Dursun Ali Öztürk, Fethi Vuruşkan, Selim Orhan Doğan, Kadir Tan, Ergün Katı, Ali Erşan, Birol Abanoz, Mustafa Kazan, Mahmut Önder Topbaş, Sami Şen, Abdülkadir Dilber, Nur Zafer Altay, Ertan Kısacık, İlhami Çavuş, Ceylani Baydar, Mustafa Karabulut, Tanık Erbaş and Ramazan Ayan. The trial, which started at İstanbul Bakırköy Heavy Penal Court No.3, ended with the acquittals of the police officers.

Traffic police officer Müşerref Şen, who shot to death Volkan Günday (29) in 1994 when they had a dispute because of “illegal parking,” was sentenced to 17 years 6 months in prison on charges of “murder because of slight provocation” in the trial that ended at Kadıköy Heavy Penal Court No.1 on 7 April. In line with the Law on Execution of Sentences, Müşerref Şen will serve one fifth of the sentence passed on him, and will be released in 2000. On 26 August 1994, Metin

(*) 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 the 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, and launched an investigation.

Günday, the father Ediz Volkan Günday launched a trial at Administration Court No.4 against the Ministry of Interior Affairs, demanding a moral compensation of TL 5 billion. The trial ended 15 months later, and the court concluded that the Ministry was negligent in the incident, and should pay TL 1,250,000,000 for material and moral damages. The verdict read, “the Ministry did not fulfill its obligations while selecting its personnel and training them, although it is responsible for the rendering of traffic services by well-trained personnel.”

The trial launched against 6 of the police officers who had participated in the raid against a house in İstanbul Kadıköy on 30 April 1994, during which 2 university students named Uğur Yaşar Kılıç and Şengül Yıldırım had been killed, on accusations of “murdering more than one person in a way to conceal the real assailant,” continued on 3 April. Only one of the police officers attended the hearing held at Kadıköy Heavy Penal Court No.1, who stated that he did not remember the incident as he had participated in many other operations. Ergül Uzundiz, who had been in the house during the raid, said in her testimony that Uğur Yaşar Kılıç and Şengül Yıldırım did not carry any guns, and that the police had intentionally killed her friends. The trial was later ended with the acquittals of the police officers Abdullah Süzer, İsmail Hakkı Rizeli, Osman Ulukuz, Mehmet Demir, Ali Yener and Faruk Dönmez.

The trial launched against 29 police officers in connection with killing of İsmail Cengiz Göznek, Hüseyin Yaşar and Servet Sanin on 27 January 1992 in the house they had taken shelter after attempting to rob a jeweler’s in İstanbul, continued in 1996. In the hearing held at Bakırköy Heavy Penal Court No.3 on 2 June, İsmail Cengiz Göznek’s fiancée Seçgül Ateş testified for the first time. Seçgül Ateş said that on the day of the incident, her fiancée, with 2 friends, had entered the house in panic and handed her 3 guns telling that she should take them out of the house and hide them somewhere. Ateş narrated that she had put the guns in the coal-hole at the backyard and then gone to the market for shopping. She stated that as she went to the market, the house was surrounded and then came the gunshots. Seçgül Ateş said she learned that the door of the coal-hole was later broken down and the guns were taken, and added that there definitely was not a single gun inside the house and it was impossible for her fiancée and friends to take the guns from the coal-hole and then return back to the house on third floor in such a short time. The trial ended in acquittals of the police officers.

The trial launched against 19 police officers, including İbrahim Şahin (Security General Directorate Special Team Department Deputy Director) and İstanbul Security Deputy Director Reşat Altay, in connection with the killing of Sabahat Karataş, Taşkın Usta and Eda Yüksel in Çiftelavuzlar Quarter of İstanbul on 17 April 1992, was transferred to Kayseri Heavy Penal Court in 1996, out of “security reasons.” The number of the defendants rose to 22, when police officers Ayhan Çarkın, Salih Tonga and Yaşar Karaçam were included in the case file as defendants. In the course of the investigation, Kadıköy Public Prosecution Office received the testimonies of the families of the victims and witnesses within one week after the incident, yet it asked for the testimonies of the defendant police officers in November 1994, and all of the testimonies could be received by March 1995. The first hearing was held on 15 June 1995, 3 years 2 months after the incident. However, the Prosecution Office launched a trial against the driver who had carried the police officers to the spot, but excluded the police officers whose had participated in the operation and whose names had been mentioned in the statements by the witnesses. The Prosecution Office had to prepare an additional indictment and put the remaining police officers on trial, upon the objections raised by the intervening lawyers. The trial also continued in 1997. Following are the police officers on trial: Reşat Altay, İbrahim Şahin, A. Vasfi Kara, Abdullah Dindar, Mehmet Şakir Öngel, İsmail Alıcı, 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 and Sönmez Alp. (*)

The transfer of the trial top Kayseri caused protests. Sabahat Karataş’s brother-in-law Reşat Karataş said, “In fact we don’t have life security. We are prevented from attending the hearings. Whose life security had led to this decision? I was stopped while driving my car many times. They continuously put pressure on us in order to avoid us from speaking.” Karataş stated that they had no hopes regarding the result of the trial, and said, “It is quite difficult in Turkey to

(*) 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 with the presence of a judge.

give a fair decision at the end of this trial. Everything is evident and known.” A statement by the People’s Law Office read that the transfer of the trial aimed at acquitting the police officers.

The trial launched in connection with the killing of a DHKP-C militant İbrahim Yalçın in Kartal, İstanbul, on 24 April 1993, did not end in 1996, too. In the hearing held on 16 September, it was stated that the bullets, which were taken out of the body of İbrahim Yalçın, had been fired from the guns of police officers Şefik Kul, Şevket Yılmaz and Ayhan Çarkın. It was determined in the autopsy that most of the 11 bullets that were taken out of the body, had been fired from short distance and had caused the death. In the course of investigation and trial, the eye-witnesses had stated that fire had been opened without any call to surrender. It had also been claimed that police officers had threatened İbrahim Yalçın to death while he had been serving in prison.

The trial launched in connection with the killing of Lawyer Fuat Erdoğan, İsmet Erdoğan and Elmas Yalçın during the police raid against Arzum Cafeteria in İstanbul Beşiktaş on 28 September 1994, continued in 1996. On 24 October, an examination was carried out in the scene upon the decision taken by İstanbul Heavy Penal Court No.5. Lawyers, who participated in the examination, disclosed that the statements by the owners of the cafeteria had contradicted with the police statements. It was emphasized in the statement by the lawyers that the owners of the cafeteria had said that “no fire had been launched from the lower flat towards the upper flat for 5 or 6 minutes,” and that the 3 persons had been shot in the head. According to the lawyers, who said that the police officers had gone to the spot on the intention of killing, it was noted in the examination report that “it was impossible to escape from the cafeteria.” Lawyers added that The a report, which indicated that “Fuat Erdoğan and İsmet Erdoğan had been killed with bullets from the personal guns of two of the defendant police officers,” was added to the case file.

In the hearing on 23 December, Lawyer Ahmet Düzgün Tekin disclosed his opinion on the ballistic examination report: “According to the report, it has been determined that one of the bullets that caused the death of victim Fuat Erdoğan had been fired from the gun of Security Director Şefik Kul, and the other one from the gun of police officer Baki Avcı. The bullet taken out of the body of İsmet Erdoğan was in the same way fired from the gun of Baki Avcı.” Ahmet Düzgün Yüksel pointed out to the fact that the defendants wanted to put the blame on Baki Avcı, who had died, and said, “This is just like the case in Susurluk accident, in which the real assailants want to put the blame on Abdullah Çatlı.” Lawyer Yüksel reminded that Security Director Şefik Kul had declared that he had not fired, and said, “In the examination, it came out that he had fired his gun 3 times, and one of these bullets had been taken out of the body of Fuat Erdoğan. It is first concern that he wanted to conceal the fact that he had fired.” Lawyer Yüksel demanded Şefik Kul be arrested, but the court board rejected this demand. The trial is under way.

A trial was launched against police officers Erol Tekten, Murat Cezmi Erbay, Hüseyin Doğrul, Mehmet Güngör Körnez, İzzet Kervan and Yüksel Ateşoğlu in connection with the killing of a youth named Hayrullah Çelebi on the Dam Road in Sarıgazi Yenidoğan Mevlana Quarter of İstanbul by the police on 16 November 1995. In the trial, the police officers were indicted on charges of “intentional murder.” The trial, which was launched by Üsküdar Public Prosecution Office at Üsküdar Heavy Penal Court in mid-1996, is under way, because of certain impediments. Hayrullah Çelebi’s father Halit Çelebi said that his son had been put in a police car alive, after he had surrendered, and killed in a deserted area. Halit Çelebi also said that he and his lawyers had been threatened because of the trial, and reminded the fact that no result could be obtained in the proceeding, although one year had passed over the incident. Halit Çelebi said that his son had allegedly been accused of having participated in the killing of 33 enlisted men on Elazığ-Bingöl highway and the bombing in Tuzla, and added, “My son was serving for the army at that period. It is evident that he had nothing to do with these incidents. They played such a game, in order to legitimize the execution. Their lies will be seen.”

The trial launched against security director İsmail Gür, who is in charge at İçel Security Directorate and who had shot dead Abdullah Arpacı (25) at Mersin Oskar Hotel, ended at İzmir Heavy Penal Court No.4 on 12 December. In the trial, which was held in İzmir out of “security” reasons, İsmail Gür was sentenced to 23 years 4 months in prison.

Trials forwarded to European Human Rights Commission

Numerous cases were forwarded to the European Human Rights Commission because extra-judicial executions were not seriously investigated, the lawsuits brought were not serious, and the responsible people were not punished. Most of these applications were regarded acceptable by the Commission, and taken under investigation. After examination of certain applications, rulings were made against the Turkish Government.

For example, the case of killing of 8 people in Midyat, Mardin, on 20 April 1992, was referred to the European Human Rights Commission. After the killing of İsmet Acar, Sabri Acar, Mehmet Emin Acar, Hasan Akay, Mehmet Ağırman, Süleyman Acar, Mehmet Akan and Abdülkadir Akan in a minibus on its way from Çalpınar Village of Midyat to Midyat, a trial had been launched against 27 village guards at Midyat Heavy Penal Court on the demand of the death penalty. Later, the trial was referred to Denizli out of “security” reasons. The village guards, who were remanded for 1,5 year, were later released and assigned back to their duty. Lawyers of the villagers, Mehmet Nur Terzi and Muhterem Özsüer, referred the case file to the European Human Rights Commission because of the prolonged trial. Lawyers Terzi and Özsüer stated that the village guards on trial had been free and had continued to work as village guards, although they had been arraigned on the demand of the death penalty in the trial that continued for 5 years. Lawyers said the following: “Osman Acar, Hüseyin Akan, Mehmet Ali Akan, Elife Akan, whose relatives had been killed in the attack, and İbrahim Akan, the headman of Çalpınar Village who had been wounded in the attack, lodged a complaint with Midyat Public Prosecution Office, stating that those who had fired had been village guards, dressed like soldiers. As a result of the ballistic examination of the bullet shells found in the spot and the machine guns of the village guards at Diyarbakır Regional Police Criminology Laboratory, it was revealed out that the bullets had been fired from the guns of the village guards. Later a trial was launched, but it was not concluded. Thus, domestic remedies proved out to be ineffective and infunctional. Besides, the problem of village guards is on the agenda of Turkey. Drug trafficking, smuggling and murders involving village guards are covered by the media. The release of the village guards, against whom the death penalty is sought for 8 times each, and the fact that they are still on duty are terrific. For this reason, and in order to maintain the supremacy of the law, we appeal to the European Human Rights Commission against the Turkish Government.”

Following is information and developments concerning those killed in extra-judicial executions in 1996:

b)- Deaths in house and workshop raids

01)- Ercan Özçeken (21)

Ercan Özçeken was killed in the police raid against a house in Gediz Quarter of Buca, İzmir, on 18 January. The police authorities claimed that “the raided house had been used as a safe house by the DHKP-C militants,” “Ercan Özçeken was the assailant of certain bombings in İzmir,” and “the death incident was the result of the clash.” However, lawyer Ercan Demir stated that Özçeken had been alone during the house-raid and he had been executed by shooting in front of the door. İHD İzmir Branch Chairman Ahmet Turan Demir declared that the incident was an extra-judicial execution and that they would follow up the murder. Lawyer Mehmet Gürsoy, who went to İzmir in order to investigate the case, was prevented by police officers. A statement made by the People’s Law Office read that Lawyer Gürsoy was not allowed to carry out an examination in the house, he was not allowed to meet the Özçeken Family, and he was not given the autopsy report. The statement emphasized that all the impediments verified the fact that the incident was an extra-judicial execution. According to the statement, “It has been determined that the police officers, who came to the house on the intention of execution, pelted the house with gas bombs without any prior warning, and Ercan Özçeken was killed when he had been disturbed by the smoke and came out of the door.” Similar findings were also disclosed by the İHD İzmir Branch on 22 January, after an examination was carried out in the house.

02)- Aslan Koçer (28)

03)- Zakire Aslan (19)

04)- (16)

After the killing of Nusaybin Security Director Nurettin Ersoy, superintendent Emral Gümüş and police officer Ali Kerimoğlu in the clashes that broke out in Abdulkadirpaşa and Yeni Turan quarters of Nusaybin, Mardin, on 30 January, a house was raided. During the raid, house owner Mehmet Aslan’s son-in-law, Aslan Koçer, Zakire Aslan and a 16-year old youth, whose name could not be revealed, were killed. In connection with the incident, İHD Secretary General Hüsni Öndül sent a letter to Amnesty International and the Minister of State responsible for human rights, and expressed that “the police had killed civilian people, and that he had been anxious regarding the lives of the people who had been detained during the raid.”

05)- Engin Tütenocak (26)

As a result of the fire opened by the police who raided a real estate agency on Ahududu Street in Beyoğlu, İstanbul, at about 16.00 on 31 January, the owner of the agency, Engin Tütenocak (26), got shot and wounded. Tütenocak, reportedly a “MHP follower,” died at the hospital on 1 February. The police authorities alleged that Tütenocak, unable to identify the plain

clothes police officers who went to his office, got panicked and took his gun out from his waist; upon this, the policemen too had to use their own guns. His wife Gülşen Tütenocak stated that the incident had been an extra-judicial execution, and added that the police officers had murdered her husband as a result of a pre-meditated plot. Making a written statement as to the incident, İHD İstanbul Branch Chairman Ercan Kanar said, "Police officers, who went to the office of Engin Tütenocak upon an information they received, had knocked the door without informing that they were police. Fearing that he would have been killed, Tütenocak opened the door with a gun in hand. The police officers had machine gunned him. The information they received was like "there are PKK militants in the office," and the police officers had trampled the principles of law, and carried out an extra-judicial execution as they went to the office with prejudice."

06)- Ahmet Kaya

07)- Nihat Yoldaş

08)- Neter Yoldaş

A house in Gülaçan Village of Pirinçlik Town of Diyarbakır was raided by security officers in the night of 7 February. Three people inside the house, Ahmet Kaya, Nihat Yoldaş and Nefer Yoldaş, were killed and İsmail Yoldaş was wounded and then detained. During the operations following the raid, 4 people, Mehmet Ali Gül, Mustafa Özmen, Mehmet Solmaz and Mehmet Nesim Selamboğa, were detained. Of the detainees, Mehmet Nesim Selamboğa was reported to be one of the leaders of the Hezbollah. The authorities of the Emergency State Region declared that the raided house was used as a safe house by the Hezbollah militants, the killed and caught individuals had participated in numerous armed attacks and bombings, and added that plenty of arms, bullets and bombs were found inside the house. Later, a trial was launched against the detainees, on the accusations of "being members of the Hezbollah, having killed 5 persons, 2 of whom were village guards), and wounded 2 persons. In the trial, which was launched by Diyarbakır SSC Prosecution Office and which started at Diyarbakır SSC in April, the death penalty was sought for Nesim Selamboğa, Salih Selamboğa and İsmail Yoldaş.

09)- Fuat Perk (25)

10)- Meral Akpınar (22)

11)- Ayten Korkulu (21)

Fuat Perk, Meral Akpınar and Ayten Korkulu were killed in the raid against a house on Ordu Street in Soğanlı Quarter of Bahçelievler, İstanbul, around noon on 9 February. The police authorities claimed that the raided house was used as a safehouse by the DHKP-C militants, that the 3 people were killed as a result of the clash which broke out when fire was opened against the police; and added that 5 guns were found in the house. Whereas İHD İstanbul Branch Chairman Ercan Kanar stated that the house raid was a typical example of an extra-judicial execution massacre. Ercan Kanar said, "The statement by the police saying, 'In return for the call for surrender, fire was opened.' is quite far from being persuasive, taking into consideration the duration of the incident, the traces of bullets on the wall and the situation of the corpses. Besides, even if the insiders fired, the police has all sorts of means to catch them alive. The Law on the Duties and Authorities of the Police is practiced as the law to destroy the dissidents." On 11 February, an autopsy was performed on the victims, under the surveillance of Fatih Public Prosecutor Sedat Çakar. Filiz Bozoğlu, a lawyer from the People's Law Office, stressed out that there were no items in the autopsy report regarding the clothes of the victims, and said, "Bakırköy Public Prosecutor Abdurrahman Erdoğan, who carried out the examination in the spot, said that the clothes had not been taken for safe keeping. He said in rush that he would order for the safe keeping of the clothes. This indicates that the investigation was carried out insincerely and one-sided from the very beginning. The clothes are the most important evidences in determining the distance of shots." Lawyer Filiz Bozoğlu gave the following information as to the autopsy:

"It has been determined that the cause of death of Fuat Perk is fractures and internal bleeding because of rupture of a major artery and in viscera due to bullet wounds; the cause of death of Meral Akpınar is fractured skull, vertebra and humerus, brain injury and intracranial bleeding, and internal bleeding in viscera and moduler shock due to bullet wounds; and the cause of death of Ayten Korkulu is fractured wrist, face bone and skull, brain injury and intracranial bleeding due to bullet wounds. No bullets were found in the body of Ayten Korkulu. The bullets entered and get out of the body. 8 bullets to the skull, and 7 bullets to the body. Three bullets were taken out of the body of Meral Akpınar, caliber of one of which could not be determines as it was deformed and became flat, and two of which were lined and rifled bullets, became slightly flat on one side. Besides, it was determined that 19 bullets hit to the body, most of which to the hearth and the waist. In addition, numerous fractures were determined in the skull due to bullet wounds. Two bullets were taken out of the body of Fuat Perk, one of which was yellow lined and rifled, and the other only a shell rifled in one side. Fatal bullet to the dimple, and many bullet wounds to the heart and waist. It has been expressed from the Forensic Medicine Institution that the bodies

had been brought naked, the clothes had not been brought and the Institution had no information regarding their whereabouts. When the autopsy results are evaluated, it can be seen without any doubt that the bullet wounds on the bodies intensified in fatal regions and that there was a massacre which aimed at killing without concerning to capture the victims alive.”

In September, a trial was launched against 15 police officers who participated in the house raid. However, the indictment demanded that “the police officers should not be punished for they had committed the crime while on duty,” in line with Article 49 of the Turkish Penal Code, which includes the provision that “anyone who fulfill a provision of the law or obey an order that is obligatory to conduct shall not be punished.” Lawyer Metin Narin from the People’s Law Office stated that the 15 police officers had involved in the killing of many people, and there were numerous extra-judicial execution files against them. The names of the police officers are Şefik Kul, Süleyman Bolak, Ayhan Özkan, Hüseyin Doğrul, Erol Tekten, Yavuz Parlak, Çetin Yeşilbaş, Savaş Akin, Nihat Çulhaoğlu, Şevket Yılgin, Talip Kaya, Abdülkadir Dilber, Ali Erşan, Salih Palamir and Ahmet Turan. The trial, which started at Bakırköy Heavy Penal Court No.3 on 11 October, ended on 29 December 1997. The police officers were acquitted in the trial, on the grounds that they “committed the crime while performing their duty.”

12)- İsmail Celalettin Konbak (17)

Celalattin Konbak, who was claimed to have fled after having attended a hearing at İstanbul Faith Court House on 21 March and who had hidden in the house of his relatives in Beşyüzevler Karadeniz quarter of Gaziosmanpaşa, was wounded in the gendarmerie raid against the house. İsmail Celalettin Konbak died at the hospital where he was taken to. An investigation was launched by Eyüp Public Prosecution Office in connection with the incident.

13)- Selahattin Ekin (24)

14)- Nigar Eman (19)

15)- Kadriye Özay

16)- Hacı Yusuf Daloğlu (19)

Selahattin Ekin and Nigar Eman were killed by the police during a raid against a house in Güneş Quarter of Mersin around 16.00 on 14 April, and Hacı Yusuf Daloğlu and Kadriye Özay were killed right after, in an orange garden in the Güneykent Quarter. Police authorities claimed that the 4 persons had been killed in a clash. The incident took place as follows, according to the accounts of witnesses: The police who surrounded a house in Güneş Quarter, demanded that the insiders “surrender.” Upon this, Selahattin Ekin and Nigar Eman shouted that they surrendered, and got out, hands up. The police leant Selahattin Ekin against the electricity pole and Nigar Eman against the wall, and killed them. Then they headed towards Güneykent Quarter, and shot Hacı Yusuf Daloğlu and Kadriye Özay in the orange garden, although both had shouted, “We surrender, do not fire.” Members of the Work Group for Peace carried out an examination in Mersin on 23 May. The eye-witnesses said to them that the police had opened fire at random on the street, in order to pass the incident as a clash. The eye-witnesses stated that Özay and Daloğlu had been captured in the orange garden, and executed after they had been laid on the ground. They said, “All of the police officers in Mersin blockaded Güneş Quarter. Those people had been captured alive. They did not carry any guns. But they preferred to kill them. They showered the youths they apprehended alive with bullets. After killing them, they tied them in their feet with ropes they took from horses in the surrounding, and dragged them for about 150 meters.”

17)- Zeki Kartal Ömeroğlu

18)- Metin Karataş

19)-

Zeki Kartal Ömeroğlu, Metin Karataş, a person whose name could not be revealed were killed during the raid against a house, belonging to Osman Kaya, in Petrolkent Quarter of Batman on 10 July. Police officers claimed that the dead persons were PKK members and that the 4 children inside had been saved without any injuries. During the raid, chief superintendent İbrahim Deniz and police officers Emin Koşar and Şeyhmus Soylu got wounded. Gülten Kaya, who managed to save her life under fire, was detained by the police, and remanded on 26 July.

20)- Hasan Hüseyin Onat

21)- Gülizar Şimşek

22)- Emine Tuncel

23)- Yavuz Arakız

24)- Hanım Gül (42)

Fire was opened against Gültepe Police Station on Gültepe Street in İstanbul in the night of 14 July. During the attack, police officers Hayrullah Topal and Semih Yıldız got wounded. Later, the police raided a house on the second floor of the five-storey No.4 on Zincirlidere Street, which belonged to Hanım Gül and Mehmet Gül. Hasan Hüseyin Onat, Gülizar Şimşek, Emine Tuncel and Yavuz Arakız were killed during the raid, whereas Hanım Gül got wounded. Following the raid, Minister of Interior Affairs Mehmet Ağar claimed that the killed persons were DHKP-C militants who had raided the police station, and that they had carried out other

attacks in the past. İstanbul Security Director Kemal Yazıcıoğlu said, “We have had 2 martyrs at Kuştepe Police Station and at Tansu Çiller’s residence by the coast. I had then said at our martyr’s funeral that, ‘You are going to hear us soon.’ And now you have.” After the raid, the police had declared that Suna Gül had also been killed during the raid, but it came out later that she was living as she had not been in the house during the raid. Suna Gül related the incident as follows: “On the day of the incident, I went to my auntie, who lives in the same of quarter. We heard the gunshots at midnight. We were frightened, and laid on the ground. We did not get out of the house until the morning. In the morning, we learnt that the clash had taken place in our house. I did not see the persons killed in the house, I have never seen them. As they found my ID card in the house, they announced me as one of the killed persons.” Suna Gül stated that neither her nor her family had connections with an illegal organization, and said that her mother Hanım Gül and father Yusuf Gül had been in the house in the night of the incident, whereas her brothers Ali Bekir and Naki, and her married sister not. The police went into trouble when it came out that though Suna Gül had been declared to be one of the persons who had died, the girl was in fact alive. İstanbul Security Directorate authorities claimed that they had not made a statement related to the incident, and that “the press had made up” the names of the ones who had died.

Hanım Gül committed suicide by jumping off the second floor of the Taksim İlkyardım Hospital, where she was treated, on 22 July. Hanım Gül was the one and only witness of the raid as her husband Mehmet Gül had been paralyzed and therefore unable to speak. Hanım Gül’s sons Ali Bekir Gül and Naki Gül reported that the police had not allowed them to meet with their mother at the hospital. Hanım Gül had been under police surveillance at the hospital. The police authorities disclosed that the doctors had taken the guarding police officers out of the gate, and that Hanım Gül had committed a suicide in the presence of the doctors and other patients. Süleyman Bayraktar, the Deputy Head Doctor of the hospital, said, “Hanım Gül would be discharged. She jumped down to the garden of the hospital, while the final proceedings were under way. Her treatment was being carried out under the surveillance of the police. At the time when incident took place, the police officers were standing guard not at the patients’ ward but before the gate.” Ali Bekir Gül disclosed that they could not be able to see their mother in the hospital. He said that the police officers continuously kept waiting at the hospital and did not let them in, and added, “We even could not be able to get information regarding the injuries of my mother. The police did not give any information. I even do not know why she committed a suicide.” The police authorities denied the accusations that Hanım Gül had been oppressed by the police. The authorities defended that the police stood guard in order to avoid any visit by the members of illegal organization, and added that Hanım Gül had no connections with the organization, but her son who had been detained right after the raid, Kazım Gül, had. The said, “She was not oppressed. She had had a crisis at the hospital and committed suicide.”

Kazım Gül, who was detained after the operation along with his brothers Naki and Ali Bekir, and who was arrested by İstanbul SSC on charges of “aiding the DHKP-C,” made a statement from the prison on 13 August. Gül said that on the night the operation, 4 people had come to their house and that later the police had arrived in the quarter and started ringing the doors of certain houses including theirs. Gül said, “The police went downstairs and started waiting in front of the house. Two hours later, special team members arrived. The 4 people inside our house decided that they would encounter. One of them shouted at the police officers that we too were inside the house and that therefore we needed to get out. The police demanded that everyone should get out. Then started the clash. For my father was paralyzed, they dropped him before the entrance door of the house. My mother attempted to go down from the balcony of our house on the second floor. She got wounded as a result of the fire opened right then. This is an extra-judicial execution by the police.” Kazım Gül’s lawyer Metin Narin lodged an official complaint against the police officers for “having carried out an extra-judicial execution.”

25)- Rıdvan Altun (22)

26)- Abdurrahman Sarı (27)

27)- Ömer Bayram (25)

28)- Dilan Bayram (3)

29)- Berivan Bayram (1.5)

30)- Nuri Kocabıyık (33-police)

In the raid conducted by the police around 04:20 on 8 August to the house of Ömer and Yeter Bayram in Çımarlı quarter, Küçükdikili, Adana, 5 persons named Rıdvan Altun, Abdurrahman Sarı, Ömer Bayram, Dilan Bayram (3) and Berivan Bayram (1.5) were killed. In the clashes during the raid, the security chief Nuri Kocabıyık was killed, and the police officer named Ejder Terlikçi, and Yeter Bayram were injured. The child named Gökhan Bayram survived. The witnesses said the following: “The policemen who surrounded the house cried ‘Surrender.’ A person who climbed to the roof said that he would not surrender. Ömer Bayram, his wife Yeter and three children were at the entrance of the house. Ömer and Yeter were continuously crying

'They will kill us. Save us.' When the person in the roof said 'I will not surrender,' the police started to open fire. Meanwhile the special teams entered into the place where Ömer, Yeter and the children were. The voices of the shots lasted for about half an hour." The eyewitnesses said that Rıdvan Altun, who was kept next to the wall, "was killed by a woman policeman wearing a pink shirt" when Nuri Kocabıyık was killed. In the statement by the Security Directorate, it was claimed that when the clashes began Rıdvan Altun escaped from the hands of the police officers and entered into the house and was killed in the clashes, and that the children were killed upon the explosion of a bomb which was already in the house. Yet the witnesses stated that "there was no explosion, but they heard dense sounds of the shots." Gökhan Bayram, who survived the clashes, said "When the police officers entered into the house, there were sounds of shots. I, my brothers, and my parents were shouting. The police officers shot my brothers and my parents. I had hidden myself. When they were killed, I escaped."

Temporary autopsy report issued by the Forensic Medicine Institute read that the cause of death of Rıdvan Altun was "the wound of single bullet hit by the head," that of Ömer Bayram was "internal and external bleeding in the lung, liver and left kidney due to the explosive material and bullet," and those of Dilan and Berivan Bayram were "bone fracture, damage of brain tissue and injury in the right lung due to explosion." Abdulkadir Kaplan, the father of Yeter Bayram, and Metin Çelik, İHD Representative for the Mediterranean region, had a meeting with Yeter Bayram in the Adana Security Directorate on 12 August. Kaplan, who had a short meeting, in the presence of the police, with his daughter who was under treatment in the Adana Numune Hospital, said that his daughter was in good condition, but her right leg was bandaged. (*)

A report prepared by İHD Adana Branch described the incident as an "open execution." The report stated that "Rıdvan Altun did not escaped from the hands of the police and entered into the house at the beginning of the clashes, since he was kept behind the house at the opposite of the house under raid, with a nylon bag on his head and his hands handcuffed. According to the statements, when the security chief was killed, a woman police officer opened a single shot by the head of Altun, and Altun was killed on the spot. The door of the house into which Altun was supposed to enter was iron and closed. A person in handcuffs and wearing a nylon bag on his head cannot enter into the house." The report noted that if the operation were delayed for 2-3 hours, such consequences would not occur. The following were said in the report:

"When Nuri Kocabıyık were approaching to the house, he was killed by the first fires opened by Abdurrahman Sarı. Then Sarı was killed and the so-called clashes came to an end at this point. Following the clashes, two shots of harassment fire were done and no resistance was seen from the house. This showed that those in the house were only the members of the household; and indeed following the first clashes, those in the house cried "Help us! They will kill us, save us." Under the heavy fires by the special teams who arrived at the spot later, the iron fence of the kitchen was destroyed and the entrance into the house was done through the kitchen. After the first clashes, Ömer Bayram, his wife Yeter Bayram and the children took their beds and formed a barricade before the kitchen window. They tried to protect the children by hiding them under the kitchen workbench. And then as the result of the continual raking by the additional forces who arrived at the spot, the kitchen was completely destroyed, and the deaths and injuries occurred at this point. Contrary the official statements, the cause of death of the children was not due to bomb explosion. Inside the house, no explosion damage was observed except for that caused by the explosion of the television. The kitchen where the children was killed was 3 square meters. Bomb explosion in such a place would cause a great damage, but no trace of such damage was seen in the kitchen. The pots and plates on the shelves, and lamps on the ceiling and the refrigerator showed no such damage. Only under the kitchen workbench with heavy blood traces were bullet traces from continual shooting. Although the police officers who entered into the house before the heavy fires had a short quarrel with Yeter Bayram and meanwhile he tried to get his children out, only one child could escape and fell into the sewer hole in the front of the house. Then the child was delivered to the neighbors."

In September, a trial was launched against police officers who took part in the house raid on the demand of sentences between 2 and 5 years in prison. The trial at Adana Heavy Penal Court No.2 ended in the acquittals of the police officers on 27 January 1997. In the trial, the court board concluded that "no punishment was required" in line with the Article 49 of the Turkish Penal Code. The names of the police officers are Hüsnü Ceylan, Mustafa Gümüş, Eren Mendar, Osman Soyuer, Murat Esertürk, İsmail Ercan, Ahmet Dinçer, Osman Ertuğrul, Murat Zeren,

(*) Yeter Bayram, who was arrested on 21 August, was discharged in January 1997.

Yaşar Tütüncü, Hasan İnce, İsa Yılmaz, Mustafa Kayma, Tacettin Çelebi, Haşım Sayın, Ejder Terlikçi, Muhittin Uymaz, Nuh Songül, İbrahim Kalan, Haydar Erol, Şükrü Bozkaya, Gürbüz Başar and Erdinç Emecan. Yeter Kaplan ascribed the case as a “sham fight,” and said “I could not attend the trial because I was not informed. I only testified once when I was in Konya Prison.”

31)- Şemsettin Gezici

32)- Ahmet Ay

Şemsettin Gezici, Chairman of the Social Aid and Solidarity Foundation, and Ahmet Ay were killed by soldiers after having been detained in Dargeçit, Mardin. The house of Şemsettin Gezici was raided by the soldiers in the night of 12 August. He was detained and taken to the house of Ahmet Ay in the same quarter. There, they were put in a room, and machine gunned at about 02.00 by the soldiers. Witnesses stated that it was impossible to identify both corpses, and that they had been fired at especially in the head. Deputy District Governor First Lieutenant Aydın Yılmaz gathered people in the district in the morning of 13 August upon the incident, and made a statement. He alleged that Şemsettin Gezici and Ahmet Ay had been killed when they had attempted to fire at the soldiers, and said, “We had warned Şemsettin previously. On the day of the incident, he accepted that he had aided the PKK and sheltered its members, and took us to the house of Ahmet Ay. Ahmet also accepted the accusations and went to brought the guns. As soon as he came back with guns, he attempted to fire at us, and we replied. Both of them died.” In the meantime, it was reported that Şemsettin Gezici had been threatened previously and urged to leave the town, while Ahmet Ay had been kept in detention for 11 days previously and that he could not be able to use both of his hands due to the torture inflicted on him.

33)- Naci Karatay (34)

34)- Fehmi (Fevzi) Tosun

A house in Kaynartepe Quarter of Diyarbakır Bağlar was raided by the police around 22.30 on 15 August. Naci Karatay and “alleged PKK member” Fehmi Tosun, who were inside the house at the moment, were killed. A woman named Gülten Uçar, who had come out on the streets upon gun shots, was wounded in the foot as a result of stray bullets. In the statement by the State of Emergency Regional Governorate, Naci Karatay and Fehmi Tosun were declared as “PKK members that died during a clash.” Tosun was claimed to have participated in the raid launched on 22 June against Altındağ Recreation Center, which had resulted in the death of 8 people (detailed information is on page 143). However, witnesses said that Naci Karatay had shouted the following to the police officers: “I came from Elazığ. I am a guest of my auntie. Leave me alone,” but he had been executed by shooting, and that no clash had taken place. After the raid, persons named Yılmaz Kahraman and Sabriye Karakoç, who were residents in the same quarter, were detained. One of the witnesses, who did not disclose his name, stated that he had seen the whole incident, and that the police had entered the house after having watch it throughout the day, and held the execution. He said, “The police officers got crowded starting from the evening hours. I could easily hear the talks between them as the house is quite close to ours. The door of the apartment was not opened although it was knocked for long with a hard object. Later, we learnt that he police officers had taken the door out of its place. We heard that the police officers had insulted the persons inside the house and asked their names. Fevzi Tosun introduced himself, and said that the house had belonged to his sister. He was saying that Naci Karatay was a friend and a guest. When they started beating Fevzi, we heard him shouting, ‘What do you want from us?’ Short after gunshots came. Later we learnt that Fevzi had been shot in the head at the corridor, and Naci had been shot by the police when the had jumped from the third floor after having seen that Fevzi had been killed.”

35)- Senem Adalı (20)

36)- Muhammet Kaya (21)

Senem Adalı and Muhammet Kaya were killed in the police raid against a house in Alibeyköy, İstanbul, around 06.30 on 20 August. The police authorities claimed that the dead persons were “members of the DHKP-C.” İstanbul Security Director Kemal Yazıcıoğlu held a press conference and reminded that, following the killing of police officers Emin İpşir and Hacı Ahmet Bahçeci on 25 July, he had said, ‘You are going to hear us soon.’ “Now you have,” he said. On the other hand, an unknown person called the newspapers and said that the ones who had died were not DHKP-C members but newspaper *Kurtuluş* distributors.

Lawyer Ahmet Düzgün Yüksel said, “Surrender call was made after Adalı and Kaya were killed. The police requested reinforcement after the executions. Journalists were not allowed to take pictures. It is illegal that the police accuses people depending on their prejudices and kill them.” Hülya Gülelçin, the owner of the house, said, “It was about 05.00 or 06.00. The police surrounded the house. I said to my husband, ‘Wake up, they are pulling down the houses.’ When

we opened the door, we saw police officers. They told us to get back home, and we did so. They began to fire. Later, the police shouted, ‘Surrender.’ But no sigh from inside. We heard many gun shots. We learnt that two persons had died.” Lawyer Filiz Bozođlu disclosed the results of the autopsy performed on Senem Adalı. Lawyer Bozođlu said that there were 22 bullet wounds on the body of Senem Adalı, and 3 of the bullets were in the body. Lawyer Bozođlu stated that some of the bullet wounds were wide and deep, which implied the use of heavy guns, and added, “Along with this, it has been observed that there were fractures on the hip bones on either side, at the right elbow and on the neck region, which indicates that the corpses had been subjected to torture, and various practices which had resulted in fractures. These indicate that the purpose was murder, and there was no intention to capture (them) alive. They had fired especially at fatal regions, which indicates that they acted with enmity and with the purpose of bloodshed.”

37)- Enver Bozçalı (29)

Enver Bozçalı was killed during the raid against the house of Cebraıl Tan in Adana. It was alleged that Bozçalı was the PKK’s representative in Adana. Cebraıl Tan’s wife, Zahide Tan, said that they were unable to follow the incidents as they happened to be inside the house, and added, “Suddenly everywhere was surrounded by the police. Some of them entered the room and insulted us. At that time, we heard gun shots coming from the garden. Later, the police told us that the dead person had committed suicide. Later, the police searched every single spot in the house. They took my husband and a woman (a guest) along with them and left.” The İHD and ÇHD made an investigation as to the killing of Bozçalı. The results of the investigation was disclosed by İHD Adana Branch Chairman Mehmet Çelebi on 17 September. Çelebi said, “At the time the police enters the house from the front, Bozçalı is at the backyard. The police gets in from the front door and harasses the people inside the house. Then another team enters the backyard. Bozçalı is ‘caught dead’ with 3 bullets. It is said that he was caught dead during the clash. There is not a single clue of a resistance such as that.”

38)- Arslan Bilgin

39)- Sakine Bilgin

40)- Mustafa Bilgin

Unknown people who raided the house of veterinary surgeon Arslan Bilgin in Turhal District of Tokat, at about 01.00 on 15 October, shot Arslan Bilgin and his mother Sakine Bilgin dead in the head. Bilgin’s father Mustafa Bilgin died on the road to hospital. Bilgin was reportedly a militant of the DHKP-C. After the incident, Kurtuluş Bilgin, Yavuz Deđirmenci, Satılmış Karagün, Veli Sezer and Mehmet Yıldırım were detained.

41)- Kenan Cihangir (24)

Kenan Cihangir (24) was killed in a raid carried out by the police against a house belonging to Kadri Türkmen on 602/28 Street on İbo Osman Street in Yeşilyurt, Adana, on 5 November. The police authorities claimed that Cihangir was one of the organizers of the suicide attack carried out in Adana on 25 October (Detailed information is on page 148). It was also alleged that Cihangir had been able to escape from the raid against the house of Ömer Bayram on 8 August in Adana, which had resulted in the death of 6 people, 2 of whom were children and one was a police officer. Subsequent to the raid, Kadri Türkmen, his wife and their 4 children were detained. Türkmen and a person named Nuri Altun were remanded on 12 November.

42)- Bülent Çelik

Soldiers, who raided a house belonging to İsmail Çelik in Yuvalı Village in Dođanşehir, Malatya in the night of 5 November, opened fire, killing the İsmail Çelik’s son, Bülent Çelik. It was claimed that a PKK militant, who was the nephew of İsmail Çelik, and his friend had been in the house during the raid, but they had run away from the back door. The eye-witnesses related the incident as follows: “During the raid, the PKK militant’s mother Hanım Güner, father Bozo Güner, İsmail Çelik, his two sons and pregnant daughter-in-law were inside the house during the raid. After the PKK militant run away from the back door, everybody in the house except for the pregnant woman got out. Soldiers asked if there were anybody left in the house. Upon this, İsmail Çelik’s son Bülent Çelik began to walk towards the house in order to bring his sister-in-law, who cannot walk as she is pregnant. At that moment, soldiers opened fire. Bülent fell down and died.”

c)- Fire opened on demonstrating groups

01)- Hasan Albayrak

02)- Dursun Adabaş

03)- Yalçın Levent

Bloody incidents took place prior to and after the meeting held at İstanbul Kadıköy Square in connection with the 1 May Workers Day. During the incidents, Hasan Albayrak, Dursun Adabaş and Yalçın Levent died, 89 people were wounded (including 52 police officers), 354 people were detained and the shops and buildings were seriously damaged.

04)- Levent Doğan (17)

A clash broke out between the police and a group of people who staged a demonstration on Namık Kemal Street in Yeni Mahalle Quarter, Bağcılar, İstanbul, on 19 July in solidarity with the hunger strikes in prisons. The police, chasing after the demonstrators, opened fire in the back streets. Levent Doğan, who went out to buy cigarettes, was shot in the heart, died on the road to hospital. His brother Bilal Doğan stated that he had died because of the fire launched by 3 police officers with machine guns. The police did not allow Levent Doğan's uncle to participate in the autopsy performed at Forensic Medicine Institution. Levent Doğan was buried on 21 July.

d)- 1 May incidents

1 May Workers Day witnessed incidents in 1996, similar to those witnessed in previous years. Three persons were killed by the police during the incidents in İstanbul. Akın Rençber (18), who was detained during the incidents, died in Ankara on 20 May. (*) Besides, many authorized/unauthorized rallies were held in many provinces. Demonstrations in certain settlements were hindered. The provincial governorates did not give permission to the demonstrations to be held in Diyarbakır, Malatya, Tunceli, Adıyaman, Hatay and Ereğli District of Zonguldak. In addition, posters published by the Labor Party were banned in Malatya and Konya, those published by the ÖDP were banned in İstanbul. Around 100 people were detained in many provinces, especially in İstanbul and Ankara, whilst they were distributing leaflets or hanging posters. In Kadıköy, İstanbul, 3 people confronted an attack with clubs and stones by MHP adherents while they were hanging 1 May posters on 30 April. ÖDP members named Erkan Kayılı and İhsan Aktaş were wounded in the incident.

Bloody incidents took place at Kadıköy Square, during which Hasan Albayrak, Dursun Adabaş and Yalçın Levent were killed, 89 people were wounded (including 52 police officers), and many shops and buildings were seriously damaged. The incidents developed as follows:

Ten thousands of people assembled in the morning around Söğütluçeşme Train Station and started marching towards Kadıköy Square. Right at this moment a clash broke out when a group of people that arrived at the station refused the search by the police. During the first minutes of the clash, 8 police officers and 4 demonstrators got wounded. Then the police opened fire against the group, wounding 5 people. Hasan Albayrak and Dursun Adabaş died on the road to the hospital and Aynur Demir, Barış Çiçek and Kahraman Bektaş Aksoy were taken under treatment. Forty-five minutes after this incident, a second clash broke out between the police and the demonstrators in front of the train station. In this clash nobody died or got wounded, but all of the windows of the station were broken down. Subsequently, supporters of organizations such as the DHKP-C, the Marxist Leninist Communist Party (MLKP) and the Revolutionary Communists' Union of Turkey (TİKB) started marching towards Kadıköy Square. During the march of these groups, the windows of certain shops were broken down and Molotov Cocktails were thrown at the MHP Kadıköy District Center. While the crowd headed towards Kadıköy, a group of police officers, including certain top-level security officers, confronted an attack with clubs and stones by certain people while they were standing by the road. Upon the attack, a plain clothes police officer named Faruk Aksoy opened fire against these people. As a result of the fire, one person got shot in the arm and wounded. Later Faruk Aksoy was attempted to be lynched. Severely injured, the police officer was later saved and taken under treatment at hospital.

Following this incident, a significant tension broke out at the meeting square in Kadıköy and a considerable part of the participants to the meeting quit the place. Meanwhile, the meeting tribune was invaded by certain groups and the speeches by the trade unionists were impeded. The incidents continued on an even wider scale after 14.00 and vehicles, banks, shops, political party buildings were damaged, plundered and burnt down mostly by masked people. At the same time, clashes broke out between the police and these people. During the incidents where the police used weapons occasionally, a person named Levent Yalçın was shot dead. Meanwhile, the police officers up on the top of certain buildings opened fire against the groups of people who did not participate in the incidents, too. During the incidents that continued for about an hour, nearly all

(*) Akın Rençber, who was kept in detention at İstanbul Security Directorate for 8 days, reportedly told to a friend after being released that he was heavily tortured in detention. (Detailed information is on page 325)

of the shops on the main streets of Kadıköy and on the back streets nearby were destroyed, certain police officers were beaten down and their weapons were seized. The incidents ended when the reinforcing police teams arrived at the region. Meanwhile, many people were detained without making a discrimination between the guilty and the not guilty.

On 2 May, autopsies were performed on the bodies of Hasan Albayrak, Dursun Adabaş and Yalçın Levent in the presence of their families. Lawyers Metin Narin and Muhittin Köylüoğlu, who wanted to attend autopsies, were detained for a while. They were released, but not allowed to attend the autopsies. Autopsy reports read that Hasan Albayrak and Dursun Adabaş were shot in the heart, prison warder Yalçın Levent was shot with a single bullet in the head.

Sultan Seçik, who witnessed the killings of Hasan Albayrak and Dursun Adabaş, disclosed that Dursun Adabaş had been killed by a plainclothes police officer. Sultan Seçik said that tension had broken out and then a clash had arisen when the police did not permit some groups carrying banners to participate in the march at Söğütluçeşme in the morning. Seçik said, "At that moment Hasan Albayrak was shot in the head. We put him in an ambulance. The people were very angry, but the march continued. A police minibus was waiting at the corner in front of the Garanti Bank. There were 3 official and 1 plainclothes police officers inside. They got out of the minibus. I think it was about 09.45. The plainclothes police officer, wearing a black jeans, kneeled down and started firing with a big gun. Dursun Adabaş, who was walking just right by me, fell down. Official police officers were also firing. Dursun Adabaş was shot somewhere close to the heart. His face and hands turned into dark purple at once. The marching people began to run towards the Garanti Bank when they saw that the fire had been launched from there. The police officers ceased firing, and left the scene after getting in the minibus."

"Criticizes the Attitude of the Police" (2 June 1996-Cumhuriyet/Halil Nebiler)

The beginning of the incidents, i.e. the tension, on 1 May, should be sought in the police operations which started 15-20 days before the incidents. Two or three months ago, all organizations had put on their agendas the celebration of 1 May splendidly and as a mass demonstration against the capitalist elements. All of the organizations would bring together great masses of people and thus would fill the squares in magnificent manner. Since the police were aware of this fact, they started to detain people 15-20 days before 1 May. These were temporary detention. The people who were detained, told that as the police were beating them they said "We will had a deal with you that day."

A few days before 1 May, a Kuştepe Police Station was bombed. It was at night on 28 April 1996. When the police were making investigations around the building, they had said "We will take the revenge on 1 May." Around 08.45, a riot squad of thirty or forty persons were beating a person. The man was screaming. Around 09.15-09.20: All of the groups were in their places. The most crowded group at that hour was MLKP. Next to them was TİKKO, at the left of which were the group of the Labor Party. The people were singing folk songs, and making folk dances. Of course, everybody had a premonition that something would happen, but there was no sign of any tension. Yet at that moment, a group of 100-150 people (they were called the Gülsuyu Group since they came from Gülsuyu) approached from the direction of Göztepe. The police stopped them. They would be searched. The group objected to be searched. In most of the previous demonstrations, it was possible to pass though police checkpoints as a mass without being searched. And the police would not insist on searching. But this time the police insisted. So did the group. Then the truncheons and sticks were used.

A person from Gülsuyu group who run up to the groups in the gathering point said "Run out there, they are beating us; the police truncheoning the mothers and children." A group of 700-800 people from the groups such as MLKP, DHKP-C, TİKKO etc., in the gathering point, started to move toward the spot. The person in charge of MLKP stopped the this group. "Stop, no clashes, we will resolve it by talking" and point at 7-8 persons who set out to talk with the police. As these people were walking towards the police, fires were opened from all sides.

Everybody threw themselves into the holes they found. Kurbağalidere was full of people. The fires did come to an end. During a temporary ceasing of fire, one of the persons in charge of the organizations cried: "This is the instruction of the party, everybody should avoid involving in the clashes, beware of provocation." When the fires re-started, the demonstrators attacked the four points from which the fires opened. Hasan Albayrak was killed at this moment. A demonstrator who did not want to reveal his/her name says: "As Hasan fell down he became pale immediately. We undressed him. There was a great mess around. There was no ambulance. No car. Hasan laid on the ground for 10-15 minutes. He was still alive. If we could find a car, or an

ambulance perhaps he would live. We embraced Hasan. At the corner were 4-5 official and 4-5 civilian police officers. Their arms were pointed towards us and they were watching the events as if they were watching a film. We thought that we might find a car there, and set out. The police officers thought that we were attacking them and panicked and run away. But we were trying to save Hasan. Dursun was not so bad. We put them to an ambulance, and sent them to the hospital. After 15-20 minutes, we learnt that they died. When the news arrived, the clashes were continuing. Then at once everything stopped. The persons in charge of the political groups gathered together soon and made an urgent decision. Nobody would be informed of the deaths. To disseminate such news was forbidden as an instruction of the party. Perhaps with such a decision, they wanted to avoid from panic, intimidation, and provocation. Yet the news were disseminating rapidly. The civil police officers were joining into the corteges of the groups and disseminating the news: 'Did you hear that the police killed two persons.'"

Occupation of the rostrum in the square during the demonstration and preventing the trade unionists from addressing were protested by DİSK, Türk İş, Hak İş and the KESK. In the joint declaration by Hava-İş, TÜMTİS, Deri-İş, Nakliyat-İş, the Platform of Workers' Trade Unions Branches in İstanbul, the Platform of KESK Branches in İstanbul, the İHD İstanbul Branch, the ÇHD İstanbul Branch and Labor Party, the following were said in brief:

(...)Following the protests and obstructions against the confederation executives who, after the crowding of the demonstration area, headed towards the rostrum in order to address them, the incidents in question occurred. Certain groups which seized the rostrum by availing of the gap created by the lack of organization which would represent the authority and discipline of the working class, behaved in a way which could not be conciliated with the essence of 1 May, the day of unity and solidarity, and thus led to the leaving of the workers from the area. We do not approve the perception occupation of the rostrum, which we condemn strongly. Although there were hundreds of people who had not come the demonstration area yet, the demonstration had to be ended earlier than specified. In the incidents following it, a public worker was killed, tens of people were injured, and hundreds of people were detained due to the second provocation by the police.

(...) We, as the undersigned executives and representatives of the organization, want the list the lessons we have learned from the demonstration of 1 May in order to prepare for the future struggles in a more organized and perfect manner:

"The organization was not satisfactory. The insufficiency of the technical equipment and materials as well as that of persons in charge, combined with the uncertainty in the allocation of the duties and the low level of participation, led to lack of discipline. Due to the provocation by the police at the start of the march, combined with these defects, the incidents occurred, which we do not approve. In assessing the incidents occurred at the demonstration rostrum and after the demonstration, we should adopt an approach with the tolerance and discipline of the working class taking into consideration the issues which led to such incidents. We can prevent the behaviors which we do not approve by revealing the attitude of the state, trying to understand our young people and children, and by appreciating them and dealing with their problems. Despite the biased publications on the media which gave predominance to the incidents, and of the provocation by the police, we are hopeful for future, considering the participation of more than 100 thousands of people, which prop up us in our future struggles."

Other incidents

About 400 members of the Socialist Power Party (SİP), who wanted to leave flowers at İstanbul Taksim Square in commemoration of the 37 people who had died in the incidents of 1 May 1977, were attempted to be impeded by the police. When the SİP members insisted on entering the square, the police attempted to disperse the group by beating them with truncheons. Ten people were slightly injured. As the crowd did not scatter but resisted against the police, the police authorities met SİP Chairperson Aydemir Güler and then allowed the crowd to enter the square for a short while. The SİP members later marched to the top of the Taksim Kazancı Yokuşu and left the flowers. The crowd dispersed after listening to the speech by Aydemir Güler.

Prior to the meeting in İzmir, a clash with clubs and stones broke out between the police and a group who objected to the police search. Fourteen people, including 5 police officers, got wounded in the clash, 25 people were detained. On 1 May, the meetings held in other provinces ended uneventfully. In Mersin, youths namely Sinan Özdemir, Eylem Yılmaz, Süheyla Akgün, Murat Korcu and Yusuf Ertan were detained during the meeting, but they were released

immediately due to the protests by the crowd. High schooler E.D. and İbrahim Tekbudak, (*) İdris Tiryaki, Kadir Ağbaba, Tekin Vatandaş, Necati Gönenç, İnyet Günenç, Taşkın Türkmen and Osman Ali Çöpel, who were detained prior to the meeting held at Konak Square in İzmir, were remanded on 3 May, and put on trial on charges of “acting in contravention of the Law on Meetings and Demonstrations.”

Developments after 1 May

İstanbul Governorate filed an official complaint with the prosecution office against DİSK Secretary General Kemal Daysal and Executive Board Member Hulusi Karlı, Türk İş Representative Faruk Büyükkucak, Hava İş Chairman Atılay Ayçin, Özelçelik İş İstanbul Branch Chairman Şenel Oğuz, United Transportation Trade Union Chairman Orhan Altuğ and Tüm Maliye Sen Chairman İrfan Erdemoğlu, all of whom are the executives of the trade unions that had organized the meeting. In connection with the complaint, Kadıköy Public Prosecution Office gave a decision of non-prosecution on 16 May.

Of about 300 people who were detained in Kadıköy, 72, most of whom minors, were released on 5 May, and 152 on 8 May. SSC Prosecutor Uğur Saldoğan disclosed that a decision of non-prosecution was issued against the released people in connection with the charges of “being members of illegal organizations,” but Kadıköy Public Prosecution Office would put them on trial on charges of “holding an unauthorized demonstration.” 23 of the detainees were remanded, 37 were released. Names of the remanded ones are as follows: Mine Ergin, Kenan Taşkın, Musa Taşkın, Safiye Erdem, Bülent Rençber, Daimi Mele, Sinan Kama, Evrim Tarakçı, Belgin Oğuz, Necmettin Kara, Sinan Doğan, Zeynep Özbay, Kemal Doğan, Bülent Bağcı, Ali Sever, Serkan Yüksel, Cihan Ercan, Can Barış Yıldırım, Özlem Fidan, Özgür Yıldırım, Gültekin Koç, Devrim Koç and Sinan Gül. Later, the number of the remanded people reached 48.

The press meeting planned to be held by Ankara Democracy Platform at Yüksel Street on 3 May in protest of the incidents experienced in İstanbul, was hindered by the police. Then, press conference was held at Harb İş Trade Union Ankara Branch. Some of the platform members were not let inside the building by the police, and Eğitim Sen Ankara Branch No.1 Chairman Alper Öztürk was beaten when he insisted on entering the building. In Bursa, about 300 MHP adherents demonstrating in protest of the 1 May incidents, beat Hulusi Çakır for “not standing up while the national anthem played.” The group later dispersed under police control.

Meanwhile the ÇHD İstanbul Branch lodged an official complaint on 7 May with İstanbul Public Prosecution Office against the Ministry of Interior Affairs, İstanbul Governor, İstanbul Security Director, and security chiefs and police officers on accusations of “intentional murder, wounding and beating people, and abusing duty.” Representatives of trade unions, political parties, NGOs and students also gave support to the ÇHD. Branch Chairman Mustafa Üçdere said that the government and the media had worked to show the police as innocence in the case of killing 3 persons by the police.

The incidents were brought on the agenda of the Parliament on 7 May. Taking the floor, Minister of Interior Ülkü Güney proclaimed that “the PKK was responsible for the incidents.” Güney claimed that the PKK was trying to carry out actions in metropolitans, and ascribed the incidents as the extension of Gazi incidents. Güney added that about 300,000 to 400,000 people migrated to İstanbul especially from the Southeast each year, and that economic problems, first being unemployment, had led these people to partake in the society with the feelings of “enmity and anticipation.” Güney stated that an investigation had been launched against the persons who deemed negligent during the incidents, including İstanbul Governor. Ülkü Güney expressed his gratitude for the trade unionists because of their attitude during the incidents, and claimed that the police was calm although 58 police officers had been injured during the incidents.

The RP demanded an inquiry in connection with the incidents, which was accepted in the session of the Parliament on 14 May. The Parliamentary Commission formed for this inquiry concluded its study in November, concluding that “they could not determine fault of any public

(*) An arm of İbrahim Tekbudak was broken by the police. Fifteen police officers were put on trial upon the official complaint raised by him. In the hearing of the trial held at İzmir Penal Court of First Instance No.3 in July 1997, the case file was refereed to the Provincial Administrative Board on the grounds that the defendants were civil servants. However, İzmir Provincial Administrative Board decided “not to prosecute” police officers Hakan Kılıçarslan, Faruk Eröz, Ahmet Özdemirci, Gültekin Oğuzhan, Cihan Çetinkol, Metin Menzirciler, Tahir İdare, Adnan Öz-can, Gökhan Kurt, Aykut Aslan, Erhan Fescekoğlu, Süleyman Akkurt, Yücel Başak, Vehbi Yılmaz and Murat Tosun.

officer.” Chairman of the Commission, RP İstanbul MP Ali Oğuz, said, “The incidents took place in the form of a raid planned by illegal organizations. The death of 3 people is sorrowing, however, even though we have conducted all the investigation we could, we could not be able to reach any conclusion as to the assailants. We determined that our police performed its duty.” The report emphasized that İstanbul Governor Rıdvan Yenişen, who was on holiday in Marmaris on the day of the incident, was deemed as being negligent. The report added that the inspectors of the Ministry of Interior Affairs had found Rıdvan Yenişen as having been negligent during the incidents and demanded a “punishment of a cut in wage,” but the Ministry did not give the punishment. A member of the Commission, CHP Ankara MP Eşref Erdem, made an opposition commentary to the report, opposing to the police officers’ being deemed non-guilty.

1 May Trial

In mid-November, İstanbul SSC Prosecution Office launched a trial against 95 people (48 on remand) in connection with the incidents. (*) In the trial, the death penalty was sought for Metin Atıcı (later become a repentant), who was accused of “being a member of the TIKKO and having extorted the gun of a plainclothes police officer named Mehmet Faruk Ersoy,” under Article 146 of the Turkish Penal Code, which is on the offense of “attempting to change the constitutional order of the State.” In the trial, 40 defendants were indicted on charges of “being members of an illegal organization,” while the remaining 54 of “aiding an illegal organization.” The indictment accused the defendants for having beaten police officer Mehmet Faruk Ersoy, shot and wound superintendent Ali Osman İnan, caused the injuries of 31 security officers including police chief, caused damage on Söğütlüçeşme Train Station, Kadıköy Post Office, Turkish Airlines Office, Haldun Taner Theater, police vehicles, panzers, municipality’s busses, ambulances, private cars, bank offices and shops and plundered them, invaded the meeting tribune, thrown Molotov Cocktails at the MHP Kadıköy District Center.

The trial started at İstanbul SSC on 16 December. 18 defendants were brought to the court due to the insufficiency of the hall. Repentant defendant Metin Atıcı said he had been deceived and taken to the meeting, that he taken the gun dropped by the beaten police officer and given it to Mehmet with the code name “Tombul.” Metin Atıcı denied the accusations against him, according which he had betrayed the organization by taking its money. Later in the hearing, defendant Kenan Taşkın read out the common defense prepared by 30 defendants, which read that the media had given place to baseless claims, and those who commented on the incident had not taken into consideration that 3 people had been killed. The defense claimed that the incidents “were planned by the government of war,” and implemented by people under Kemal Yazıcıoğlu.

While the defense was being read out, some of the defendants showed the pictures of the persons killed during the incidents to the journalists. Later, they gave the pictures to the court board, and stood 1 minute for respect to the dead people. Defendants Mine Ergin, Safiye Erdem and Kenan Taşkın stated that they were reporters with the journals *Özgür Gelecek* and *Partizan*, and that they had been detained while they were going to the meeting place, whereas Ayşe Yumlu said that she was Deputy Chairman of Tekstil İş Branch No.1, which is a DİSK affiliate, and that she had been detained one month after the incidents, during the resistance act workers at a factory. Besides, all of the defendants stated that they had been tortured in detention. While the cross-examinations were underway, some of the defendants took off their sweaters, and sit with t-shirts that read, “Workers Day Cannot be Prosecuted,” and “Martyrs of 1 May are immortal.”

The second hearing was held on 17 December. The remanded defendants were beaten by gendarmes when they shouted slogans and signed victory. The defendants, who came to the hall wearing shirts that read “Workers Day Cannot be Prosecuted” and “Long Live Workers Day,” waved a banner that read “Here are the martyrs of the Workers Day, Where Are the Murderers?” Aysel Gündoğan read out the common defense prepared by 15 of the defendants. Meanwhile, journalists who wanted to shoot this were ousted from the court hall by the presiding judge. In the afternoon session, journalists were let in the hall on condition that they would leave their cameras

(*) The investigation against the police officers was concluded by Kadıköy Prosecution Office in early December, and the file was referred to İstanbul Provincial Administrative Board its consent. The prosecutor’s note sent to the Board read that İstanbul Criminal Laboratory had examined the bullet shell taken from the body of Levent Yalçın. Autopsy reports of Hasan Albayrak and Dursun Adabaş were sent to the Board. The investigation by Kadıköy Prosecution Office lasted long, as there were thousands of police officers and special team members on duty during the incident. The investigation was prolonged because bullet shell could be taken only from one of the three corpses, and the evidences could not be collected.

outside. After the testimonies were received, some of the defendants showed their shirts and shouted slogans such as “Long Live Workers Day” and “Workers Day Cannot be Prosecuted.”

In the hearing, the common defense, which was read out in the previous hearings, was read again. Meanwhile, the journalists who wanted to cover the hearing were prevented upon the orders by SSC Chief Prosecutor Erdal Güven and Presiding Judge Sedat Karagülle. The police did not let the journalists in the SSC building unless they showed official press cards or payrolls. The lawyers demanded from the Court Board to note down this implementation in the minutes, but this demand was rejected. The Court Board decided to release 25 defendants. The cross-examinations of the all of the defendants continued for 5 days, and ended on 20 December. (*)

e)- Incidents in Gazi Quarter and Ümraniye ()**

Reverberations of the bloody incidents that took place in Gazi Quarter of Gaziosmanpaşa and 1 Mayıs (Mustafakemalpaşa) Quarter of Ümraniye, İstanbul, in March 1995, continued in 1996. The most important development was the prosecution, i.e. non-prosecution of the police officers who were put on trial. The approach of protecting the security officers regardless of their crimes also prevailed in this proceeding. The relatives of the victims and the public insistently followed up the proceeding, which led the arrest of some of the police officers in September 1997.

Throughout 1996, the police officers could not be brought before judge, despite all the efforts by the relatives of the victims and the lawyers. The trial, which was launched by İstanbul Public Prosecution Office, was referred to Trabzon Heavy Penal Court by the Supreme Court, upon İstanbul Governorate and İstanbul Public Prosecution Office’s application to the Ministry of Justice on the grounds that “security could not be maintained” in İstanbul. The trial against police officers Süleyman Memişçi, Ali Doğan, Adem Albayrak, Hamdi Özata, Hasan Yavuz, Metin Gündoğan, İsa Bostan, Sedat Özenir, Hayrullah Şişman, Metin Çakmaz, İbrahim Serdar, Yakup Murat, Uğur Duran, Orhan Durmuş, Mehmet Türk, Mustafa Keleş, Selçuk Biçer, Ali Ulukaş, Yetkin Korkut and Ahmet Türkmen started at Trabzon Heavy Penal Court on 15 November. The trial was ceased in this first hearing, on the grounds that the police officers had been on duty during the incident and the proceeding should be carried out in line with the Law on Prosecution of the Civil Servants. The court referred the case file to İstanbul Governorate.

The intervening lawyers objected against this decision, and the case file was referred to the Supreme Court Penal Board No.1, which overruled the objection, and sent the case file to the Prosecution Office of the Supreme Court without examining it. However, the Prosecution Office of the Supreme Court decided that the Penal Board’s decision was wrong, and referred the case file to the General Penal Board of the Supreme Court, which sent the case file to the “closest court,” Rize Heavy Penal Court, to comment on the place of the trial. Rize Heavy Penal Court decided that the trial should be heard in Trabzon. The trial started again on 16 September 1997. In this hearing, the court board decided to remand Adem Albayrak, Hamdi Özata, Hasan Yavuz, Sedat Özenir, Hayrullah Şişman, Metin Çakmaz, Mehmet Gündoğan and İsa Bostan. These police officers later delivered themselves. In the trial, which is still under way, Adem Albayrak and Mehmet Gündoğan are the only remanded defendants.

(*) The defendants were frequently beaten by gendarmes during the prosecution continued in 1997. In the hearing on 12 March 1997, arrested defendants attempted to stand for respectful silence on the second anniversary of Gazi incidents. Presiding Judge Sedat Karagülle ordered the defendants be ousted from the court hall. Upon this, gendarmes attacked on the defendants. They brutally beat the defendants, and did not respect the instruction given by the Presiding Judge to give an end to the beating. Some enlisted men were seen to “stamped their feet” on the defendants who fell down. The SSC decided that the defendants would not be brought to the next hearing for they “provoked incidents.” In the hearing in September 1997, the SSC decided to unify the trials launched at various other courts in connection with 1 May celebrations. Thus, the number of defendants in the trial arose to 270. Repentant Metin Atıcı was released in January 1998.

(**) In Gazi quarter, fire was opened at coffee houses that are frequented by Alewis and left-wing at night on 12 March, 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 the attack. The police opened fire on the crowd, killing 15 people, wounding over 300 others. Besides, two women were burnt to death in a vehicle that was pelted with Molotov cocktail, and 2 others got wounded. The police also opened fire on the people during the demonstration held in 1 Mayıs Quarter of Ümraniye on 15 March, killed 5 people and wounded 24 others. The people killed during the incidents are 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.

Gazi Incidents on the First Anniversary (13 February 1996-Demokrasi/Fuat Bulut)

The summary, which included the statements by the witnesses, medical reports, 8 video cassettes shot during the incidents, the photographs from the various newspapers, the autopsy reports and the communication on the walkie-talkies as evidence, requested sentences no less than 24 to 30 years in prison against the police officers under Articles 448, 463, 50, 456/1-2-4, 457/1 of the Turkish Penal Code. The summary, which stated that “the incidents which had subsided increased in magnitude all of sudden upon the shots fired from the police panzers,” read that “the incidents started again and grew when the citizen named Mehmet Gündüz was killed and some people were wounded during fire opened with machine guns on the crowd waiting in front of the Cemevi, from the direction of two panzers, in which were defendant police officers Hamdi Özata, Hasan Yavuz, İsa Bostan, Süleyman Memişçi, Sedat Özenir, Hayrullah Şişman, Ali Doğan and Metin Kaçmaz, which came in the vicinity of the Cemevi after midnight, and from other police panzers...”

The summary gave a detailed account on the police officers who were determined to have opened fire on the people by seeking targets. Adem Albayrak was remarkable among these suspects. He was mentioned in connection with the killing of 6 persons and the wounding many others. The section about Albayrak reads that “Adem Albayrak led to the deaths of Ali Yıldırım, Dilek Sevinç and Fadime Bingöl by opening fire, he led to the death of Reis Kopal in the fire together with a police officer in uniform, he and defendant officer Mehmet Gündoğan led to the death of Zeynep Poyraz by opening fire on demonstrators, Hamdi Özata, Hasan Yavuz, İsa Bostan, Sedat Özenir, Süleyman Memişçi, Hayrullah Şişman, Ali Doğan and Mehmet Kaçmaz, who were in the panzers during the incidents, led to the death of Mehmet Gündüz by exceeding the limits of ‘defense and necessity’, and Adem Albayrak, together with Yakup Murat, İbrahim Serdar, Orhan Durmuş, Mehmet Türk, Mustafa Keleş, Uğur Turan, Ahmet Türkmen, Selçuk Biçer, Ali Ulutaş and Yetkin Korkut, led to the death of Fevzi Tunç...”

The testimony of Adem Albayrak at Gaziosmanpaşa Public Prosecution Office on 14 June 1995 is interesting. He did not accept the charges, although it was determined that he involved in the killing of six persons and the wounding of many others. He replies the prosecutor, who says “The person firing with a machine gun in the photograph resembles to you very much, even it is the same with you,” as follows: “At 23.00 in the night of 12 March when the incidents occurred, we went to Gazi Police Station. When got there the people were throwing stones to the police station. In order to protect ourselves, we went to next to the pool in the garden of the police station. We hid ourselves. We stayed there until the morning. Neither me nor my friends used guns. The photographs no 5, 6, and 8 you showed me do not belong to me; since I was not wearing jeans that day. There were also other plainclothes officers. They may be them.”

The prosecutor interferes: “We observed that the person in the photograph resembled him, even it was he, and there was no possibility for it to be another person. And he was questioned again: ‘The person in this photograph is not me. Moreover, it does not resemble to me. I did not use a long-barreled gun that day. I did not open any fire to anybody and to the crowd. I did not injure anybody with a gun, nor did I kill anybody. The photographs do not belong to me. I will do my best. And I will make an investigation by myself. I will try to find out the person with a MP-5 wearing jeans, who is said to resemble to me. If I find out who he is, I will inform you’.”

155 police officers, who testified at Gaziosmanpaşa Public Prosecution Office on the same dates, claimed that “they did not use” truncheons and guns, neither they “saw” any injured or dead persons while the statements by the witnesses, the photographs published in the newspapers, and the videos revealed everything. But these documents, witnesses and the summary of the prosecutor proved to insufficient for the trial of the police officers. Soon after, the trial was transferred to Trabzon, a city one thousands kilometers away from İstanbul, for “the life security of the police officers,” which revealed that it was launched in order to be covered up. Trabzon Heavy Penal Court Board ceased the trial, asserting that “the Provincial Administration Council, in line with the Law on Prosecution of Civil Servants, should issue permission for the prosecution. The police officers escaped prosecution “for the moment” thanks to the “Law on Prosecution of Civil Servants.” The relatives of the machine gunned victims and their lawyers objected against this decision. Although it has been known that the

civilian police officer who opened fire on the demonstrators during the incidents in Ümraniye was “ülkücü (supporter of MHP ideology) Turan”, and that other police officers were in charge in the same quarter, no prosecution was initiated against them even though the names of the police officers and the bullet cartridges were submitted to Ümraniye Public Prosecution Office.

On the contrary, the incidents were billed to the people as in Gazi quarter, and Üsküdar Penal Court of Peace No 4 launched a trial against SİP Sarıgazi District Chairman Nihat Çağlı, Ümraniye District Chairman Adnan Marangoz, Mustafa Kemal Quarter Headman Mazlum Ari, BSP Ümraniye District Chairman Tamer Binici, Çaz-Der Vice Chairman Bağöz Ören and a member Binali Ceylan for “inciting people.”

Developments in Gazi quarter

The attacks and pressure in Gazi quarter continued uninterruptedly after the incidents in 1895. The quarter was continuously kept under police blockade, houses and coffee houses were raided, people were detained, often arbitrarily and without any grounds. The relatives of the people killed during the incidents were disturbed.

The mausoleum for the people died in the incidents was opened with a ceremony held on 14 January with the participation of about 2,00 people. The families, who participated in the ceremony, marched to Gazi Cemetery, shouting slogans such as “Gazi martyrs are immortal,” and “Don’t be silent, or it will be your turn.” Later, the group marched back to the Cemevi, shouting slogans, and dispersed there. The police formed control points at all entrances and exits of Gazi quarter, and took precautions with panzers around the Cemevi and the cemetery.

Plainclothes police officers raided the house of the family of Sezgin Engin, who was killed in the incidents, in Zübeydehanım Quarter at 02.00 on 24 January, and detained Ezgin Engin. Ergün Engin, who stated that their house was always under the police control, said: “There is always a police car in front of the house; they increase the volume of their walkie-talkies, and make us listen to them. The house was raided 5 times after the death of my brother. The last time, they searched the house last night without a search warrant and detained Ezgin.” And Sebahat Engin, the mother of Ezgin Engin, said that each member of the family was detained arbitrarily and tortured in detention. She said: “My husband Mahmut Engin was detained after the sit-in at Galatasaray in July, and tortured. My other son Ergin was detained arbitrarily and imprisoned for 3 months. He had internal bleeding twice in prison; cannot use his arms because of the heavy torture. We are continuously followed, our telephones are listened, we always face the risk of dentition.” Dilber Şahin, the mother of Muhammet Şahin, stated that fire was opened to her son on the streets, he was tortured many times, the police officers who could not find Muhammet in the raid on 24 January threatened them, and her other son Zafer Şahin was arrested arbitrarily. Ali Şahin said that their house was monitored and raided frequently.

On 3 March, the police seized the gravestones of Hasan Ocak, whose was found dead in May 1995, and of Zeynep Poyraz, who was killed in the incidents, on grounds that “the epigraph on them included elements of offense.” An investigation was launched against the Ocak and Poyraz families. Baba Ocak, the father of Hasan Ocak, and Cemal Poyraz, the father of Zeynep Poyraz, testified to Gaziosmanpaşa Public Prosecutor on 28 February. Cemal Poyraz stated that the police seized the gravestone while it was being prepared. He said that the epigraph on the gravestone reads as follows: “In the great anti-fascist, she dedicated her heart to the working class. ‘Without us, this cause will not go on’ she said. With her stone and heart, she has become a flag on the barricades.” He was accused of “building a monument without permission” and of “the epitaphs contained elements of offense.” Cemal Poyraz demanded the gravestones be returned. Baba Ocak stated that the epigraph on the gravestone for Hasan Ocak reads as follows: “To surrender is to die, but to live is to resist like Hasans, those who lost in Chile, Argentina and other countries lost.” Baba Ocak stated that such an action was an offense, and said “If this epigraph is an offense, let them put me on trial because of this epigraph.”

On the first anniversary of Gazi incidents, demonstrations were held in Gazi, Gülsuyu and 1 Mayıs quarters of İstanbul and in Ankara and Bursa. The largest demonstration was held with the participation of approximately 20 thousands of people in Gazi quarter. In the speeches delivered following the stand in silence, it was emphasized that “the attacks were directed not only to the Alewis, but also to all of the democratic forces and the people of Gazi quarter showed a successful resistance to provocation.” The cortege in which the parents of thee victims took their places in the front, started to march towards the Gazi Cemetery. As the cortege was entering the cemetery, three gunshots came from a street. The young people who attempted to leave the cortege and enter into the street were prevented by Gazi Quarter People Platform responsible.

The witnesses said that some people opened fire into air in order to get rid of the youths who asked their IDs. That the shots were not heard in front of the cortege, prevented a possible provocation. Since the police officers did not intervene, the demonstrations ended without any incidents. İstanbul Security Director Orhan Taşanlar claimed that the police officers showed a great patience by not intervening the demonstrations.

The demonstration in Maltepe Gülsuyu quarter was hindered by the police, which led to incidents. The group who assembled in the evening in Gülsuyu Mesut Street and started to march towards E-5 highway was stopped by the police soon. Then the demonstrators formed a barricade on the road, and started to shout slogans, and clashes with the police officers occurred. In the clashes with stones, clubs and guns, a number of molotov cocktails were thrown at the police officers. During the clashes which lasted for about one hour, some protestors and 7 police officers were injured, 20 persons were detained. It was declared that police officers Mehmet Ali Özel (Maltepe Security Chief), Satılmış Çeçen (Political Police Chief) and Osman Kuyumcu (Superintendent) were shot. During the same hours, there were also demonstrations in Ümraniye Esatpaşa Street and Alibeyköy. When the police officers intervened the demonstration in Alibeyköy a clash took place and lasted for about 20 minutes, and 15 people were detained. The detainees were beaten and taken to Alibeyköy Police Station.

One of the detainees, Kamil Dağ, made a statement after being released, and said that he had been detained while going home, and taken to Esenkent Police Station. He said that he was fainted and then had a crisis because of the beating. Upon this, he said, police officers had panicked and taken him to Kartal State Hospital, where he was kept for 3 days. He noted that doctors prevented the police officers from taking him back to the police station. Dağ added that during the time he spent in the hospital, he was introduced by the police as “the person who was shot during the demonstration.” Moreover, Turan Bulut, Aziz Yenigül and S.A. (16), who were detained during demonstrations in Gülsuyu quarter, disclosed that they had been tortured.

In the police operations in Gazi and Okmeydanı on 19 April, İsmail Yüce, Taki Erdoğan, Müşerref Aydın, Yücel Öztürk, İsmail Oğuz, İsmail Öztürk, Murat Yıldızbakar, Ertuğrul Yurdakul, Cafer Top, Nesimi Rençber, Aylin Rençber, Bülent Rençber, Haşim Soypalı, Ali Soypalı, Serdar Yıldız, Bahadır Özdemir and Bülent Ocak were detained on the accusations of “being members of an illegal organization.”

Raid against the Cemevi

In the night of 17 July, while the hunger strike staged at Gazi Cemevi in support of the hunger strikes in the prisons (Detailed information is on pages 370) was under way, the strikers captured a person and kept him in on the grounds that “he was a member of the National Intelligence Organization (MİT).” It was alleged that the person carried 6 different ID cards (one in the name of Zeynel Tülek), and his real name was Kenan Ok. Subsequently, a group of about 400 people erected barricades on the streets of Gazi quarter, and started a resistance. İstanbul Deputy Security Director Kemal Bayrak spoke to the representative of the activists on the phone on 18 July, and said that nobody would be detained if the barricades were lifted. The representative of the activists replied, “Until the Justice Minister or one of the authorities states on the TV that the demands are accepted, the barricades shall not be removed.” The police intervened the demonstration, which lasted for about 40 hours, by pulling down the barricades with panzers at about 11.00 on 19 July. During the operation, the gate of Cemevi (a place of worship), where the activists took shelter, was pulled down with panzers, and the activists and the ones who staged a hunger strike in solidarity with the prisoners, were detained. According to the official statement, 31 people had been detained. Following the operation, police officers took down the flag on the roof of Cemevi, planted a new Turkish flag, shouted “All for the Country” and demonstrated.

In connection with the incident, executive members of 9 Alawite associations lodged an official complaint in Ankara against Prime Minister Necmettin Erbakan, Minister of Interior Affairs Mehmet Ağar and İstanbul Governor Rıdvan Yenişen on 24 July. Later, the group made a press statement outside the Parliament. Pir Sultan Abdal Cultural Association Chairman Murtaza Demir said that the Welfare Party, which came to the power defending that there were no freedom of religion, had had attacked against the Alawite beliefs on the very first occasion.

Later, İstanbul SSC Prosecution Office launched a trial in connection with the incident. The first hearing of the trial was held on 18 October, the second on 11 December. In the trial, the 23 defendants, 16 of whom on remand, were accused of “disseminating the propaganda of the organizations such as MLKP, DHKP-C and TİKB, thrown Molotov cocktails and seized the gun of a police officer.” Defendants Levent Karadağ and Tan Turan were released on 11 December,

Victims on trial

The re-trial of the 100 defendants, who were prosecuted without arrest for “holding an unauthorized demonstration” during the incidents in 1995, started at Gaziosmanpaşa Penal Court of First Instance No.1 on 29 January, after the Supreme Court overturned the ruling in the original trial. In the hearing held on 13 March, presiding judge disclosed that the case file was referred to the Justice Ministry with a decision taken on 9 February 1996 upon Gaziosmanpaşa District and İstanbul Governors’ demand that the case file should be sent to another province for “security reasons.” Meanwhile, in 1996, no result came out from the application made with Pro-se-cution Office by the families of 5 persons killed during the incidents in Ümraniye. The Prose-cution Office showed the ballistic examination as the ground for prolonged investigation. In August 1997, a decision of non-prosecution was issued against 234 police officers and soldiers.

f)- Deaths in fire opened because of disobeying stop warnings, at random and during similar events, and those killed after being apprehended alive

01)- Mehmet Tiril (20)

Enlisted man Mehmet Aşitir opened fire at random at Ordu Gürgentepe District Company Headquarters on 11 January, and killed non-commissioned officer Mehmet Tiril. Mehmet Aşitir, who reportedly had “psychological problems,” was later remanded.

02)- İhsan Polat

A person named İhsan Polat, who lived in Gültepe Village of Bismil, Diyarbakır, was killed by village guards in the night of 5 February. Upon the murder of İhsan Polat, the elder brother of poet Edip Polat, 6 village guards named Ziver Şimşek, Abdürrezzak Şimşek (head village guard), Ferhat Aslan, Abdullah Aslançı, Selahattin Şimşek and Hakan Şimşek were detained. Of the detainees, Ziver Şimşek was later arrested. Upon the testimony of Ziver Şimşek which stated that “he killed İhsan Polat all by himself,” and thereby, his shouldering of the total blame, the other 5 were released. Edip Polat disclosed that his brother had been killed for he had not accepted to become a village guard and for voting for the HADEP, and added that, “After the practice of the village guard system started under the leadership of headman Abdürrezzak Şimşek, my family migrated to Diyarbakır. But later, due to financial difficulties, my father and my brother İhsan Polat had to return back to the village. They forced my brother to stand guard at nights. He was forced to stand guard on the day he was murdered, too. On the night the incident took place, my brother was trapped. My brother was killed by village guards, and Ziver Şimşek, who is not a village guard, was used as the gunman.” In the trial that was launched by Diyarbakır Public Prosecution Office in April, imprisonment terms between 24 years and 30 years were sought for Ziver Şimşek, Abdullah Aslançı and Ferhat Arslan, who were indicted on charges of “intentional murder,” under Article 448 of the Turkish Penal Code. The trial commenced at Diyarbakır Heavy Penal Court No.5 on 8 April, and ended on 14 October. Ziver Şimşek was sentenced to a total of 8 years in prison, while other defendants were acquitted. Making a statement, poet Edip Polat, brother of İhsan Polat, indicated that 4 years for “carrying unlicensed gun” and 4 for “killing a person incautiously,” whereas the other defendants were acquitted.

03)- Hakan Özbey (19)

In Nurtepe, İstanbul, a youth named Hakan Özbey was shot dead by patrolling police officers in the night of 12 March, on the grounds that “he disobeyed the stop warning. Hakan Özbey’s father Sabit Özbey disclosed that his son had long been followed by the police. Making a press statement at the İHD İstanbul Branch on 26 March, Sabit Özbey said that the eye-witnesses had disappeared because of the threats by the police, and that he had lodged an official complaint with Şişli Public Prosecution Office against the police officers. During the meeting, İHD İstanbul Branch Secretary also related the incident as an extra-judicial execution.

04)- Muharrem Karakuş (24)

05)- Mustafa Bektaş (38)

Two DHKP-C militants named Muharrem Karakuş and Mustafa Bektaş were killed during the operations carried out by the police on Göztepe Bridge and Çamlıca Quarter in İstanbul on 10 April. According to the official statement, Muharrem Karakuş had disobeyed the stop warning made on Göztepe E-5 Highway and wanted to escape, and he had died at the hospital where he had been taken after having been wounded in the clash. The statement alleged that one pistol had been found during the searches at the scene. It was also claimed that 2 pistols were found on Mustafa Bektaş, who was allegedly killed in the clash in Çamlıca. However, an eye-witness, H.Y., who did not want to reveal his name, disclosed that Muharrem Karakuş had been shot in the back, in front of tens of people, while he had been trying to run away, and said the

following: “There was no clash. The police officers were continuously shooting at the youth who escaped from them. The youth had no guns in his hand. He was checking his back from time to time. He wanted to stop two vehicles, but they didn’t. Later he was shot by a police officer firing from a white car, the doors of which was open. The police officer fired for 5 or 6 times, and the youth fell down. The youth wearing a black coat was executed before our eyes.” H.Y. also stated that he had been on Göztepe Bridge right before the incident, and seen that the police had laid an ambush on the bridge, and that they had run towards the bottom of the bridge firing into the air with automatic guns after plainclothes police officers had come to the scene in a car.

06)- Hatip Demir (22)

Hatip Demir, who was taken somewhere by soldiers at the entrance of Kulp on 10 April, during the operations launched in the area between Lice and Kulp districts of Diyarbakır and Genç District of Bingöl as of 5 April, was found dead in the region between Kulp and Silvan in the morning of 12 April. The corpse of Hatip Demir, who was killed with long-barrel guns, was taken to Silvan. A relative of his, Eyüp Demir, said, “Hatip Demir and Yüksel Kul were living in Mersin. Hatip Demir and his family were forced to migrate to Mersin two years ago because of the pressure by soldiers and village guards. He came back with his friends in his car in order to see and manure his land. Later we heard that they had been detained at the entrance of Kulp. The incident is evident. As he was detained by the soldiers, he was killed by them.” The car belonging to Hatip Demir was also machine gunned and destroyed by the soldiers.

07)- Hıdır Köz (32)

Hıdır Köz was killed by village guard Salih Yücel in an incident that broke out in Midyat, Mardin, in the morning of 29 April. A dispute in the business between Hıdır Köz and Salih Yücel was reportedly the reason of the murder. Yücel, who was detained by the gendarmerie after the incident, was later remanded. The killing of Hıdır Köz provoked protests. About 3,000 people assembled in Mardin on 30 April, and demonstrated against the village guards for about 3 hours. Mardin Security Director Orhan Kayatop, who addressed the crowd during the demonstration, stated that the village guards would not be allowed to carry their guns at the district center.

08)- Hasan Tüntaş (58)

A villager named Hasan Tüntaş, who was wounded in the fire launched by security officers raiding Akkütük Hamlet of Tunceli at about 20.00 on 30 April, died at hospital. After to the incident, the family of Hasan Tüntaş was detained for a while.

09)- Hazal Sevim (17)

A girl named Hazal Sevim was shot dead by security officers while she was grazing animals around 18.00 on 2 May nearby Sirya Village of Siirt. Upon the murder of his daughter, father Ağmur Sevim filed an official complaint with Siirt Public Prosecution Office and stated that following the incident, her daughter was introduced as a “PKK militant” to the public and that some villagers had said that they did not know the girl, for they were afraid. Ağmur Sevim said that he had not been in the village on the day the incident, and added, “My daughter had been shot dead with 2 bullets in the back. They had left hand grenades on her body.”

10)-

A person was shot dead by soldiers nearby a military ammunition store in İstanbul Şile Paşaköy around 03.00 on 3 May on the grounds the “he disobeyed the stop warning.”

11)- Tahir Özer

12)- Ali Çetinkaya

Tahir Özer and Ali Çetinkaya, claimed to have disappeared “after being abducted by plainclothes police officers” on 2 May in Siirt, were found dead on 7 May around Çaykaya village of Baykan, Siirt. They were identified by their relatives thanks to their clothes. It was determined that Tahir Özer and Ali Çetinkaya had burns on their hands and bodies, and also had bullet and knife wounds on their bodies. Their relatives stated that they had been “tortured to death.” The bodies of Tahir Özer and Ali Çetinkaya were taken to Siirt and buried on the night of 8 May under police supervision. Workgroup for Peace, headed by Şanar Yurdatapan and Koray Düzgören, went to Siirt on 21 May in order to investigate the case, met with Siirt Governor Mehmet Süer and Siirt Security Director Osman Nuri Özdemir. During the meeting, Şanar Yurdatapan disclosed that the two persons had been buried as “unknown persons,” despite the fact that their relatives had applied to Siirt Public Prosecution Office after they had gone missing. Siirt Governor Mehmet Süer said, “If there is an illegal application, it means that the perpetrators committed a crime. Some claims do not reach us. The state cannot involve in such kind of incidents. The families had given petitions indicating that their relatives had gone missing, and the

case had been referred to the judiciary. The state cannot be held responsible for the actions of two or three persons.” Security Director Osman Nuri Özdemir said to the delegation that the killed persons had no connections to an illegal organization. And Governor Süer attempted to relate the incident with the recent clash around Sason, during which 57 PKK militants allegedly killed, and said, “The place where these persons had been found in that direction. We do not know if they were during the clash or some other forces had killed them.”

The delegation later spoke to the families of Özer and Çetinkaya. Tahir Özer’s wife He-diye Özer related the incident as follows: “My husband was about to come home on 2 May. We could see him. He was detained by 3 persons who got out of a car at the control point at the Eruh exit of Siirt. Similarly, they detained our neighbor Ali Çetinkaya, who was right after him. The car turned back after getting for about 50 meters. We thought that he was abducted and applied to the Prosecution Office, but no result came out. On 8 May, we learnt that two corpses were found at Ziyaret town of Baykan, and went there and identified them. We took them out of the graves, and brought to Siirt. They instructed us to bury the corpses on the same evening, and did not give permission for a ceremony. We declared that we could not bury them without religious practices. Police officers forced some persons to dig a grave about a knee in depth, and buried them. The Governor’s words, ‘It is hot. We were obliged to bury them in the night in order to avoid the decay of the corpses. It is tradition here, they bury the dead in the night.’ are not true.” Ali Çetinkaya’s wife Delal Çetinkaya said that her husband had been put in a car nearby the control point, and added, “My husband was detained by police officers on the evening of 2 May and put in a blue car. The place where he was detained is the police control point at the exit to Eruh. They buried my husband in Baykan, after torturing for 6 days and killing him. When we applied to the Prosecution Office on the day he was detained, he and Tahir Özer were registered as ‘missing.’ After the corpses were found on 8 May, no one came and said that they had been found.”

13)- Ahmet ...

Some 70 village guards from Doğan village in Pervari, Siirt, led by Şefik Bilen, raided Ulusu, Taşçeşmesi, Gelişen, Bervarişal, Siyahtaş and İnceler villages on 11 May, accusing the villagers of “sheltering PKK militants.” The village guards searched these villages house by house. Meanwhile, a shepherd named Ahmet was shot dead in the fire opened by the village guards while he was grazing animals. Three other persons on the spot survived the fire, and informed the villagers. Headmen of the raided villages informed Pervari District Governorate on 14 May about the incident, and said that the village guards had arbitrarily raided the villages, without giving information to the military authorities. The headmen stated that there was a dispute between them and Doğan Village for years because of land and use of plateau.

14)- İrfan Ağdaş (17)

High scholar İrfan Ağdaş was shot dead by patrolling police officers while he was selling the journal *Kurtuluş* in Alibeyköy, İstanbul, on the evening of 13 May, on the grounds that “he had not obeyed the stop warning.” Though the firing police officers radioed messages such as “We are trapped,,” and “We have shot down a person holding a parcel in hand,,” it came out that there were no guns on İrfan Ağdaş, not anywhere on the spot. It was claimed that Ağdaş had been killed in the clash that had broken out when he had fired upon the “stop warning.” Şükran Ağdaş, a relative of İrfan Ağdaş, said the following: “They were 5 people, with the journal *Kurtuluş* in their hands. All of them ran away to the back streets as they saw the plainclothes police officers. On the street where İrfan ran for, the police shot a bullet in his groin and two more in his chest, put him in the car and drove away.” And some witnesses stated that the police had opened fire from the car, and added: “The police officers ran towards the child who had got wounded and fallen down, and started kicking him, demanding to learn where his friends had gone. When an old woman intervened, they carried him to the car and laid him down on the couch. Then one of the police officers sat on him and they drove away.”

An autopsy was performed on İrfan Ağdaş on 14 May. Lawyer Ahmet Düzgün Yüksel stated that they had applied to the Prosecution Office for a permission to attend the autopsy, but that the autopsy had been performed without their presence, and said, “It is written in the autopsy report that no bullets were found. This autopsy is suspicious.” The killing of İrfan Ağdaş was brought to the agenda of the Parliament with a question CHP İzmir MP Sabri Ergül addressed to Prime Minister Mesut Yılmaz. Sabri Ergül, who related the incident as a “typical extra-judicial execution,” pointed out to the contradictory phrases in police statements.

Eyüp Public Prosecution Office, which investigated the case upon the official complaint raised by his relatives, concluded that “the police officers had used guns in order to render him ineffective when Ağdaş drawn out his gun.” The Prosecution Office issued a decision of non-

authorization on the grounds that the incident had taken place while the police officers had been on duty, and referred the case file to Eyüp District Governorate. Upon this, the Family Ağdaş and their lawyers appealed Eyüp Heavy Penal Court on 24 May, for the annulment of the decision. Lawyer Metin Narin stated that the act of the police officers could not be regarded in the context of the Law on Prosecution of the Civil Servants. He said, "According to the Article 154 § 3 of the Code of Criminal Proceedings, the investigation should be carried out and the trial should directly be launched by the Prosecution Office. This case has the status of ordinary crime."

A trial was launched against police officers Birol Mıdık, Abdurrahman Yolcu and Aytekin Kayhan 13 months after the incident, on charges of "murder with the aim of concealing the real assailant" and "intentional murder," and on the demand of sentences between 12 years and 15 years in prison. Aynur Bedir, a witness heard in the first hearing of the trial held at Eyüp Heavy Penal Court No.2 on 17 June 1997, disclosed that Ağdaş had no gun and the police had opened fire on the back. She stated that she had laid herself on him when he had been wounded but the police officers had flung her, and taken him into the police car as he was alive. However, the Presiding Judge rebuked her by saying, "Until now you have not said this in any occasion, why did you come today and give such a testimony?" Upon this, Lawyer Metin Narin took the floor and said that Eyüp Public Prosecution Office and Eyüp Penal Court of First Instance had rejected their applications for hearing the witnesses. The defendants came to the court hall during the hearing held on 9 September 1997, but they did not attend the hearing for "security reasons." And the police did not allow the journalists to follow the hearing. The court board decided to apply to İstanbul Governorate in order to learn if they would assure the security, and to refer the case file the Supreme Court on the demand that the trial should be heard in another province. The Supreme Court rejected this demand in March 1998. The trial is under way.

15)- Nazmi Balık (45)

Nazmi Balık was found shot to death in the basement of his house in Hacıbekir Quarter of Van on 18 May. The police, while the funeral was being held, said to the journalists, "We said 'stop' while we were patrolling, and opened fire when he didn't. However, we could not apprehend him despite all of our searches." The residents of the quarter said, "We first heard the gun shots around 21.00 on 17 May, and then plainclothes police officers had said, 'We chased after a terrorist, but could not catch him. He run towards here'." Nazmi Balık, who had two wives and 10 children, reportedly took shelter in the basement in order to escape from the police fire while he was turning back from the house of his daughter. Nazmi Balık, who reportedly had no connections with any kind of political activity, was buried on 19 May.

16)- Mikail Kudret (17)

A shepherd named Mikail Kudret, who was wounded in the abdomen and the leg in the fire launched by special team members in the vicinity of Kulp, Diyarbakır, on 26 May, died in hospital on 30 May. His brother Bedran Kudret said, "Special team members shot my brother for fun." He said that 15 sheep were also killed during the incident, added, "We arrived at the spot belatedly. When we arrived there we saw that he lost blood. We were stopped near Diyarbakır by the soldiers for half an hour, although we gave information on the incident and state that it was an emergency." He also said that only a plainclothes police officer had come and received information about the incident during the period they stayed at the hospital, and added, "The person who came to the hospital was continuously saying, 'Did you see the? Did anybody see them? Why do you say that they were special team members? Perhaps they were terrorists.' And we told him that there were special team members in the region, and then he got away."

17)- Sekvan Enç

Village guard Sekvan Enç was killed by special team members in front of his house in Becuh (Gülyazı) village of Uludere, Şırnak. A group of special team members reportedly raided Becuh at about 00.40 on 30 May, and took Sekvan Enç out of his house. Other village guards reportedly did not intervene with the special team members, who machine gunned him in front of the door. Local sources also verified the execution, during which about 30 bullets hit on the body.

18)- Seddighe Cahani (39-Iranian)

An Iranian citizen named Seddighe Cahani was shot dead in the fire launched by the gendarmerie on the grounds that "she did not obey stop warning" while she was passing by a control point in Yüksekova, Hakkari, with her private car on 4 June.

19)- Hasan Bolat (55)

Soldiers, who raided Mescit village of Almus, Tokat, on 18 June, detained all of the men in the village on the accusations of "aiding an illegal organization and sheltering its members." Special team members, who carried out a search in the rural regions during the operation,

executed a shepherd named Hasan Bolat by shooting while he was grazing animals at Dumanlı Plateau in the vicinity of Mescit on 19 June. Witnesses said that Bolat had been killed without being questioned. Hasan Bolat was delivered to his family on 20 June and buried in Turhal.

20)- Medine Baş

Mikail Baş, a village guard in Sultanköy (Sultanşehmus) village of Mardin, killed his wife Medine Baş on 29 June. Subsequent to the incident, Osman Baş, the headman and chief of the village guards, went to the gendarmerie station, and declared that his youngest son Ahmet Baş (13) had killed his daughter-in-law Medine Baş when the gun he had been holding had taken fire accidentally. However, the villagers and the relatives of Medine Baş stated that the incident was not an accident, that Medine and her husband had an argument as she had been opposing his being a village guard. They said, "The incident took place at evening hours. As far as we could learn, soldiers had called Mikail. Medine demanded from him not to go, and they had a dispute. Upon this he executed her by shooting." They stated that they had later learnt that "Ahmet Baş had been shown as the assailant." The villagers also said that no one had lodged an official complaint with the Prosecution Office because of the threats by the Baş Family. They added that Osman Baş and his family had tried to be influential in the village and neighboring villages after having been assigned as village guards, and said, "They denounce villagers and maintain that they be detained. Later they receive bribes for their release. Military authorities help this family."

21)- Durmuş Karhan (60)

In the night of 4 July, special team members opened fire at Karadere and Kapıcı villages in Almus, Tokat. The villagers in Karadere, whose houses were destroyed in the fire, stated that the special team members had said them, "There were terrorists in your villages. We opened fire for this reason." The villagers added that later their houses had been searched and the special team members had gone to Kapıcı village, taking the headman along with them. Arriving at Kapıcı village at about 03.00, the special team members opened fire against this village with machine guns and mortars. People living in Kapıcı also said that their houses had been searched and the special team members had told them, "There were terrorists in Karadere village. We opened fire for this reason. We had to open fire at this village as the terrorists run away towards here." The special team members, after leaving Kapıcı village, killed Durmuş Karhan from Karadere when he went to his field in order to irrigate it at about 05.00. Authorities claimed that Karhan had been killed as "he did not obey the stop warning." However, the villagers said, "If they had said stop, Durmuş would have stopped. They made such a statement in order to protect the special team members."

22)- Hüseyin Saltık (60)

Hüseyin Saltık from Beşevler Village of Ovacık, Tunceli, was killed by soldiers. Hüseyin Saltık was reportedly killed by mobile soldiers between Beşevler and Yaylagünü villages when he was turning back his home around 21.30 on 4 July. The corpse of Hüseyin Saltık was taken to Ovacık for an autopsy on 5 July, and he was later buried in his village.

23)- Mehmet Dalkılıç (29)

Police officer Aydın Yılmaz killed driver Mehmet Dalkılıç, with whom he had a dispute since he did not make way for him in İstanbul Mahmutbey, Barbaros Quarter. The incident took place at about 01.30 on 13 July. Mehmet Dalkılıç, who worked in a teahouse, and his friend Ahmet Can, made way for the car which was coming behind and which demanded insistently to be given the way. Two persons got off the car after it which passed by, and said that Mehmet Dalkılıç was too late to make the way for them. During the dispute, one of them drew his gun, and shot Mehmet Dalkılıç, and then ran away. Dalkılıç died in the hospital. As the police were trying to determine the identity of the person who killed Mehmet Dalkılıç, a police officer named Aydın Yılmaz surrendered to the Security Directorate. In his statement, Aydın Yılmaz said: "When I asked why they did not give us the way, they attacked us. First, I opened two shots of fire to air as a warning. But he made his way towards the car and take something. I thought he would open fire to us, and I opened fire in order to injure. My intention was not killing him."

24)- Remzi Uyan (34)

Soldiers carrying out an operation in the vicinity of Derik, Mardin, shot and wounded Remzi Uyan while he was working in his vineyard on Üçyol region on 9 July. Uyan died in the hospital on 15 July. The corpse of Remzi Uyan was sent to Derik on 16 July. After the news on the incident were published in *Demokrasi* newspaper on 13 July 1996, persons with civilian clothes went to the hospital and interrogated Baran Uyan, the son of Remzi Uyan.

25)- Şevket Tekçi (23)

Mentally disabled Şevket Tekçi was shot dead in the night of 4 August for “disobeying the stop warning,” when he approached the main entrance of the military lodgments in Yüksekova, Hakkari, which were 20 meters away from the house of DYP Hakkari MP Mustafa Zeydan.

26)- Ali Haydar Göçer

In the clashes between “MLKP (Marxist Leninist Communist Party) militants and the police in İstanbul Bahçelievler Soğanlı quarter on 7 August, police officer Veysel Aslan, MLKP militant Ali Haydar Göçer (whose name was first declared as Kenan Ermegen) and a passer-by, Ahmet Karaman, were wounded. The clash allegedly took place “when fire was opened on the police while controlling an abandoned car.” Mustafa Kotan was beaten and detained. Veysel Aslan, who was wounded in the abdomen, died in the hospital on 8 August, and Ali Haydar Göçer died in the Çapa Medical Faculty on 9 August. The relatives of Ali Haydar Göçer stated that there were bullet traces on his head and at the back of his left leg and there were traces of hitting on his body, and claimed that he died because his treatment was not made in the hospital, and this incident was an extra-judicial execution. The mother and the brothers and sisters of Ali Haydar Göçer applied to the İHD İstanbul Branch, and stated that the police did not make a statement about the death of Göçer. In the statement made by the MLKP, it claimed that Ali Haydar Göçer was the founder of the MLKP, he was caught injured in the clashes and when Veysel Aslan died, he had been tortured to death in the hospital for “revenge.”

27)- Aziz (12)

On 8 August, soldiers opened fire on Mehmet Uygun (24), Enver Uygun (9) and a child, Aziz (surname could not be learnt), who went from Kavaktepe village of Iğdır to Mozgun plateau in order to fetch water, were opened fires by the soldiers on 8 August. In the incident, the child named Aziz died, and Mehmet Uygun and Enver Uygun were injured. Gelo Uygun, the relative of Mehmet Uygun and Enver Uygun said: “We can get water from the well in the plateau only after we get permission document from the soldiers. Therefore, three persons from our village, two of whom were my relatives, went to the well on 8 August after they got the permission document. Meanwhile the soldiers who returned back from an operation made the villagers lie down and execute them by shooting. I don't know why they did this. Aziz at the age of 12 died on the spot, and the soldiers thought that Mehmet and Enver died, and went away. When we heard the shots, we went to the plateau, some of us saw the soldier go away.”

28)- Vahyettin Kazak

Vahyettin Kazak died in the fire launched by village guards against his minibus in Şemdinli, Hakkari on 13 August. It was reported that Vahyettin Kazak hit the village guard named Sabri Firat who was walking on the road on the day of the incident, and upon the instruction by Sabri Firat, who believed that it was an intentional accident, his son Mesut Firat opened fire on the minibus. Mesut Firat was detained after the incident.

29)- Mazlum Mansuroğlu (28)

Two PKK militants died in a clash that broke out in the vicinity of Karakoç village of Tunceli in the night of 15 August. Subsequently, special team members raided Karakoç village, and killed Mazlum Mansuroğlu. The State of Emergency Governorate disclosed that 3 PKK militants were killed in the clash. Mazlum Mansuroğlu, who was dressed with the clothes of the PKK militants, and the other two persons were tied to the panzers and dragged. After the incident, neighbors of Mazlum Mansuroğlu, Hasan Ekici, Veli Ekici, Mehmet Ekici, Fatma Ekici, Esma Ekici and Gürsel Ekici, were detained.

Emine Mansuroğlu stated that his son was killed after his eyes were carved out; and said: “It was around 16.00. The special teams came, they wanted to take Mazlum. I resisted to them. They pushed us aground and hit our heads with kicks and butts of rifles. Mazlum was saying: ‘I don't know anything.’ My son fainted from the beating in the house, so did I. When I recovered, there were lots of soldiers. I said ‘Don't touch my son,’ and they said ‘Don't worry, aunt,’ but one hour later I learnt that they killed my son. He was shot dead one kilometer away from the village.” His father Ali Şirin Mansuroğlu, who stated that he was in Tunceli in order to take his daughter and grandchild to hospital on the day of the incident, and came back to the village when he learnt the incident, said: “A group of team members next to the transformer said to me, ‘Who are you? Where are you going, you son of bitch?’ and they wanted me to come towards the hill. I went there. After a while, my neighbors were brought, tied in their hands. Following them, a corpse was brought on a horse. Another after a while. The horse ran away when a team member hit the calf of the dead person with a stick before taking him down. Then the team members tied the

corpse to a panzer. Meanwhile, I did not see any other corpse. They clapped me, and I sat down in order not to fall down. Meanwhile, my neighbors Musa Tekin and Hasan Ekici, stripped naked, were being beating on the ground. They wanted to take me together with them. But when showed the patient identity card showing that I had a heart disease, they leave me alone, and they went away. Until that moment, I did not see the corpse of my son.”

The Public Prosecution Office launched an investigation upon the official complaint lodged by the relatives of Mazlum Mansuroğlu on 16 August, but issued a decision of non-prosecution on 23 August, and referred the file to the Provincial Administrative Board in line with the Law on Prosecution of Civil Servants. The testimonies of 5 persons who declared before the notary that they would testify, were not taken. Upon the application by lawyer Süleyman Yıldırım, an autopsy was performed on Mansuroğlu at Malatya Forensic Medicine Institute on 17 August. The autopsy revealed that he was subjected to torture, that left side of his head was crushed due to torture, and that he was shot after the torture. Lawyer Ali Demir stated that there were 5 bullets in the abdomen of Mansuroğlu, and the pin of the hand grenade which was exploded on his hand were inside his brain. Lawyer Demir added that Mansuroğlu had been taken naked to the autopsy, and that when they demanded that his clothes be examined in order to determine the shooting distance, the prosecutor had said, “There is no need.”

The incident was brought to the Parliament with a question Tunceli MP Orhan Veli Yıldırım addressed to Minister of Interior Mehmet Ağar on 28 August. Yıldırım asked the following: “Although we were told by the Security Director that a person (Yusuf Karanlık with a code name of Sakallı) escaped from the clashes, why was not this incident recorded? When asked by the Mayor, was it replied that one of the killed persons was Yusuf Karanlık? Let’s assume Mazlum Mansuroğlu, who was taken from his house without a gun, was Yusuf Karanlık, was it not required that he should be put on trial? In case it was established that the security forces acted contrary to the law, would pardon be requested from his family and the people, and would a compensation be paid? Was any prosecution initiated?”

30)- Tacettin Çakır

Security Director Doğukan Öner, in charge at the Security General Directorate, shot dead a taxi driver named Tacettin Çakır in İstanbul Bostancı. In the night of 16 August, the car of Doğukan Öner crashed with a car which passed in red light. Tacettin Çakır, who attempted to put an end to the dispute which occurred among 4 persons in the car and Doğukan Öner after the accident, was killed with a single bullet by Öner. Mehmet Çakır, the father of Tacettin Çakır, said: “The witnesses said that four persons were beating the police officer on the ground. The police director drew his gun and opened fire. My son was killed. The police were trying to conceal the incident.” Öner was arrested on 19 August, and sentenced to 2 year 7 months in prison by Kadıköy Heavy Penal Court No 2 on 19 December. Öner was in charge at Sivas Security Directorate during the incidents resulted in the killing of 37 persons on 2 July 1993.

31)- Fesih Akar (32)

Fesih Akar was killed by the police in Yeni Pazar quarter of Mersin around 18.00 on 31 August. Witnesses said that Fesih Akar, after attending a wedding ceremony, was waylaid by the police officers in a street near the wedding ceremony. The police authorities claimed that Fesih Akar did not obey the “stop warning” and killed as he attempted to run away. Witnesses claimed that no “stop warning” was made, that he was injured in the foot in the initial fire, and then was shot dead in the head by the police officers. Akar was buried under the police surveillance in Bekirde village of Mersin on 1 September. His father Abdülbaki Akar said: “They started to follow my son during the wedding. When he was aware of it, he passed by the local marketplace and made his way towards the street no 779. At this moment, police officers opened fire on him without any ‘stop warning’ and he was injured in the leg. When he fell down, they shot him in the head and killed him.” Abdülbaki Akar added that he observed a fracture on the right side of the head while washing the corpse. In the second statement made on 10 September, the authorities alleged that “he was killed during the clash with the police during the operations against PKK.” The statement added that 26 people were detained on the accusations of “being members of the PKK.” Out of the detainees, Hakim Avcı, Mahfuz Dorudemir, Mehmet Çelebi Çalan, Yıldırım Demir, Fikri Arasan, Abdülhalim Çalan, Fesih Kızıldaş, Nurettin Çalan, Celal Doğru, Mehmet Salih Açılan, Hasan Erbek, Maşallah Yalçın, Emine Fidan, Elhan Yıldız and Aziz Köyliüoğlu were arrested on 15 September.

32)- Emin Abay (24)

Emin Abay was shot dead by the police around 02.05 on 2 September in İstanbul. It was reported that the police team, who were controlling cars in Üsküp Square upon a car theft in Zey-

tinburnu Çırpıcı quarter, opened fire on a car with a license 34 BOC 83, in which were 3 persons, when the driver did not stop despite the “stop warning” and run away. Emin Abay, who was in the car, was later taken to a private clinic because of gunshot wounds, and died in the clinic. Yavuz Üçüncü, who was also in the car, was detained.

33)- Sabri Yeşilbağ (32)

Police officer Ali Gölgeli killed a minibus driver, Sabri Yeşilbağ, in İstanbul on 2 September. The police officer reportedly argued with the driver of the minibus he took at late hours because of the “route.” It was stated that Gölgeli and Yeşilbağ got off the minibus and continued to quarrel. Ali Gölgeli first opened fire into the air, and then killed Yeşilbağ with three bullets. Gölgeli, who were detained after the incident, said: “I said that we cannot find any vehicle to go home. ‘That’s not my problem’ he said, and he got off and attacked me. I opened two shots into air. When passenger İsmail Demir attempted to hold my arm, the pistol took fire again.”

34)- Kudbettin Yurt (34)

35)- Hüseyin Emre Dura (24)

A person named Kudbettin Yurt was killed and Fethi Yurt (21), Hüseyin Emre Dura and Kasım Dura (26) were wounded when soldiers opened fire on a vehicle going from Diyarbakır to Kulp district of Diyarbakır on 17 September. Hüseyin Emre Dura, who was injured, died in the hospital on 20 September.

36)- Hüseyin Kuzu (17)

In the vicinity of Lice, Diyarbakır, soldiers opened fire on two tractors carrying villagers who were migrating from Zara (Gökçe) village to Diyarbakır on 21 September, killing Hüseyin Kuzu and wounding Mehmet Kuzu (14) and Rojin Diken. Rojin Diken’s father Hıdır Diken said that fire was opened on them while they were escaping from the clash in the vicinity of the village.

37)- Selami Tuncer (55)

Selami Tuncer was killed, and Sait Tuncer (26) and Bedir Yeral (24) were injured as they were trying to prevent the soldiers from opening fires to the villagers who were returning back from hunting in Dikmece village of Antakya around 03.00 on 22 September. Mehmet Güven (28) were not injured. Village headman İbrahim Doksöz said that they informed Serinyol Gendarmerie Headquarters of the arrival of 4 PKK members to the village on 21 September, that soldiers opened fires by mistake and therefore they would not make a complaint. Meanwhile a delegation from Hatay Democracy Platform went to Dikmece and carried out investigations. The villagers said to the delegation that no “surrender” call was made before opening fires.

38)- Ahmet Elitan

39)- Halil Elitan (15)

40)- İhsan

Special team members patrolling around Celikan hamlet in the vicinity of Bitlis opened fire on the villagers who were grazing animals on 5 October. Ahmet Elitan, his son Halil Elitan and a villager named İhsan, whose surname could not be learnt, were killed. A person who was injured seriously was taken to Bitlis State Hospital. A number of animals were also killed.

41)- Cevdet Yiğit

Villager Cevdet Yiğit, who was living in Halime hamlet of Yenidoğan village of Aralık, Iğdır, was killed by chief village guard Mehmet Tetik and three village guards on 6 October. It was reported that one of the brothers of Yiğit had been arrested in a PKK trial. Iğdır Governorate claimed that Yiğit was killed by PKK members due to “an organizational conflict.”

42)- Kendal Kuray (21)

Soldiers opened fire on two brothers named Kendal Kuray and Kasım Kuray, who went to Karıncak village of Lice, Diyarbakır on 9 October, in the vicinity of Lice. Kendal Kuray was killed, whereas Kasım Kuray and the pickup driver, whose name was not revealed, were injured. Kasım Kuray and the driver were detained. Kendal Kuray’s father Şehmus Kuray said, “One day after the mortar fire to the village, the children of my uncle said that their lives were at risk and therefore they wanted to migrate. But they told that the soldiers did not allow them to hire a vehicle from Lice. I told my two sons to hire a car and go to the village. 5 hours after they hired a pickup and left Diyarbakır I heard the incident. Lice Gendarmerie Headquarters replied the application made by my relatives as follows: ‘The soldiers who opened fire are not subordinated to us, but who knows, they might have carried food to the militants and might be turning back.’”

43)- Sait Yiğit

Soldiers opened fire all around in Kiran quarter of Hakkari around 21.00 on 10 October, killing a person named Sait Yiğit. It was reported that Sait Yiğit and his son were working in a construction site in the vicinity of their house, and when they heard the shots, they attempted to return back to their home and at this moment Sait Yiğit was shot. Sait Yiğit, who was first taken to Hakkari State Hospital, died in Van State Hospital, where he referred later, on 11 October. Sait Yiğit, making a statement at Hakkari State Hospital, said: “The soldiers opened fire to me, they shot me.” The son of Sait Yiğit survived the incident without injuries.

44)- Ahmet Kırkgöz (24)

Ahmet Kırkgöz (24), who was claimed to have “involved in theft” in Ankara, was killed by the police on 11 November. The police officers who arrived at the spot upon the denunciation of a theft in a construction site of the Ministry of Culture, detained a person named Sinan Nergiz-oğlu (20). Meanwhile, Ahmet Kırkgöz, who attempted to run away with the help of a horse carriage, was killed by the police officers. The police authorities claimed that “when the police car lost control during the pursuit, the gun of a young superintendent took fire accidentally.” The relatives of Ahmet Kırkgöz stated that when he was running away, a car hit him, and this moment a police officer shot 5 times. Ahmet Kırkgöz was buried on 12 November. Mustafa Kırkgöz, the father of Ahmet Kırkgöz, related the incident as follows: “My son went to the marketplace in the morning. He found a tin canister and took it. At that moment, the officers appeared. They started to chase him. My son was running. A car hit him, and he fell down. Nevertheless, they opened fires.” Mustafa Kırkgöz said that he was also beaten by the police officers and his leg was broken a while ago. The security authorities claimed that they were denounced that there was theft in the construction site of the Ministry of Culture, and when Ahmet and his friends attempted to run away, the police had opened fire to warn them.

45)- Hatice Bozarslan (17)

Hatice Bozarslan and her daughter Hatun Bozarslan were wounded in the fire opened by soldiers while they were working in the garden in Serebağe region around Derik, Mardin, on 13 November. Hatice Bozarslan died on the way to hospital. It was reported that Hatun and Hatice Bozarslan remained on the spot for long period and the soldiers did not allow anybody to enter into the spot. The relatives of Hatice Bozarslan were threatened not to make a complaint. Şehmuz Bozarslan, the father of Hatice Bozarslan, stated that soldiers and police officers frequently raided their house and threatened them after the incident was covered in the newspapers. He said: “The police officers who came to my house said that I had declared that I would apply to the European Human Rights Commission, and if I did this, they said, my fate would be like my daughter’s. Although the incident is a murder, the necessary proceedings were not started.”

46)- Fatoş Özalp

Fire was opened on certain military positions in Mazgirt, Tunceli on 16 November. Later, soldiers opened fire on disaster houses in Yenimahalle. Fatoş Özalp, the wife of DYP Mazgirt District Chairman Hüseyin Özalp, was wounded in the head. She died in Elazığ State Hospital on 18 November. Hüseyin Özalp lodged an official complaint to Mazgirt Public Prosecution Office.

47)- Uğur Tercan (18)

In the Esenler Quarter of İstanbul, a youth named Uğur Tercan (18) was killed by the police on the grounds that “he did not obey the stop warning”. A friend of Uğur Tercan, who was along with him, stated that they had drunk beer with 2 girl friends in a car which they had parked near a park in the Esenler Quarter on the day of the incident, and said, “A police car approached. A police officer came near us with a gun in his hand, and knocked on the window in order to get us out of the car. Guys said, ‘Let’s escape’. And I stepped on the accelerator. Then the police began to fire behind us. Our car crashed into another car. The other friends escaped. Uğur was shot.” Murat Tercan, the older brother of Uğur Tercan, stated that the police were denounced that two girls were kidnapped, and said “the youths, who did not know this, may be panicked when the police officers approached to the car” and “Whatever action was taken by the youths, the should not the police open fire to air or to the tires of the car?” In the official statement, the justification for opening fire was connected with the denunciation for “kidnapping of the girls.”

48)- Oktan Çaçan (14)

Chief superintendent İbrahim Yılanlıoğlu, in charge at the Political Branch, opened fire against people in a wedding ceremony held in 5 Nisan Quarter of Diyarbakır Bağlar in the night of 30 November, killing a child named Oktan Çaçan (14). The people, who marched against the house of the superintendent, were halted by the police, and he was taken out of the region. Oktan Çaçan’s sister Kader Çaçan stated that Kurdish songs were played during the wedding ceremony,

and her brother had been chosen as a target as he carried a handkerchief in yellow, red and green. Kader Çağan said: “We were in the wedding ceremony of our neighbor Hüsametdin Mercan. My brother was making a folk dance. We heard the gunshots. My brother fell down bleeding. The bullet grazed the head of a youth, slightly burning his hair. There were 15 bullet traces in the door and walls.” Yılanlıoğlu was arrested on 30 November. Esat Çağan, the father of Oktan Çağan, who applied to Diyarbakır Public Prosecution Office, said: “The prosecutor heard me and 6 witnesses who attended the wedding. Then he took me out, and took İbrahim Yılanlı-oğlu in. At this moment, the police officers surrounded me, and covered the face of the super-intendent. Later, the prosecutor called me again and said: ‘Now you have nothing to do, we arrested him and requested 30 years’ imprisonment’ and wanted me to go. They did not give me the name of the police officer nor the prison he was sent. I learnt his name from the newspapers.” The police authorities claimed that İbrahim Yılanlıoğlu had been drunk during the incident.

49)- Bayram Çiçek

Village guards opened fire all around from the mosque during the funeral ceremony held on 1 December for village guard Bedri Bozkurt, who died when he trod on a mine in the vicinity of Kulp, Diyarbakır. Behçet Eren (50), İhsan Teğın (55), Çiçek Aktaş (8) and a child named Bayram Çiçek were wounded in the fire. Bayram Çiçek died on the way to hospital. The witnesses related the incident as follows: “Relatives of Bedri Bozkurt, village guards Telhat, Tahir, Bayram and Süleyman Bozkurt and another, opened fire on Behçet Bayram and then shot the imam and people leaving the mosque. First they beat İhsan Teğın with butts of their rifles, and then shot him. A stray bullet hit the head of a child.” Lawyer Sezgin Tanrıkuı stated that the incident was “full attempt at murder,” and demanded that the village guards be arrested. Village guards Tahir Bozkurt, Mikail Bozkurt, Talat Bozkurt, Bayram Bozkurt, Servet Bozkurt and Sadık Bozkurt were detained. Tahir Bozkurt was later arrested.

50)- Erhan Aydın

Erhan Aydın, who was accused of “theft attempt,” was shot dead by the police in İstanbul Şişli on 8 December. A friend of Erhan Aydın, who met with the friends of Aydın, namely Salih Güven and Nurettin Ondaş, at the Şişli Security Directorate after they were detained during the incident, related the incident as follows: “While going to Şişli along with Salih Güven and Nurettin Ondaş, Erhan Aydın had stopped the car on the road in order to make a phone call. Salih and Nurettin had stayed in the car. A while after, Erhan had come back to the car while holding his knee, and said ‘Take me to the hospital immediately’. While Nurettin had been getting at the wheel, a police officer had come in front of the car, and shot Erhan in the head.” A police officer named Ömer (surname unrevealed) was suspended from duty. Erhan Aydın was buried in İzmir. Alican Aydın, the son of the uncle of Erhan Aydın, said: “Erhan obeyed the stop warning by the police and was caught alive. But they executed him by shooting in the head.”

51)- Mehmet Banan (15)

A child named Mehmet Banan (15), who was wounded in the fire opened by a military helicopter in the vicinity of the Midyat, Mardin on 11 December, died at Mardin State Hospital. Relatives of Mehmet Banan said that the police arranged a false report in order to cover up the incident. Mehmet Banan’s brother Veysi Banan said that the police report did not include the accounts of witnesses. He said: “Two police officers came to the hospital and asked about the incident. We said he was injured in fire opened by a military helicopter, but this was not written in the report. When we reminded them that Hikmet Mutlu had seen everything, they shouted, ‘Soldiers cannot be libeled by the words of children.’ Therefore, we did not sign the report.”

52)- Bülent Korkmaz (15)

A child, Bülent Korkmaz (15), was shot dead by the police in Yavuz Selim Quarter of İstanbul Bağcılar around 01.00 on 29 December. The police officers, who were reportedly chasing a stolen car licensed 34 AB 5306 in Bahçelievler Quarter, began to fire when in Yavuz Selim Quarter. Then the persons in the car started run away on foot. Bülent Korkmaz died with a single bullet in his heart. It was reported that a child named H.P. (16), who was disclosed as being in the car, had been detained, while another named Y.Ş. (17) had escaped. Meanwhile, the police authorities claimed that Bülent Korkmaz opened fire to the police officers.

Those injured

In 1996, many people survived deaths but were wounded and sometimes disabled in fire opened by security officers on demonstrators, houses or vehicles at random or during the raids.

For example, police officers patrolling on Bahriye Street of İstanbul Beyoğlu Kasımpaşa Quarter on 15 February opened fire against 2 people for “disobeying the stop warning.” A child on the spot, Kadriye Özen (15), was wounded. The police authorities alleged that Özen was shot accidentally by a stray bullet when the police opened fire against 2 thieves.

Oya Öger Arıbal (33) was shot when she was watching the fireworks demonstration from her window in İstanbul Harbiye in the night of New Year’s Day. The ballistic examination of the guns of 11 people who opened fire on that day revealed that Arıbal was shot with the gun of police officer Mustafa Şener, who informed Şişli Security Directorate about the incident. Since the offense was not committed on duty, Mustafa Şener was sent to Şişli Court House. He was put on trial on the demand of a sentence between 3 months to 2 years 6 months in prison on charges of “causing an injuries which may lead to dead due to incautiousness and carelessness.”

An university student named Yılmaz İşli (22), was shot by the police in Karataş Quarter of Antep on 5 June on grounds that he “opened fire upon the stop warning.” İşli was hospitalized. Derviş İşli, the father of Yılmaz İşli, said: “Plainclothes police officers were everywhere in the hospital, in the room and in the corridor. They threatened me and repelled me.”

Ümit Can, who was attacked and wounded in the shoulder by a police officer in İncirliova, Aydın on 21 November, applied to İHD Aydın Branch. Can stated that the police officer named Oktay was working at İncirliova Police Station, and said: “I was speaking with a friend in front of İncirliova Teachers’ House. The police officer first threatened me and started to beat me, and then he opened fire. The first bullet hit me in the shoulder. He left when his pistol did not fire.” Can added that the police officer had threatened him before and that he was not suspended from the duty but sent to holiday, and that he and his family were under pressure to be silent.

Yalçın Küçük, Metin Göner and Hıdır Aşkın, while returning their homes after a dinner in İstanbul Kumkapı on 25 November, were stop by police officer Bayram Türkeli, who asked them to show their ID cards. But he rejected to show his own ID card, and opened fire on them. Küçük was shot in the groin, and Göner and Aşkın in the legs. Bayram Türkeli was arrested.

g)- Deaths in the explosions of mines and unclaimed bombs

In the State of Emergency Region, a total of 40 (*) people, who stepped on mines planted on roads or in fields, or who tampered with unclaimed bombs or cannon shells they had found, died as a result of explosions in 1996 (this number was 38 in 1992, 123 in 1993, 131 in 1994, and 45 in 1995), more than 100 people were wounded. Most of the wounded became disabled because they lost hands, arms or feet. Many of these incidents took place on village roads, in the regions close to the border and in the vicinity of military zones. Almost all of the people who died or were wounded in the explosion of the unclaimed bombs or cannon shells found on roads, fields or in settlements were children. (**)

The issue of mines and dispossessed bombs was discussed in various platforms. For instance, the research finance by the Research into the Border Security Commission of the Parliament, revealed the fact that it was impossible to determined the spots mined in the region with a length of 600 kilometers and with a width of 200-400 meters, which formed the Turkey-

(*) This number does not include soldiers, police officers, village guards or PKK militants who died in mine explosions. All of the 40 people were the civilians who were not the parties of the conflict.

(**) The victims of the mines or unclaimed bombs were held responsible for the damage on them. For example, two children were wounded while toying with it a hand-grenade they found in the garbage yard of Bingöl Brigade Headquarters. Father of one of the children launched a trial against the Ministry of National Defense, for a compensation. In 1991, Malatya Administrative Court ruled that TL 5 million be given for material losses and TL 500,000 for moral losses. The file was referred to the Council of State upon the Ministry’s appeal. The 10th Board of the Council of State overturned the trial in February, ruling that, “It is understood that the Administrative Court had made its decision without investigating if the father of the child, who had been injured in the incident, had been cautious or not in the growing up and control of the child, i.e. without questioning a collective responsibility. It is legally wrong that the decision was made without inquiring if the father of the child had been negligent in his parental obligations.” It is not judicially correct to give the verdict without seeking for the accompanying responsibility of the father of the child.”

Syria border (between the Kilis District of Gaziantep and Cizre). The report disclosed in the beginning of January included the following points:

“No sowing has been made in the field of hundreds of acres for years since it is mined. The field in which no agriculture is possible within only the borders of Urfa is 140 thousand acres. Since the mine laying key is not available, the spots mined are not known. Moreover, a part of them have become ineffective due to natural disasters such as fire and flood. The mines in several regions were disabled by the smugglers and terrorists, and passages were opened. Our security forces are unable to pursue the terrorists and smugglers who pass through the border to Syria, and in addition, they cannot react to those who opened harassment fires from the other side. Therefore, this region which forms an obstruction with regard to security should be cleared of mines and opened to sowing, and the incomes obtained thus should be allocated to the construction of a physical security system. The measures such as barbed wires are in general inside the political border. In general, these measures are taken in the internal part of this area. From Karkamış to Nusaybin, the railway passes after the mined area. In these areas, there is a blank area of 10-15 meters between the political border and the railway. This has led to several undesirable consequences due to various reasons. First of all, we cannot control our political border. Second, the border stones are being destroyed by the Syrians since they are not controlled and maintained. Third, again the Syrians have entered into our fields and started to use them. Therefore, the physical security measures should be passed over the political border.”

“Terror Under Ground” (Yeni Yüzyıl-3 April 1996)

Mines are the most ruthless weapons of the 20th century. Since they are cheap, kill people without any distinction and difficult to be destroyed, the mines are used frequently, and even after the end of wars, the deaths continue. The last issue of Newsweek reported that there 110 millions of active mines in 64 countries, killing 2 thousand of people each year. Although peace arrived in Bosnia after approximately 4 years, the deaths due to the mines continue: since the New Year's Day, 7 NATO soldiers died, and 35 were injured. On the other hand, in Cambodia, Angola, Mozambique and Afghanistan, the villagers risk their lives and work in the fields with mines. In Angola, for every 3 persons there is 1 mine and 150-200 persons die weekly. In Afghanistan, it is reported that 10 million mines had been laid during the civil war of 16 years and in Kabil were 80 thousands of mines who had been disabled because of mines.

The mines which do not discriminate between the soldiers, the civilians, the youths, and the elderly, kill the innocent people not only in wars, but also after wars. Technology has reduced costs of mines: the price of small mines is only 3 Dollars. In war, even the soldiers who are in the mine region, are able to save themselves without wounds, cannot escape from their psychological effects. After the war, most of soldiers suffer from psychological disorders and are afraid of walking in open area. While mines lead to death of a number of people, there are efforts for destroying them though they are weak. More than 50 countries will convene in Geneva this month and discuss the damages of mines. Now the USA, which will participate in the meeting, in the focus, since it is known that without the contribution of the superpower of the world, such efforts will be ineffective.

Below are some examples of the deaths and injuries in the explosions of mines or unclaimed bomb in 1996:

A child named Ekrem Çelik (13), who found a hand grenade on the road in Demirbilek Village of Batman, and took the grenade to his school, died when the bomb blasted. Ten children were wounded in the blast that took place in the morning of 9 February, 3 of whom severely.

In March, Sitti Kin, the wife of the headman of Çeltikli Village of Bitlis, Ahmet Kin, died because of an asthma attack when she could not be taken to the hospital in Bitlis because of the mines planted around the village. Sitti Kin was pregnant. Ahmet Kin demanded a helicopter from Provincial Gendarmerie Regiment Headquarters in order to hospitalize his wife, but no result came out. Ahmet Kin tried to phone Prime Minister Mesut Yılmaz. Prime Minister's wife, Berna Yılmaz, opened the phone, who called the authorities and received promises. But the helicopter was not sent despite the promises, and Sitti Kin died.

A missile picked up from the junkyard of a military unit in Siirt exploded on 28 May, killing a junkman named Hayrettin Arca, wounding some people nearby, namely Sami Arca, Ömer Arca, İdris Arca, Bilal Bardak, Bekir Bardak, Muhsin Ekin, Nusrettin Yeşilbaş, Volkan Yeşilbaş and Turgut Topuz. Of the wounded persons, İdris Arca and Sami Arca died at hospital.

Four children, Mehmet Emin İldeniz, Mehmet Saim İldeniz, Ertan Yalçın and Mehmet Nuri Adsız, died in the explosion of the bombs they found while playing at the garbage area of a military unit near Avcılar Village of Mardin on 28 August. The villagers related the incident as follows: “The area where Brigade is located is very huge restricted region. The garbage is not inside this area, but outside of it. The garbage area is quite close to the village. The children, with the hope of finding something, had gone to the area, and found the explosives.” The villagers stated that they did not know how the explosives were left in the garbage, and said, “However, it is evident that they came from the Brigade. Soldiers are responsible for the deaths of the children in this way.” The corpses of the children were taken to Mardin State Hospital, and delivered back to their families on the condition that they would say that the incident had taken place in a mountainous area around the village, instead of saying it had taken place in the garbage area.

Below is the list of people who have died in the explosions of mines or unclaimed bombs in 1996:

Name & surname	Date of event	Place of event
01)- Ayzav Koçar (58)	01 January 1996	Siirt-Silvan-Boylu region
02)- Hikmet Alkan (17)	06 February 1996	Near Şırnak-İdil-Akkoyunlu village
03)- Yusuf ... (20)	00 February 1996	Near Mardin-Savur-Güzel village
04)- Ekrem Çelik (13)	09 February 1996	Batman-Demirbilek village
05)- İsmail Seven (36)	11 February 1996	Batman-Garzan region
06)- Siddik Murcan (25)	11 February 1996	Batman-Garzan region
07)- Hüseyin Şen (11) (*)	14 February 1996	Diyarbakır Medical Faculty Hospital
08)- Hasan Pelin (16)	18 March 1996	Near Diyarbakır-Lice
09)- Beşir Yen	25 March 1996	Near Şırnak-Silopi-Başköy
10)- Hasret Gündüz (37)	08 April 1996	Near Mardin-Ömerli-Beşikkaya vill.
11)- Sitti Km	25 May 1996	Bitlis-Çeltikli village
12)- Kerem Yıldız (16)	26 May 1996	Van-Yatıksirt village
13)- Naci Çiftçi (34)	27 May 1996	Hakkari-Çukurca-Uzundere town
14)- İdris Arca	30 May 1996	Siirt city center
15)- Sami Arca	30 May 1996	Siirt city center
16)- Hüseyin Taş	09 June 1996	Hakkari-Çukurca-Çığlı village
17)- Mürşide Akbulut (10)	19 June 1996	Kars-Sarıkamış-Kazıkkayı village
18)- Mesut Karakaya (15)	23 June 1996	Muş-Güzeltepe village
19)- Şakir Karakaya (16)	23 June 1996	Muş-Güzeltepe village
20)- Sevdin Kılıç (40)	23 July 1996	Hakkari-Şemdinli-Günyazı village
21)- Halil Yıldırım	28 July 1996	Near Şırnak-İdil-Yeşilce village
22)- Ekrem Ceviz	07 August 1996	Şırnak-Uludere-Yemişli village
23)- Tefik Karaaslan (57)	22 August 1996	Between Diyarbakır-Kulp-İslamköy
24)- İhsan Donat (40)	22 August 1996	Between Diyarbakır-Kulp-İslamköy
25)- Vehbi Kılıç (45)	22 August 1996	Between Diyarbakır-Kulp-İslamköy
26)- Mehmet Emin İldeniz	28 August 1996	Near Mardin-Avcılar village
27)- Mehmet Saim İldeniz	28 August 1996	Near Mardin-Avcılar village
28)- Ertan Yalçın	28 August 1996	Near Mardin-Avcılar village
29)- Mehmet Nuri Adsız	28 August 1996	Near Mardin-Avcılar village
30)- Abdülvahap Özdemir	19 September 1996	Near Şırnak-Eruh-Fındık village
31)- Hacı Özdemir	19 September 1996	Near Şırnak-Eruh-Fındık village
32)- Ömer Altay	19 September 1996	Near Şırnak-Eruh-Fındık village
33)- Hakkı Ayhan (45)	27 September 1996	Manisa garbage area
34)- Şemsettin Orak (18)	13 October 1996	Near Şırnak-İdil
35)- (child)	15 November 1996	Hakkari-Yüksekova
36)- (child)	15 November 1996	Hakkari-Yüksekova
37)- (child)	15 November 1996	Hakkari-Yüksekova
38)- (child)	15 November 1996	Hakkari-Yüksekova
39)- (child)	15 November 1996	Hakkari-Yüksekova
40)- Mağdu İnan (13)	24 November 1996	Hakkari-Şemdinli-Kayalar village

(*) Hüseyin Şen was wounded when he stepped on a mine in the vicinity of Siirt on 9 August 1995.

CAPITAL PUNISHMENT

Capital punishment was again among the most important human rights issues in Turkey in 1995, and came on the agenda frequently. The number of the people who were convicted to the death penalty and the case files of whom were referred to the National Assembly increased. However, no death penalty was executed. Thus, Turkey maintained its place in Amnesty International's classification as a de facto abolitionist state. (*) Debates focused on "abolition of capital punishment" and "execution of the death penalties already handed out." Sometimes, requests for immediate execution of the death penalties (especially those passed in political cases) were put on the agenda, and certain reports were prepared in this direction.

For example, pro-Islamic "Birlik Vakfı (Union Foundation)," in its "Report on Justice" released in the mid of the year, proposed that the sentences waiting at the National Assembly for over one year should be executed unless a decision was taken on the contrary. The report, which was prepared by Supreme Court members Kadri Keskin, Hayrettin Cevheroğlu, Ziya Sağdur, Şakir Şeker and Süha Terzibaşoğlu, reminded that 94 countries in the world gave place to the death penalty in their legal system. The report defended the following:

"The decisions regarding the ratified death sentences are kept waiting at the National Assembly, whereas the convicted prisoners wait in their cells. This number has increased in due time, turning into a social and legal wound. According to our conclusion, the National Assembly should be decision-making body for introducing the death penalty, but this authority should be limited and rendered with responsibility. Current situation should be taken into consideration, and a constitutional amendment might be made, which would read that 'after a death penalty is referred to the President of the National Assembly, it would be considered as being decided to be carried out unless a decision is made within one year for non-execution of the sentence'."

In 1996, the requests of the death penalty advocates never turned into a wide-scale campaign like that which had occurred in 1993 and 1994. (*) Files related to the death penalty at

(*) According to Amnesty International, the death penalty is implemented in about 3/4 of the UN-member 184 countries, it has been abolished entirely in 42 countries, and in certain countries, including Turkey, the death penalty has not been executed since long although it retained in the laws. Accordingly, the People's Republic of China ranks first in implementing the death penalty (about one thousand sentences have been executed in this country every year), then comes Iran, Saudi Arabia (15 sentences were executed in 1990, 29 in 1991, 66 in 1992, 88 in 1993, 53 in 1994, 192 in 1995), and the USA (56 executions in 1995. In the USA; 3,000 people is on the death row. In 1996, the US Supreme Court Abolished the ban on the death penalty, then 38 of the states began to implement the death penalty). Singapore, Egypt, Yemen, and Libya.

(*) Intensifying PKK attacks prompted the demands for immediate implementation of the death penalty in 1993. This request was for the first time brought forward by certain generals in the meeting of the National Security Council in October. Then Ankara SSC Prosecutor Nusret Demiral demanded that trials be accelerated and the death penalty be executed. Within this framework, certain MPs of the DYP and of the ANAP made similar statements demanding immediate introduction of capital punishment. While debates were continuing, the Parliamentary Justice Commission decided on execution of the death penalty against Seyfettin Uzundiz (29), in a meeting held on 17 November 1993. The decision was taken with the votes of 9 deputies from the DYP, ANAP and RP. Seyfettin Uzundiz, who was given the death penalty, had attempted

the National Assembly were not acted upon. Certain initiatives objecting to the death penalty or demanding the abolition of it were witnessed more frequently.

A report prepared by the Ministry of State responsible for human rights read that the attitude of the executive and judiciary organs in Turkey towards the abolition of the death penalty was not "clear." The report objected to the death penalty by referring to it as "revenge by the state." The 6-page report stressed that it was a legal, political and ethical obligation for Turkey to ratify the international protocols that foresee the abolition of the death penalty, and added, "Escaping from this will put Turkey into hardship not only on the national but also on the international platform. The right to life is a fundamental right which is indispensable, indisputable and which is guaranteed in the international conventions and agreements, and included in all contemporary constitutions."

Meanwhile, Tansu Çiller, the Deputy Prime Minister and Minister of Foreign Affairs starting from the second half 1996, occasionally made statements, saying that the death penalty would completely be abolished from the legal texts except for the war times. These kind of statements, which were usually made abroad and prior to the international meetings in which Turkey fell into hardship, were not deemed as convincing by human rights defenders. Besides, the promises made to the end were not put into implementation during the office of Tansu Çiller.

Semih Gemalmaz, a lecturer in Istanbul University, expressed the following views in his essay published in *Evrensel* on 30 September 1996 under the title "**Lie of Abolishing the Capital Punishment**" with regard to the statement by Tansu Çiller:

In my previous article (23 September 1996 – Evrensel) I have stated that there is no indication that the statement made by Foreign Minister Tansu Çiller on initiations for abolishing the death penalty is a true statement; this only gives the impression of an ugly and political show; that both within DYP and the political parties in power or opposition, have conducted no serious activities to this effect, and that a great part of the deputies have not reach the political will to abolish the death penalty. I also added that Çiller was a political figure who had lost her persuasiveness because of the inconsistency of her words with her actions.

The next day following the publication of my article, a news which was apparently falsifying my argument appeared in the press: "In order to prevent the reactions which also appeared in the recent resolution by the European Parliament concerning democratization, and to initiate new stages in this respect, the Ministry of Foreign Affairs prepared a new package concerning the human rights. Upon approval of the package by the Prime Minister Necmettin Erbakan, it was presented to the government; the package provided for that the period of detention would be decreased to three days, and that it would be at most seven days in exceptional cases. The package also included provisions for the abolishing of the death penalty, as pronounced by the Foreign Minister Çiller. The Ministry of Foreign Affairs made a draft from a research on the democratic structure in the Western countries, and prepared a report on how this draft could be applied in Turkey. This program was presented to the ministers in the last meeting by the Council of Ministers. The draft program was sent to the Ministries of Justice and Interior and both ministers were informed by Onur Öymen, the Undersecretary of the Ministry of Foreign Affairs."

Yet another news published following it falsified the former news and confirmed our views. "... the statements 'that the government was demonstrating comprehensive efforts for the abolishing of the death penalty' as Çiller presented as a great good news to the press in the ECO meeting in İzmir, were denied by Kazan, who said: "She stated that such an activity was initiated in the Ministries of Interior and Foreign Affairs. However, there has been no such attempt as far as we are informed. Moreover, the protocol we have concluded contains no such provision to that effect. The issue of abolishing of death penalty has important aspects. Stating that the death penalty will be abolished, without including such an important issue in the government program and without reaching an agreement on it, just implies an intention to that effect. But no activity is being made to that effect." See that scandal; see that show attempted to be played on human life, which is at least contrary to conscience and morals.

We have stated that the coalition member RP would and could not reject death penalty because of their religious ideology. Thus in his statement, Kazan, though not articulating the

to rob a drapery shop in Kartaltepe, İstanbul on 15 August 1991 and had killed the owners of the shop. Seyfettin Uzundiz who was apprehended by the police one day later, was tried by İstanbul Penal Court No.1 and given the death penalty in 1992. The case file of Seyfettin Uzundiz is still at the Parliament.

implications of their ideology, reiterates that the coalition protocol does not contain provisions abolishing the death penalty. Until now, no politicians from RP disclosed that he is against death penalty. Of course, he cannot since when advocating political Islam, the fact that death penalty is established in Koran makes it impossible to reject death penalty. Being a member of power, RP has faced with a dilemma. The gap between its opposing political discourse and the practices in power, has led to intensive and widespread discontent in the base. For the moment, they attempt to parry these reactions by communicating to the base the political arguments that they are only a member of the government and they are going through a transition period. Under these conditions, they cannot justify for the Islamic circles the abolishing of a penalty provided for by the Sheriat. On the other hand, although we are increasingly being forced to be accustomed to it, there is the explicit lack of political seriousness as the denial by a minister of the statements of another minister, which is a source of shame. While the news dated 24/09/96 in Hürriyet clearly stated that the draft program prepared was sent to the Ministries of Justice and Interior and that Undersecretary of the Ministry of Foreign Affairs Öymen informed both ministers, in the news dated 25/09/96 in Cumhuriyet, the Minister Kazan said: "So far, there has been no such attempt as far as we are informed." In her statement in Hürriyet on 15/09/96, Çiller stated: "Negotiations with the Ministry of Justice are underway."

All of these contradictory statements cannot be true at the same time. It is highly probable that again the price for the mutual denial of the government ministers will be paid by the press. Yet it should be noted that the news in question should be regarded as true since they have not been denied for a reasonably long time. Moreover, Kazan's regards the fact that "Stating that the death penalty will be abolished, without including such an important issue in the government program and without reaching an agreement on it..." just as an intention. Kazan clarifies the situation by saying that "But no activity is being made to that effect."

As a conclusion, the government members RP and DYP are not ready and determined sincerely for the abolishing of death penalty. What we long for is the emergence of such a political will. Whoever or whichever party or parliament abolishes the death penalty will deserve only support. Bu yet this issue should never be exploited abroad or at home as political bargaining and show. Lying cannot be affirmed in politics; and with respect to this issue, lying is completely unethical; it is contrary to both the religious ethics and bourgeois ethics. Some ideologies accepts the death penalty and are criticized. But no ideology, approach or thought plays on attempting to make the abolishing or retaining the death penalty a political show, since human nature cannot accept otherwise.

The death penalty decisions and executions

In Turkey, where hundreds of people (*) were executed over the 70-year Republican period, the latest execution of death penalty took place on 25 October 1984. Protests at home and abroad against capital punishment prevented further executions. In addition, the Anti-Terror Law, which came into force on 12 April 1991, has foreseen not to execute the death penalty decisions which were given or were to be given for the crimes committed to date, and has commuted the death penalty into life imprisonment. This policy provided a temporary comfort on the issue of the death penalty. However, the presence of the articles of laws which foresee the death penalty always stood as a threat.

In 1995, numerous trials were launched where the death penalty was sought. The trials involving the death penalty were generally launched at Diyarbakır, İzmir and İstanbul SSCs and heavy penal courts in İstanbul and İzmir. In some of the concluded trials the death penalty was given. Some of the death penalty verdicts were upheld by the Supreme Court, and put on the agenda of the National Assembly.

(*) According to the official records, 445 people were executed during the Republican period. (114 of the death penalties were executed between 1925-1938, 195 between 1938-27 May 1960, 69 between 27 May 1960-1964, 17 between 12 March 1971-1973, and 50 between 12 September 1980-25 October 1984.) However, when the insufficiency of the records of the prosecutions in the era of the Independence Courts are taken into consideration, it is understood that this figure does not cover all executions. For this reason, the number of the executed people are stated as around 550 in some sources while this number is recorded as 588 in some others. The executions had intensified during the Kurdish rebellions between 1925 and 1938, and after the military coups of 27 May, 12 March and 12 September. 16 parliamentarians or former parliamentarians, all of whom had been convicted for political reasons, were executed.

Following is the information about the people who were given the death penalty in the last 4-5 years, as far as the HRFT could determine, and about their prosecution process: (**)

Name of convict	Charge	Court	Stage
01)- Seyfettin Uzundiz	Ordinary-Murder	Eyüp Heavy Penal	N. Assembly
02)- Bekir Gedik	Military-Murder	Military Court	N.Assembly
03)- Nizamettin Özoğlu	Political-PKK	Diyarbakır SSC	N.Assembly
04)- Yakup Karaca	Ordinary-Murder	Antalya Heavy Penal	N.Assembly
05)- Hasip Mehmet Atay	Ordinary-Murder	Gaziantep Heavy Penal	N.Assembly
06)- Mehmet Sait Dayan	Political-PKK	Diyarbakır SSC	N.Assembly
07)- Halil Yıldırım	Ordinary-Murder	....	N.Assembly
08)- Taner Keleşoğlu	Ordinary-Murder	Kars Heavy Penal	N.Assembly
09)- Sinan İyit	Political-PKK	Diyarbakır SSC	N.Assembly
10)- Murat Katrağ	Ordinary-Murder	....	N.Assembly
11)- Ali Osman Köse	Political-DHKP-C	Ankara SSC	N.Assembly
12)- Rabbena Hanedar	Political-DHKP-C	Ankara SSC	N.Assembly
13)- Hasan Şahingöz	Political-DHKP-C	Ankara SSC	N.Assembly
14)- Ali Nazik	Political-DHKP-C	Ankara SSC	N.Assembly
15)- Selmani Özcan	Political-DHKP-C	Ankara SSC	N.Assembly
16)- Erol Özpolat	Political-DHKP-C	Ankara SSC	N.Assembly
17)- Halil Güneş	Ordinary-Murder	Urfa Heavy Penal	N.Assembly
18)- Celal Atalay	Ordinary-Murder	Bandırma Heavy Penal	N.Assembly
19)- Birsen Gürbüz	Ordinary-Murder	Bandırma Heavy Penal	N.Assembly
20)- İsmail Özdemir	Ordinary-Murder	....	N.Assembly
21)- Mehmet Arı	Ordinary-Murder	....	N.Assembly
22)- Ekrem Gökçe	Ordinary-Murder	....	N.Assembly
23)- Kadir Şahin	Ordinary-Murder	....	N.Assembly
24)- Mürsel Girgin	Ordinary-Murder	....	N.Assembly
25)- Aziz Varkan	Ordinary-Murder	....	N.Assembly
26)- Nadir Şenol	Ordinary-Murder	....	N.Assembly
27)- Yaşar Akan	Ordinary-Murder	Adana Military Court	N.Assembly
28)- Cüneyt Erengül	Ordinary-Murder	Adana Military Court	N.Assembly
29)- Cemalettin Cenap Arıcı	Political-PKK	Diyarbakır SSC	Supreme C.
30)- Nimet İğraç	Political-PKK	Kayseri SSC	Supreme C.
31)- Muhammed Taşdemir	Political-PKK	Kayseri SSC	Supreme C.
32)- Mehmet Sinci	Political-PKK	Kayseri SSC	Supreme C.
33)- Hüsnü Özcan	Political-PKK	Kayseri SSC	Supreme C.
34)- Ahmet Gülmezoğlu	Political-PKK	Kayseri SSC	Supreme C.
35)- Abdullah Sönmez	Political-PKK	Kayseri SSC	Supreme C.
36)- Abbas Alkan	Political-PKK	Kayseri SSC	Supreme C.
37)- Selahattin Mete	Political-PKK	İzmir SSC	Supreme C.
38)- Kasım Karataş	Political-PKK	İzmir SSC	Supreme C.
39)- Coşkun Öztürk	Ordinary-Murder	Bakırköy Heavy Penal	Supreme C.
40)- Yıldırım Arıcan	Political-PKK	Kayseri SSC	Supreme C.
41)- Abdurrahman Tekgöz	Ordinary-Murder	Antalya Heavy Penal	Supreme C.
42)- Hasan Alapan	Ordinary-Murder	Denizli Heavy Penal	Supreme C.
43)- İsmail Doğruer	Political-TİKKO	İstanbul SSC	Supreme C.
44)- Hasan Kadem	Ordinary-Murder	Bakırköy Heavy Penal	Supreme C.
45)- Hüseyin Kiran	Political-TDKP	Erzincan SSC	Supreme C.
46)- Metin Dere	Political-TİKKO	İstanbul SSC	Supreme C.
47)- İzzettin Ekren	Political-PKK	İzmir SSC	Supreme C.
48)- Çeknaz Ekren	Political-PKK	İzmir SSC	Supreme C.
49)- Sabri Keve	Political-PKK	İzmir SSC	Supreme C.
50)- Kemal Gömi	Political-DHKP-C	Ankara SSC	Supreme C.
51)- Celal Türk	Political-PKK	İzmir SSC	Supreme C.
52)- Yusuf Çubuk	Political-PKK	İzmir SSC	Supreme C.
53)- Salih Gün	Political-PKK	İzmir SSC	Supreme C.
54)- Zübeyir Paksoy	Political-PKK	İzmir SSC	Supreme C.
55)- Yusuf Akbaba	Political-PKK	İzmir SSC	Supreme C.
56)- Mehmet Darga	Political-PKK	İzmir SSC	Supreme C.
57)- Türkan İpek	Political-PKK	İzmir SSC	Supreme C.
58)- Coşkun Coşar	Ordinary-Murder	Burhaniye Heavy Penal	Supreme C.

(**) Temporary Article 4 of the Anti-Terror Law, which entered into force on 12 April 1991, foresees commutation of the death penalties, which were given up to that time or were to be given for the crimes committed up to that time, into sentences of 10 to 20 years in prison. Therefore, the death penalty verdicts issued within this context are not included in the list.

59)- Ömer Gök	Ordinary-Murder	Bakırköy Heavy Penal	Supreme C.
60)- Hasan Alapan	Ordinary-Murder	Denizli Heavy Penal	Supreme C.
61)- Zana Mazak	Political-PKK	Ankara SSC	Supreme C.
62)- İsmail Tartan	Ordinary-Murder	Urfa Heavy Penal	Supreme C.
63)- Cumali Karsu	Political-PKK	İstanbul SSC	Supreme C.
64)- Enver Özek	Political-PKK	İstanbul SSC	Supreme C.
65)- Fatma Tunç	Political-PKK	İzmir SSC	Supreme C.
66)- Nuri Akbulut	Political-PKK	İzmir SSC	Supreme C.
67)- Mehmet Nuri Özen	Political-PKK	İzmir SSC	Supreme C.
68)- Hasan Aşkın	Political-PKK	İzmir SSC	Supreme C.
69)- Cemal Çakmak	Political-TİKKO	Ankara SSC	Supreme C.

In the Turkish legal system, 13 Articles of the Turkish Penal Code, 26 Articles of the Military Penal Code, one Article of the Law on Proceeding of Smuggling and one of the Forestry Law foresee the death penalty. Pursuant to the execution system in Turkey, the death penalty decision, after upheld by the Supreme Court, is sent to the National Assembly and taken up by the Parliamentary Justice Commission. If the death penalty decision is adopted by the Commission it is submitted to the National Assembly in the form of a bill for approval. If the decision is ratified by the National Assembly, it is sent to the President for approval. If it is approved by the President, the convict is executed by hanging. The death penalty given for war crimes are executed by shooting.

Article 12 (was implemented actually between 1926 and 1965) of the Turkish Penal Code regulating the execution of the death penalty (except for war crimes) is as follows:

ARTICLE 12:

The death penalty is to put an end to the life of a person who has been given the sentence, by hanging.

The death penalty is not executed on the special days of the religion and sect to which the convict is bound. If there are several convicts, they are not hanged across each other. Those who are pregnant are not hanged until they give birth and those who are judged mentally ill are not hanged if they do not recover.

The death penalty is executed after the verdict is upheld by the Supreme Court, approved by the National Assembly, and in the presence of a person from the court board, Public Prosecutor, a physician, minutes clerk and one of the execution officers of prison, after the verdict is read out in front of the convict.

A person who is the religious official of the religion to which the convict is bound and the lawyer of the convict must be present during the execution of the penalty.

If the person was given the death penalty for killing her/his parents, s/he is brought to the execution place barefoot, bare-headed and wearing a black shirt, and then executed. The corpse of the hanged convict is handed over to her/his inheritors. If there is no one to receive the corpse, it is buried by municipality.

An account is written about the manner of the execution of the death penalty. The account is signed by the officials who are present there.

The information compiled by the HRFT concerning defendants convicted to death or trials seeking the death penalty in 1996 is as follows:

The prosecution of two persons, Yılmaz Dalyan and Hasan Dırhayali on claims of “being members of the radical Islamic İBDA-C organization and having pelted a night club in İzmir with explosives,” started at İzmir SSC on 24 January. The indictment sought the death penalty for Yılmaz Dalyan under Article 146 § 1 of the Turkish Penal Code and a sentence between 3 to 5 years in prison for Hasan Dırhayali under Article 169 of the same. Dalyan, who was cross-examined, defended that he was not a member of the İBDA-C, and that he had thrown the explosives at the club as he had been insulted there. Dırhayali pleaded innocent.

The prosecution of 22 people, against whom a trial was launched on the allegations of “being members of the DHKP-C and having participated in certain armed actions in İstanbul,” continued at İstanbul SSC on 31 January. The SSC prosecutor, who made his final statement as to the accusations, demanded defendants Cengiz Çalıkoparan (beaten and wounded during the incidents that broke out in Ümraniye Prison on 4 January) and Ali Rıza Demir be given the death penalty. Cengiz Çalıkoparan could not be able to attend the hearing as he was under treatment at

the hospital. The prosecutor demanded that 15 of the defendants should be given sentences between 3 years and 20 years in prison, and 5 of the be acquitted.

Ayfer Ercan, who was out on trial at İstanbul SSC on the accusations of “being a member of the Communist Labor Party of Turkey-Leninist (TKEP-L) and having killed a police officer named İsmet Yiğit in İstanbul Bakırköy,” was indicted on the demand of the death penalty. Ayfer Ercan, who was cross-examined in the trial that started on 3 February, claimed that she had no connections with any illegal organization. Ayfer Ercan said, “The police carried out a search while me and my fiancée, Tarık Ziya Yıldırım, were sitting in a park. My fiancée had been carrying a gun in his bag. The police seized them. However, he jumped on the police and took his gun. I also took one of the guns. I heard three gunshots. But I was not the one firing.” Ercan continued, “My fiancée was still alive. However, the police left the real assailant to death, and accused me of the murder.” Tarık Ziya Yıldırım had died during the incident. In the hearing held at İstanbul SSC on 10 December, her lawyer Özcan Kılıç stated that his client had been kept in detention for 15 days, that she had been tortured in detention and for that reason she had applied to the European Court of Human Rights.

A trial was launched against 6 people on the accusations of “being Hezbollah members, having killed 5 people including 2 village guards and injured 2 others.” In the trial launched by Diyarbakır SSC Prosecution Office in March, Nesih Selamboğa, Salih Selamboğa and İsmail Yoldaş were demanded to be given the death penalty under Article 146 of the Turkish Penal Code. (Detailed information is on page 215)

The trial launched against Kazım Atalay (21), Kadri Atalay (20) and İ.E. (17), who were accused of killing Azmi Arkan, started on 13 March. In the trial, the death penalty was sought for the defendants. İ.E., who testified on 13 March, said that Arkan had attempted to rape him, and said, “I defended myself. When he walked on me, I took the axe there and stroke it at random. When he fell down the ground, I stabbed him to death.” Kazım Atalay said that he had not killed Arkan, but cut the corpse into pieces and thrown the pieces at various places in İzmir.

The trial launched against police officer Turan Bahçivan on the accusations of “murdering his sister and her boyfriend,” started on 19 March. The indictment heard in the trial at Bakırköy Criminal Court No.1, sought the death penalty for Bahçivan on charges of “premeditated murder of more than one person.” Cross-examined in the hearing, Bahçivan stated that he was innocent and had to accept the charge under torture in detention. Turan Bahçivan said, “My colleagues tortured me. I had to accept the charges because I was tortured.”

The prosecution of the person named Yüksel Bilgin Halıcı (30), against whom a trial was launched for he had killed his wife’s parents, started at İstanbul Bakırköy Heavy Penal Court No.1 on 24 March. In the trial, Yüksel Bilgin Halıcı was indicted on the demand of the death penalty under Article 450 of the Turkish Penal Code. Cross-examined in the trial, Yüksel Bilgin Halıcı stated that he had been attacked by his wife’s parents on the day the incident took place, and added, “They attacked me with an adze and knife. At that moment, I must have lost consciousness. I cannot remember the rest. I was not conscious at the time of the murder.”

The prosecution of Serdar Yıldırım, Kadife Yılmaz, Hasan Özdemir, Turan Ada, Çetin Dönmez, Madımak Özden, Ercan Kartal, Hakkı Akçay and Hıdır Sayır (repentant), who were detained and then remanded in November 1995 and the put on trial on the accusations of “being members of the DHKP-C,” started on 28 March. In the trial launched at İstanbul SSC, defendants Çetin Dönmez, Madımak Özden and Hıdır Sayır were demanded to be given the death penalty under Article 146 § 1 of the Turkish Penal Code, whereas the remaining defendants be given imprisonment terms under Article 168 § 1 of the Turkish Penal Code on charges of “being members of an illegal organization.”

Prosecution of 3 people named Ali Bayrak, Nebi Kızıltürk and Hüseyin Altun on charges of stabbing a taxi driver named Ekrem Yılmaz (30) to death in Doğançılar region of İzmir in August 1995 in order to take his money, started at İzmir Heavy Penal Court No.4 on 29 March. The indictment demanded that Ali Bayrak, Nebi Kızıltürk and Hüseyin Altun should be given the death penalty under Article 450 of the Turkish Penal Code. Ali Bayrak stated in the hearing that he had killed Ekrem Yılmaz, and said, “He insulted us while we were having meal at a restaurant. He kept on insulting us when we got out. Thereupon, I killed Ekrem. I was drunk during the incident. I do not know how I did this. Our aim was not usurpation.”

Coşkun Coşar (19), who had stabbed a person named İbrahim Ertoyun to death in an incident that had taken place in September 1995 at Burhaniye District of Balıkesir, was given the

death penalty. In the trial that ended at Burhaniye Heavy Penal Court on 11 April, also a 17 year-old friend of Coşkun Coşar, who had helped him, was sentenced to 30 years in prison.

İrfan Çağrıncı and Tamer Aslan, alleged leaders of the radical Islamic “İslami Hareket Örgütü (Islamic Movement Organization),” were put on trial on the demand of the death penalty for killing journalist Çetin Emeç and his driver Sinan Ercan, Turan Dursun (a researcher of religion) and Iranian Ali Ekber Gorani. The indictment claimed that the attacks had been carried out in line with the orders from Iran. The indictment sought sentences up to 22,5 years in prison for 11 defendants on charges of “being members of an illegal organization.”

The trial launched against Zülküf Almalı, who was accused of “murdering his partners due to a dispute in Yeniköy Village of Söke, Aydın, where they went after robbing many shops and houses in İstanbul, and murdering the driver of the taxi who took him to Kuşadası, İzmir, after the incident,” started at Aydın Heavy Penal Court on 20 August. Zülküf Almalı, who was indicted on the demand of the death penalty, accepted the charges. Zülküf Almalı was accused of killing his partners, Mehmet Ali Kaymak, Aydın Altındağ, Ufuk Şahin and Mehmet Gezgin in June, because of a dispute in connection with the shares, and Sıtkı Topçu, the driver of the taxi that he took for Kuşadası after the incident.

An arrested prisoner named Halil Güneş (27), who was prosecuted for killing a prison warden named Mehmet Özgül in the prison in Halfeti District of Urfa, was given the death penalty. In the trial that ended at Urfa Heavy Penal Court No.2 on 11 September, an arrested prisoner named Ahmet Ulutaş (25) was sentenced to 20 years for “assisting the murder.”

Prosecution of 20 people (19 remanded), alleged to be “members of the TKEP-L,” started at İstanbul SSC on 19 September. In the trial Devrim Öktem, Bülent Gedik, İsmail Altun, Özgür Öktem and Erbil Kızıl were indicted on the demand of the death penalty under Article 146 § 1 of the Turkish Penal Code on charges of “being executives of an illegal organization.” Devrim Öktem had declared that she had been detained in February, when she had been 1.5 months pregnant, and then due to the torture inflicted on her at the political police center, she had had a miscarriage. (Detailed information is on page 337)

Mustafa Tetik, who was accused of killing his sister Sevgi Tetik (17) and her lover Salim Duygu (21) in Köseli Town of Çiçekdağ District of Kırşehir in July, was put on trial on the demand of the death penalty. In the trial that started at Kırşehir Heavy Penal Court on 26 September, Mustafa Tetik said, “I killed Salim, but not my sister. She committed a suicide.”

On 4 October, the Supreme Court upheld the death sentence given to Coşkun Öztürk by Bakırköy Heavy Penal Court No.2, on charges that he had murdered Münevver Uğurlu and her children Merve and Merih Uğurlu in their house in İstanbul Büyükkçekmece, where he had broken in for theft in 1994. The file was referred to the National Assembly.

Prosecuted at Ankara SSC on charges of “being a member of the DHKP-C and taking part in certain armed actions carried out in Ankara,” Erol Özbolat was given the death penalty for the third time. In the hearing held at Ankara SSC on 11 October, it was disclosed that the verdict about Erol Özbolat was re-delivered for “the missing documents in the case were compiled.” The death sentence passed on Özbolat in 1993 had been overturned by the Supreme Court on the grounds that “the seal on his ID card was unreadable.” As for the same verdict delivered in the hearing re-held, it had once again been overturned on the grounds that “the ID registration details were not properly included in the detailed ruling”.

The prosecution of 5 persons, one of whom is a woman, who were accused of “stabbing a taxi driver named Doğan Şehir to death and usurping his TL 4,000,000,” started at İstanbul Eyüp Heavy Penal Court No.2 on 12 November. A.A., who testified in the first hearing of the trial, stated that the driver had said dirty words to his sister-in-law while they were on the road from İstanbul Gaziosmanpaşa to Arnavutköy, and said, “I hit him for he had sworn. The he hit me, and we began to fight. Then the driver took a club from the trunk, and began to hit me. Upon this I hit with a knife. He run away when he was wounded. Upon this, we left the scene.”

A trial was launched against Abdullah Aydın for killing 10 people (including 2 children) in İstanbul Esenler on 19 October, and his brothers Mehmet Nasuh Aydın, Hüsamettin Aydın and Suat Aydın, who assisted him in the massacre, on demand of the death penalty each for 10 times. During the house raid in Esenler, Remziye Tekin (51), Nurhan Aydın (30), Aycan Aydın (24), Sibel Aydın (7), Dilber Tekin (11), Zübeyde Tekin (11), Tülay Tekin (19), Rıdvan Tekin (16), Atilla Oktay (26) and Bünyamin Oktay (27) had been killed. The trial started at Bakırköy Heavy Penal Court No.4 on 17 December. Mehmet Nasuh Aydın disclosed that he had accepted the charges under torture. As for Suat Aydın, he said, “I had no information about the incident. If I

had, I would have gone to the house and prevent Abdullah.” Defendant Hüsametdin Aydın stated that Abdullah Aydın had come to him, said that he would kill his wife, and demanded assistance. Hüsametdin Aydın said, “He left when I refused. And I left my house as I knew that the police would come. The next day the police detained me. I was tortured for 11 days. They brought my pregnant wife to the police center. I accepted the charges as I was frightened.”

Zana Mazak, who was prosecuted at Ankara SSC on charges of “being a member of the PKK,” was given the death penalty under Article 125 of the Turkish Penal Code in the trial that ended on 20 November. The other defendant in the trial, Hakan Özgenç, was sentenced to 12 years in prison under Article 168 of the Turkish Penal Code. Zana Mazak, who protested the verdict by shouting slogans, were taken out of the court hall by the gendarmerie under beating.

The trial launched in connection with the killing of 4 people, including Tevfik Nurullah Ağansoy who was a prominent name in the mafia, started at İstanbul Heavy Penal Court No.2 on 21 November. In the trial, 9 defendants (2 of whom were remanded, and 7 were arrested in absentia) were each demanded to be given the death penalty 4 times for “intentionally killing people and ordering murders.” In the trial, mafia leader Alaattin Çakıcı, a former friend of Ağansoy whose name was mentioned in numerous murder cases, and defendants Adnan Çiçek and Kenan Ali Gürsel were prosecuted for “ordering murders,” whereas Ferdi Heybet, Kamil Özkılınç, Hasan Taşkın and Ahmet Atlılar for “committing the murders.” Aydın Göker and Yener Üçüncü, arrested defendants in the trial, were also demanded to be given the death penalty. In the trial, Ferda Temel (prosecuted without arrest), police officer who is the former security guard of Deputy Prime Minister and Minister of Foreign Affairs Tansu Çiller and who was wounded in the incident, Burak Çalışkan (prosecuted without arrest), who was reportedly the security guard of Ağansoy, and Ramazan Vurmaz (arrested), the driver of Ağansoy, were demanded to be sentenced to various imprisonment terms.

Diyarbakır Prosecution Office launched a trial against Abdurrahman Marangoz (40), who was detained in Diyarbakır on the accusations that “he was going to carry out a suicide attack during the ceremonies held on 29 October, on the anniversary of the foundation of the Turkish Republic,” on the demand of the death penalty under Article 125 of the Turkish Penal Code. In the trial, sentences up to 5 years in prison were sought for defendants Mehmet Şirin Taşdemir, Askeri Doğan and Ali Ertaş under Article 169 of the Turkish Penal Code.

Two persons named Celal Atalay and Birsen Gürbüz (Güngören), who abducted musician Erdim Sertoğlu for ransom in July 1994 in Ayvalık District of Balıkesir and then killed him, were each given the death penalty for the second time. The verdict delivered on June 15, 1995 in the original trial, had been overturned by the Supreme Court. In the re-trial held at Burhaniye Heavy Penal Court on 10 December, the defendants were also sentenced to 36 years in prison, each, for abducting a person and extortion. Mehmet Çakan, one of the defendants, was sentenced to 10 years 5 months in prison. The death penalties given to Celal Atalay and Birsen Gürbüz were later upheld by the Supreme Court and referred to the National Assembly.

Enlisted men Cüneyt Erengül and Yaşar Akan, who had raped and killed a woman named Şerife Aygül Öz (35) at Mersin Military Officers’ Club in September 1996, were given the death penalty. In the trial that ended at Adana Military Court No.1 on 13 December, Erengül and Akan were each sentenced, in addition to the death penalty, to 25 years in prison for “raping and theft.” In the trial, enlisted man Zafer Karaca was sentenced to 26 years in prison.

In the trial launched against Taner Sarı, Şener Sarı, İsmail Kütenci, Ali Demir and Fevzi Genç on the accusations of “torturing to death Fırat Gürerer, his wife Dilek Hallaç, Arzu Hallaç and Adil Uymaz” in Kuşadası, İzmir, in August, started at Kuşadası Heavy Penal Court on 10 December. In the trial, the defendants were indicted on the demand of the death penalty. Taner Sarı, Şener Sarı, İsmail Kütenci and Ali Demir, who were heard in the hearing, claimed that they had no connections with the incident, and said, “We had accepted the charges as out testimonies had been taken under torture.” As for Fevzi Genç, he said that they had altogether killed the four persons, and added, “Now they want to eliminate me.”

TORTURE

Torture, which has been applied as a systematic interrogation method for years, was also in the agenda in 1996. Deaths in detention or prisons, disappearances subsequent to detention, rape or sexual abuse in detention continued. Despite official statements and explanations, torture was not prevented, and no apparent effort was made to decrease the torture. Perpetrators were protected, encouraged and even rewarded, promoted, and assigned to higher ranks. (*)

HRFT President Yavuz Önen, in a statement on 26 January, called public attention to the awarded or promoted perpetrators. Önen gave the example of Orhan Taşanlar, who was promoted from İzmir Security Director to Ankara Security Director and then to İstanbul Security Director. Önen said, “While he was the Security Director in İzmir, Taşanlar threw students to the sea when they sought for their rights, he had ordered the beating of prisoners’ relatives, men and women, young and old, outside the prison. In Ankara, he personally beat civil servants. And he went to İstanbul, saying that ‘he came there to pluck off heads.’ Ankara Security Director Ramazan Er was serving as the Security Director in Diyarbakır when Vedat Aydın was killed. Then he was assigned as Adana Security Director. Six members of the HADEP were killed there. Now we are waiting for what will happen next.” Yavuz Önen concluded that administrators at all levels should be held responsible for the implementation of torture.

Investigations initiated in connection with torture cases did not proceed beyond being mock, in 1996 too. Delaying trials and trivial sentences led the perpetrators even to act without any restraint. The approach of the authorities towards torture cases was encouraging rather than preventive. They overlooked important information and documents related to torture. Some authorities made statements favoring perpetrators and even implying the use of torture.

Torture incidents were often denied. It was asserted that “members of illegal organizations or criminals make baseless claims in order to weaken the security forces or escape from punishment.” Nevertheless, some undeniable and evident torture cases and the high number of deaths in detention places made it harder to claim that there was no torture in Turkey. The torture cases which were brought to public attention forced authorities to accept the reality of torture and even that deaths had occurred due to torture. Thereupon, it was argued that torture was “not a systematic method,” that there were “great efforts to prevent torture” and that “perpetrators were punished.” However, a low number of the perpetrators were convicted, and most of the sentences expired due to the prolonged proceedings.

Firuz Çilingirođlu, the Ministry of Justice during the general elections held on 24 December 1995, disclosed that there were examples of torture incidents, which usually took place in detention. Making a speech at the Parliament on 28 February, Çilingirođlu reminded that

(*) Several investigations or trials related to torture cases were launched against many high-ranking security directors during the period they worked at various levels of the security organization. The case in gendarme organization is also the same. For example, Major Cafer Tayyar Çađlayan, who forced villagers in Yeşilyurt Village of Cizre, Şırnak, to eat human excrement in January 1989, was promoted to Senior Major in 1996, and assigned as the Commander of Çanakkale 116th Gendarmerie Enlisted Men Training Regiment.

the constitution, laws and international conventions undersigned by the Turkish government banned the torture, and said, "Turkey is against torture. However, there are certain ones who implement torture, though few. They are not aware that they are evildoers in God's eyes, but they are not aware of their harm to Turkey, as well. It has been observed that torture is generally implemented during pre-trial detention. For this reason, the detention periods should be decreased." Minister Çilingirođlu stated that 6,375 trials had been launched against 10,706 public officers in connection with torture claims between 1987 up to the end of 1995, and that 252 officials had been convicted in 1993 and 224 in 1994. (*)

Making a statement in March, Minister Çilingirođlu gave information regarding the torture cases in period between 1987 and 1994. Accordingly, 888 trials were launched against 1,375 public officials in 1987, 936 trials against 1,543 officials in 1998, 880 trials against 1,555 officials in 1989, 858 trials against 1,385 officials in 1990, 829 trials against 1,417 officials in 1991, 661 trials against 1,151 officials in 1992, 555 trials against 907 officials in 1993, and 768 trials against 1375 in 1994.

Efforts and proposals to prevent or decrease torture failed to produce a positive result or to increase sensibility. Efforts generally remained only as promises. The high level of armed attacks, acts by the PKK or other illegal organizations and political violence, international reactions against Turkey were among the most important justifications of the circles which try to cover up or vindicate the cases of torture.

For example, Manisa Deputy Security Director Fazlı Sezgin, in the statement he gave to the journal *Aktüel* in February on torture in general and on Manisa case, said, "I don't understand why this subject is discussed so much. We protect the life and the property of the state. To avoid these incidents and to bring the responsible people before courts is our duty. If the friends made torture, they will pay for it. There are also psychologically ill persons within the police. Not the bases of all buildings are firm. There may also be buildings with rotten bases. These must be cleared off. I don't want to believe that torture is implemented at the security organization. Our friends at the anti-terror branch know the torture techniques very well. They know very well how to behave people. These people were trained in the USA. They received certificates at the end of training programs. Torture techniques do not mean physical torture. They are psychological torture, solely aiming at receiving testimonies. For example, you are psychologically torturing me now. You continuously ask me questions. If the persons referred from Manisa Security Directorate were not criminals, the prosecution office would not have remanded them."

HRFT Adana Representative Mustafa Çinkılıç, during his speech at the "Symposium on Medical Profession and Human Rights" held by TTB and Adana Medical Chamber on 1 March, said that the perpetrators disguised themselves under the pretext of "protecting the public," and added, "However, it is dangerous for the public benefits that the perpetrators freely walk around the society. We also aim at giving treatment to the perpetrators and gain them back to the society. Everybody is against the torture in speech and accepts that this is a crime against humanity, but torture continues. The perpetrators are protected. There should be mechanisms to bring the perpetrators before the court. Laws are not effective." In the meeting, Adana Deputy Governor Sami Durukan said the following after Çinkılıç: "Those who claim that they were tortured are absolutely guilty. I can't accept any body to implement torture. The criminals can be found by using other methods. The PKK has been carrying out executions since 1984; my nephew was a martyr in Bitlis. Many sons of this country were killed. However, the İHD has never reproached the PKK. Aren't these also human rights violations?"

An interesting case was witnessed after the beating of CHP Party Assembly member Salman Kaya by the police when he was an MP during 1 May Workers Day in 1994. Policemen Mehmet Okur (superintendent), Miktat Budak and Süleyman Yalman, who were prosecuted for beating Salman Kaya on Sıhhiye Bridge, were acquitted on 23 May 1995. Then, 3 police officers launched a trial demanding compensation from Kaya for insulting them. Kaya pointed to the acquittal of the police officers although it had become certain after the examination of-the footage taken during the incident that he had been beaten by them, and said that the incident was a "tragicomedy." Kaya said, "The police officers came and attacked me while I was dealing with

(*) The Human Rights Supreme Consultancy Board within the Ministry of State responsible for human rights determined that investigations were launched against 314 public officials in 1994 for charges of torture and ill-treatment, but only 35 of the trials were concluded and 11 people were convicted. It was reported that 5,058 public officials had been put under investigation between 1980 and 1986, but only 544 of them had been convicted.

the youth thrown down the bridge by the police. I didn't have an opportunity to swear. This is a kind of trial the conclusion of which is known from the very beginning, and I am not astonished with the decision of acquittal. Now they launch a trial in order to further exonerate themselves.”

Measures Against Torture (12 December 1996–Radikal/Erbil Tuşalp)

- *The government should apologize in the name of the Turkish Republic for those who have been tortured, killed under torture and crippled. It should offer that the past should never be forgotten, as those who forget their past could never make the future.*
- *The government should declare to defend “friendly solution” for all cases that are found “admissible” by the European Human Rights Commission.*
- *The detention period and the minimum period for arrest should be in accordance with the international standards, and taken under constitutional and legal guarantees.*
- *New and original legislation should be enacted, holding the state responsible for the protection of those who are arrested or convicted, regardless of accusations. “Minimum living conditions” should be maintained in prisons, and basic rights and freedoms of arrested or convicted prisoners should be taken under legal protection.*
- *A new law should be enacted in order to make it compulsory that relatives of the detainees be immediately informed. The provision of overdue should be abolished in the law that foresees compensation for arbitrary/unjust detention. Legal regulations should be brought for compensating the relatives of people killed under torture, and their parents, spouses and children be given a “torture victim salary” for life time. Those who became crippled because of torture be compensated, given a salary, be given assistance for medical treatment, and be given priority for employment.*
- *Those who were announced as criminals on TRT, in press releases and official statements should be given compensation without a court's decision if they are acquitted later on. Public trials should be brought without looking for the condition of “prosecution upon complaint,” against the public officials who make these kind of baseless accusations. Courts should initiate the process of “exoneration.”*
- *Legal actions should be brought against the prosecutors, judges and security officials who do not lodge official complaints for torture. Those who protect the perpetrators should be suspended from office. The perpetrators, those who participate in torture and those who protect them should be punished through limitations in the personnel rights, the necessary legal sanctions should be made in order to avoid them from being assigned to higher ranks and promotions.*
- *The Repentance Law should be abolished, the trials launched upon the testimonies of repentant militants should be revised. The names of the informer should be publicized during the prosecution.*
- *Articles 243 and 245 of the Penal Code, which are on the offences of “torture and ill-treatment,” should be amended, and the provision of prescription should be abolished for these kind of crimes. The laws which protect the perpetrators, first and foremost the Anti-Terror Law, should be revised.*
- *All of the judgements made basing on the testimonies which have been determined to be received under torture should be nullified. All of the “confessions/admittance” that were made during the preliminary investigations should be revised if the open name of the person who take the testimony is not written in the case file.*
- *The Parliamentary Human Rights Commission should be dressed with the authority to bring sanctions. It should be given the authority to launch public trials basing on the evidence gathers for torture claims.*
- *The organizations such as the UN Human Rights Commission, European Human Rights Commission, Human Rights Watch/Helsinki and OSCE should be able to send a representative to the Parliament in line with the principle of “reciprocity.”*
- *The reports on Turkey regarding the basic rights and freedoms should be published periodically by the Ministry of Foreign Affairs.*
- *The political parties, trade unions and universities should be entitled to establish “units for the use and protection of human rights” in line with the amendments to be made in Laws on Political Parties, Associations, Trade Unions and the Laws of Higher Education Board (YÖK) and National Education.*
- *Compulsory human rights courses should be given at all stages of primary and secondary education.*

Official initiatives

Widespread torture cases drew outcry from the public, sometimes baseless statements such as “there is no torture” or “perpetrators are punished” were left aside and some initiatives were taken. However, these initiatives were merely a discourse aimed at placating public and reducing the impact of protests from abroad, and they did not effect the perpetrators. For example, on the evening of 7 December 1994, Prime Minister Tansu Çiller and Deputy Prime Minister Murat Karayalçın held a meeting with the members of Human Rights Supreme Consultancy Board, presided by State Minister Azimet Köylüoğlu. During the meeting in which human rights abuses in Turkey were on the agenda, Tansu Çiller asked the Board members to prepare a project concerning the methods of obtaining information without inflicting torture.

Subsequently, the Board prepared a report which examined torture cases in Turkey and proposed solutions on this issue. The report, “Personal Security, Protection Against Torture, Other Cruel, Inhuman and Degrading Treatment and Punishment,” was written by Lawyer Nevzat Helvacı and unanimously ratified by the Board. Azimet Köylüoğlu submitted it to Tansu Çiller and Murat Karayalçın on 9 January 1995. However, the report was not publicized and was hidden from the public, that is to say, it was pigeonholed. First Nevzat Helvacı and then Süheyl Batum and Aysel Çeliker resigned from the Board. Azimet Köylüoğlu disclosed the report on 6 May 1995, after he had left the post of the Ministry of State. In a press conference he held at the Parliament, Köylüoğlu stated that torture was systematically applied in Turkey: “To claim that there is not torture in Turkey is the worst thing that can possibly be done against this country. It is necessary to accept it and take the necessary precautions in order to prevent it.”

The report read that torture was Turkey’s most important human rights problem, and applied systematically: “It is understood that we have not been able to get torture out of our life despite all prohibitive regulations. Certain state officials occasionally accept the existence of torture, but defending that it is not systematic and perpetrators are prosecuted. Even if the government has taken steps for struggling against torture, the current situation demonstrates that torture has been applied regularly at various departments under the Ministry of Interior Affairs. There is an evident contradiction between the words of the authorities and precautions taken for the struggle against torture and ongoing implementations.” And in the last section entitled “Recommendations for a Solution,” necessary precautions to prevent torture were given.

The report read that the legislative, executive and judiciary organs had to undertake certain tasks for the prevention of torture: “There are important duties for the legislative organ. The first is to adopt national norms that would fit universal norms. As for second, the provisions of the Turkish Penal Code foresee insufficient sentences for torture and ill-treatment and are far from being dissuasive. These provisions should be amended in accordance with the definition of torture and its characteristic as a ‘crime against humanity,’ and sentences should be defined in proportion with the severity of the crime. Another point is the detention period and the police’s authority of carrying out an interrogation. Torture is inflicted when the defendant is in detention, and it is used as a method of interrogation. As a measure, a judiciary police unit has to be established under the prosecution offices, and the personnel of these units should be trained. It is not possible to say that most human rights problems in our country only stem from the lack of legal regulations. There are serious problems deriving from the practice, which are directly related to the executive organ. A serious human rights training should be provided to all of the security officers. Human rights lectures should be given in schools. The remedial mechanisms should be open to anyone, the complaints should be taken seriously, and people’s trust should be won by these mechanisms. Torture survivors should be provided with legal assistance and medical treatment, and assisted in acquiring back their psychological and physical health.”

On 19 July 1995, Minister of State responsible for human rights Algan Hacaloğlu submitted a report, “Prevention of Torture and Methods, Conditions of Modern Interrogation” prepared by the Human Rights Supreme Consultancy Board, to Prime Minister Tansu Çiller.^(*) The report stressed on the “traditions of the profession” as being a major reason for inflicting torture. The phrase “tradition of the profession” was defined as “carrying out of interrogation by

^(*) The Ministry of Foreign Affairs and Turkish embassies in Bern, Bonn, Brussels, Oslo, Rome, Canberra, Stockholm and Washington also contributed to the report. Prof. Dr. İoanna Kuçuradi, the Chair of the Board, went to Paris and examined police laboratories. The Security General Directorate did not assist in the preparation of the report, in which the training of the French police was given as an example. Security Director General Mehmet Ağar did not meet with the members of the delegation. Besides, he did not allow the examination of the police laboratories. This situation was cited as a footnote in the report.

the police officers, who are not specially trained, in a way that they had seen from their predecessors, and recognition of traditional interrogation depending on violence as the sole way of achieving success.” The report listed the following as other reasons for torture: “Insufficient training of the security forces, their lack of thinking on the principles in the international human rights documents,” “failure to protect the personnel rights of the police officers properly,” “not being meticulous in recruiting students for the police schools and the appointment of the police officers,” “lack of effective control,” “protection of the perpetrators by their friends for the sake of professional solidarity,” “considering insult and swear as a way of expressing anger, that can be tolerated and some interrogators declining to see the defendant guilty from the beginning,” “some male interrogators’ deeming the female defendants not as a defendant but just as a woman on whom they can inflict whatever they want.”

The 14-page report, in contradiction to the report prepared by Nevzat Helvacı, was evidently prepared on the basis that “torture cases in Turkey were not systematic but individual cases.” The expressions used while listing the reasons for torture in the report were selected to verify this conclusion. It was stated that the discrepancies between the two reports was the result of the intervention by the Prime Ministry to the second report. The report emphasized that “the fulfillment of the recommendations would not only prevent torture but also serve to protect the dignity of the police,” and that the prevention of torture was directly connected to the training of police officers. In the conclusion of the report, it was said, “High school graduates should be taken to the vocational police schools after a detailed examination. The students in these schools should take psychological tests every year or at least prior to their graduation. It should be maintained that personnel rights of the police officers who are employed after such an education should be privileged. A list of professional ethics should be prepared for the police officers.”

The report stressed that many “defendants,” including children, were inflicted torture, “the psychological indications of which would not erase for long,” and demanded that “all of the police officers authorized to hold interrogations (especially at the places where torture claims are high)” should be appointed to somewhere else. The report suggested that all of the defendants should be examined, before and after the interrogation, by doctors to be proposed by the TTB.

Circular by Tansu Çiller

Prime Minister Tansu Çiller sent a secret circular to the Ministry of Interior Affairs in February 1995, and demanded a series of measures to be taken for the prevention of torture cases.^(*) The circular listed these measures as follows: “All periods and precautions foreseen by the laws will be strictly applied during detention in police facilities. Defendants, disregarding the offenses, will not be subjected to ill-treatment. Methods used in Europe and America will be employed to receive information from them. Defendants will have access to their lawyers as foreseen by the laws. Persons detained by police will definitely be registered. Police stations will be controlled and any equipment (if there is any) that could be used for ill-treatment will be seized. Cells where detainees are kept will be large enough and will be in conformity with the health standards. Legal procedures will immediately be put into force against police officers or other people who ill-treat defendants.” The circular was supposedly issued to prevent the report prepared by the European Committee for the Prevention of Torture (CPT) related to Turkey in 1994, to be made public.

Tansu Çiller, upon another report prepared by the CPT against Turkey (detailed information is on pages 312), made similar statements in the period she served as Deputy Prime Minister and Minister of Foreign Affairs. Çiller, making a press conference in London on 5 December, though not planned in her itinerary, gave various promises. Follows is a summary: “For years, some international organizations and non-governmental organizations dealing with human rights have been trying to put the claims of human rights abuses, claims of torture on the foreground, and thus trying to render our state to contribute to this crime against humanity. Unfortunately, they were trying to generalize certain individual cases, which can be seen in every county, and show Turkey as a target. These attempts were creating conditions suitable for certain countries and circles who want to put Turkey into hardship for their political aims.

“Our government has decided to take fearless steps for abolishment of torture in practice, which is indeed banned in our laws. On the one hand, our government has started a big reform action in the legal platform and submitted a draft bill to the Parliament, which will decrease the

^(*) A report published by the Human Rights Supreme Consultancy Board on 19 July 1996 stressed that the circular “will not be successful unless supervised by an independent council and other measures are taken.”

detention period down to the international standards. On the other, we have decided to take concrete steps to erase individual mistakes in practice.

“The European Committee for the Prevention of Torture, to which Turkey is a party, has the right to conduct investigations in Turkey, as in other countries. Occasionally they come to Turkey and control the practices of our security organs. It has occurred occasionally that they have found out certain defects and false behaviors during these controls. We deal with the findings of the CPT with courage, determine the responsible persons if there is any, and punish them. By making this we will not let our police organization to be pronounced guilty. It depends on the states’ decision to publish the reports of the Committee for the Prevention of Torture or not. Other states have accepted the publication of these reports, that includes elements against themselves, but Turkey has not, thinking that these reports may be abused. Today we have communicated with our Permanent Representative in the European Council, and declared that we would not object against the publication of the CPT’s observations during their recent mission to Turkey when they conclude the report. We have nothing to hide. As we have disclosed previously, Turkey is determined to reach the utmost standards of the human rights in Europe, and do whatever necessary to this end.

“In addition, our Ministry of Interior Affairs has sent a circular to the security organization, demanding laws and international promises with regard to human rights be strictly abide. It stated that the defects and false behaviors that were listed in the report of the Committee for the Prevention of Torture must be abolished, and that all of the security organization would be inspected. At the same time, the Ministry of Interior Affairs is about to establish an office in order to investigate the claims regarding the missing people. Thus, it has been aimed that these claims would be investigated, the facts will be revealed out, and no one will be allowed to bring such claims against the state. In order to deal with this problem, we will do whatever necessary in close cooperation with the relatives of the missing persons.”

The official statements and the initiatives were not limited to the circulars and statements of Tansu Çiller and to the activities of the state ministers in charge of human rights. In the 3-page communication that he forwarded to İstanbul Security Directorate and its affiliated divisions in December, İstanbul Public Prosecutor Ferzan Çitici gave warnings about the detention practices. Ferzan Çitici pointed out that the prosecutors are informed on the detentions belatedly, and demanded that the prosecution office should immediately be informed about the death incidents and the preliminary investigation should be carried out in accordance with the directives of the prosecutor. Ferzan Çitici made the following warnings:

- Defendants taken to public prosecution office have been detained again and their freedom have been limited following their release by the prosecutor or the court. This application results in a dispute over the prestige and the authorities of jurisdiction.
- Decisions to arrest and arrest warrant in absentia have not been executed and the number of such cases have constantly been increasing. The necessary measures should be taken on this matter and the execution team should be strengthened.
- According to Article 143 of CMUK, confidentiality in the preliminary investigations is essential. The purpose of the law in making this rule is the demand for carrying out the investigation seriously, neutrally, immune from any influence, and effectively, and the law does not deem it right to introduce the persons whose guilt have not been revealed yet, to the public as if they are guilty. Despite this, it is seen that the information about most of the investigations have been given to the press or even the statements and the evidences have been made public, and that the persons are declared guilty before the case files are sent to Public Prosecution Office, the only organ authorized for opening trials; and the persons are convicted as if they have been tried. Some defendants introduced to public as criminals remain guilty in the minds of public since it is not possible to release the truth afterwards, when a decision of non-prosecution is given and the person is not subjected to prosecution.
- I seriously request that from now on, the investigations carried out by the police be reported to Public Prosecution Office; the information about the ID of the detainees and about the reason of detention be immediately given and the detention reports kept at police stations and departments be properly and ready for inspection.”

Çitici sent copies of this note to Public Prosecution Offices for their “information,” and warned the prosecutors as follows: “It has been deemed appropriate that whether the orders and the directives related to the preliminary investigations are followed or not, should be inspected with assertion; that the police officers who do not obey these orders and directives should never

be tolerated and legal procedures should be launched against them; that it should be never allowed to create an impression that the Public Prosecution Office is insensitive and incapable with the understanding of a duty which portrays the Public Prosecution Office as an authority to which police officers transfer the matters, and which push Public Prosecution Office aside although the actual authority and duty in legal procedures belongs to Public Prosecution Office as a result of remaining indifferent, inefficient, and diffident in the fulfillment of the authorizations and duties with which the prosecutors have been furnished by the laws.”

Torture in the world

Torture did not fall from the agenda in other countries either. Israel witnessed application of “torture upon consent of court,” but Palestinians, who have been struggling with oppression and terror of Israel for years, also applied the same method. Israel was black in the reports of the human rights organizations regarding torture. Israeli laws, different from other countries, permit “mild violence” to the Palestinians during interrogation and more violence in case the detainee is suspected of having information on a possible attack. For instance, “the authorization of inflicting torture” granted to Şin Bet, national intelligence organization of Israel, was extended in January. According to the official statement which has been made by Israel government, the special commission which assembled on January 22 with the attendance of Prime Minister Şimon Perez and current and former chairpersons of Şin Bet took a decision of 3 months extension of the authorization which had been granted to Şin Bet for inflicting torture for up to a “certain degree,” on the persons who are suspected of being members of the radical Palestinian organizations.

On November 14, Israel Supreme Court gave permission to Şin Bet for interrogation of a Palestinian detainee named Muhammed Abdülaziz Hamdan, who had been suspected of being a member of Islamic Jihad Organization and of planning terrorist assaults, by means of inflicting “severe physical violence” on him. It was pointed out that the Court had a strong belief that “Hamdan possessed important information that would prevent disasters from occurring.” The Court did not bring certain limitations while stating that the interrogators of Muhammed Abdülaziz Hamdan should avoid using methods against the law. Meanwhile, Amnesty International reported in December that the Palestinian Autonomous Administration in West Bank and Gaza inflicted torture. The report read that the tortured Palestinians were afraid of even giving their names to the human rights volunteers and they “even did not thing about” filing a complaint. The Palestinian Autonomous Administration was defined as “climate of fear.” The report stated that hundreds of political opponents had been kept in detention for months without being charged with an offense and prosecuted, and not only torture but also extra-judicial executions had been witnessed. According to the report, volunteers and journalists had been arrested when they brought this matter onto the agenda, the violations had not been investigated, and the Palestinian Administration who obeyed the pressure of USA and Israel, had imprisoned the ones who had opposed to peace process, all together. It was disclosed that Amnesty International had found out at least 9 people, dead in detention due to torture.

An important example indicating how torture is widespread and inflicted even in the “developed western countries” was COPEX (Covert and Operational Procurement Exhibition) held in Esher, England, in November. Campaign Against Weapon Trade (CAAT) launched campaigns for the banning of COPEX. On 5 November, the protestors sat in silence for torture victims while condemning the countries inflicting torture. The CAAT spokesman pointed out that England had been selling torture instruments to the countries like Turkey in which there are problems, and said, “there must be an end to sell weapons to the countries who have a bad reputation regarding human rights. In the film secretly shot in COPEX weapon exhibition which was held last year, that some countries including Turkey have purchased electric truncheon and other torture instruments was confirmed.” The CAAT spokesman, pointing out that Indonesia, Iran, China, and Saudi Arabia, like Turkey, in which the existence of the violation of human rights had been documented were among the major customers of COPEX, said “these countries are defined as ‘ the torturer states ‘ by the groups of human rights.”

a)- CMUK (Code of Criminal Procedures)

Amendments to the Code of Criminal Procedures,^(*) called the CMUK, which was the subject of public debate since 1992, were also on the agenda in 1996. The CMUK, which has not

(*) The amendments decreased the detention periods to 24 hours for individual crimes, and to 4 days for collective crimes. This period may be extended for an additional 4 days for collective crimes, by the decision of a judge. The detention period remained 15 days for crimes under the jurisdiction of the SSCs and 30 days in the State of Emergency Region, as before. Lawyers will be able to be present at every stage of an

prevented torture, remained only “an indicator of respect for human rights” used by authorities when they were hard pressed. Many negative examples witnessed during the year showed once more that the CMUK, which was put into force on 1 December 1992, did not prevent torture and did not bring any important changes to the judicial system.

The CMUK, consisting of 31 articles, has been considered a positive document for certain aspects because it generally defines arrest conditions; partially prevents arbitrary arrests; enables a defendant to have access to her/his lawyer; secures for lawyers the right to examine investigation documents; shortens the detention period and gives the authority to extend this period to a judge; enumerates forbidden interrogation methods in a legal text; determines interrogation methods and gives the defendant the right to remain silent and to raise objections against continuation of her/his arrest. But the amendments did not cover political investigations during which torture cases occur most frequently. This discrimination alone was an indicator that the law is not capable of preventing torture. Article 31 of the law read that most of these amendments would not be applied to crimes under the “competence of the SSCs and in the State of Emergency Region.” Thus, an extraordinary judicial order was created and two separate legal regimes were systematized in the same country. By means of the law we proceeded backwards, human rights violations and prohibited interrogation methods during interrogations under the jurisdiction of the SSCs and in the State of Emergency Region were legalized and torture was brought under a legal shelter. Article 31 of the law made positive amendments useless.^(*)

Incidents witnessed during 1996 verified, as in the previous years, the criticisms directed against the CMUK and its failure. The problems faced in practice are also added to this failure. The amendments did not secure prevention of torture, just as the amendments of 1992.

The provisions of the CMUK were also ignored during investigations of ordinary crimes. The provisions that are in favor of the defendants (particularly the presence of a lawyer during interrogation) was mostly ignored by security officers. Osman Ergin, a member of İstanbul Bar Association Executive Board, stated that CMUK had not been applied in police stations and in gendarmerie zones, and that the defendants were not made aware of their rights. Ergin noted that a report prepared by İstanbul Bar Association CMUK Division, revealed that minors were interrogated by police officers instead of prosecutors, lawyers were informed belatedly about the detention, incorrect minutes were prepared and the detention period were exceeded. The report, which was on the data regarding applications made to CMUK Division in 1996 and 1997, mentioned that the provision of the law which foresees that the suspects be brought before the judge within 24 hours was ignored, the police exceeded the legal detention period and that applications for a lawyer were much less from the gendarmerie stations.

The chapter of the report on solutions emphasized the necessity for providing all of the lawyers and the security personnel involving in interrogations and prosecution with on the job training. The attention was drawn to the necessity of forming a security structure under the judiciary, which would specialize on collection of evidence for a healthy investigation/prosecution. The data of the report which draw attention are as follows: “Number of lawyers requested from the Bar Association by the police stations and prosecution offices increased by

investigation. A defendant may have access to a lawyer during interrogation. A defendant’s right to have a lawyer during interrogation and to demand legal assistance from his/her lawyer cannot be rejected. Testimonies of defendants below the age 18 will be received in the presence of a lawyer regardless of their demands. The Bar association will secure a lawyer for any defendant who is unable to hire one. However, these provisions are not valid for those detained out of crimes falling under the jurisdiction of the SSCs. Testimonies received under torture, through ill-treatment and physical and psychological intervention aiming to break the will of the suspect are regarded as void. The CMUK compelled the security officer to inform the suspect about the “charges,” and “his rights” including “the right to remain silent.”

^(*) The bill on the detention periods and on the jurisdiction of the SSCs was adopted by the Parliament in 1997. The detention period for ordinary crimes has been decreased to 24 hours. The period to bring the detainee before a judge is determined as at most 24 hours. Access to a judge for offences in the jurisdiction of the SSCs is prescribed as at most 48 hours unless the circumstances necessitates otherwise. The detention period for the collectively committed offences can be prolonged up to 4 days with a written order of the prosecutor. If the investigation is not concluded within this period, the period may be prolonged up to 7 days with the decision by the judge (up to 10 days in provinces under emergency state). Persons detained for the offences in the jurisdiction of the SSCs are granted the right to access a lawyer after the first 4 days. Article 311 of the TPC, which is on “inciting people to committing crimes,” Article 312, which is on “inciting people to enmity by emphasizing on class, religious, language, race differences,” Article 313, which is on “forming gangs,” and Article 314, which is on “aiding the gangs,” were taken out of the jurisdiction of the SSCs, and brought in the jurisdiction of heavy penal courts. The bill entered into force on 12 March 1997.

2% in 1997 when compared to 1996. The highest demand for lawyers in 1996 and 1997 came from Şişli, Kadıköy, Fatih and Bağcılar. In 1996 and 1997, police stations notified the detentions mostly after the 24-hour period. In 1996-1997, detainees in the age group of 16-18 demanded lawyers. Accusations of theft, blow, stabbing and gasp ranked first in the list of applications. In 1996, İstanbul juvenile courts ranked first with 665 applications among the prosecution offices demanding lawyer from CMUK Division. Then came Bakırköy Prosecution Office with 292 applications, İstanbul Prosecution Office with 259 applications, Üsküdar Prosecution Office with 176 applications. In 1996, interrogation judges demanded 2774 lawyers from the Bar Association. In the first 11 months of 1997 this figure rose to 3224. In 1997, no lawyers were demanded for the charges such as driving vehicles in a dangerous way, abusing the confidence, opposition to Code of Water Products, opposition to Law of Military Service, opposition to Customs Law and unauthorized marching. In 1996, the number of the defendant below 18 years of age reported to CMUK Division was 9225 and the number of those above 18, was 3837. In the first 11 months of 1997, 10459 persons, who were below 18 and 396 persons, who were above 18, demanded lawyers. While in 1996 and 1997, Küçükçekmece, Kadıköy, İstanbul and Şişli Directorates of Public Order ranked first with respect to the places in which it was determined that torture had been inflicted; whereas, Ambarlı and Güngören Public Order Branches ranked first among the places about which least complaints had been received.”

İHD Mersin Branch Chairperson Lawyer Hamza Yılmaz stated that the lawyers could only see the defendant after the interrogation was concluded, and said, “In this case, nothing remains for the lawyer to do.” Yılmaz, denoting that the CMUK existed on paper and was not put into practice, gave an example that he had gone through: “In October 1995, I went to the police station upon the application of an 15-year child who was kept in detention at Osmaniye Police Station. However, he had to accept the accusations as he had been tortured, and he had been obliged to sign a testimony. I requested from the police officers to record the torture. Upon this, they suspected me and looked at my ID card. Then, they referred the child, handcuffed, to a physician. Later, they called the father of the child, and threatened him in order not to hire me as a lawyer. The child was arrested because of his testimony.”

Employees of the journal Odak, who were detained by the police in March, were not allowed to have access to their lawyers. On 18 March, Saadet Yalçın and Akın Zeybek, the lawyers of Hamza Yalçın, Osman Tiftikçi and Erhan Duman, said, “When our clients said that they had been tortured, the police officers told that we were not allowed to talk in such a way. When we requested that the evident traces of the torture should be recorded, they pushed us out for ‘hindering the investigation.’ They threatened us and kept pushing us in the corridor also.”

Lawyer Cafer Foran, Menemen Representative of İzmir Bar Association, was threatened by Menemen Security Director İbrahim İçen who put a gun against his forehead. Kasım Sönmez, the Chairman of the Bar Association, disclosed on April 13 that İbrahim İçen had invited Cafer Foran to the Security Directorate under Article 138 of CMUK, and harassed him in front of the persons there. Sönmez added that İbrahim İçen had interrogated Cafer Foran by using a camera which he had had taken from a private television company and threatened him. Sönmez said, “İçen forced him to testify in line with İçen’s conspiracy that involve the Public Prosecutor as well. By so doing, he dared to blame not only the defendant but also the jurisdiction organ.”

Kasım Sönmez added that it could only be observed in a police state that a security officer considered himself authorized for carrying out an investigation against the Public Prosecutor and forced a lawyer to give testimony on this matter. Sönmez said that they applied to Prime Ministry, Ministry of Interior, Ministry of Justice and İzmir Governorate. Protesting the incident, 20 lawyers disclosed that they would not attend the interrogations in security director-ates under these conditions. Upon the official complaint, an investigation was launched against İbrahim İçen on the charges of “unjust detention,” “abuse of duty,” and “threat.” In April, the file was referred to the Ministry of Interior for a permission to prosecute İbrahim İçen. Menemen Public Prosecutor Mustafa Uluşahin who listened the testimonies of a chief commissioner, a police officer and, the cameraman Adem Tanrıverdi, who filmed the interrogation, confiscated the videotape recorded during the incident.

Meanwhile, incidents showing that the prosecutors do not know the provisions of CMUK or they have not applying these provisions, were witnessed. For instance, lawyer Hasan Hüseyin Evin, who was appointed by İzmir Bar Association in order to defend the child named V.A (14), was not allow to meet the child by the prosecutor on the grounds that “he could manipulate the defendant.” Lawyer Evin said that articles 135 and 136 of CMUK entitled a lawyer to meet the defendant before his/her testimony was taken, and added that he was unlawfully hindered when

he wanted to see his client. Lawyer Evin, said that he withdrew from the case upon this incident, and drew attention to the fact that the prosecutor had received the testimony of V.A. without demanding a new lawyer and without the presence of a lawyer.

Lawyer Nilay Öztürk who went to İzmir Security Directorate in order to defend a detainee, disclosed that the chief commissioner asked her to bring a “roll of paper” when she requested a copy of the detainee’s testimony. Lawyer Nilay Öztürk said that she had been insulted when she refused this request, and lodged an official complaint.

CMUK was security officers’ and certain circles’ object of anger, despite all its inefficiency and failure to prevent torture. These circles have often gone into effort of creating a public opinion claiming that “CMUK is protecting the criminals” and “for that reason, the crime rate has increased.” Many authorized/unauthorized persons in a wide range from the police officer in the police station to the Minister of Interior have contributed to these efforts.

For instance, reminding the case of printing counterfeit bus ticket in İzmir during the meeting of municipal council held on April 20, İzmir Mayor Burhan Özfatura said, “Police catches a man. And the man just walks out the next day. CMUK is protecting the thieves and the dishonest ones. The ones who have printed counterfeit ticket are released thanks to CMUK. This law protects the dishonest ones with lawyers. The security directorate and the police do their best, however, the man walks in the streets the following day.” Zeynep Şişli, one of the lawyers of İzmir Bar Association CMUK Commission, pointed out that the only part of CMUK which can be criticized is that it is not comprehensive enough and she said “CMUK does not protect the criminal. Essentially, a person whose guilt has not been revealed yet is in the position of defendant. This attitude of Burhan Özfatura is not his first reaction against the law. When the law was first put into force, the police officers had marched shouting ‘Damn human rights.’ CMUK is a law of procedures and it gives the defendant the right to defend him/herself against a charge.”

A survey, “the problems of Penal Jurisdiction,” conducted by Faculty of Law, 9 Eylül University has revealed that the amendment in CMUK has not been comprehended well. 41 % of the respondents said “yes” to the question “Does the defendant have to answer the questions while testifying to the police or gendarmerie,” whereas 20 % marked the option “the defendant does not have to answer any questions by using his/her right to remain silent.” 36 % gave the right answer: “The defendant is obliged to answer only the questions regarding his identity.” 88 % of the respondents were aware that the right to defense is a human right. This rate was 95 % for university graduates, 89 % for high school graduates, 80 % for primary school graduates and 56 % for the ones who did not attend a school. The survey revealed that 77 % of the respondents were more sensitive to the right to have access to lawyer, compared with the right to remain silent. 65 % of the respondents stated that they trust lawyers. This rate was 38 % for police, 69 % for gendarmerie, 63 % for prosecutors and 68 % for judges. The ones who most trust lawyers are women living in city centers. While 69 % of the women trusted lawyers, this rate was 71 % for the women over 60 years age, 63 % for men, 44 % for the men who lived in rural areas and who were above 60 years old, and 62 % for the ones who fell in the same age group and who lived in shanty houses. 60 % of the respondents favored an appeal to the European Human Rights Court after exhausting the domestic remedies in case that a person is convicted after his/her right to defense is violated, asserting that this appeal did not mean “a complaint about the country abroad.” An important result of the survey was that; 70 % of the respondents found the criticisms brought by foreign governments and international organizations against Turkey as “unjust” (72 % of university graduates, 69 % of the primary school graduates, and 45 % of the uneducated).

b)- Trials and investigations

Torture cases and claims were again not seriously investigated in 1996. Investigations initiated in connection with torture cases did not proceed beyond a nominal stage. While most of the official complaints were shelved, decisions not to prosecute were taken for meaningless reasons in other cases where investigations were initiated. To launch trials against perpetrators took great efforts. In the trials which were launched after great efforts, the perpetrators were either acquitted or given trivial sentences.

Many of the security officers, against whom a bunch of trials and investigations have been launched, were either promoted or not suspended from office. For example, 5 separate trials were launched against İstanbul Beyoğlu Security Director Cabbar Sakarya on charges of “inflicting torture and abusing his duty.” Sakarya was acquitted in two of these trials, although the victims had certified the torture inflicted on them via forensic reports issued by the Forensic Medicine Institute. Three of the trials are under way. In the trials at Beyoğlu Penal Courts of First

Instance No.1, No.2, No.7 and No.5, Sakarya have been indicted on charges of “use of violence and ill-treatment” under Article 245 of the Turkish Penal Code; and in the one launched at Heavy Penal Court No.2 and then referred to the Supreme Court with the decision of non-authorization, he was indicted under Article 243 of the TPC. On 22 December 1994, Hasan Cevher lodged an official complaint against Sakarya, claiming that he had tortured him. In the trial launched at İstanbul Penal Court of First Instance No.2, Sakarya was acquitted due to insufficient evidence.

Another person, Abdülkadir Lala, lodged a complaint against Cabbar Sakarya, who detained and tortured him for being of Diyarbakır origin. The investigation concluded that “there was no need to prosecute Sakarya,” and the file was referred to the District Provincial Board, which decided not to prosecute Sakarya, although Abdülkadir Lala had been given a report by the Forensic Medicine Institute, certifying his inability to work for 5 days. The lawyers of Lala appealed with the Regional Administrative Court, which decided on the prosecution of Sakarya, and referred the case file to the Penal Court of First Instance No.1. The trial is under way.

In another trial launched against Sakarya, Beyoğlu Penal Court of First Instance No.5, disregarded the medical report certifying Mustafa Karabulut’s inability to work for 3 days. In the trial, Cabbar Sakarya and police officers Ender Gör and Nail Baş were acquitted. The Court Board based its decision on the testimony of Sakarya, who said that “the bruises on the body of Karabulut had occurred while he had been outing in the police car,” and decided on the acquittal of police officers due to “insufficient evidence.” Lawyer Şeref Turgut appealed against the judgement. In another trial launched against Cabbar Sakarya, Heavy Penal Court No.2 issued a decision of “non-authorization,” and referred the case file to the Supreme Court, although the complainant, Müjdat Çoparlar, had been given a medical report certifying his inability to work for 10 days. Another trial is under way at Beyoğlu Penal Court of First Instance No.7. In this trial, Mehmet Enver Karababa was given a medical report certifying his inability to work for 7 days.

The official figures given in connection with the security officers who were prosecuted, suspended from duty and convicted, always differed. The data provided by the Ministry of Interior Affairs in February read that 891 police officers were put on trial on charges of “torture.” The following information was given in this statement: Out of the police officers, who were put on trial on charges of “inflicting torture” under Article 243 of the Turkish Penal Code, 28 were acquitted, decisions of non-prosecution were issued against 123, 4 were convicted, and the trials against 381 are under way. Administrative measures were taken against 536 police officers in line with the related article of the TPC. 261 police officers were given various punishments, whereas it was concluded not to initiate any proceedings against 275 of them. Administrative and judicial proceedings were initiated against a total of 1045 police officers in last 5 years, under Article 245 of the TPC, which is on ill-treatment. Of these cases, 414 were referred to the prosecution offices, and proceedings were initiated against 1045 police officers for ill-treatment. Of these police officers, 92 were acquitted, decisions of non-prosecution were issued against 419, 24 police officers were convicted and the trials launched against 510 of them are under way.

A concrete example of how the perpetrators are protected is the trial launched against superintendent İrfan Demirel and police officer Mustafa Yılmaz. A child named Halil İbrahim Okkalı (12), was tortured at Çınarlı Police Station after having been detained on charges of “stealing money” at İzmir Çınarlı Industrial Site on 27 November 1995. Okkalı, after his release, said, “At the station a superintendent wearing spectacles got me inside the toilet and beat me there. First he hit my hands 10 times with the truncheon. Then he laid me down on the floor and continued beating. While I was lying on the floor, he put his shoe inside my mouth. They set me free upon the arrival of my father and uncle to the station. I started to vomit when I came home. So they took me to the hospital. I was treated for 3 days at the hospital.” Okkalı was given a medical report from the Forensic Medicine Institute, certifying his inability to work for 10 days.

Superintendent İrfan Demirel and police officer Mustafa Yılmaz were put on trial in the beginning of 1996 on charges of torturing Halil İbrahim Okkalı. The indictment prepared by İzmir Public Prosecution Office, sought sentences up to 5 years in prison for Demirel and Yılmaz under Article 243 of the Turkish Penal Code. The trial started at İzmir Heavy Penal Court No.2 on 21 March. In the indictment, it was stated that Halil İbrahim Okkalı had been ill-treated at Çınarlı Police Station, where he had gone along with his boss İsmail Göç, by superintendent İrfan Demirel and police officer Mustafa Yılmaz, that he had spent 3 days in the intensive care unit at the hospital after having been released, and that he had been given a medical report certifying that there were bruises and blow traces on his arms and various parts of his body. Making his defense in the hearing, İrfan Demirel claimed that he had not tortured the child, and he accused the parents of the child. Mustafa Yılmaz also rejected the accusations.

The verdict was disclosed in the hearing held on 30 October. Presiding Judge Mustafa Çoban deemed the sentences insufficient, and put a commentary rejection note in the verdict, which read, "It was concluded with the majority of the votes that the defendants were given 3 months' imprisonment and suspended from public duty for 3 months under Article 243 of the Turkish Penal Code on charges of exceeding the limits of the use of force defined in the law for the public officers authorized to use force; that this sentence was commuted into 2 months 15 days' imprisonment and suspension from public duty for the same period under Article 59 of the TPC because of their good behavior during the hearings; the sentences were commuted into a fine and suspended as they are not heavy." Thus, the police officers were fined TL 750,000. The judgement was overturned by the Supreme Court in December 1997. In February 1998, the police officers were each sentenced to 10 months in prison, but these sentences were reprieved.

Another example of the lack of seriousness against torture and the protection of torturers, was experienced after Bayram Duran was found dead in İstanbul Gaziosmanpaşa Gazi Police Station in the morning of 16 October 1994. The police authorities alleged that Duran had died due to a heart attack, and at the end of the investigation, Gaziosmanpaşa Public Prosecution Office issued a decision of non-prosecution on 29 December 1994. İHD İstanbul Branch filed an objection against this verdict upon obtaining a new report from the Forensic Medicine Institute. Beyoğlu Heavy Penal Court No.2, which reviewed the objection, decided on 22 May that a trial should be launched against Ahmet Şengül, former chief of the police station, and police officers Abdullah Çavuşoğlu, Halit Ak, Mevlüt Salgar, Ahmet Aşçiel, Ayhan Köşger and İsmail Usman on charges of "killing Bayram Duran under torture."

In June, the police officers were put on trial on charges of "intentional murder" with the demand of sentences at most 6 years in prison under Article 452/2 of the Turkish Penal Code. Meanwhile, Eyüp Public Prosecution Office requested from the Ministry of Justice to transfer the trial to another city for "security" reasons. The trial was transferred to Denizli in November. İHD protested this decision by making a statement: "The main purpose for transferring the case file is to raise difficulties for the victims of torture to follow up the case, to prevent formation of a public sensitive to the crime of torture, to give the message, 'we protect you', to the police officer accused of torture and to encourage them." The trial continues at Denizli Heavy Penal Court. (*)

The death of Safyettin Tepe, a reporter with the daily *Yeni Politika* (closed down due the convictions), in Bitlis Security Directorate on 29 August 1995, was another striking example on the protection of the torturers and on the attitude against torture. The Provincial Administration Board, which reviewed the file prepared by Bitlis Governorate, adopted a decision in October, and assented to the claim by the police that "Safyettin Tepe hanged himself with his flannel in the custodial prison," disregarding the facts that the crenel to which Safyettin Tepe allegedly hanged himself was not suitable for person to hang himself, and that the Tepe family were always threatened by the police. (**) The decision of the Board, presided by Bitlis Deputy Governor İbrahim Özefe, reads as follows: "As it can be understood from the statements that he hanged himself with his flannel on 29.08.1995 when he was put in detention place within the institution for comprehensive interrogation, and from the decision dated 13.03.1996 of the Expert Committee of the Forensic Medicine Institute, considering the hanging place, hanging point, and hanging position and the trace on the neck of the dead person in the autopsy, since although no bleeding was described in the region matching the trace, under skin and in soft tissues of the neck, it was reported that there were sub-pleural spot bleedings in the lung, and histopathological examination revealed that there were hyperemia and edema in the lung, and it follows that the

(*) The wife of Bayram Duran, who was pregnant for 5 months when he died, gave birth to her child in January 1997. Meanwhile, she married again. Her new husband did not want the baby, named Erdem, and he was sent to his grandparents when he was 10-day old. Grandfather Ali Duran told that they could hardly provide their living as his son was killed, that nobody helped them, and he could not given jobs after the incident in construction works, although he agreed to work for a lesser wage than anybody else.

(**) İshak Tepe, the father of Ferhat Tepe (his corpse was found in the vicinity of Sivrice District of Elazığ on 3 August 1993), one of the executives of HADEP, was detained on 23 February in Bartın, where he went to visit a relative in prison, taken to Bitlis on 29 February, and released by the court on 4 March. İshak Tepe stated that he had been detained on charges of "aiding the PKK," he had not been tortured, he had been kept in a special room, he could meet with his wife and his lawyer. He said, "However, they blindfolded me during the interrogation. They opened my eyes only when I was talking with Bitlis Security Director. While I was in detention, the police officers, against whom I filed an official complaint because of the killing of my son and nephew, also talked with me." Meanwhile, the European Human Rights Commission concluded on 25 November that the appeal made for the death of Ferhat Tepe on 28 March 1995 was found admissible.

cause of death is mechanical asphyxia due to hanging, it was established within the scope of the whole file that the dead person hanged himself and the cause of death was the hanging . . .”

In the application made to the Council of State when the Provincial Administration Board did not reply to the review demand, the Tepe family said: “We were not permitted to review the investigation file and send a copy to our lawyer. The applications by our lawyer were not replied. Our lawyer’s request of taking a copy of the decision of the Board and the documents in the file to prepare the objection were disregarded.” The application in stated that whether the investigation was conducted in compliance with the procedures and laws was not known, and read: “The offense of the police officers took place in the first stage of the preliminary investigation, and related to their judicial duties. The Public Prosecution Office should prosecute them directly, but, the Provincial Administration Board, in contrary to the procedures and laws, had decided on the case under the Law on Prosecution of Civil Servants.”

The striking dimensions of the difficulties encountered in the prosecution of persons who involved in torture cases were also observed in the developments following the killing of Vakkas Dost in Kumkapı Police Station after having been detained along with his friend Fevzi Yeşilay for “drinking alcohol on the street” in Kumkapı, İstanbul, on the evening of 28 May 1993. In the autopsy performed on Vakkas Dost it was determined “that he had died because of internal bleeding in his spleen due to a blow.” Fevzi Yeşilay said: “Vakkas fell down after a kick to his stomach and started to vomit. When I took him to the washbasin in order to wash his face and hands, he was unable to speak.” Police officer Nurettin Öztürk, who was detained concerning the death of Vakkas Dost, was released after a short time and disappeared as soon as he was released.

Relatives of Dost filed an official complaint with İstanbul Public Prosecution Office after the event. The official complaint accused Nurettin Öztürk of “killing a person under torture” and superintendent İbrahim Hakkı Çelebi and police officers Bahattin Ülkü and Murat Aksoy of “ignoring the torture resulting in death.” Subsequently, an arrest warrant in absentia was issued against Nurettin Öztürk. The trial launched against him with request of imprisonment up to 24 years, started at İstanbul Heavy Penal Court No.3 on 20 September 1993, and continued in 1995 and 1996 in the absence of Öztürk. In September 1997, it was understood that Öztürk had been in prison in Buca for another offense. Öztürk could be brought before the court in November 1997.

From time to time, the judicial decisions relieved the torturer authorities. For instance, the Supreme Court held that beating people in police stations could not always be regarded as torture. This development took place as follows: A person who was detained for gambling in Salihli, filed an official complaint, claiming that he had been beaten in the police station. In the trial launched in the Salihli Heavy Penal Court upon the official complaint, police officer named E.Y. was sentenced for inflicting torture, but the sentence was reprieved. The Penal Board No.8 of the Supreme Court reviewed the case file upon the appeal by the defense lawyers, and overturned the verdict, ruling that the police officer should be punished only for the offense of “beating in an ordinary manner” instead of torture. In the decision, “the practice of punishing every instances of beating as torture” was criticized, and that was justified as follows: “The main element in the Article 243 of the Turkish Penal Code has been described as torture in order to confess the offense. The fact that beating of the complainant, who was taken to the police station due to an offense of gambling, in an ordinary manner was regarded to be covered under the Article 243 of the Turkish Penal Code, disregarding that it should be covered under the Article 245 of the Turkish Penal Code, required the overturning of the sentence.”

A similar example took place in Osmaniye in July. In the investigation launched upon the official complaint by Abdülhamit Çalkap, who was detained on 30 June and arrested on 3 July, a decision of non-prosecution was issued for Osmaniye Security Director Ali Çiftçi, deputy superintendent Murat Ezertürk and police officers Sami Çelik, Eren Menteş and Osman Soyuer, on the grounds that “torture claims had the aim of showing the police as criminals, and the newspapers covering these news supported terrorist organizations.” After having a meeting with Abdülhamit Çalkap in the prison on 11 July, lawyer Hamza Yılmaz said: “His right arm and fingers are paralyzed, and also the thumb, forefinger and middle finger of his left hand are partially and the other two are completely paralyzed. As he could not sign due to paralysis of his fingers, he put his fingerprint on the investigation records with the help of police officers. There are three traces of cigarette burns on his waist. He cannot lie on his back because of the injury on this waist, and there are burns on his eyes because of the electricity he was subjected to.”

The experiences by a young girl, Remziye Dinç (17), in Güllüce village of Kozluk, Batman, in December 1994, provided an example of how the security official are protected when they committed crimes. Remziye Dinç, who could persuade her relatives of the rape only when it

was realized that she was pregnant 5 months after the incident, filed an official complaint with the public prosecution office with the help of one of her relatives. The blood test made during the investigation revealed out that the father of the child was village guard Nevzat Altner. In spite of this report, a trial was launched against Nevzat Altner, Ekrem Altner and Ceyhun Altner in November 1996, one and half year after the incident, on charges of “forcible rape leading to pregnancy.” Village guards were neither arrested nor suspended from duty during the trial. (*)

The first hearing was held at Batman Heavy Penal Court on 21 November. Remziye Dinç, who testified in İstanbul in connection with the trial, stated that on the day of the incident, her brothers, sisters and grandmother went to a nearby village in order to visit their relatives, and she stayed at home with her grandfather at the age of 70. Dinç said: “I went to fetch the cow, Nevzat Altner appeared behind the bushes. There was nobody around. He raped me. He said ‘If you tell it to anybody, I will kill you. If you disclose it, I will launch a rocket to your house. And I will say that terrorists has launched it’. He was always holding his gun.” Dinç stated that Nevzat Altner and his relatives Ekrem Altner and Ceyhun Altner had raped her for a week, and that nobody believed her when she told the incident. Remziye Dinç stated that she had realized her pregnancy 5 months after the incident, thus she had to give birth, and said: “I could not take care of the child. Therefore we gave the child to Diyarbakır Reformatory. The village guards are continuously threatening me.” Remziye Dinç went to stay with her aunt in İstanbul after the incident, and underwent a psychological treatment for a long time. Remziye Dinç, who had a meeting with the journalists in İstanbul, emphasized that the village guards did not deny the rape after it had become known, and said, “They always said ‘Nobody can do anything to us, we are backed by the government.’ I was so scared that I could not do anything.”

Other trials

The trial launched for the death on 23 October 1992 of Remzi Metin Basalak, who was caught injured during a theft in Adana in 1992 and who was claimed to be a member of the Union of Revolutionary Communists of Turkey (TİKB), continued in 1996 as well. In January, his sister Semiha Basalak and fiancée Zeynep Bektaş applied to the court for renewal of the autopsy, which they claimed to have been performed defectively. Upon the decision by the court, the grave of Remzi Metin Basalak in Yeşilova village of Ceyhan was opened, and his cranium and neck vertebra were sent to İstanbul Forensic Medicine Institute for autopsy. (*)

The sentence of 10 months in prison and fine of TL 1,225,000 given in February 1995 to first lieutenant Cengiz Çorumlu, the Gendarme Squadron Commander in Dinar, Afyon on charges of “torturing a suspect and beating 3 suspects in detention,” was upheld by the Supreme Court in January. The incident took place as follows: Upon the official complaint asserting that Hüseyin, Ünsal, Himmet and Ali had been tortured when they had been detained by gendarmes for “involving in a murder,” a trial was launched against Çorumlu on charges of “torturing a suspect in order to force him to confess,” under Article 243 of the Turkish Penal Code, and of “beating in an ordinary manner,” under Article 245 of the same. Dinar Heavy Penal Court sentenced Çorumlu to 10 months in prison and fined him, but reprieved the sentence.

The Supreme Court held that the police officer U.Ş., who had been acquitted in the trial launched in connection with the death of İdris Can on 20 December 1990 in İstanbul Paşakapısı Prison due to torture in detention, should be put on trial on charges of “murder.” The incident developed as follows: İdris Can was detained by Beykoz Teams Chief Office in İstanbul on 16 December 1990 on charges of “theft,” and was kept in Anadolu Hisarı Police Station for a day. He was interrogated by U.Ş., İ.D, M.Ç., Ö.S. and İ.M. He was beaten, accepted the charges, and gave the name of Hasan Acer. When they met in detention, İdris Can told Hasan Acer that “U.Ş. had beaten him heavily, and he had to denounce.” İdris Can, who was arrested and sent to

(*) Remziye Dinç’s uncle Asım Dinç, who testified in the hearing on 28 October 1997, said: “I came to Batman in order participate in the hearing. Hakim Altner, brother of the defendant village guards, was waiting for me in the bus terminal. He threatened me saying ‘If you do not withdraw from the trial, we will kill you’.”

(*) After the theft, a trial was launched against 4 traffic police officers who caught Remzi Metin Basalak. But, upon the attempts by the lawyers, a trial was also launched against 11 police officers in charge at Adana Political Police Center. The trial ended at Adana Heavy Penal Court No.3 on 12 May 1997 with the acquittal of the traffic police officers Erdal Şahin, Özay Karatepe, Süleyman Özcan and Aytekin Yıldız, and police officers Ahmet Tarık Doğan, Necmettin Uçar, Gürsel Aksoy, Sami Orhan, Sıddık Ercan, Hasan Ay, Sabahattin Turan, Ferit Çakır, Muzaffer Aydın, Kamil Toptan and Bahattin Özbilek.

Paşakapısı Prison on 17 December 1990, died in hospital on 20 December 1990 due to “cerebral hemorrhage arising from trauma.” In his statement in the court, U.Ş. said that he did not beat İdris Can, but he had fisted Hasan Acer “several times.” The confessions by the police officer İ.D. who was taking notes during the interrogation, that “because of the fists of U.Ş., İdris Can had run into the steel cupboard by his head,” were also included in the decision of the Supreme Court, which stated that “in accordance with the narration by the police officer named İ.D., it has been established that the suspect U.Ş. had a disposition for habitually beating people.”

A trial was launched against police officers named Sedat Keskin and Nihat Akbaş on the accusations of “torturing” the owner of a bookstore, Mustafa Poyraz, when he had been detained in Konya in 1995, and against doctor Murat Tosun of “issuing a false medical report.” The indictment sought a sentence of 3 months to 3 years in prison for Sedat Keskin and Nihat Akbaş, each, under Article 245 of the Turkish Penal Code, and 3 months to 1 year for Murat Tosun on charges of “negligence in duty,” under Article 230 of the same. The trial started at Konya Penal Court of First Instance No.1 on 26 February 1996. In the hearing, Mustafa Poyraz withdrew back his complaint. It was claimed that he withdrew his complaint upon the pressure and threats.

The trial launched by relatives of Şaban Erkol, a warder who was detained in September 1995 on charges of “bringing drugs into İstanbul Bayrampaşa Prison” and was found dead in the cell he was kept in detention, against 4 police officers on charges of “negligence in duty,” started at Fatih Court of Peace No.4 on 29 February. The police officers stated in the hearing that they had heard voices coming from the cell of Erkol, and they found that he had hung himself to the iron fence of the door with his belt. On the other hand, lawyer Celal Ülgen said that the apprehension and interrogation documents did not include the signature of Erkol, that next to his name was written “died”, but he had died 4 days after this incident. When the presiding judge stated that although in the custodial prison register, the detention times for the people preceding and following Şaban Erkol were recorded as 13.45, it was recorded as 19.45 for Şaban Erkol, the police officers said that the signatures on the register were not theirs. Ahmet Erkol, the elder brother of Şaban Erkol, said that his brother was killed “in order to suppress the drug trafficking in the prison, and to conceal the drug gang including the official authorities.”

Imprisonment terms of 10 years were sought for superintendent Yakup Güven and police officers Yılmaz Ayaz and Cemal Ay on accusations of beating to death Ahmet Semiz (38) in the police station following a traffic accident in İzmir in June 1995. The Forensic Medicine Institute’s report, which was heard in the hearing held on 5 July, read that there were blow traces on the body of Semiz. In his testimony, Yakup Güven said: “He was blind drunk, throwing himself down, and hitting his head to the wall. We put him into the detention place so that he would recover, but he was dead in the morning.” Ayaz and Ay gave similar testimonies.

Police chief Muzaffer Candan was put on trial for torturing Turgut Yener and Ali Ulus. According to the indictment, Turgut Yener, who worked as an accountant in İstanbul, was apprehended with an unlicensed gun and he stated that the gun belonged to MHP Bakırköy Mayor Candidate Ali Ulus. Then Ali Ulus was also detained. Yener and Ulus, who were released by the court, filed an official complaint against Muzaffer Candan and superintendent Cengiz Ersel on the accusations of “torture.” Subsequently, a trial was launched against Muzaffer Candan at İstanbul Heavy Penal Court No.1 with demand of a sentence up to 10 years in prison. Muzaffer Candan rejected the accusations, and said: “At the date of the incident, I was serving in the Organized Crimes Office of the Public Order Branch Directorate. When Turgut Yener, who was seized with an unlicensed gun, stated that he took this gun from Ali Ulus, Ulus was also interrogated. No pressure was inflicted on Ali Ulus and Turgut Yener, nor I gave such an order.”

A trial was launched against İHD Ankara Branch former Chairwoman Naciye Erkol, Leman Çelikaşlan, her mother İsmet Çelikaşlan, and Hayri Peker, Ankara Provincial Chairman of the defunct United Socialist Party (BSP), in connection with the press conference they held after Leman Çelikaşlan (24) (*) disclosed that “she was tortured and raped” when she was detained on 21 July 1995. The trial, which was launched on charges of “belittling the police,” ended at Ankara Penal Court of First Instance No.4 on 12 September 1997 with acquittal.

İstanbul Provincial Administrative Board decided that a trial be launched against police officers Rahmi Çelenk, Süleyman Çiftçi and Rahmi Şahin for “beating and insulting” Ahmet Levent Karasulu and Yüksel Korkulu, members of the Socialist Workers’ Party (SİP) when they had been detained in İstanbul Şişli on 9 June 1995. 11 months after the incident, the Board

(*) Çelikaşlan was sentenced to 22 years 6 months in prison on charges of “being a member of the PKK.”

decided that 7 other police officers not be prosecuted because of “insufficient evidence.” Karasulu and Korkulu, after having been detained, had been taken to an empty warehouse and beaten by about 20 police officers. Karasulu and Korkulu, who lodged an official complaint against the police officers, had been given medical reports from the Forensic Medicine Institute, certifying their inability to work for 10 and 7 days, respectively.

Security Chief Hasan Ergün was given a punishment of prevention of promotion for 4 months by the Ministry of Interior Affairs for insulting a group of 30-35 people, including women and children, during a demonstration on the Bosphorus Bridge on 31 January 1995, and for resorting to violence against the demonstrators. The Council of State ratified the penalty.

c)- Physicians involved in torture

Physicians or other health officers who did not report the blow traces on persons whom they had been examined, who prepared reports in order to protect the perpetrators and to cover up their guilt, who involved in the infliction of torture, who gave information to the perpetrators about “how long the person under torture can bear it,” were brought onto the agenda quite often in 1996, too. Some of the physicians whose names had been involved in torture cases were punished by medical chambers. However, the punishments did not turn out to be deterrent due to the difficulties which arose in practice and due to the legal gaps. A physician is neither allowed to operate a private clinic nor to work in a private health institution, when suspended from duty, according to the laws. However, there is no law or regulation for the implementation of this punishment. For that reason, the physicians who had been involved in the process of torture may work in many official institutions, including the Forensic Medicine Institute.

115 of the students who were injured during the rally held on 6 November at Beyazıt, İstanbul in protest of YÖK, during which many students were beaten and detained, were given medical reports between 1 day and 10 days by İstanbul Forensic Medicine Institute. As a result of the incident in which the police officers have beaten each other by mistake, Dr. Nur Birgen has given medical reports showing inability to work for 7 days to Ali Kaya, 5 days to Fatih Mehmet Kocaman, 10 days each to Kürşat Tüfekçi, Hasan Ünver, and Tarık Kaya who were police officers. In a statement which was made by People’s Law Office, it was pointed out that giving medical reports showing inability to work for 42 days overall to the lightly injured police officers while the students who were heavily beaten were given medical reports for 1 to 10 days was against the law. In the statement, it was pointed out that Taner Apaydın(*) and Nur Birgen who gave medical reports to the students, had a bad reputation for concealing the implementation of torture and for cooperating with police. The statement read, “Dr. Nur Birgen has given false reports to torture victims, stating that ‘there was no traces of blow,’ in the past as well. Same persons were later examined by the SSC Medicine Institution and the traces were determined. For that reason an official complaint was filed against Birgen for ‘concealing torture and abusing her duty.’” The Executive Board of İstanbul Medical Chamber, taking news related to the incident as a complaint, started an investigation with the demand of “suspension from duty” for Nur Birgen and Taner Apaydın and referred the case to the TTB Honorary Board.

An official complaint has been filed to İstanbul Chamber of Medicine against Nur Birgen on the grounds that she had given medical reports to Mahir Karaçam, Bülent Güzel, Barış Arslan, Gülsare Akkuş, Fikret Korkmaz, Tekin İme and Asur Tavşan who were detained on 13 July 1995 and kept in detention for 5 days, indicating that they are “in good health” despite the evident blow traces on their bodies while she was on duty in İstanbul Beyoğlu Forensic Medicine Institute. In the official complaint, it was pointed out that the above mentioned people had been given medical reports by İstanbul SSC Forensic Medicine Institute on 19 July 1995 due to the traces of

(*) Ahmet Aygün, Hasan Demir, Fazıl Ahmet Tamer, Ercan San, Rıdvan Kara, Erol Kaplan, Fatma Günay, Nuriye Artundal and Yahya Dündar were tortured when they were detained on various dates in 1994. Tamer Apaydın gave medical reports to these persons, which read that they were “in good health.” But, torture had been verified by Forensic Medicine Institute. Upon this, an official complaint was lodged to İstanbul Medical Chamber. Honorary Board of İstanbul Chamber of Medicine suspended Apaydın from duty for 4 months on 15 June 1995. The decision read that Yahya Dündar who was given a medical report indicating that he was in good health, “failed to sign his testimony due to the weakness in his hands” at İstanbul SSC Prosecution Office where he was brought half an hour after the medical report was given and this situation was recorded in the minutes. Yahya Dündar had been given a medical report showing his inability to work for 19 days by Eyüp Forensic Medicine Institute where he went 19 days after Taner Apaydın had prepared his report. TTB Honorary Board overturned the punishment in 1996 on the grounds of “incomplete investigation”. The verdict, which was reviewed and completed, was approved later on.

scar and blow on their bodies although the report that had been prepared by Nur Birgen bore the date 18 July 1995. Following the second official complaint which was made to Beyoğlu Public Prosecution Office, a trial was launched on Nur Birgen on the charge of “negligence of duty” in accordance with the Article 230 of Turkish Penal Code demanding imprisonment for 1 to 3 years. The trial began at Beyoğlu Penal Court of First Instance No.9, on 22 September 1997. During the hearing which was held on 1 December 1997, Nur Birgen said that she “probably could not see” the traces of torture because the victims had not taken off their clothes. The trial of Nur Birgen continues. Dr. Nur Birgen was appointed to the post of the presidency of 3rd Specialization Board of Forensic Medicine Institute which was also in charge of the matters related to prisons and torture cases, in August 1997.^(*)

The problem of health officers’ involvement in torture has also drawn attention of the international health organizations. Physicians for Human Rights released a prepared a report in August after a research conducted in Turkey in the period between June 1994 and October 1995. The report, which drew attention in the country and abroad, which gave a picture of the systematic use of torture in Turkey and the attitudes of health officers, stressed that some physicians were concealing the torture giving misleading information in autopsy reports due to the pressure by the state. Some conclusions of the report regarding Turkey are as follows:

- Physicians providing service within the framework of medical ethics find themselves in a circle they contributed in concealment of the application of systematic torture.
- Torture is inflicted regularly and systematically in detention during which the detainee is not allowed to communicate outside world. The state’s reluctance in accepting that torture is systematic is the most important obstacle hindering the prevention of torture.
- CMUK does not mention the serious human rights violations such as torture and the provisions of the law have consistently been ignored by the prosecutors and the authorized persons. Some of the provisions of the law give way to the application of torture. CMUK allows a detention period which is unacceptably long.
- Examination has no function to protect the detainee from torture. The security forces responsible for the implementation of the law force the physicians not to reveal the evidences of torture by means of frightening and violence.
- Security forces do not leave the physician’s room while the suspect who was tortured, is being examined. Most of the detainees are threatened with further torture in case they tell the physician about the torture inflicted on them.
- Presence of police in the examination room may scare the physician who is subjected to direct or indirect threats that he would be punished in case he reports the torture. On occasions, the physician avoids examining the detainee. On occasions, the physical findings are reported, however, it is avoided to reach medical conclusions such as “the findings have probably resulted from the infliction of torture”

The report pointed out attention to the results of a survey by the Physicians for Human Rights among the physicians of Forensic Medicine Institute in Turkey, which read that torture was inflicted on the defendants and that torture inflicted on the political defendants was defined as “a universal application.” The report pointed out that “93 % of the physicians had defined torture as severe physical and psychological injuries. However, 57 % of the respondents disclosed that “in case physical injuries do not occur, they did not consider the threats of duress or giving harm or beating as torture.” In the report said, “40 % of the physicians reported that the police officers had attempted to be present in the room during the examination. Only 16 % of the physicians disclosed that the presence of the police affected the examination and the report. However, 53 % of the physicians did not answer this question. 40 % of the ones who answered that question pointed out that legal restrictions prevented the physicians from interpreting the findings in the right way. The reasons for that are as follows: I am not expected to reach such conclusions, 25 %; the law restricts me, 13 %; I am afraid of being punished, being reacted, 13 %. Those who did not give an answer is 52 %. The ones who pointed out that the security forces should not be present in the room during the forensic examination, is 83 %.”

^(*) Having got less publicity, some other physicians who issued medical reports to the torture victims, asserting that they were “in good health” are: Melahat Paydak (in charge at Ankara Security Directorate); Mehmet Ünal; Alkan Pehlivan (ignored the case of Baki Erdoğan, who was tortured to death); Feyyaz Pişkinsüt (gave a medical report for Baki Erdoğan, indicating “no pathology on the body that would prove the application of torture”); Cem Zeki Esenyel, Sabri Emin Karaçor, Hüseyin Uslu and Uğur Bingöl (they refused to give medical treatment to Müslüm Yalçın and Sinan Tepe when they were hospitalized).

Physicians under oppression

Physicians were accused of “humiliating the state” or “insulting security officers” when they reported the torture inflicted on a person. For instance, Mehmet Sıdık Dođru, who was interrogated and tortured at Tekirdađ Security Directorate between 13 and 15 February, was given a medical report asserting that “he was in good health” by ınarlı Health Center where he was taken by the police. Dođru lodged an official complaint after having been released, and given a medical certifying his inability to work for 10 days by physicians Şahin Bal and Zehra Aydın at orlu Government Medicine Institution. An investigation was launched against Bal and Aydın in March, accusing them of “humiliating the state by preparing false report.”

Physician Bayram Bozbeyođlu was suspended from duty for examining the prisoners who had been transferred to Antep Special Type Prison following the killing of 10 prisoners in Diyarbakır E Type Prison on 24 September 1996, and giving a statement to the newspapers. Bayram Bozbeyođlu, who won the administrative trial that he had launched, was appointed to Aksaray in May and detained by the police in Kalebalta village of Aksaray on 9 July 1997.

Forensic Medicine Institute

In 1996, the developments at the Forensic Medicine Institute(*) frequently came onto the public agenda. After Mehmet Ađar’s appointment to the Minister of Justice (between 6 March-24 May), assignment of right-wing cadres, which started within the Ministry, reached a peak at the Forensic Medicine Institute, which bears great importance in terms of revealing torture. The managers known for their neutrality were dismissed and replaced with the persons whose names had been involved in the incidents such as murder, giving false checks and mediating in swindling. It was claimed that these cadres were appointed due to the disturbance within the Ministry and the security organization, caused by neutral reports, such as in the case of Metin Göktepe and certain extra-judicial execution cases.

For instance, Physical Examinations Department Director Ömer Kurtaş was first suspended from office upon the order of the Minister. He was assigned back later, but he was suspended again upon another letter arrived the next day. İsmail Hakkı Uysal, known to be a MHP member, replaced him. This department carries out ballistic examinations.

During the debates, it came out that İsmail Hakkı Uysal who was an MP candidate from MHP, had been imprisoned for 2,5 years for involving in murder and injuries. It was also reported that Uysal was known to be a close friend of Mehmet Ali Ađca and Oral elik. A trial had been launched against İsmail Hakkı Uysal on charges of shooting a student named İhsan Diler Özaçmak in apa Medical Faculty on 3 November 1976. Uysal, having been arrested on 23 November 1976, had been released on 4 March 1977. Uysal had been acquitted as a result of the trial held at İstanbul Heavy Penal Court No.3 on 30 January 1978. Uysal (**) had also been prosecuted along with Mehmet Acar, then Chairman of the ultra-nationalist *Ölkü Ocakları* İstanbul Branch, and Tamer Duymaz in connection with the killing of trainee physician Barıř Yıldırım on 14 January 1978. In the trial, Edibe Şahin, fiancé of Barıř Yıldırım, who was along with him when he was killed, stated that Barıř Yıldırım had been threatened to death by İsmail Hakkı Uysal a few days before the incident. A witness named Adnan Cemgil said, “It was two or three weeks after the killing of the student who was walking with his fiancé in Beyazıt. Tamer Duymaz and Rüştü Vardar was sitting at a table in the coffeehouse. I was with them. Tamer Duymaz told me: ‘Police framed someone else for this incident. Actually, we killed Barıř. The person who confessed this had said that Hakkı Uysal was among the ones who shot Barıř.’” The trial resulted in the acquittal on 15 February 1988.

During the period in which Mehmet Ađar was the Minister of Justice, Morgue Specialization Division Director Dr. Hasan ankaya was removed from his post and appointed as a specialist in the same division, and Dr. Hüseyin Sarı replaced him. Three expert physicians who had been working in the institution in order to eliminate the shortage of expert staff was

(*) The Forensic Medicine Institute have important roles in the prevention of torture and human rights violations. There are approximately 120 forensic medicine specialists in Turkey. Most of the specialists work in the universities and in the forensic medicine institutes in three big cities. There are no forensic medicine institutes and specialists in many cities. Therefore, in most places, the general practitioners assume forensic medicine duties. The practitioner physicians, who are trained inadequately about Forensic Medicine in the universities, work as forensic physicians without being trained after their graduation.

(**) İsmail Hakkı Uysal made a statement and denied all the claims reported in the dailies.

dismissed. Dr. Ertan Güven who had been working in Ankara Forensic Medicine Institute Group Presidency was appointed to Malatya; Dr. Cemil Demircan who was working as Antalya Division Director was appointed to Trabzon Group Presidency. An interesting appointment which occurred within the framework of the assigning right-wing cadres in the Forensic Medicine Institute during the term of Ađar was the appointment of Chemical Engineer Mehmet Tařlıođlu who was working in Malatya Forensic Medicine Institute Group Presidency to Erzurum Forensic Medicine Division Directorate where there is no laboratory for his specialization. Morgue Division Director Eren Bilgin was appointed as Director of Malatya Forensic Medicine Institute. It was claimed that Eren Bilgin who was Trabzon Forensic Medicine Institute Group President in 1990, was “exiled” from his post and appointed to Malatya Forensic Medicine Institute Morgue Division Directorate on the charges of “felony.” It was claimed that although miscellaneous torture claims had been staked in Malatya during the period of Eren Bilgin, no medical reports contained the findings of torture. For instance, it was pointed out that the persons named Tahir Canan and Hacer Bozkurt who were detained in 1993 was given medical reports indicating that they were “in good health” when they were taken to the Forensic Medicine Institute by the prosecutor. They showed the traces of torture during the trial.

Forensic Medicine Institute Vice President Cüneyt Atasoy was suspended from office on June 20. İstanbul Küçükçekmece Forensic Physician Kerametdin Kurt replaced Atasoy. Kerem Yılmaz was appointed to replace Forensic Medicine Institute Financial Division Director Nihat Akgün. Physicians Şebnem Korur Fincancı, Sedat Çölođlu, Temel Yılmaz, and Yalçın Ergezer, who had prepared the medical report which certified that Baki Erdođan had died because of torture in 1993, were suspended from office.

An Autopsy (12 July 1996/Alı Bayramođlu-Yeni Yüzyıl)

Prison circulars, an item of “the legacy of terror” which was left by Mehmet Ađar, has been removed for know. However, the other one which is the Regulations In Forensic Medicine remains with all its stink and filth. With all its filth because, the assigning right-wing cadres by Mehmet Ađar by means of appointing the suspicious political militants of the past bears significant differences from the ordinary “accustomed” conservatist cadres. This is the extension of an understanding of “security” which dries an entire lake in order to catch one fish by means of using any kind of violent method... This is the symbol of the project aiming at making all institutions and their functions from Forensic Medicine to prisons a part of this strategy of old ages. Actually, a sad incident which started in 1993 lies behind this assigning of cadres.

A youth named Baki Erdođan is detained on 11 July 1993 on the grounds that he was the Aegean Region Responsible of Dev-Sol. 10 days later while “his interrogation continues” in detention he is taken to Aydın State Hospital when he get worse. The following day, on 22 July 1993, he is dead. In the police minute dated 14 July 1993, it is claimed that Baki Erdođan went on hunger strike during the detention. His family believes that their child died due to torture.

The report of İstanbul Forensic Institute 1st Specialization Division dated 1 December 1993, numbered 1252, indicates that Baki Erdođan died due to lung edema resulted from nutritional disorder. The report says that there were superficial lesions on the body of the youth, these lesions were not in a quality which would cause death, and they could have occurred during his resistance to police, as a result of his own actions or during the battery. In the investigation that was launched, the prosecutor who has taken the possibility of battery into consideration, demands a legal prosecution to be launched against the police officers who were on duty, however, the court takes a decision not to prosecute with the verdict dated 23.12.1993, based on the official correspondence of Aydın Security Directorate. Later on, Supreme Court of Appeal is agreed with the objection which had been raised against the decision not to prosecute and a trial is launched in connection with the incident on 28.3.1995.

In the meantime, the family of Baki Erdođan and their lawyer applied to İzmir Medical Chamber between 23.12.1993 and 28.3.1994 for a review of the report prepared by Forensic Medicine Institute. Upon this, Medical Chamber, in a detailed report dated 23.11.1994, has concluded that the cause of death of Baki Erdođan was the blows in detention, contrary to the findings of the Forensic Medicine Institute, which is harshly criticized.

Aydın Heavy Penal Court where the trial had been held, took the report prepared by İzmir Medical Chamber seriously and reapplied to Forensic Medicine Institute. In the statement dated 28.2.1996, Prof. Dr. Sema Umut who was appointed as reporter by the general board on 7 February 1996, reached the conclusion that “the cause of death of Baki Erdođan is related with the actions of the defendants.” In its decision essentially numbered A.T 228-951205-143, numbered 34, General Board disclosed that a pressure resulted from being hanging or a blow

with a hard object had been applied on the chest of Baki Erdoğan, the cause of death was not only related to lung edema, and his death could not be explained without taking this pressure into consideration. However, the attempt could not be determined medically.

All began with this report. The report and the comment of opposition that was written on the report by Şebnem Korur Fincancı creates a great fuss in the Ministry of Justice. In the corridors in which the men of Ağar stalked, it was mentioned that a cleaning was necessary in Forensic Medicine Institute. Forensic Medicine Institute had done a useless job by scratching a case which was about to be closed, and it had put the police officers who were on duty, in a difficult situation before the jurisdiction.

Especially the comment of opposition of Assistant Prof. Fincancı dated 7 March 1993 was unacceptable. Fincancı had an opinion that the attempt could and should be medically determined. And pointing out that the lung edema mentioned in the report had been developed as a result of a trauma and there were no other medical evidence of the death other than trauma, Fincancı stated that these findings were in accordance with the definition of torture which is included in Tokyo Declaration of World Medicine Union. In other words, Baki Erdoğan was killed due to torture in detention. This fact was unacceptable for Ağar and his team who were among the architects of an understanding and structure aiming at struggling against the political organizations in a manner and instruments of blood-feud. The thing which has put Ağar in action was this "dangerous" development which was the resistance of medicine, the medical ethics against the security strategy and this resistance's becoming widespread.

Occupation of the Forensic Medicine Cadres, 26.7.1996–Cumhuriyet/Halil Nebiler

Occupation of the cadres of ultra-nationalist cadres, which was started approximately two months ago, during the period when Ağar is the Minister of Justice, has reached to the extent of occupation of the post of the Chair of the Fourth Committee, which is one of the most important units of the institution, by Prof. Ertaç İlkey, from the circle of Aydınlar Ocağı (an ultra-nationalist group activating in line with the ideology of the MHP).

In accordance with the two correspondences signed by Ministry of Justice Deputy General Manager of Personnel, the chairperson of the 4th board Dr. Yalçın Ergezer was dismissed from his post and he was appointed a member of the same board, and Head of Cerrahpaşa Faculty of Medicine Psychiatry Department Prof. Ertaç İlkey replaced him. Prof. İlkey who is known to be from the circle of Aydınlar Ocağı and from the team of Prof. Ayhan Songar, came to the institution on July 12 and he had a meeting with the former chairperson of the board and he left after he disclosed that he would begin to work on July 15. However, although it was stated in the establishment law of Forensic Medicine Institute that the chairperson of the board should be appointed with a triple decree which bears the signatures of Republic President, Prime Minister, and Minister of Justice, neither the triple decree on the dismissal of the former chair person of the board Dr. Ergezer, nor the triple decree on the appointment of Prof. İlkey to the post had been forwarded to the board until July 15. However, Prof. Ertaç İlkey occupied the post on 15 July 1996. Despite the objection raised by the former chairperson of the board regarding the absence of the decrees, İlkey and Forensic Medicine Institute Chairman Özdemir Kulusayın have taken the post of the presidency of the board from Ergezer saying: "we have the correspondence of the Ministry of Justice." Prof. İlkey started to sign some of the reports although he had no decree.

Forensic Medicine 4th Board which became a matter of dispute, has the matters such as legal and penal competence; the faculty of distinguishing good and bad of children; moral deviance; divorce cases launched on the grounds of mental illness; and the competence for civil service in terms of mental illness, under its jurisdiction. (...) The ultra-nationalist cadres in the Committee was evaluated by the circles of medicine as follows: "Observation Specialization Division was at the hands of some circles before. When the reports prepared by this division reached at the 4th Board, the board was quashing the reports and this was causing a contradiction between the two units. Now, they want the 4th Board to get rid of these contradictions, and they want to get any report they want for any incident and to process these reports through Forensic Medicine General Board."

d)- International protests and the CPT

Because of the incidents of torture, Turkey was frequently condemned on international platforms. Reports of independent human rights organizations such as Amnesty International, Human Rights Watch, and International Federation for Human Rights indicated the systematic practice of torture in Turkey. Political powers denied these reports and referred to the human

rights organizations as “evil-minded,” instead of making efforts to improve the situation indicated in the reports and to prevent torture.

In a report published in October, Amnesty International stated that there was a widespread and systematic practice of torture in Turkey, and in particular there was an increase in torture inflicted on the children and youths. In the report based on the documented claims of torture and ill-treatment which were reported by various sources to Amnesty International, it was emphasized that the people who were detained by the police in Turkey had no guarantee of protection from torture. The report noted that detainees were tortured in the police and gendarme stations, and that torture was “employed as an illegal and a summary method of punishing” the minor crimes, and the persons who were suspected to feel sympathy for illegal organizations.

In the report in which the torture methods were listed, it was stated that among those who were particularly at the risk of being subjected to ill-treatment were the religious minorities and groups “which were suspected by the security forces such as Alawis.” The report included the allegations that the travesties, mostly living in Beyoğlu, were treated cruelly, and it was maintained that travesties were forced to undress themselves, wetted with cold water, and were beaten violently in Beyoğlu Police Station. The report noted that the most worrying development was the increase in the torture practices against the arrested/detained children and youths. In the report in which it was recalled that Turkey is a signatory to the UN Children Rights Convention, it was stated that the children from poor sections of society were particularly in danger.

In mid-November, Amnesty International issued a report on the human rights violations with regard to the children and youths in Turkey. In the report titled “Turkey: Risk of Death, Torture, and Disappearance in Detention of the Children,” some of the incidents of the last 4 years were documented, and the accounts by the children who were subjected to ill-treatment and torture were included. In the report, it was told that the children at the age of 12 were subjected to torture methods such as giving electricity, squirting cold water, and beating and it was declared that a child at the age of 14 was subjected to sexual harassment, and was threatened with rape. The report stated that the youth who were kept in the cells were blindfolded and were generally interrogated undressed. In the report by Amnesty International, it was stated that some of the children disappeared after they were taken by the security forces.

On the other hand, the Ambassador Ömer Akbel, the Spokesman of the Ministry of Foreign Affairs, alleged that the claims by Amnesty International were “biased, unfounded and unjust.” Ömer Akbel maintained that the Children Rights Convention had been implemented, and claimed that the legislation on the protection of the children rights had been reviewed from time to time and made to conform to the international standards.

Beside HRFT and other human rights organizations, torture practices were also discussed by the international organizations conducting investigations in Turkey in accordance with the conventions. In this context, in a report published in December, the European Committee for Prevention of Torture (CPT) emphasized that systematic torture continued in Turkey, and that the proposals and warnings issued by the committee in previous years had not been implemented. The report, dated 5 December 1996, stated that there were concrete evidences for torture practices by the police, and that torture equipment used in giving electricity, subjecting to falanga and suspending on a hanger, were seized. The report reads as follows:

1. In its [public statement on Turkey of 15 December 1992](#), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) summarised the facts found during its visits to Turkey between 1990 to 1992. It concluded that the practice of torture and other forms of severe ill-treatment of persons in police custody - both ordinary criminal suspects and persons held under anti-terrorism provisions - remained widespread. Different types of action required to address that problem were identified in paragraphs 26 to 36 of the statement. Over the intervening four years, the CPT has striven to secure the full implementation of those measures.

2. Some progress has been made. The Turkish authorities have issued a multitude of instructions and circulars; further, training programmes and human rights education strategies have been devised. However, the translation of words into deeds is proving to be a highly protracted process. The CPT's findings in the course of a visit to Turkey in October 1994 demonstrated that torture and other forms of severe ill-treatment were still important characteristics of police custody in that country. This led to an intensification of the dialogue between the Turkish authorities and the CPT. Nevertheless, the Committee has continued to receive credible reports of torture and ill-treatment by Turkish law enforcement officials throughout 1995 and 1996. Further, in the course of visits to Turkey in 1996, CPT delegations

have once again found clear evidence of the practice of torture and other forms of severe ill-treatment by the Turkish police.

3. The CPT's most recent visit took place in September of this year. Police establishments in Adana, Bursa and İstanbul were visited, and the delegation also went to three prisons in order to interview certain persons who had very recently been in police custody in Adana and İstanbul. A considerable number of persons examined by the delegation's three forensic doctors displayed marks or conditions consistent with their allegations of recent ill-treatment by the police, and in particular of beating of the soles of the feet, blows to the palms of the hands and suspension by the arms. The cases of seven persons (four women and three men) medically examined at Sakarya Prison, where they had very recently arrived after a period of custody in the Anti-Terror Department at İstanbul Police Headquarters, must rank among the most flagrant examples of torture encountered by CPT delegations in Turkey. To focus only on their allegations of prolonged suspension by the arms, motor function and/or sensation in the upper limbs of all seven persons was found to be impaired - for most of them severely - and several of them bore ecchymoses or tumefactions in the axillary region which were also clearly indicative of a recent suspension by the arms. Two of the persons examined had lost the use of both arms; these sequelae could prove irreversible.

Further, as had been the case in October 1994 and during earlier CPT visits, the delegation once again found material evidence of resort to ill-treatment, in particular, an instrument adapted in a way which would facilitate the infliction of electric shocks and equipment which could be used to suspend a person by the arms. The objects concerned were discovered in Building B of İstanbul Police Headquarters; they rendered all the more credible allegations of ill-treatment made to the delegation by persons in the custody of the Narcotics Department (which is located in Building B), allegations which were also supported by observations of medical members of the delegation. The CPT forwarded a detailed account of its delegation's findings to the Turkish authorities; however, the reply received from those authorities on 22 November 1996 signally failed to acknowledge the gravity of the situation.

4. Much of the legal and regulatory framework necessary to combat torture and ill-treatment is in place in Turkey. However, notwithstanding injunctions issued at the highest political level, in practice those measures are being ignored.

5. By Circular of 13 February 1995, the Prime Minister (Tansu Çiller) directed the Minister of the Interior to issue instructions designed to ensure that persons taken into custody are not ill-treated, irrespective of their alleged offence; the Prime Minister identified a number of specific points to be included in those instructions. On 16 February 1995, corresponding instructions to all law enforcement agencies and Governors' Offices were issued by the Minister of the Interior. The CPT commented at the time that if given full effect in practice, those instructions would represent a turning point in respect for human rights in Turkey. Regrettably, it is clear from the information gathered by the Committee in the course of subsequent visits to Turkey that those instructions are not yet being fully complied with; in fact, little more than lip service is being paid to them. It is incumbent upon the State to ensure that its injunctions are obeyed. The need is not for more circulars, but rather for effective control and supervision of the activities of law enforcement agencies. In this connection, the CPT has noted with interest that, on 29 November 1996, the Minister of the Interior announced that Ministry officials shall henceforth carry out unannounced inspections of law enforcement agencies in order to investigate whether the treatment of detained persons is in accordance with pre-existing orders. The Committee looks forward to receiving information on concrete action taken as a result of those inspections.

6. Particular reference should be made to the work of doctors appointed by the State to carry out forensic tasks. The present system of detained persons being routinely examined by a forensic doctor at the end of their period of police custody is, in principle, a significant safeguard against ill-treatment. However, certain conditions must be met: the forensic doctor must enjoy formal and de facto independence, have been provided with specialized training and been allocated a mandate which is sufficiently broad in scope. If these conditions are not met - as is frequently the case - the present system can have the perverse effect of rendering it all the more difficult to combat torture and ill-treatment. A series of Circulars have been issued by the Ministry of Health on this subject; in particular, a Ministry of Health Circular of 22 December 1993 - subsequently endorsed in the Minister of the Interior's instructions of 16 February 1995 - sets out the required content of forensic certificates drawn up following the examination of persons detained by the law enforcement agencies. Despite this, the great majority of forensic

certificates seen by the CPT over the last three years have not met the requirements of that Circular. Measures need to be taken to ensure that there is full compliance with all of the above-mentioned Circulars and, more generally, that doctors called upon to perform forensic tasks can carry out their work free from any interference. Further, the necessary resources should be made available in order to allow the training program for doctors called upon to perform forensic tasks - recently devised by the Ministry of Health - to be implemented throughout Turkey without delay.

7. The CPT also feels obliged to stress once again that public prosecutors must react expeditiously and effectively when confronted by complaints of torture and ill-treatment. On countless occasions over the last seven years - most recently during the visit in September 1996 - the Committee has received allegations that detained persons did complain about treatment received at the hands of the police when brought before the public prosecutor, but that the latter displayed no interest in the matter. The CPT has itself detected, amongst some of the public prosecutors whom it has met, a tendency to seek to defend the police rather than to view objectively the matter under consideration. Similarly, when cases are brought to court, it is of crucial importance that suitable penalties are imposed in the event of ill-treatment being proven. In this connection, the CPT believes that the Turkish authorities would be well advised closely to analyze judgements in recent years involving convictions under Articles 243 and 245 of the Criminal Code, in order to ascertain whether the courts' decisions in the cases concerned correspond to the seriousness of the offences involved.

8. Since 1990, the CPT has been calling upon the Turkish authorities to reduce the maximum periods for which persons suspected of offences falling under the jurisdiction of State Security Courts can be held in police custody. Such suspects can still be held incommunicado for long periods by the police, which is a situation which clearly facilitates the infliction of torture and ill-treatment. The CPT has been informed that, on 27 November 1996, the Government submitted a Bill on this subject to the Grand National Assembly.

9. The CPT has always stressed that the reduction of maximum periods of police custody should be accompanied by a strengthening of the safeguards against ill-treatment for persons suspected of offences falling under the jurisdiction of State Security Courts. At present, such persons are routinely denied all contact with the outside world whilst in police custody - a propitious state of affairs for the infliction of ill-treatment, regardless of how long the period of police custody may be. The CPT has been informed that the Bill provides for a right of access to a lawyer after four days. In other words, access to a lawyer shall continue to be denied for four days; this is not acceptable. The possibility for persons taken into police custody to have access to a lawyer as from the outset of their deprivation of liberty is a fundamental safeguard against ill-treatment. The existence of that possibility will have a dissuasive effect upon those minded to ill treat detained persons; moreover, a lawyer is well placed to take appropriate action if ill-treatment actually occurs. The CPT recognises that in order to protect the interests of justice, it may exceptionally be necessary to delay access by detained persons to a particular lawyer of their choice for a certain period. However, this should not result in the right of access to a lawyer being totally denied during the period in question. In such cases, access to another independent lawyer who can be trusted not to jeopardise the legitimate interests of the police investigation should be arranged. It should be added that the CPT has received no information on whether or how the Bill addresses other fundamental safeguards against ill-treatment. The CPT wishes to reiterate that all persons detained by the police - irrespective of the offence of which they are suspected - should be granted, as from the outset of their custody, the right of access to an independent lawyer (although not necessarily their own lawyer) and to a doctor other than one selected by the police. Further, they should in principle have the right immediately to notify their next of kin of their situation; any possibility exceptionally to delay the exercise of that right should be clearly defined and strictly limited in time. The Committee trusts that full consideration will be given to these remarks when the above-mentioned Bill is examined by the Grand National Assembly.

10. The information at the CPT's disposal demonstrates that resort to torture and other forms of severe ill-treatment remains a common occurrence in police establishments in Turkey. To attempt to characterise this problem as one of isolated acts of the kind which can occur in any country - as some are wont to do - is to fly in the face of the facts.

11. It is frequently argued that the existence of torture and ill-treatment in Turkey is closely linked to the scale of terrorist activities in that country. On more than one occasion, the CPT has made clear that it abhors terrorism, and has recognized the serious difficulties

faced by the Turkish authorities in this regard. Turkey is entitled to the understanding and support of others in its struggle against this destructive phenomenon. However, the Committee has also emphasized that the response to terrorism must never be allowed to degenerate into acts of torture or other forms of ill-treatment by law enforcement officials. The information gathered by the CPT in the course of its visits to Turkey shows clearly that torture and ill-treatment are also inflicted by law enforcement officials upon ordinary criminal suspects. Consequently, it would be quite wrong to assume that the problem of torture and ill-treatment is simply an unfortunate consequence of the scale of terrorism in Turkey. The problem may well have been exacerbated by terrorism, but its roots go far deeper. ()*

1996 Inspection

The members of the European Committee for Prevention of Torture held meetings and investigations in Turkey in May. The members of the Committee carried out investigations in a number of police centers and prisons in Turkey, met with authorities especially then-Prime Minister Mesut Yılmaz, and listened to the incidents narrated by the executives of the human rights organizations and jurists.

Prime Minister Mesut Yılmaz received the delegation members, headed by Claude Nicolay, in İstanbul on 7 May. The delegation members met with Minister of Health Yıldırım Aktuna on 8 May. Following the meeting, Aktuna stated that torture and human rights are interconnected, and said: "If there was no terrorism in Turkey, things would be easier. Obstacles arise due to the actions by the terrorist and left organizations. However, we go on with our struggle. We are also carrying out activities for the protection of human rights and the prevention of torture. What we are trying to do are correct and the delegation members agreed." Aktuna stated that the physicians who serve in clinics from time to time examine the detainees, and that in case of ill-treatment, physicians should be able to report them. The same day, the CPT delegation conducted investigations in the places of interrogation and detention in Ankara Security Directorate. It was learnt that the Security Directorate was aware of the investigation in advance and the cells were generally left empty.

After the delegation members completed their contacts in İstanbul and Ankara, they went to Manisa, İzmir and Diyarbakır in three groups. Deputy Chairman Ingrid Lycke Ellingsen and the Committee Secretary Trevor Steven had a meeting with Manisa Security Director Kemal İskender on 10 May because of the "Manisa case." The delegation members, who also visited the Political Police Center, met first Chief Public Prosecutor Muzaffer Çelebi in Court House, and then the student who had been tortured and their families in the Manisa Bar. The students Jale Kurt, Münire Apaydın, Abdullah Karakaş, Boran Şenol and their families took part in the meeting. On the other hand, the Chairman Claude Nicolay, the Deputy Chairman Leopoldo Torres Boursault and the Committee Member Mark Kelly met the Security Deputy Director Kahraman Koçak in İzmir. Kahraman Koçak said that the committee members had criticized only smallness of some rooms of the custodial prison in the Public Order Branch Directorate.

The CPT members who went to İstanbul conducted an investigation in the Narcotics Branch Directorate of the Security Directorate in the night of 17 May. In the investigation which was done without informing in advance, the delegation members did not confront with an extraordinary situation, but they wanted to talk with the detainees. At first the detainees were unwilling to talk, but upon insistences, an Iranian said that they had been tortured, and that torture tools had been concealed in the air shaft of the building. The investigation revealed that there were one falanga, one hanger and one magneto inside a sack which was hung with a rope down to the shaft. Then the delegation members demand that a prosecutor be brought for arranging a minute and the case be transferred to the judicial authorities.

(*) The CPT visits Turkey every year since 1990. A 10-page report that included torture incidents determined by the Committee during its visits in 1990, 1991 and 1992, has been published without permission of the related country for the first time in the history of the CPT. The paragraph 2 of the Article 10 of the Convention for Prevention of Torture endows the CPT with the right to disclose information on the issue in case any contracting country objects to cooperation or improvements in line with the demands by the CPT. When following the 1992 report, the Committee declared that it would disclose the 1994 report in the same way, Tansu Çiller had issued a circular "for removing the torture tools," and thus prevented the report from being disclosed. On the day when the 1996 Report was officially disclosed, the Government permitted the disclosure of the torture reports concerning Turkey. This decision was taken on grounds that "non-disclosure of the reports causes the torture incidents to seem more exaggerated than they really are."

The minute was very interesting. In the minute, it was written that the torture tools belonged to Hurşit Han, who was one of important figures of the underground world, and who was in detention at the time of investigation. Recep Ordulu, the lawyer of Hurşit Han, described how the minute had been written: "Hurşit Han had been detained on grounds that 1.5 tons of base morphine worth 10 trillion TL seized inside one TIR in Gerede on 9 September 1996 belonged to him. When the delegation found the torture tools, Deputy Director Recep Kumaş invited Hurşit Han and explained him the situation. He was told 'the pride of Turkey is in question,' and he was requested that he would undertake these torture tools. Since Hurşit Han is a heroin addict, he is continuously in crisis. Upon insistence by Kumaş, he signed the minute which was arranged at that moment. The minute includes the following statement: 'In the search conducted in the farm of the said person in Sapanca, a press used in the production of heroin, drying material and a sack which included two 1,5 meters club connected with a rope, old blankets, equipment which was supposed to be a transformer were seized. The press and drying materials were confiscated, and the materials inside the sack were taken to our branch for examining purposes.'"

Lawyer Recep Ordulu emphasized the fact that although the materials related to production of drugs had been taken to another place, the torture tools had been taken to the security directorate "for examining purposes;" he maintained that the minute confirmed that the testimony of his client had been taken under torture, and said: "Under normal conditions if we stated that the statement had been taken under torture, they would not believe us in the court. But the torture tools make a significant evidence." Then an official complaint about the police officers was filed with the Fatih Public Prosecution Office, which communicated the matter to Fatih District Governorate with decision dated 19 September 1996 on the grounds of "its being an administrative offense." The District Governorate transferred the file to İstanbul Governorate on 30 September. The Governorate transferred it to the Ministry of Interior on 8 September. Lawyer Ordulu stated that there was no any development with regard to the investigation.

European Human Rights Commission

Turkey, exhausted with the criticisms by international human rights organizations regarding torture, was also frequently in trouble with individual applications made to the European Human Rights Commission (EHRC). Turkey had to accept making compensation to torture victims, time to time.

An example to the decisions by the EHRC which sentenced Turkey, was taken upon the application by Şükran Aydın, who was detained in the raid by soldiers in Taşlık village of Derik, Mardin on 29 June 1993, and who was raped in detention. In her application, Şükran Aydın stated that her father Seydo Aydın and her aunt-in-law Ferah Diba Aydın were also detained along with her; that then they were taken to Derik Gendarmerie Station, where they were blind-folded, undressed completely, beaten, and subjected to pressurized cold water. Aydın said that afterwards she was taken to another room, where a soldier (Captain Musa Çitil) raped her. (*) Aydın maintained that meanwhile her aunt-in-law was forced to wait in front of the door, naked, and listen to her voice while being raped. When the official complaint filed with Derik Public Prosecution Office on 8 July 1993 produced no result, Aydın and her relatives applied to the EHRC on 7 January 1994 asserting that the European Human Rights Convention was violated. Şükran Aydın informed the Commission of the fact that after the application she had been threatened, and thus the convention had been violated once again. In its defense, the Government claimed that no member of the Aydın family had been detained and that Şükran Aydın had a "close sexual intercourse" with two PKK militants.

On 28 November 1994, the EHRC declared that the application was "admissible." Then Commission members heard the witnesses in Ankara on 12-14 July 1995, and in Strasbourg on 18-19 October 1995. The report prepared on 7 March 1996 read that Turkey had violated its responsibilities, and the case was transferred to the European Court of Human Rights. On 24 September 1997, the Court held that Şükran Aydın had been tortured and therefore a compensation be paid to her. The Commission and the Court stated that Şükran Aydın's being at the age of 17 when she had been detained, isolating her from the family members and blindfolding her meant that she was without protection against ill-treatment and affected seriously from this treatment, and that he had been subjected to torture methods as beating, placing inside rubber, squirting water with hose and rape.

(*) The trial of the Captain Musa Çitil started at the Mardin Heavy Penal Court on 6 November 1997. Şükran Aydın stated that she had been raped for three times in detention, and his father Seydo Aydın had been tortured. The arrest demand for Musa Çitil was declined.

The application made with the EHRC by 16 lawyers (Tahir Elçi, Meral Daniş, Mesut Beştaş, Baki Demirhan, Arif Altınkalem, Şinasi Tur, Nevzat Kaya, Hüsniye Ölmez, Sebahattin Acar, Selim Kurbanoglu, Vedat Erten, Niyazi Çem, Gazanfer Abbasioglu, Fuat Demir, Imam Şahin, and Arzu Şahin) on grounds that they had been tortured when they had been detained in late 1993 on charges of “being members of the PKK,” was found admissible on 2 December. The EHRC took into consideration the claims by 16 lawyers who had been detained between 15 November and 21 December 1993 “that they had been detained for a long period of time, contrary to the laws,” and held that the “rights of people to be imprisoned in accordance with the laws after they are sentenced by the competent court” as specified in the European Human Rights Convention was violated. Also the torture claims of the applicants were investigated by the EHRC, which accepted the application by 9 lawyers, but did not consider the application by 7 lawyers since the 6 month limit specified in the Convention had exceeded. The lawyers had been detained in line with the statements by PKK confessors Abdulhakim Güven, İsmail Aksak and Fatma Demirci, had been kept in detention for about one month. 14 lawyers had stated that they had been subjected to various torture methods, particularly electricity, during detention.

Pressures on the applicants to the Commission

The applications filed to the EHRC usually led to persecution of the applicants and their relatives. It was witnessed that people had been threatened, detained, tortured, and even killed due their applications. For instance, Zeki Aksoy, who had applied the EHRC on grounds that he had been tortured in detention, was killed after a short while. The Commission had regarded his case “admissible” on 19 October 1994. The event developed as follows:

Zeki Aksoy, who had been detained together with his brother in a raid into his house by the plainclothes police officers on 24 November 1992, was taken to Kızıltepe Security Directorate, and then to the Political Police Center at Mardin Security Directorate. Zeki Aksoy spent 16 days in detention, and during this time, he was subjected to torture such as hanging, beating, electricity, insulting. Zeki Aksoy was kept in a cell of 1,5x3 meters, and although he told the prosecutor that he would not sign his testimony since he had lost his ability to use his arms, no proceedings were initiated. Zeki Aksoy was released on 10 December 1992 and had been under treatment in the Hospital of Faculty of Medicine of Dicle University until 31 December 1992. On 21 December 1992, the prosecution office issued the decision of non-prosecution about Zeki Aksoy. Then Zeki Aksoy applied to the EHRC in June 1993, and received threatening calls after the application, and was killed by two persons in the evening on 16 April 1994 on his way home.

In his application, Zeki Aksoy emphasized that Article 3 on prohibition of torture, Article 5/3 on the right to appear before judge immediately, Article 6 on the right to fair trial, and Article 13 on the rights of persons whose rights are violated to make file, of the European Human Rights Convention, had been violated. After Aksoy was killed, his relatives informed the Commission that the murder had been committed because of the application. The Turkish Government accepted that Zeki Aksoy had been detained, but rejected the allegations of torture. The justification by the government that Zeki Aksoy had been killed due to the clashes among the fractions of the PKK was found unconvincing by the Commission, which evaluated the merits of the case as the initiatives after the case was found “admissible” had failed. Eventually, the Commission established that most of the complaints by Zeki Aksoy had been right and that the provisions of the European Human Rights Convention had been violated, and decided the file should be taken to the European Court of Human Rights.

In the trial which was completed on 18 December, the paralysis on both arms of Zeki Aksoy following the detention, and that no other reason could be established, were regarded as evidences of application of hanger on him. In an investigation, the Commission determined that the government had presented a dentist in place of the physician who had seen Aksoy, as a witness; that the prosecutor and the police had rejected in advance the possibility of torture in the country; and that the physician who had examined Aksoy avoided from answering the questions about the relation of medical findings with torture. The Commission presented to the Court these findings as evidence of torture of Aksoy. The Court declined the government’s claim that the plaintiff “did not exhaust the domestic remedies,” on grounds that although the incident had occurred in the State of Emergency Region and Zeki Aksoy had been unable to sign when taken to the prosecution office, the prosecution office had not investigate the reason for this.

Abdurrahman Çelikbilek, who had applied to the EHRC on 11 February 1995 after his brother Abdulkadir Çelikbilek, who had been detained on 14 December 1994, found dead after a while, was detained in Diyarbakır Bağlar on 24 June and was tortured in detention. Hüseyin Duru, who was also kept in detention together with Abdurrahman Çelikbilek in the same period,

said: “I was detained in the 5 Nisan Quarter of Bağlar on 28 June. There were 50 people in detention. I learnt that Abdurrahman Çelikbilek was there. After a few days, he was taken to my cell. He said that they were continually torturing him. I spent three days with him in the same cell, and then I was released. But during three days, Çelikbilek was always being taken to torture.”

Yeşilyurt village (*)

The experiences of Abdurrahman Müştak, the Headman of Yeşilyurt village of Cizre provided a very important example in this context. Abdurrahman Müştak, who, along with other persons, had been made to eat human excrement by the soldiers in the raid in January 1989, faced with pressures following the sentence issued by the European Court of Human Rights.

In the raid into Yeşilyurt village on 6 February, Abdurrahman Müştak and three other persons were detained. The villagers stated that around 06.00 on the day of the incident the village guards of Düzova (Hoser) village and the soldiers raided into the village and they searched their houses, and they explained the pressures as follows: “Since 26 January, our village has been raided continually by the soldiers, the chief village guard Tahir Güven and the village guards of the Düzova village. They are forcing us to be village guards. The last raid was around 06.00 on 6 February. After they searched all of the houses one by one, they gathered everybody in the square. There, they have beaten us, and the chief village guard Tahir Güven threatened us if we did not accept being village guards they would burn down the village.” Later, villagers Mehmet Sadık Kayaş and Mehmet Din, who testified to the European Court of Human Rights along with Abdurrahman Müştak and Abdullah Gündoğdu, were detained. Upon intervention by Amnesty International and the İHD, villagers were released in the same evening.

In June, a trial was launched at Cizre Penal Court of Peace against Abdurrahman Müştak on the grounds that he watched MED-TV. (*) The indictment sought a sentence between 3 months to 6 months in prison under Article 526 of the Turkish Penal Code, on the grounds that he did not abide by the State of Emergency Regional Governorate’s order, dated 5 February 1996, “banning to watch MED-TV.” The indictment read, “It was established that at the date of offense and at previous dates, the suspect had a satellite antenna and other auxiliary equipment which were capable of receiving the broadcasting of MED-TV and watched the MED-TV contrary to the orders by the competent authorities, and thus did not abide by the order disseminated from the loudspeaker of Cizre Municipality on 5 February 1996, from the letter by the Municipality.”

The trial of Abdurrahman Müştak started at Cizre Penal Court of Peace on 27 June. In the trial, Müştak said that he bought the satellite antenna since he could not watch the television broadcastings, and that he did not hear the announcement from the loudspeaker since the village he was living in was 7 kilometers away from Cizre. Lawyer Hasip Kaplan stressed that Müştak had become the target of systematic pressures after he caused Turkey to be sentenced; he said: “Satellite antennas are available on the market. My client has bought the satellite antenna since he cannot watch clearly the TV broadcastings in his village. The Mayor of Cizre, and all of the village guards have satellite antennas. Since he did not hear the order, no offense was in question. If the laws were in force in the State of Emergency Region, no such trial would be launched. If the headman acquits, we will ask the satellite antenna back. If they do not give it back, we will launch a compensation trail against the state.” The trial ended with acquittal on 12 December.

Also in December, 3 trails were launched against Abdurrahman Müştak with request of imprisonment of 14 years in total. In these trails, Müştak was accused of “carrying a unlicensed gun,” “insulting Mustafa Kemal Atatürk, the founder of the Republic of Turkey, and the Turkish flag,” and “quarreling with the village guards.” Müştak was acquitted in these trials. Moreover, Cizre Public Prosecution Office initiated an investigation upon the official complaint filed by the villages guards on grounds that “Abdurrahman Müştak had granted to the PKK the money given by Turkey to him as compensation,” and then sent the file to Diyarbakır SSC Prosecution Office, which issued the decision of non-prosecution later on. In addition, Diyarbakır SSC Prosecution

(*) During the raid into Yeşilyurt village in the night of 14-15 January 1989, Major Cafer Tayyar Çağlayan, the commander of the soldiers, forced the villagers to eat human excrement. Cafer Tayyar Çağlayan was put on trial at Ankara Heavy Penal Court No. 3, and sentenced to 1 year in prison on charges of “ill-treatment” in the hearing held on 12 June 1990. The sentence was reprieved. Therefore, the villagers applied to the EHRC. The Commission decided that the government should pay compensation.

(*) Abdurrahman Müştak’s lawyer, Hasip Kaplan, applied again to the EHRC in connection with this trial. The case is still being heard at the European Human Rights Commission.

Office launched a trial against Müştak and his lawyer Hasip Kaplan on charges of “aiding the PKK.” On 23 November, fire was opened his house. At the end of December, Cizre District Governor suspended him from his office as headman, to which he was elected.

Upon the continuation of pressures, the villagers in Yeşilyurt decided to migrate. Lawyer Hasip Kaplan sent a letter to President Süleyman Demirel on behalf of the villagers of Yeşilyurt. The letter read, “The pressures left no option for the inhabitants of Yeşilyurt. Their guilt was great. They had won the case ‘forcing to eat human excrement’ both in national and international courts, and they obtained compensation from the government. They paid its price severely.” Kaplan reminded the words by President Demirel uttered in 1989: “If Yeşilyurt incident is true I will make the assailants suffer for it,” and he demanded that pressures be prevented.

In his letter, lawyer Hasip Kaplan stated: “We have always taken into consideration the subtlety of the issue, avoided from the media, and requested necessary measures be taken by informing the competent authorities of the pressures. However, no measure has been taken, and in addition the pressures have continued in an unrestrained and coarse manner in breach of legal procedures. Now we have exhausted our limits of endurance and my client had to apply again to the EHRC.” Hasip Kaplan summarized the pressure as follows: “Headman of Yeşilyurt village and his family were forced to be village guards. The headman and his family rejected it. They were forced to vote for a certain party in the general elections. Abdurrahman Müştak was forced to resign. His enemies, Tahir Madak and 20 people from his family were made village guards and given gun licenses, and thus they could attack the pastures and crops. Fire was opened on the elderly father of the headman, Ramazan Müştak inside the village. The former District Governor of Cizre Şenol Bozacı arbitrarily took the telephone which should be in the home of the headman as per the laws, and transferred it to the house of the chief village guard Tahir Madak. On 25 May 1996, the water pump dynamo belonging to the headman was destroyed. Abdurrahman, Kamil, Süleyman and Ramazan Müştak filed an official complaint with Cizre Public Prosecution Office on grounds that the village guards attacked the pastures and crops and threatened them with guns. On 30 May 1996, village guard Tahir Madak and his family presented to Cizre Gendarmerie Command the petitions which stated that the case of forcing to eat excrement was not true. In these petitions, it was slandered that 48 billion TL had been taken, and that the headman and his lawyer gave this money to the PKK. Afterwards the village guards attacked Abdurrahman Müştak, after which he was given a medical report for 7 days. In one day when the headman was not at home, the village guards entered his home and took the award issued to him by the İHD.”

e)- Deaths in detention and prisons

In 1996, a total of **32** people died in detention (18) and in prisons (14) due to torture/ beating or under suspicious circumstances. According to the HRFT, a total of 12 people died in detention or prisons in 1990, 21 people in 1991, 17 people in 1992, 29 people in 1993, 34 people in 1994, and 19 people in 1995. Additionally, in 1996, **6** people died because of illnesses due to torture or medical negligence and failure to hospitalize on time. The information compiled by the HRFT regarding the deaths in detention or in prisons is as follows:

01)- Abdülmecit Seçkin

02)- Orhan Özen

03)- Rıza Boybaş

04)- Gültekin Beyhan (26)

During the incidents which broke out when the gendarmes carried out an operation against 2 wings in İstanbul Ümraniye Special Type Prison in the morning and at noon on 4 January, the arrested prisoners named Abdülmecit Seçkin, Orhan Özen and Rıza Boybaş were beaten to death while 36 prisoners, 21 gendarmes and 10 guardians were wounded. The result of the autopsies on the bodies of Abdülmecit Seçkin, Orhan Özen and Rıza Boybaş showed that “intracranial bleeding, fractures and caving of the skull due to a blow to the head with a hard object” had caused the deaths. A wounded prisoner, Gültekin Beyhan, died in hospital during medical treatment in the morning of 11 January. (Detailed information is on page 390)

05)- Metin Göktepe (27)

The reporter of the daily Evrensel, Metin Göktepe, who was detained during the funeral of Rıza Boybaş and Orhan Özen who had been killed in the Ümraniye Prison, was ruthlessly beaten to death by police officers. As a result of the autopsy performed on Metin Göktepe, it was determined that the internal bleeding in the brain and tissues which occurred as a result of the blows to the head and body had caused death. (Detailed information is on page 411)

06)- Emin Yıldırım (67)

Emin Yıldırım, who was beaten by District Gendarmerie Commander Major Sezai Akgün in Kale Quarter of Çermik, Diyarbakır on 7 January, died in Diyarbakır State Hospital 20 days later. It was reported that Sezai Akgün, who went to the quarter upon the gun shots heard from the

quarter in the night, had entered in the shop of Emin Yıldırım, and asked him where the gun shots came from, and beat Yıldırım when he said that he did not know.” Upon the official complaint filed by his relatives, a trial was launched against the Major Sezai Akgün on charges of “killing a person unintentionally.” The trial started at Diyarbakır Heavy Penal Court No. 2 in March 1997. Çermik Mayor Halit Ağačanlı, who testified in the hearing, stated that he had been threatened not to go to the trial by Sezai Akgün and Çermik District Governor.

07)- Çetin Karakoyun (14)

A child named Çetin Karakoyun, who was detained on 8 January in Mersin on charges of theft, died in Mağazalar Police Station. It was disclosed that Çetin Karakoyun, while having been interrogated, had accidentally been shot in the head by police officer Suat Tunç who was playing with his gun, and died in the hospital. Suat Tunç was arrested on 9 January. Çetin Karakoyun’s father İmam Karakoyun said that inconsistent statements had been made regarding the death of his son and the burial had quickly been performed by the police without even giving an opportunity to himself to see the dead body. İmam Karakoyun claimed that his son had been murdered under torture and the incident had been passed off as an accident. The trial against Suat Tunç started at Mersin Penal Court of First Instance No 2 in March. The indictment sought a sentence of 2 to 5 years in prison and a fine of TL 150,000 for Suat Tunç on charges of “murder due to imprudence and inattention” under Article 455 of the Turkish Penal Code. Tunç was released in the hearing. Meanwhile, İmam Karakoyun stated that he had been threatened to death by the police officers. Karakoyun said that he had gone to Güneykent Police Station upon an invitation on 5 March and taken out of the city by plainclothes police officers, and added: “They took me in the direction of Akbelen city cemetery, Çavuşlu and Mezitli. Then I was taken to the Mezitli Şehit Ramazan Police Station, where the police officers said ‘If you don’t take back your complaint, we will frequently detain you, we will kill you.’ They forced me to sign a petition of withdrawing the complaint. When I rejected, the police officer forced me to put my finger on the inking pad, I resisted them and I did not accept it.” Karakoyun added that the police officers came to his house the other day after being released, and wanted to take his ID card, and threatened him. Upon application by Karakoyun to İHD Mersin Branch, lawyers Hamza Yılmaz and Kadir Arıkan filed an official complaint on 9 March.

08)- Ali Ormancı

Ali Ormancı, who was detained in Bursa by on claims of “theft” on 21 January, died in the morning of 22 January at Bursa Security Directorate. It was declared that after his detention, Ali Ormancı was interrogated at the police station and found not guilty; however, he was not released but taken to the Security Directorate for a thorough investigation. The police authorities claimed that Ali Ormancı had a heart problem and died due to that.

09)- Hamdi Deniz

Hamdi Deniz, who had been convicted and served in prison on charges of “being a draft evader,” died on 11 February at Derbent (Kocaeli) Gendarme Station where he was taken prior to his release. The military authorities alleged that Hamdi Deniz had committed suicide by hanging himself with a piece of blanket to the toilet reservoir. As a result of the autopsy, it was determined that the reason for the death was “suffocation due to hanging”. The reservoir where 170 cm. tall Hamdi Deniz allegedly hanged himself was 140 cm. from the floor. Kocaeli Public Prosecutor Kemal Yıldız and Dr. Ayşe Gülden, who carried investigations in the detention place on 14 February, demanded the corpse should be transferred to the Forensic Medicine Institute for revealing the cause of death for the death was suspicious. Deniz’s elder sister, Ayfer Deniz, said: “We saw my brother in the prison. He told us that the tips of his foot fingers and the region among them were burnt down with lighters and cigarettes, and that he was beaten by soldiers every night. There were purple spots on his body. He was continuously saying that we should take him out, otherwise he would be killed.” Ayfer Deniz stated that although the sentence of Hamdi Deniz ended on 8 February, he was kept in prison until 11 February, and said: “My brother Mustafa met with him 5-6 days ago. He said he would be released on 8 February and he would not serve his military duty in the eastern region. When on 10 February he did not come, I called my hometown; but he did not go there. On 11 February, I received a call from the police station where he was kept in detention around 15.00. They said ‘Will you come here?’ And I said ‘It is not possible now.’ When I asked ‘Has something happened?’ they said nothing to worry. At 24.00 in the same night they called again. They said ‘Your brother is dead, come and fetch him.’”

10)- Ahmet Ok (65)

Ahmet Ok, who had been detained in Midyat, Mardin in January, became ill after he was arrested, but since Mardin Closed Prison administration prevented his treatment, he died. The

prisoners prosecuted in PKK cases stated that Ahmet Ok was at the age of 65, but he had been heavily tortured in detention and was ill when he was taken to the prison. They said, "Although we have informed the administration of the situation of Ahmet Ok, who was ill when he was taken to the prison due to heavy torture inflicted on him, he was not treated. When his situation worsened, he was hospitalized, but he could not be saved. Ahmet Ok died due to negligence."

11)- Ali Karataş (45)

Ali Karataş, who detained by the soldiers raiding Kızıyapan Village of Patnos, Ağrı in the morning of 25 March on charges of "aiding the PKK," died on 27 March. Karataş was buried on the same day in the village. His brother Şeref Karataş stated that Ali Karataş, who had been sent to Ağrı Security Directorate on 26 March for interrogation, was killed under torture. He added, "He was detained by the soldiers who came to the village in the morning. Then he was taken to Ağrı. Certain people detained along with my brother called us on 27 March and told that Ali had died. Upon this, I went to Ağrı and met the Public Prosecutor. He said, 'They brought Ali before me to testify. He suddenly got sick during the testimonial and died.' I examined the corpse of my brother. There were bruises under his ears and his left breast. They told us that those bruises were supposed to be normal. We have filed an official complaint at the Prosecution Office. Our village has been kept under pressure since 3-4 years, and my brother had previously been detained, too."

12)- Mehmet Şenyiğit (19)

Mehmet Şenyiğit, detained by plainclothes police officers in Dicle, Diyarbakır on 20 April, was later found dead at Diyarbakır State Hospital Morgue. Mehmet Şenyiğit was reportedly brought to the morgue by soldiers on the morning of 21 April. The authorities alleged that "Mehmet Şenyiğit was a PKK militant and was killed in the attack against Mermer Gendarmerie Station." However, his father Abdülaziz Şenyiğit said that he had been killed in detention: "My son was detained on the evening of 20 April on his way home. A lot of people who know him, witnessed the detention. When he did not come home at night, I spoke to his work-mates. They told me that he had left for home after receiving his weekly allowance. I applied to Diyarbakır SSC Prosecution Office on 22 April. I was first sent to the Public Order Branch Directorate and then to Çarşıkapı Police Station. At these places, I was told that my son was not in detention. As I returned home, I received a phone call and was asked to go to the morgue. They want to pass off my son whom they had killed in detention as a casualty of the clash."

13)- Hasan Tanış (48)

A worker named Hasan Tanış, detained in Karacabey, Bursa on 2 May in connection with a murder investigation, was found knifed on 3 May around 17.00 at the District Security Directorate in custody. Tanış died on the road to the hospital. The police authorities alleged that Hasan Tanış, who had 11 knife wounds on his body, had committed suicide. It was reported that Hasan Tanış had said to his relative Ahmet Tekin, whom he had met while in detention, "They are going to kill me. They want me to shoulder a crime which I have not committed. They are telling me that I am going to be burnt down with my child." An investigation was launched by Karacabey Public Prosecution Office and Bursa Security Directorate as to the incident.

14)- Akın Rençber (18)

Akın Rençber, detained on 1 May in İstanbul Kadıköy, died on 20 May in Ankara as a result of the torture inflicted on him during the 8 days he spent at İstanbul Security Directorate. Two days after being released, Rençber returned back to Ankara to his parents. There, as he complained of a continuous heartache, he was taken to Ankara Numune Hospital but it was not possible to precisely diagnose his problem. When blood came from his mouth after resting for a while at home, Rençber was taken to the Keçiören Sanatorium on the morning of 20 May, and then he died. Rençber reportedly said the following to a friend: "They laid me on the ground after detaining. They kept on beating me continuously. For a moment, I fell out of breath." His father Ali Rençber said: "My son said he had been beaten with a sack of sand, and electricity had been given to his body. When he understood that he would die, he said 'They did away with me by beating me with a sack of sand'." A witness (who wants his name unrevealed), who was in detention with Rençber, said: "They hit his back and kidney with sacks of sand so as to damage his viscera, but not to leave any trace on the surface." The witness in question disclosed that they had been put into a cell together with 70 people including Akın Rençber in the Police Branch, and that on the second day, Akın Rençber had been taken to interrogation and brought back after 20 minutes; he said: "They were employing the techniques such as hanging, electricity, squeezing testicles, falanga, beating with sacks of sand." The witness told that on the third day, Akın Rençber had been taken again, and when he had been brought back, he had been very exhausted.

An autopsy was performed on the body of Akın Rençber on 21 May. Lawyers of Ali Rençber, Ali Kalan and Rıza Torun were not allowed to attend the autopsy. In the autopsy report, it was stated that Rençber died due to “respiratory and circulatory systems insufficiency.” The Public Prosecution Office disclosed after the autopsy that “The preliminary findings revealed that Akın Rençber died due to pneumonia.” On 30 May, lawyer Meryem Erdal lodged an official complaint on behalf of parents of Akın Rençber, demanding that police officers who participated in the interrogation of Akın Rençber at the Political Branch, İstanbul Political Branch Director and İstanbul Security Director Kemal Yazıcıoğlu be put on trial under Article 243, 450/3 of the TPC on charges of “causing death under torture.” In addition, CHP İzmir Deputy Sabri Ergül and Aydın Deputy Fatih Atay brought the issue of death of Akın Rençber to the agenda of the Parliament through the parliamentary questions directed to the Prime Minister Mesut Yılmaz. In the response by the Ministry of Interior to the parliamentary question by Fatih Atay, it was stated that Akın Rençber and 162 people had been released by İstanbul SSC on 8 May, and it was said: “Akın Rençber was not subjected to ill-treatment in the Kadıköy Security Directorate.”

15)- Sedika Beyter (80)

Sedika Beyter was reportedly beaten to death by special team members, whereas a villager named Sabri Beyter (55) was forced to eat excrement in Bay village 3 km away from Hakkari. A raid was performed into the village in the morning of 3 June. During the search in the house of villager Halil Beyter, 80-year old woman Sedika Beyter, unable to get out of her bed, was beaten to death on the grounds that “she was hiding weapons.” Cafer Çiğçi (23) was beaten with rifle-butts and his leg was broken. (Detailed information is on page 127)

16)- Ramis Hatipoğlu (46)

Ramis Hatipoğlu, detained in Eskişehir, was found dead at Çarşı Police Station. Eskişehir Security Deputy Director Ahmet Saim Ertuğrul said that Ramis Hatipoğlu, having already been registered on charges of theft in his criminal record, had been detained on charges of stealing TL 5 million from someone’s pocket in the Reşadiye Mosque and had hung himself on the night of 20 June around 24.00 with the rubber from his underpants.

17)- Celal Nayır (38)

Celal Nayır, who was taken to Çınarlı Police Station in Bandırma, Balıkesir, in the night of 30 June on the grounds that “he had disturbed other people,” was reportedly beaten to death. Police officers reportedly soaked him in a pool continuously. Upon the official complaint lodged by his relatives, police officers Sinan Bulut, Emin Çetin, Necmettin Güven and night watchman Şefik Sezer were put on trial at Balıkesir Heavy Penal Court. In the trial, the police officers were indicted under Article 452 of the Turkish Penal Code, were prosecuted without arrest and continued to work at the same police station. The wife of Celal Nayır, who testified during the first hearing held on 18 December, stated that when she had gone to the police station, Nayır had been unable to recognize her and the police officers had not let her to take him to a hospital.

18)- Servet Sürücü (27)

Servet Sürücü (27), who was taken by gendarmes to show the hiding place of a wanted person in Bahadırlar village of Sarıgöl, Manisa, was killed under torture. In the night of 2 August, soldiers under the command of non-commissioned officer Yusuf Bilge raided the house of Sabri Gülsoy who was wanted in connection with an incident of wounding. It was reported that the soldiers had taken Servet Sürücü, who was a guest at the house, to show a place, had walked him on the mountains for 3 hours handcuffed, and had thrown his corpse out of a car in front of the house of the Gülsoy Family around 02:00 at night and went straight away. Shepherds Mehmet Tıkıroğlu, Halil Kuzucu, Hasan Portakal, Mehmet Çolakoğlu, Akif Özdönenci, Ahmet Keşkekoğlu, Recep Türkmen (Türkmenye) and Mehmet Kuzucu, who were on the mountain on the night of the incident, testified at Sarıgöl Security Directorate and stated that they had seen Sürücü with the soldiers, he could hardly “stand,” and then they had heard his screams from far. Sürücü’s elder brother, Hasan Sürücü, stated that when they had been informed of his death, they had gone to the hospital together with his uncle Musa Sürücü at 04.30, and that the prosecutor Nejdet Evren showed him the corpse. Hasan Sürücü said: “There was a bruise behind his left ear. I did not see anything else. My brother was killed by the gendarmes. They are attempting to pass off the incident,” and he noted that the allegation that “he died due heart attack” was not true. In his statement he made afterwards, Sabri Gülsoy’s father, Ali Gülsoy, said: “We were sitting in front of the house together with Servet. Non-commissioned officer Yusuf Bilge entered. He asked Servet ‘who are you?’ Servet said his name. The non-commissioned officer said ‘Sürücü isn’t it?’ and then he ordered to the soldiers, ‘take him immediately to the car.’ Then they made him get on a car, and took him towards the mountainous area of the village. At night around

02.30, the car of the gendarmes came in front of the house with its motor stopped. Then they threw Servet out of the car and went away. The corpse of Servet was getting cold.” In his statement, shepherd Halil Kuzucu, who had seen Sürücü and the gendarmes, said: “I saw a indistinct figure nearby. Upon approaching, I recognized Servet. Behind him appeared 4 persons. There were one non-commissioned officers and 3 gendarmes. Servet was handcuffed. The non-commissioned asked me ‘Have you seen the wanted person?’ I said ‘No, I haven’t’ Then they went away a little further. Meanwhile they shot Servet by his leg with a rifle. They had taken the rifle from the villagers. Then they disappeared. At night around 12.30, they fired the rifle in the same way. At 01.00, they came near me. They drank water. Servet drank, too. But Servet was very exhausted. Then they left us.” Shepherds Mehmet Tıkıroğlu and Hasan Porta-kal, who had last seen Servet Sürücü and the gendarmes, stated that they heard shouting after the gendarmes left them, and they said that Servet Sürücü might have been killed at that moment.

19)- Dennis Joel Imomion (32)

Dennis Joel Imomion (32), a African businessmen who came to İstanbul for business, was reportedly beaten to death in the night of 26 August by police officers from the Narcotics Department. According to the witnesses’ accounts, “4 businessmen, staying at a hotel on the Tarlabası Boulevard, were attacked by 4 police officers from Narcotics in front of the hotel. 3 of the businessmen were put in a civilian-plate minibus under beating, while Dennis Joel Imomion escaped to the hotel and asked from receptionist Recep Çubukçuoğlu to call the police. While the receptionist was calling Police Help line, he was attacked by 4 people entering the hotel. His nose was broken. Then he was taken out of the hotel under beating, and put in the minibus.”

A friend of Dennis Joel Imomion told the following as to the incident: “In the minibus, they seized all of our money. They took us to the Foreigners Department at Aksaray. Dennis was still. His head was continuously bleeding. While they were receiving our testimonies in the Department, Dennis was in the minibus. After the interrogation, it was understood that we were innocent businessmen. They apologized. When we were out, a woman, saying that she was a doctor officer, came. She lifted his eyelids, took his blood pressure, and then she nodded her head to left and right in a negative manner. They told us that they would take Dennis to the hospital, and asked us to go back to the hotel.” Hospital personnel told that “Dennis Joel Imomion had already died while he had been brought by the policemen from the Narcotics Department.” In the meantime, a police authority claimed that “Dennis had gulped down a small package while escaping,” and said the following: “In their statements, the police officers involved in the incident told that they had harassed the hotel staff, however they had not hit the black man.” Friends of Imomion, Christopher Atuluchukuju, Kenneth Osuji, Ogribiru Careg and Gilbert Prenana raised an official complaint with the İstanbul Public Prosecution Office.

20)- Erhan Hakkı Perişan

22)- Hakkı Tekin

24)- Edip Derikçi

26)- Rıdvan Bulut

28)- Kadri Demir

21)- Cemal Çam

23)- Ahmet Çelik

25)- Mehmet Nimet Çakmak

27)- Mehmet Kadri Gümüş

29)- Mehmet Aslan

As a result of the operation launched in Diyarbakır E Type Prison around on 24 September by special team members, gendarmes and guardians, 10 prisoners were beaten to death and about 40 were wounded. There were compression on the skulls of the murdered prisoners and blow traces on their bodies because of the beating with truncheons, butts of rifles and clubs. A delegation from the Parliamentary Human Rights Commission also reported the massacre. (Detailed information is on page 394)

30)- Gönül Kutlu (25)

It was claimed that Gönül Kutlu (25), who was detained in Diyarbakır along with her husband Murat Kutlu on charges of theft, had committed suicide by jumping off from the fifth floor of the Security Directorate Building on 27 September. She died at Diyarbakır State Hospital. The Security Directorate’s Theft Department claimed that Gönül Kutlu, who had been detained along with her husband on the accusations of stealing some gold, had committed suicide by jumping off from the fifth floor of the Security Directorate Building around 00:50.

31)- Hanım Eren (50)

Hanım Eren (50), who was reportedly “killed under torture in detention,” was found dead in the vicinity of Silopi, Şırnak, on 28 September. Hanım Eren, who had migrated to Silopi after their house had been burnt in 1994, was the elder sister of Sait Tanıt, one of the commanders of the PKK, and she was reportedly detained along with her husband Osman Eren in the night of 25 September upon the testimony given by a repentant PKK militant named Zafer Birlik. Osman

Eren was released on 29 September. An autopsy was performed on Hanım Eren at Diyarbakır State Hospital, and a report defending that “she had committed suicide by hanging herself” was issued. Her relatives pointed out to the fact that the corpse of Hanım Eren had been found one day after her husband Osman Eren was released, and they stated that there were traces of torture on her body, and her head had been smashed. Her relatives said, “Hanım Eren and her husband was detained by plainclothes police officers who raided their house on 25 September. Police officers had told Osman Eren on 29 September that his wife had committed a suicide, and delivered her body. However, there were traces of torture on the body. There were blow traces on many parts of the body. There were bruises and burns on her back, lower belly and legs. There were traces of a sting or a wire on her arms.”

32)- Melek Şenyüz

A woman named Melek Şenyüz, who was detained in Hacıhüsrev Quarter of İstanbul on 6 November on charges of “being a drug dealer,” died at the Narcotics Branch. It was claimed that Melek Şenyüz had died due to a heart attack.

Deaths due to medical negligence or illnesses due to torture

In 1996, 6 persons died since they did/could not obtain proper medical treatment following torture. In addition to those died due to torture after they were released or arrested, there were also people who died due to medical negligence, and who committed suicide due to torture. For instance, the person named Nizamettin Avcı committed suicide in Pazar District of Rize on 29 September due to the torture inflicted on him about 6 months ago and continuous threats. Avcı had been detained following a memorial ceremony held in Yeniyol Village of Ardeşen, Rize on 30 March. After he had been subjected to torture in Rize Security Directorate for 3 days, he had been released. But pressure and threats on him to become an agent had continued. Nizamettin Avcı committed suicide by firing a rifle in his mouth on 29 September.

Following are the persons who died because of medical negligence or illnesses due to torture:

01)- Tuncay Baltaş	01 January 1996	Ankara Closed Prison	Political
02)- Kalender Kayapınar	03 January 1996	İstanbul	Political
03)- Süleyman Özer	12 February 1996	Ankara-Hospital	Political
04)- Yunus Yaman	29 August 1996	Ankara-Hospital	Political
05)- Nizamettin Avcı	28 September 1996	Pazar-Rize	Political
06)- Hasan Çakmak	28 December 1996	Urfa Prison	....

f)- Determined cases of torture (*)

The HRFT, as a result of its studies and the information it compiled in 1996, determined that a total of 1404 people, of whom 107 were children and 377 were women, were tortured in detention places or prison. 375 of them certified the torture via official medical reports. 122 of the tortured females stated that they had been raped or sexually abused in detention. Throughout the year, a total of 576 people applied to the treatment centers of the HRFT in Ankara, İzmir, İstanbul and Adana. 291 of them had stated that they had been tortured in 1996. The cases determined by the HRFT reflect only a small ratio in the total number of torture cases in Turkey.

	Torture victim	Medical reports	Females	Rape-Abuse	Children
1990	: 329	213	44	8	7
1991	: 552	218	53	9	15
1992	: 594	188	93	24	11

(*) In preparing this section, we compiled information about people who made public the torture inflicted on them, through courts or press organs, or who applied to the treatment centers of the HRFT. Information we thought suspicious or inconsistent was not taken into consideration. As we have always pointed out, torture has been inflicted as a systematic interrogation method in Turkey, without any discrimination of political or ordinary cases. There is widespread use of well-known torture methods against suspects accused of ordinary crimes in police or gendarme custody, but a significant number of torture cases cannot be revealed because, suspects usually do not insist on their rights. Most of the people who lodged official complaints regarding torture or ill-treatment and occasionally obtained medical reports are the ones charged for political reasons. When the difficulty in receiving information particularly from the State of Emergency Region and other provinces is considered, except from İstanbul, Ankara and İzmir, it becomes apparent that the number of torture victims identified by the HRFT reflects only a small portion of a larger total.

1993	:	827	160	126	22	29
1994	:	1128	476	261	36	24
1995	:	1232	241	254	17	72
1996	:	1404	375	377	122	107
TOTAL		6066	1871	1208	238	265

Manisa case

Among the torture cases which took place in 1996, the applications in the process of an operation which was started at the end of December 1995 in Manisa occupied a considerable space. The severe torture which had been inflicted on 15 youths some of them were high school student who were below 18 years of age who had been detained in the process of the operation who is known as “Manisa incident” among public has drawn significant outcry.

Ali Göktaş, who was alleged to be “DHKP-C Manisa Province Responsible,” and 16 other persons including high school students were detained at the end of December 1995 (26-29 December). A statement by Manisa Security Directorate alleged that Göktaş “recruited the detainees as members of the DHKP-C,” the detainees were “planning actions;” students named Mahir Göktaş, Ayşe Mine Balkanlı, Sema Taşar, Fulya Apaydın, Erdoğan Kılıç had posted bills and pelted certain places with molotov cocktails along with other militants. The youths had been subject to severe torture applications for 10 days during which they had been kept in detention. The youths who had been interrogated by the special team officers who had been on duty in the emergency state region just before the incident, have reported their experiences as follows:

Mahir Göktaş (14): *I was detained from my house in Taştepe village of Kınık (İzmir) at midnight. In the car in which I was forced to get, four police officers started to beat me. They were saying that they were going to rape and kill me. I was taken to Manisa Security Directorate and I was blindfolded and put in a room. They were asking me about the names which I heard for the first time and they were telling me that I had involved in some incidents. They took my clothes off. They squirted pressurized water on me and they made me lie down on a wet blanket. They held my arms and legs and they started to pour something that I was told acid on me. They attached wires on my right toe and my testicles. Then they gave me electric. After a while, they started to squeeze my testicles by using a wet cloth. They put me in cold water. They made me lean on the wall and wait like that naked. They tortured on my uncle (Ali Göktaş) before my eyes. They put a truncheon in his anus and they told me that they were going to do the same thing to me as well. They hold me from my legs and they let me hang down from the window and told me that they were going to drop me. During the time when they did not torture me, they were playing marches and making me listen to the screams of my friends. One night, they took me for a ride in the trunk of a car and brought me on Gediz Bridge. They hanged me down from the bridge and told me that they were going to kill me. Then I had a nervous breakdown and passed out. I opened my eyes in Manisa Mental Hospital. However, I was taken back without being examined. They told us to accept the statements while we brought before the prosecution office, otherwise they would take us back to the directorate and inflict us heavier torture and kill us.*

Sema Taşar (17): *They started to interrogate me with my eyes blindfolded. They were asking me about the persons and incidents about whom I knew nothing and they were saying ‘you are going to accept these’. They were saying: ‘We will hang you. We will kill you. No one will ever know. Even the Republic President cannot enter here. No one will hold us responsible for that’. They started to beat me. They told me that they would rape me. I was scared to death. I said: ‘I will accept everything you say’. They made me lie down on a wet blanket. They hold me from my arms and legs and they attached a wire to my toe. They poured water on me and they started to give electric to me by allowing a cable to touch my sexual organ, belly, nipples, and lips. My entire body got in a state of shock. I passed out. I was thrown into a cell. In the following days I suffered from vaginal bleeding. I was taken to the Gynecological Hospital. However, I could not be examined due to the presence of police by our side. We only took medicines. They made me listen to screams of my friends in Security Directorate where I was taken back.*

Ayşe Mine Balkanlı (16): *(*) My friend Sema and I were detained together from Manisa High School. The police officers who put a smiling face at the school started to kick us and slap us at the gate of Security Directorate. I was blindfolded and put in a cell. After that, I was started to be interrogated. After a while, when I did not answer their questions, someone who*

(*) Ayşe Mine Balkanlı has attempted to commit suicide three times while she was in prison.

introduced himself as commissioner said: 'She is ready, take her away'. In the meantime I had been made to listen to Mehter March (Ottoman Military March). Then the physical torture started. They started to give electric after they took my clothes off and soaked me with water. The other end of the cable which had been attached to my toes was started to be allowed to touch my sexual organ. In the meantime, I had been subject to sexual harassment. They squirted pressurized water on me after the electric shock that I had been given for quite a long time. After that I was thrown back into the cell. These tortures had been repeated from time to time. The most frightening thing was that I had been made to listen to the screams of my friends. In those instances, I felt that I was getting closer to the point of losing my mind step by step.

Jale Kurt (18): *I was detained from my workplace. They were telling me to confess everything, otherwise they would torture me and rape me. I did not even know what I had to tell. They were beating me for that. I started to cry. They told things and I said 'yes'. After that they threw me into a cell. In the cell, they were making me listen to the screams of my friends with the accompaniment of Mehter March. The screams started and stopped one after another. It lasted for hours. I do not know how long it took but they took me again. They blindfolded me and they started to put my clothes off. I was stark naked. They started to harass me. After that, they made me lie down on a wet blanket and they attached something on top of my toes. I passed out because of fear. I came to myself with kicks and slaps. And they threw me back to my cell. I felt like I was going mad when I heard the screams of my friends.*

Emrah Sait Erda (22): *I was detained from my house in İzmir and I was taken first to İzmir and then to Manisa Security Directorates. They kept asking me about the persons and incidents that I knew nothing about. They started to beat me. Later, they made my hands lean onto the wall and kept me waiting like that. After a while, they started to beat me and took my clothes off. They laid me down on a wet blanket and squeezed my testicles. As I screamed from pain, they kept hitting me. One of them said: "You have not seen anything yet, now take the electricity and see." Upon this, cables were attached to my toe. Some of them sat on my arms and feet. They started to give electricity through my nipples, testicles, ear, mouth and nose. As I said "I do not know," the dose of the torture increased. They started to squeeze my testicles while giving electricity. Then I felt a pain in my anus. They inserted a thing that I was told a truncheon into my anus. When I had not been tortured physically, I was made listen to the screams of my friends and Mehter March. In addition, they squirted pressurized water and kept me waiting in front of a fan. They were continuously threatening me to death. We have accepted everything that they told us under torture which has lasted for days. We blamed our own friends.*

In the press conference held at CHP Province Center attended by CHP İzmir MP Sabri Ergül on January 2, the relatives of the students disclosed that the kids had been tortured. The statement read that Manisa Security Director Kemal Iskender has just been appointed to Manisa from the post of Bingöl Security Directorate, and he formed teams out of special team members who had been appointed from Southeast. In the conference, the spouse of Ali Göktaş said that Ali Göktaş could stand on his feet with the help of two police officers and he could barely spoke. Among the youths who were referred to İzmir SSC on 5 January, after the torture that lasted 10 days, Ali Göktaş, Mahir Göktaş, Emrah Sait Erda, Hüseyin Korkut, Jale Kurt, Münire Apaydın, Sema Taşar, Özgür Zeybek, Ayşe Mine Balkanlı, Faruk Deniz, Levent Kılınc and Aşkın Yeğin were arrested. In the meantime, the youths were given medical reports by Manisa Forensic Medicine Institute showing that they were in good health, before they were taken to İzmir SSC.

Sabri Ergül who continued his efforts, hanged the file whose cover page said "There is torture in Turkey" at the entrance of the Prime Ministry building on 16 February in order to protest the indifference of Prime Minister Tansu Çiller and the Ministry of Interior although the existence of torture had been proved. In the press conference which he held later on, Sabri Ergül pointed out that there was no sufficient evidence to show that the children had been involved in illegal actions, and said: "torture had been inflicted on the children between the ages of 14-20, most of them high school students. The offense which has been imputed on them is writing slogans such as 'say no to paid education.' It will be revealed during the prosecution that whether have written these slogans or not. If the children of that age could be arrested on such grounds, this means that our legal system has collapsed. The children whose anuses had been penetrated with truncheon and who had been given electric shocks will turn into enemies of the state."

Sabri Ergül repeated the same action in front of Manisa Security Directorate on 17 February. He hang a plate which read "there is torture in this workplace." In the press conference which he held together with CHP Manisa Province Chairman Mustafa Temiz and the families of the children who had been arrested, Sabri Ergül pointed out that Muharrem Göktaş, the father of

Mahir Göktaş, had been detained in Manisa, and other families had been threatened. Sabri Ergül said: “The children who were released will tell what they had experienced under custody. However, we are looking for an authority who would give them guarantee.”

The police hindered the press statement to be held by the mass organizations on 4 March in front of the Security Directorate in order to condemn the incident. The group, including İHD General Secretary Hüsnü Öndül, İHD İzmir Branch Chairman Ercan Demir and representatives of HRFT İzmir Office made the statement in CHP Manisa Province Center. Öndül said: “Although Turkey signed the international agreements banning torture in 1988, torture is being inflicted systematically. The statement we are making is an official complaint.”

Manisa Medical Chamber disclosed that investigation had been launched against two doctors who gave medical reports to the youths indicating that they were in good health, although they were not “forensic doctors.” In the statement, it was pointed out that Dr. Yusuf İzzettin Küçük and Dr. Tugay Özcan who were on duty at Health Center No. 2 were called to the Security Directorate and they signed the reports which showed that no torture had been inflicted although the youths must have been examined by Dr. İlkan Çalışyer who had been on shift at the Central Health Center No. 4 between 24-30 December according to the “List of Forensic Doctor Shifts.” It also came out that Manisa Medical Chamber Chairman Osman Nuri Büyüker had warned the security directorate for inviting the doctors who were on shift for forensic medicine services. The letter sent to Security Directorate on by Büyüker read: “In our province, the forensic medicine services are carried out by doctors at the health center who had been appointed with the lists which have been prepared by Health Directorate. Having the doctors other than the ones who had been appointed prepare reports, makes the doctors, the security directorate, and the judicial authorities subject to negative comments in terms of human rights and laws. The list of the forensic doctors on shift are regularly forwarded to the related health, legal and security units.”

That torture had been inflicted on the youths was denied as expected. No authority but Adnan Ekmen, the State Minister responsible for human rights, admitted the incidents. In the press conference he held on 16 January, said that he had dispatched his consultants to Manisa after he had been informed about the incident, and said, “In the medical report there is information indicating that there was a 9 centimeter echimosis on the body of one of them. It is not obvious when this trace of blow occurred. Even if torture had been inflicted on him, the traces of torture must have been lost by the time he saw the doctor. The traces of blow disappear in time. The traces of torture by giving electricity may not disappear since it causes an internal damage in the body. They were transferred to State Hospital. However, it is not possible to determine the internal damage with the medical instruments which are available at this hospital. We asked The Ministry of Justice ‘whether it would be acceptable to have them examined at HRFT İzmir Office’. When the Ministry of Justice told us that it was not possible, we remained silent.”

Minister of Interior Affairs Teoman Ünüsan claimed that no torture had been inflicted on the youths. Teoman Ünüsan claimed that the detainees had been sent to doctor again upon the claims of CHP İzmir Deputy Sabri Ergül, and no traces of torture had been determined.

In the press conference which he held on 1 March, together with the Security directors of the neighbor provinces, Manisa Security Director Kemal İskender claimed that no torture had been inflicted on the youths. Manisa Deputy Security Director Fazlı Sezgin said: “We protect the life and the estate of the state. It is our duty to eliminate the activities which aim at destroying it, and to bring the ones who are responsible for that before justice. If the friends have applied torture, they will be punished for that. There are persons who are suffering from psychiatric disorder in the police force. All buildings do not have a strong foundation, there are some buildings with weak foundations as well. These should be cleaned. I do not want to believe that torture have been applied in Security Directorate. Our friends who work at the Anti-Terror Branch are the friends who have perfect knowledge of torture techniques. They know how to treat who. These persons have been trained in America. They have even been granted certificates upon completion of the training course. What I mean by torture techniques is not physical torture. It is a psychological torture which is solely aiming at getting testimony. For instance, you too have been inflicting psychological torture on me. Because, you have been asking me questions continuously. The prosecution office would not arrest the individuals who were transferred from Manisa Security Directorate if they were not guilty.”

While Manisa Deputy Governor Nurdoğan Kaya has filed an official complaint against Sabri Ergül due to his efforts, Security Director Kemal İskender made a statement on 2 March: “The claims of torture have been brought up following the imprisonment of these individuals. These claims are the incidents which have been planned in the prison. Mr. Ergül and the media

have been employed unsuitably. No torture has been applied. All of the reports are included in the file. We have broken the back of PKK and DHKP-C in Manisa. Though, they were considering Manisa a roasted beef to gobble before I came. Following this incident, the terrorist organizations have got a master-card. They are trying to use this master-card together with the media and Mr. Ergül. What will be the condition of Security Directorate if we will not be able to struggle with anyone and our hands will be tied?."

The incident was led to debates in the meeting on "Problems of Manisa Province and Their Solutions," held by Manisa Chamber of Commerce and Industry on May 11 with the participation of the Governorate, Security Directorate, chambers, Manisa MPs, and various institutions. Chamber's Head Bülent Koşmaz said, "Manisa has been brought onto the agenda of Turkey with torture claims. The deputies from other provinces have shown their interest in this incident. Torture is a crime against humanity. It is not possible to defend torture if torture exists. We would like Manisa Deputies to carry out the necessary investigation and make statements. However, it has not been done." ANAP MP Abdullah Akarsu, DYP MPs Rıza Akçalı, Aysel Göksoy, and Yahya Uslu protested this speech. The MPS claimed that "Manisa Security Director was sacrificed," Sabri Ergül has intentionally blacken the Security Directorate and has been trying to convict Turkey, the army and the security forces on the international platform."

Sabri Ergül who applied to the presidency of the parliament, required the incident to be investigated. Sabri Ergül who mentioned in his application that the medical reports which proved torture had been concealed by excluding them from the papers of the investigation, enumerated the reports as follows:

Sema Taşar (16): She was taken to Manisa Gynecological Hospital on 31.12.1995 at 01.30 due to vaginal bleeding resulting from torture. This is registered on Page 25 of the polyclinic registry with the number 5690. But, the transfer is not mentioned in the documents of preliminary investigation that were sent to State Security Court Prosecution Office by the police.

Hüseyin Korkut: He was taken to Manisa Mental Hospital on the night of 29.12.1995 and he had been given medical treatment by the doctors and has been given injection. Although this case has been registered in the polyclinic registry of the hospital with the protocol number 17718, this process has not been included in the papers. Although the medical report dated 2.1.1996 which has been included in the investigation file by the police reads "no traces of blow-force has been detected," the polyclinic registry of the hospital numbered 200 reads "consented for seeing a psychiatrist" and this fact has been concealed.

Münire Apaydın (16-high school student): She was taken to Manisa State Hospital on 31.12.1995 at 05.00 and she was given medical treatment at the hospital and injected. This process has been registered at the polyclinic with the protocol number 36110. The registration has not been included in the papers of investigation, it has been concealed.

Aşkın Yeğün: Although the medical report dated 2.1.1996 which has been included in the investigation file reads "no traces of blow or force has been found," the polyclinic registry of the hospital dated 2.1.1996, numbered 198 reads "an ecchymosis of 7-8 cm in length has been detected on the back of the patient." The police has concealed this registration in the file.

Relatives of the youths also faced various pressures. The relatives of Mahir Gökteş (14), who was the youngest of those who had been tortured, who live in Taştepe Village of Kınık, İzmir was also tortured. An article by Necati Aygün, "Entire Village was tortured" was published in the daily *Cumhuriyet* Newspaper on 4 March, reads as follows:

The torture inflicted on the students in Manisa has destroyed the every day life of a village. Upon one of the student's revealing the name of his family while he had been under torture, almost all members of the Gökteş family were detained in Taştepe village. Muharrem Gökteş pointed out that his children had been tortured before his eyes during the period in which he had been kept in detention and he could not get out of the shock. Torture has ruined the lives of Taştepe villagers. Sinan Gökteş pointed out that almost all members of his family were detained upon his nephew M.G's (Mahir Gökteş) revealing their names while he had been under torture. Muharrem Gökteş who was detained in Taştepe village, told about "those days":

My son M.G. who was 14 and Levent Gökteş who was 18 were detained on December 28, 1995. I applied to Manisa Public Prosecution Office in order to receive information about the health condition of my children and my efforts remained fruitless. Later on, I saw my son at Manisa Security Directorate thanks to CHP İzmir MP Sabri Ergül. He was exhausted. I asked him if he had been tortured, however, he could not tell me anything because there were police officers by him. But later, he told me that he had been tortured. Upon this I revealed to the press

that my son had been tortured. In early January, Manisa Security Directorate detained me on the grounds that I had give statements to press. They tortured me as well during the period in which I had been kept in detention. They stripped my son naked and tortured him before my eyes. They were throwing us into cells after the torture ends in order to allow us to have rest.”

Sinan Göktepe pointed out that pressure on Göktepe family had intensified upon a child's giving the names of the family members under pressure, said the following in connection with the incident: “Following the detention of my nephew M.G. Yaşar Göktepe, working at coal quarries in Soma and then my brother Ali Göktepe, a teacher in Manisa, and his children Ulaş and İsa Göktepe were detained. I do not know if they have been involved in any action. As far as I know, police officers asked M.G whom they have detained to reveal the names of all members of the family, and my brother and his children were detained in the light of the names that he has given. They searched our house carefully, however, they could not find anything. Our village has been kept under surveillance since December 28, and they carried out searches for a few times in some of the houses, however, they could not find anything in this search.”

Abidin Apaydın pointed out that no illegal findings were obtained during the search in the village, but arbitrary detentions continued. Apaydın pointed out that he was also one of the persons who had been detained for no apparent reason, and spoke as follows:

“When I got back from the market on Monday, February 9, I saw that the village had been surrounded by the police. When I got home, they detained me. They could not find anything during the search that was conducted in the house. However, they took me to Manisa Security Directorate. There, they asked me if I was a member of any organization. I told them I was not a member of any organization, however, they kept torturing me. They stripped me naked just like they do in Nazi Camps, they poured cold water on me, after that they rolled a wet blanket around me and they give electric to me. This torture continued for a while. After this round of torture ended, they throw me into a cell in order to allow me to rest. This type of torture lasted a few days. They treated me with hot water and cream three days prior to my being brought before State Security Court, in order for the purple bruises on my face to heal. They made me sign a statement minute when I was blindfolded, prior to my being brought before the prosecution office. However, at the prosecution office, I told that this minute did not belong to me, that police had prepared it and they forced me to sign it. State Security Court Prosecutor released me.”

Torture trial

The incident could not be concealed due to the public attention, and Manisa Public Prosecution Office has launched a trial against 10 police officers in the beginning of June under Article 243 of Turkish Penal Code, while the trial of the youths continued at İzmir SSC. In the trial, which was launched without waiting for the consent of the Province Administration Board, sentences of 5 years in prison were sought for each of the police officers for each of 14 persons they had tortured, amounting to a total of 70 years for the police officers, each. Sabri Ergül filed an official complaint against Manisa Security Director Kemal İskender for “commanding torture and protecting police officers who were the perpetrators.” The names of the police officers on trial are as follows: Chief Superintendent Halil Emir, superintendent Atilla Gürbüz, (*) police officers Engin Erdoğan, Levent Özvez, Turgut Demirel, Fevzi Aydoğ, Musa Gencer, Mehmet Tan, Turgut Özcan, Ramazan Kolak. DYP Central Decision Board member and Manisa Province executive Lawyer Zeynel Balkız, DYP executive members lawyers Burhan Amman, Ahmet Özkılıç, Halit Moraloğlu and Oğuz Ünal and two MHP executives undertook the defense of the police officers on the grounds of “national unity and solidarity.”

The trial started at Manisa Heavy Penal Court on 24 June. In the hearing which was not attended by the defendant police officers, it was demanded that the trial be transferred to another province “for the security of the police officers,” like the transfer of the trials on the murder of Metin Göktepe and on İstanbul Gazi incidents.

(*) A trial was launched against Atilla Gürbüz, Engin Erdoğan and Sedat Akdağ on charges of torturing Metin Andaç and his son Hamit Andaç (20) when they were detained on 11 February in Narlıca village of Bergama, İzmir. In the trial which started at Bergama Penal Court of First Instance on May 21, sentence of imprisonment up to 6 years was demanded for the police officers on the charges of “violation of residential immunity and ill treatment”. The police officers were sentenced to imprisonment for 6 months each in January 1998. The sentence was reprieved on the grounds that “they had no previous convictions.” It was revealed that some of the police officers who were the defendants in Manisa case had been prosecuted for inflicting torture on the person named Esat Uçkan, who was detained in İzmir on 27 March 1997.

In the second hearing held on 21 August, chief superintendent Halil Emir and Levent Özvez, Turgut Demirel and Turgut Özcan claimed that they had not tortured anybody. Students Hüseyin Bozkurt, Boran Şenol, Jale Kurt, Münire Apaydın, Sema Taşar, Abdullah Yücel Karakaş, Özgür Zeybek said that the defendant police officers had tortured in detention and the torture had been commanded by Halil Emir, who was called as “commander.” Manisa State Hospital doctors Ayhan Taşpınar, Emine Keskin, Canan Kuş, Erhan Keskin, Hatice Dilber, Hatice Öteyüzoğlu claimed that they had examined the children at the hospital, but, the children had not made any complaint verbally. Emphasizing that the medical reports were incomplete, Lawyer Pelin Erda and Sema Pektaş said, “In the medical reports that have been given by Forensic Medicine Institute, it was mentioned that torture had been inflicted on our clients.”

In the hearing on 6 November, Sabri Ergül testified as witness. Ergül stressed that he had gone to the Security Directorate along with lawyer Pelin Erda upon consent of Manisa Security Director Kemal İskender after he had been informed about the incident. He said, “I heard screams while I was sitting here in the room which had been reserved for lawyers. I came out from the room into the hall. When I opened the door of the room from which the screams had been coming, I saw two naked children. One of them was on the floor. When I entered the second room, I saw that a girl had been stripped naked and made lie on the floor, and two children, one of them was girl, had been kept standing naked. The screams suddenly stopped.” Fulya Apaydın, who had been released by SSC Prosecution Office, disclosed that Levent Özvez had sexually harassed her. Police officers Engin Erdoğan, Fevzi Aydoğ, Musa Gencer, and Mehmet Emin Dal denied the claims and said: “What we hear now at the court has not been spoken before. However, we see that new scenarios have been written. It is not possible to admit what have been told. They are completely fraudulent, these incidents have neither been experienced nor been inflicted. Their purpose is to take revenge from the police.” Chief superintendent Halil Emir claimed that he had not seen Sabri Ergül before. In the hearing on 25 December, Mahir Göktaş and Ayşe Mine Balkanlı told about the torture inflicted on them. Defense lawyers threatened the lawyers of the youths and swore at them. While Balkanlı was saying that she had been sexually harassed, the lawyers from DYP and MHP insulted her. In his defense, Halil Emir denied the claims of torture and sexual harassment. He said, “We know them, I guess Mine Balkanlı has forgotten that we caught her in an inappropriate situation in Fatih Park, my decency does not allow me to speak further but they make themselves obvious.” Emir accused Sabri Ergül of “conspiracy.”

The trial against the police officers could not have been concluded until the end of 1997. The Court Board decided on the identification of the police officers from their photographs as they did not attend the hearings. Even this was done as a result of the long lasting efforts and corresponding, as the photographs were not brought from Manisa Security Directorate, which is only a few hundred meters to the courthouse. The police officers were acquitted in the hearing held on 11 March 1998. This decision was overturned by the Supreme Court.

Trial on membership to an illegal organization

Three separate trials were launched against the youths although it has been proved by the medical reports that they had been tortured. They were put on trial at İzmir SSC on charges of “being members of an illegal organization,” and at Manisa Penal Court of Peace and at Manisa Heavy Penal Court on charges of “writing slogans on walls” and “starting fire.” The indictment by İzmir SSC Prosecution Office sought sentences between 5 and 15 years in prison on charges of “being members of the DHKP-C and carrying out some actions in Manisa.” The trial against 16 people, 12 of them arrested, started on 12 March. In the hearing which had been banned from publication since Mahir Göktaş was a minor, Jale Kurt and Hüseyin Korkut have been released.

In the hearing on 16 April, Münire Apaydın, Özgür Zeybek and Sema Taşar was released. The police officers who interrogated the students in Manisa Security Directorate also attended the hearing. The children identified three of the police officers who had tortured them. Lawyers’ request of prosecution of Mahir Göktaş at juvenile court was not accepted.

The confidentiality and the press ban of the hearings was lifted in the hearing held on 10 September, since Mahir Göktaş has completed his 15th year of age. In the hearing held on 15 October, Mahir Göktaş and Ayşe Mine Balkanlı were released. Lawyer Pelin Erda drew the attention in the hearing to the report which had been prepared by the fire brigade indicating that the fire in the shop, allegedly because of a molotov cocktail, actually resulted from short circuit. The lawyers said the following in their defense of Mahir Göktaş, who was 14 when detained and accused of being the military responsible of the organization: “This child does not know even how to handle a gun. No commander would be made out of this kid. Besides, there is no gun in

sight. Police have brought our defendants before the court on the charges of being members of an organization by implementing the scenario that they had prepared.” In the trial that ended on 16 January 1997, Ali Göktaş, Emrah Sait Erda, Faruk Deniz, Levent Kılıç, and Aşkın Yeğin were sentenced to 12 years 6 months in prison, each. Jale Kurt, prosecuted without arrest, was sentenced to 3 years 9 months in prison, whereas Ayşe Mine Balkanlı, Münire Apaydın, Sema Taşar, and Özgür Zeybek to 2 years 6 months, each. Hüseyin Korkut, Erdoğan Kılıç, Boran Şenol, Abdullah Yücel Karakaş, and Fulya Apaydın were acquitted. (*) The file against Mahir Göktaş, the youngest defendant in the trial, was separated. Mahir Göktaş was later prosecuted at juvenile court and he was acquitted.

Ali Göktaş, Faruk Deniz, and Mahir Göktaş were also prosecuted at Manisa Heavy Penal Court on charges of “burning a building intentionally.” The trial resulted in acquittal in May 1997. The verdict, which was given on the grounds that “It is not possible to launch two separate trials on the same charges” was upheld by the Supreme Court. The trial launched at Manisa Penal Court of Peace on charges of “writing slogans on the walls” also resulted in acquittal 17 March 1997 “since there was no evidence other than the statement of the Security Directorate.”

Devrim Öktem incident

A incident similar to the Manisa case was gone through in İstanbul. An operation carried out by İstanbul Security Directorate Political Branch, involved infliction of torture, which was discussed throughout 1997. In this incident, a 1,5 month pregnant young girl had a miscarriage.

In the operations carried out in Güngören, Kartal and Maltepe quarters of İstanbul and in İzmit and Gebze, 22 people were detained on the accusations of “being members of the Communist Labor Party of Turkey-Leninist (TKEP-L) and having participated in the killing of high-schooler Ertuğrul Kaya.” (**) The names of the 22 persons are as follows: Bülent Gedik, Devrim Öktem (26), İsmail Altun, Müştak Erhan İl, Arzu Kemanoglu, Zülcihan Şahin (19), Okan Kaplan (16), Özgür Öktem (20), Ulaş Batı (17), Ebru Karahancı (17), Sinan Kaya (18), Sevgi Kaya (17), İzzet Tokur, Mustafa Yazıcı (18), Ali Kılıç, Aytun Kılıç, Ahmet Olgun, Meltem Gök, Ayfer Ateş, Mesut Yıldız, Levent Bağdadi and Turan Cabadan. The detainees were interrogated at İstanbul Security Directorate for 12 days, and 17 were remanded by İstanbul SSC on 19 February. The youths were given medical reports certifying the torture inflicted on them by İstanbul SSC Forensic Medicine Office and at hospital where they were taken upon their demand before being taken to the SSC. Of these persons, Levent Bağdadi (born in 1972) and Sevgi Kaya (1980) were given medical reports certifying their inability for 7 days, Sinan Kaya (1978) and Ebru Karahancı (1978) for 5 days, Zülcihan Şahin (1977) and Özgür Öktem (1976) for 3 days, and Okan Kaplan (1980) and Ulaş Batı for one day, each. The medical reports listed ecchymosis determined on the bodies of these persons and their complaints.

Devrim Öktem, making a statement at Sağmalcılar Prison on 24 March after having been remanded, reported to have been tortured in detention and to have had a miscarriage therefore. In her statement, Öktem said that she had been tortured at Aksaray Political Police Center for 15 days, although her being pregnant was well known, and said the following: “On my 13th day in detention, they laid me down in water at the toilet. They were soaking me and applying falanga. Later they suspended me on a hanger and gave electric shocks through my breasts. They were continuously punching my stomach. I must have fainted. When I regained consciousness, I was lying on the floor and my whole body did hurt. I felt a sharp pain in my stomach and there, I was bleeding. Then said someone, ‘She is done’. They took me upstairs. Later I had a miscarriage. At the Forensic Medicine Institute, I told what had happened. They consigned me to the hospital. At Haseki Hospital where I was taken to, a piece was determined to be still inside. Therefore I had an abortion on 20 February. The fragment taken, was sent to the laboratory. However, they say that the prepared report was lost. The police is preventing the report to be transferred to me.”

Devrim Öktem and other persons were referred to the SSC Forensic Department again, instead of being referred to the Forensic Medicine Institute for the finalization of the reports. Dr. Cahit Alkış, the head of the SSC Forensic Department, sent a petition of complaint to the İstanbul SSC Chief Prosecution Office on 7 March 1996, asserting that the differences between the

(*) Supreme Court overturned the convictions on 28 January 1998, and upheld the acquittal of Hüseyin Korkut, Erdoğan Kılıç, Boran Şenol, Abdullah Yücel Karakaş and Fulya Apaydın. Then, Ali Göktaş, Faruk Deniz, Levent Kılıç, Emrah Sait Erda, Aşkın Yeğin and Jale Kurt, Ayşe Mine Balkanlı, Münire Apaydın, Sema Taşar and Özgür Zeybek were put on re-trial in March 1998. They were released in the first hearing.

(**) In connection with the same incident, Serkan Çoban and Hasan Yılmaz, accused of “being members of the organization Direniş (Resistance),” are on trial at İstanbul SSC on the demand of the death penalty.

reports given to the “criminals of terrorism” were used for “defaming the police and giving the impression that forensic specialists were negligent in their duties.” İstanbul Medical Chamber launched an investigation against Cahit Alkış, who had not issued a medical report in spite of the traces. Devrim Öktem was not provided with the necessary medical treatment also in the prison, could not recover for a long time, and she was taken to visits with a stretcher and a cervix holder.

Upon the documentation of torture, lawyers Gülizar Tuncer, Sevim Akad, Several Demir, İbrahim Ergün, Gülay Erkul and Oğuz Demir filed an official complaint against Chief Superintendent Mustafa Sağra, who was in charge of the team known as “TİM 7,” and against police officers in the team. As in most cases of torture, the complaint was delayed for long time. In the trail which could be launched in March 1997, sentences up to 5 years in prison were sought for police officers Mustafa Taner Paylaşan, Ahmet Bereket, Fatih Berkup, Mehmet Atilla Çavdar, and Yakup Doğan under the Article 243 of the Turkish Penal Code. The trail started at İstanbul Heavy Penal Court No. 6 on 26 May 1997. Gendarmes beat the arrested youths, who were taken to the hearing held on 7 July 1997, for “signing victory.” Okan Kaplan, Devrim Öktem, Sevgi Kaya, Zülcihan Şahin, Arzu Kemanoglu, Ulaş Batı, Özgür Öktem, İsmail Altun, Bülent Gedik, and Müştak Erhan İl were given medical reports because of the beating.

In this incident, the testimonies received under torture were regarded as valid evidence. In the trial launched by İstanbul SSC Prosecution Office, the death penalty was sought for Devrim Öktem, Bülent Gedik, İsmail Altun, Özgür Öktem and Erbil Kızıl under Article 146 § 1 of the Turkish Penal Code on the accusations of “being leaders of an illegal organization.” The indictment sought various imprisonment terms for Zülcihan Şahin, Müştak Erhan İl, İzzet Tokur, Arzu Kemanoglu, Sinan Kaya, Ebru Karahancı, Ulaş Batı, Okan Kaplan, Sevgi Kaya, Mustafa Yazıcı, Ahmet Olgun, Zuhul Sürücü and Cemal Bozkurt on charges of “membership to an illegal organization” and for Ali Kılıç and Levent Bağdadi of “aiding the organization.”

In the hearing held at İstanbul SSC on 19 September, the defendants lodged an official complaint against the torturer police officers. In the hearing on 21 November, Mustafa Yazıcı, İzzet Tokur, Ali Kılıç and Sevgi Kaya were released. Later, the number of the defendants rose to 24 with additional case files. In the hearing on 27 March 1997, it was revealed that the accusation of “bombing the Election Office of the MHP,” by which the defendants were held responsible, was also charged on another illegal organization in another trial. (*) Lawyer Gülizar Tuncer disclosed that Ali Metin, who was heard in the trial as a witness in connection with the bombing, was also heard in another trial held at İstanbul SSC on 26 March, in connection with the same event. The trial launched against Devrim Öktem and her friends is under way.

Examples of cases of torture

H. Güç (17), who was detained at his house at noon on 16 January by police on the accusations of “theft,” was taken to Bakırköy State Hospital severely wounded. The youth, who had a “brain hemorrhage,” was operated. Police authorities alleged that he had jumped down from the second floor of Bağcılar 100th Year Police Station where he was kept in detention, and thus got wounded. However, his mother Emine Güç stated that her son had been thrown down out of the window by police officers, and the incident had been attempted to be covered up.

Lawyer Meryem Erdal, a member of the İHD Ankara Branch Executive Board, stated that there was a significant increase in the number of people who applied to the İHD declaring that “they were forced to become police agents or informers.” Holding a press conference on 20 January, Lawyer Erdal stated that forcing people to become agents was a systematical daunting and intimidating policy appropriated by the State and this implementation was getting more and more widespread along the torture cases. Lawyer Erdal also introduced the students Serdar Üşüdü and Eylem Nalbantoğlu who were forced to become informers. These students disclosed that they had been detained by the police, threatened to death and forced to become informers at Ankara Political Police Center where they had been taken to.

A worker named Sadık Örsöğlü, detained at İstanbul Yedikule Police Station where he had gone to learn the fate of his relatives in detention on 28 December 1995, declared that he was

(*) As in the case of the killing of Ertuğrul Kaya, more than one trials were launched in connection with the bombing of MHP Bağcılar (İstanbul) election office on 21 December 1995. In one of these trials, Serkan Çoban and Halil Yılmaz, and in the other, Volkan Kartal and Hüseyin Kırılanc, alleged members of the Resistance, are prosecuted. In all 3 trials launched in connection with the same incident, the death penalty is sought for the defendants, who “confessed their guilt.” In the list of “Solved Incidents,” which was sent to İstanbul SSC by İstanbul Security Directorate, it was reported that the attack against the election office had been carried out by Volkan Kartal and Hüseyin Kırılanc.

tortured and got wounded. Stating that he was taken to the Security Directorate at Gayrettepe after being detained and thrown into a cell, Örsöglü related what he had gone through as follows: “In the evening they took me out of the cell to a saloon-like-place for interrogation. When I asked about my guilt, they started kicking me. After a while, they took me to the cell again. I was kicked once on my testicles, therefore, I started bleeding. So I informed the police and they immediately took me to the Police Hospital. The bleeding stopped due to medical intervention. The moment we returned to Gayrettepe, the bleeding started again. Upon this I was taken to the Haydarpaşa Numune Hospital; here they stopped the bleeding again. Later I was referred to the İstanbul Faculty of Medicine Department of Urology. At the hospital, I was treated for 12 days under police custody and I was not allowed to meet anyone else except the doctors. It was minuted as if I had got wounded due to falling down. I had to accept this situation, because I was afraid, so I told the doctors that I fell down and got wounded.”

Mesopotamian Cultural Center (MKM) President Nuray Şen, detained by the police in Diyarbakır on 9 January and remanded on 15 January, declared that she and the 6 people detained along with her were tortured in detention. Making a statement at Diyarbakır Closed Prison Nuray Şen said, “We were forced to accept that the MKM is an illegal organization, and we were tortured and sexually harassed. Intense pressure was exerted upon a friend named Per-vin Kaya, in order force her to become a police agent. This friend is currently living in a state of fear.” The prosecution of Nuray Şen and her friends started at Diyarbakır SSC on 15 February. Nuray Şen, Pervin Kaya, Medeni Uğurel, Osman Uluğ, Yusuf Karakuş and Şehnaz Gül were released in the hearing. Nazmi Kırık and Turhan Yapıştıran were released on 4 April.

Mehmet Siddik Doğru, who was detained in Çorlu, Tekirdağ on 13 February, on accusations of “membership to an illegal organization,” stated that he was tortured in detention. In his statement following his release, Doğru said that he had been interrogated at Tekirdağ Security Directorate till 15 February, and that he was blindfolded, beaten, insulted, and given electricity. Doğru said that he was taken to Çınarlı Health Center during the period he was in detention, and added that here a fake medical report stating “there are no traces of blows on the body” and “totally he was in good health” was issued for him. A medical report certifying his inability to work for 10 days was issued for him at Çorlu Government Health Center. Doctors Şahin Bal and Zehra Aydın, who issued this report, were put under investigation on charges of “furnishing false medical reports and belittling the state.” Tekirdağ Security Director Mehmet Böke accused the doctors of “furnishing false medical reports in order to disseminate the propaganda of an illegal organization.” In the statement made by Tekirdağ Medical Chamber on 29 February, it was asserted that two different reports had been issued for Mehmet Siddik Doğru, and that the case had been referred to the Turkish Medical Association for investigation.

A young girl, Yeliz Kılıç (17), who was detained on 8 February in Soma, Manisa and remanded on 15 February, declared that she had been tortured at Manisa Security Directorate. Kılıç, who made a statement at İzmir Buca Prison, told that she had been sexually harassed at the Security Directorate, squirted pressurized water, suspended on a hanger, given electricity in her fingertips, sexual organ, stomach and mouth. Kılıç said that she had been tortured again after she had told the doctor at the hospital the torture inflicted on her. She said, “They first poured boiling water and then cold water on me. They tried to push my head inside the hole of the toilet.”

A 15-year old young girl, G.Ö., who was detained in Bismil, Diyarbakır in February on the grounds that “she did not carry an ID card,” disclosed that she had been tortured and sexually harassed at Bismil Commando Battalion during 16 days in detention. G.Ö. narrated what she had gone through as follows: “I was interrogated on charges of being a member of the PKK and having headed for the mountains. In interrogation, I was stripped naked, and then they started pouring cold water over me through a hose-pipe. They sometimes suspended me on a hanger. Meanwhile the interrogators were running their hands all over my body and squeezing my breasts. An interrogator who called himself a captain kept on saying, ‘My, how young and beautiful you are’, molesting and kissing me. For several times, me naked still, while two persons held my feet, the captain would lay down on me. I experienced this torture and harassment every two days. They would show me the pictures of killed guerrillas, saying, ‘See, we detained these people, make them wear the guerrilla outfit, took them to the mountains and killed them there’. A few times, they made me wear the guerrilla outfit. I was threatened to death by them saying, ‘Admit the crime you have committed, otherwise we are going to take you to the mountains and kill you, just like the others. And then we shall call for the TV Stations and tell that you have been killed in a clash.’” G.Ö., her mother Emine Özgür and sister R.Ö. were detained on 13 June by police officers raiding their house in Mersin on 13 June.

Abdullah Yalçinkaya (80), who was detained by soldiers raiding Sütveren Village of Halfeti, Urfa, on 24 February, declared that he was tortured in detention. Yalçinkaya, who was released after 24 hours in detention, said, “They detained me asserting that my son, who joined the PKK, had come home. They took me to Halfeti Gendarmerie Headquarters. I told the soldiers that I had not seen my son for a long time. Upon this, they attacked me with truncheons and kicked me. I cannot use my hands because of the torture inflicted on me.”

Metin Yıldız disclosed that he had been insulted and tortured at Tuzluçayır Police Station in Ankara on 24 March, where he had gone to complain about a vehicle annoying him. Yıldız said, “The vehicle I complained about must have been driven by plainclothes officers. Therefore, they started beating me, saying, ‘how dare you complain about an officer to another officer!’. They were hitting my body at random with the rifle in hand. Then they started biting my shoulder, as they were unable to vent their anger. This explains for the bruises on my shoulder. They dragged me on the floor. They swore continuously. Prior to my release, they threatened me saying that they would kill me if ever I attempted to file an official complaint.” A medical report certifying his inability to work for 5 days was issued by the Forensic Medicine Institute for Metin Yıldız, whose kidneys were ruined due to the beating and who continuously urinated blood.

Reşit Dürre (50), who was detained by soldiers controlling the road in the vicinity of Bulancık, Muş on 18 March, disclosed that he had been tortured. Dürre, who was released on 26 March, stated that, village guards had also tortured him along with the soldiers, and he had been tried to be killed twice. Dürre, stating that he was detained due to an unfounded information by village guard Ebubekir Yalçın who attempted to take over his properties, said, “They forced me to accept that I was a member of the PKK. A village guard named Ahmet Çelik was ordered to kill me. He did not do so upon warnings of his relatives, and delivered me back to the soldiers.”

In police operations on 16 March in Aydın and in Nazilli District of Aydın, 11 people, including minors, were detained on charges of “being members of the DHKP-C.” The 11 people were shown to the media without exhausting the 7-day detention period, upon the instruction by Aydın Security Director Şevket Ayaz after their relatives applied to the İHD Aydın Branch stating that the youths had been tortured, and after the İHD Branch made a statement in line with this application. The students said that they had not been tortured and not ill-treated, “Our families are very curious about us, but we are alright.” Of the detainees, Şevket Barış Şahan and student İsmail Gökçe (16), were allowed to meet their relatives on 18 March. Making a statement as to this meeting, İHD Aydın Representative lawyer Hasan Köse told that the detainees looked definitely worn out and that they told their families that they were tortured. Lawyer Köse pointed out attention to the circumstances when the youths denied the torture: “They were shown to the media on 21 March, and declared that they had not been tortured. However, Osman Erol (17) disclosed while testifying to the prosecutor and during medical examination that he had been tortured. After the decision of remand was issued, Osman Erol was taken to the State Hospital, but a medical report was issued, which read that there were no traces of torture on his body. Erol is the only one who declared that he was tortured.” Şevket Barış Şahan, Yusuf Metin Diler (17), Sevgi Demirayak, Ahmet Umut Ulutürk (17) and Savaş Umman Güray (17) were released on 20 March; whereas Osman Erol, Savaş Yetim, İsmail Gökçe and Mehmet Kara were remanded.

Out of the 22 people, mostly minor students detained during the police operations upon the hanging of PKK flags at the schools in Birecik, Urfa, F.I. (15) was remanded, whereas 21 were released. Mehmet Işık, father of F.I. who was detained along with his son, disclosed to have been tortured in detention in the statement he made after his release. Işık said that the detainees were interrogated at Urfa Security Directorate under various methods of torture such as giving electric shocks, falanga, suspending on a hanger, beating, soaking with cold water and depriving of food, and added, “Most of the detainees were only 15-16 years old. They continuously tortured these children to make them accept the accusations. A doctor was present all the time during the torture, trying to remove the traces due to torture.”

Meral Ordu, one of the 8 students detained during a press conference on 5 April in Adana in protest of the collecting of money at the universities under the title of “educational fee,” disclosed that she had been in detention. In a press conference on 15 April at İHD Adana Branch, Ordu said that she had been beaten, sexually harassed and subjected to psychological pressure, and had been threatened to death during 6 hours she was kept at the Political Police Center.

Remziye Karakoç, detained along with her father Mehmet Karakoç during the police raid against their house in Mersin around 2 a.m. on 4 May, disclosed that she had been in detention. Karakoç said the following after being released: “Blindfolded, they put me in a bathroom and told me that if I ever opened my eyes, they would kill me. Later they took me to a place for

interrogation. They stripped me naked, laid me down on a table and gave electricity on parts of my body. As I shouted and cried, they roared with laughter. They squirted cold water on me with a hose-pipe and kept on giving electricity even after I fainted. They ran their hands over my body and swore continuously.” Karakoç stated that she had been interrogated twice like this, and her father and other people had also been tortured while in detention, and added that she was threatened by the police after being released to make her not tell the torture inflicted on her.

Seven persons who had been detained in Ankara on charges of “being members of Ekim organization” were tortured in detention. Behzat Örs was hospitalized because of the torture inflicted on him. A person working in the hospital (name unrevealed) called Ankara Branch of İHD, and stated that Behzat Örs had been under treatment due to torture on 14 and 15 May. The person in question stated that the situation of Behzat Örs was serious, and the injuries on his body might have resulted from hanging. The person in question stated that the police officers had attempted to prevent the recording the name of Behzat Örs in the hospital register, but upon objections by the doctors, his name had been recorded in the register. A trial was launched against the police officers named Hayati Akça, Osman Menteşe, Rıza Temir, Fikri Vidinli, Kadri Tuncel, Ali Tosun and Remzi Ekçi, who were claimed to have tortured Behzat Örs, with demand of imprisonment of up to 5 years under Article 243 of the Turkish Penal Code. The trial which was held at the Ankara Heavy Penal Court No. 9, continued throughout 1997.

Hüseyin Sunal and Hüseyin Türkmen, detained in İzmir in April on the accusations of “having committed theft,” declared to have been tortured at Bostanlı Police Station. Hüseyin Sunal expressed what he had gone through as follows: “I have theft on my criminal record due to a former incident, but I have not committed a crime since 5-10 years. On the day of the incident, while I was wandering in Bostanlı with my friend Hüseyin Türkmen around 10 p.m., the police took us to the Security. There, they gave electric shocks through our bodies. We were tortured through suspending on a hanger and ruthless beating. We were released the following day at 4 p.m. for not a single evidence could be detected to prove the charges.” Hüseyin Sunal and Hüseyin Türkmen lodged an official complaint with the Prosecution Office, and they were given medical reports, certifying their inability to work for 10 days and 1 day, respectively.

Ferzende Abi, an executive member of the Democracy Party (DEP) Hakkari Provincial Organization who was detained in Van on 25 April along with his wife Şirin Abi and remanded on 9 May, stated that they had been tortured during 15 days at Van Security Directorate. Making a statement at Van Prison, Abi said that the police officers had threatened him to death and that now he was unable to use his arms due to the torture inflicted on him. Abi said, “They kept on telling me, ‘either you are going to become an informer and cooperate with us, or sign the testimony we have written down.’ When I refused, they brought my wife before me, stripped her naked and suspended her on a hanger again and again. They harassed my wife sexually right before my eyes. Deep wounds occurred on my arms due to torture. I was transferred to Van State Hospital in such a state. However, the doctors in orthopedics and neurology divisions did not make any medical intervention and said that the police officers had threatened them that they should neither treat me nor prepare a report for me.” A medical report was given to Ferzende Abi, certifying the torture inflicted on him. Ferzende Abi and Kazım Yeşil, who was in detention in the same period, lodged an official complaint with the prosecution office.

Keko Polat (62), who was detained by soldiers in Lazvan Village of Mazgirt, Tunceli, on 10 June, was taken to Elazığ State Hospital because of the torture inflicted on him at Tunceli Gendarmerie Headquarters. Polat, reportedly detained for failing to inform the authorities about the attack launched on 7 June against Uzunçayır Dam, 1.5 km. from Lazvan, disclosed that he had been beaten by special team members in detention. Treated 6 days in Tunceli State Hospital, before Elazığ, Polat had his ear sewn as he had been kicked, and his ribs had been broken.

Meryem Arasan (34), who was detained in Batman, disclosed that she had been tortured in detention. Meryem Arasan related what she had gone through as follows: “Plainclothes police officers raided our house around 05.00 on 25 May. After asking the name of my mother, they took me to another room. First they stripped me naked, and then they attempted to insert a stick into my genitals. They put a bag on my head, and continued this for about 10 minutes. They gave up as I resisted them. They put my clothes on, and took me to a building nearby Batman State Hospital. They took me to the basement of this building. They stripped me naked, and laid me on a plank. They tied me in the hands and the feet. They attached a cable to my great toe and my genitals, and given electricity by touching on my tongue and my breast with another one. They were swearing at me continuously, and telling me to testify on a person whom I never know. I was unable to walk, and frequently lost consciousness. They deprived me of food and water. They put me in another cell after the sixth day, where 3 other women were inside. They tried to

conceal the traces of torture by putting ice on the wounds and giving medicine throughout 3 days.” Arasan said that on the eighth day of torture, she had asked from the torturers to be killed and added, “One of the torturers told me, ‘take the gun and do it yourself’ . I took the gun from him and fired a shot on my head, but they had taken the bullets out.” Meryem Arasan added that she suffered behavioral disorders after the torture inflicted on her, that she began to beat her children, ate ash of cigarette, and that she began to recover after receiving medical treatment.

İbrahim Kanat and his wife Emine Çiftçi, who had been detained in June in İstanbul, were reportedly tortured during 18 days right before their children’s (4-year-old Tahsin and 9-year-old Naif) eyes. It was reported that the children kept at the political department had been forced to watch the torture inflicted on their father İbrahim Kanat and that the police officers had frightened the kids by saying, “From now on, you do not have a father anymore. We are going to kill him. And we are going to give you to other parents.” The children who stayed by a relative after the arrest of İbrahim Kanat and Emine Çiftçi, reportedly were not able to sleep and cried continuously.

Fifteen-year-old M.Ç., detained in Milas District of Muğla on the allegations of “stealing a bicycle,” was reportedly tortured in detention. According to M.Ç.’s lawyer Dündar Aydoğdu’s accounts, M.Ç., detained on 18 June upon the order by Milas Gendarmerie Commander Captain Dündar Aydoğdu, was interrogated for 4 hours. M.Ç.’s father Rıza Çetin filed an official complaint with the Milas Prosecution Office. M.Ç., who was given a medical report from the Forensic Medicine Institute, was detained again on 19 June and kept in detention for one day.

CHP Konak District Deputy Chairman Nedim Güllü and a party member, İsmet Atıcı, detained in İzmir on charges of “jumping a red light and insulting the officer on duty,” disclosed that they had been beaten at Anafartalar Security Directorate. Güllü and Atıcı were given medical reports certifying their inability to work for 15 and 5 days. İsmet Atıcı disclosed that the police officers had beaten them more severely when they said that they were CHP members.

Serdar Karakul, who was detained in Ankara on the last days of July on the allegations of “being a member of the DHKP-C” and released on 5 August, said that he had been tortured and forced to become an informer. Karakul held a press conference at the İHD Ankara Branch on 8 August, and said that he had been psychologically and physically tortured and that the police had demanded him to become a member of the DHKP-C and serve as an informer for them. Karakul said that a person named Bilgin was also continuously tortured in detention, and 18-year-old İsmail Mumcu, with whom he had stayed together for 3 nights, had also been forced to become an informer but that as he had refused this, he had been remanded and sent to prison. Karakul stated that the police would be responsible for anything that might happen to him. Meanwhile, İHD Ankara Branch Chairwoman Naciye Erkol disclosed that that over 30 youths had applied to them since the beginning of 1995 for “having been forced to become an informer.”

Rahman Ecer, a villager from Çiğli Village of Çukurca, Hakkari, disclosed that he had been detained on 6 August on the allegations of “aiding the PKK members” and tortured at Çiğli Gendarmerie Station. Hakkari State Hospital issued a medical report for Ecer after his release, certifying his inability to work for 15 days. Ecer ended up with 2 broken ribs and a damaged ear membrane due to the torture inflicted on him. Ecer, whose father, brothers and relatives are all village guards, stated that he had been entrusted by First Lieutenant İlhami Özen in charge at Çiğli Gendarmerie Station to take over the body of a soldier who had died two months ago during a clash that broke out in the vicinity of Çukurca. Rahman Ecer added that he had then gone thereupon to Northern Iraq, received the body of the dead soldier and handed this over to the station authorities, and that he had been detained on 6 August by the same first lieutenant.

Songül Yıldız, the Democracy and Peace Party (DBP) Seyhan District Executive Board Member who was detained in Adana on 14 December, disclosed that she had been tortured in detention. Yıldız related the torture inflicted on her as follows: “At Adana Security Directorate, they interrogated me for about 1 hour while swearing at and insulting me. They showed me some pictures, and wanted me to say that I knew the people in the pictures. When I rejected, they started torturing me. First, they told, ‘We want to see you naked.’, and stripped me naked, and 4 people attacked on me. They put me on a hanger, and left me in cold water.” Yıldız stated that the physician at the hospital where she had gone to receive a medical report did not give him a report by saying, “If there are no traces on your body, it is evident that you are healthy.” Upon the official complaint lodged by Yıldız, police officers Nezh Karakuş and Ahmet Seçkin were put on trial. In the trial that ended at Adana Heavy Penal Court No. 2 on 26 November 1997, the police officers were sentenced to 10 months in prison and banned from public service for 2

months 15 days, but the sentences was reprieved on the grounds that the policemen were in “good conduct,” and “committed an offense for the first time.”

Lawyer Eren Keskin, the Deputy Chairperson of the İHD, reported that Zeynep Avcı, who was detained with Ramazan Kortak in İzmir on 24 November, had been tortured and raped at İzmir Security Directorate. In a press conference, Keskin said that Zeynep Avcı had not been able to talk about the incident for 2 months. Keskin stated that she learnt the incident when she paid a visit to Zeynep Avcı in Gebze Prison, and then she read out the letter in which Zeynep Avcı recounted the incident. Avcı described the police officer who raped her, as “blonde, with fringing mustache, and bare on the forehead.” Zeynep Avcı, who was put on trial at İzmir SSC on the demand of the death penalty, disclosed in the hearing held on 3 July 1997 that she had been detained upon the testimonies of repentants named Atilla Kaya and Sakine Sönmez, and related what she had gone through. Avcı said that she had been kept in detention for 25 days instead of 15 for the healing of the injuries of rape, and this extra period had not been recorded. Lawyer Keskin said that the detention period was written wrong in the minutes for concealing the rape.

Treatment Centers report

In 1996, 588 people applied to the HRFT centers in Ankara, İstanbul, İzmir and Adana. In the “Treatment and Rehabilitation Centers Report 1996,” which was prepared upon the information provided by 576 of these people (160 of whom are women), beating down of the people during house raids or demonstrations was also evaluated in terms of torture inflicted by the security officers, as well as the torture inflicted at the security directorates, police and gendarmerie stations and in prisons. The report stressed that there were 30 methods of torture, and listed some of the most widely inflicted methods as follows: “Beating, insulting, threatening, blindfolding, threatening to death, stripping naked, restriction of food and water, exposure to cold or wet floor, cell isolation, pressurized/cold water, creating of a feeling of taking to torture at anytime, threats of torturing relatives, applying electric shocks, suspension on a hanger, sexual harassment, squeezing testicles, preventing sleep, preventing urination and defecation, pulling out hairs, beards, etc., forcing the torture inflicted on other persons, and falanga.”

According to the report, 62.5 % of 588 people who applied to the HRFT in 1996, disclosed that they had been tortured at security centers. 90.8 % (523 people) of the applicants are those who were detained or remanded for political reasons. 43 people said that they had been tortured on non-political grounds, whereas 10 people stated that they had been tortured “without any declared grounds.” Security directorates and police stations ranked first with 360 people (62.5 %) in the list of places where the torture took place, then came prisons with 24 people. 58 people stated that they had been tortured during unofficial periods, such as in their houses, outside the town where they were taken by the police, or during rallies or demonstrations. Out of the people who were tortured in detention, 185 were remanded, 169 were released by the court or the prosecutors, and 140 from the detention place without being referred to the prosecutor.

131 applicants were determined to carry permanent traces and/or physical sequelae due to torture, and complaints related to the musculoskeletal system ranked first among the physical complaints of the applicants. 370 applicants (64.2 %) received a diagnosis related to musculoskeletal system, 223 people to neurological system, and 164 people to gastrointestinal system. The report also gave place to the psychological complaints because of torture. Accordingly, sleep disturbances, memory impairment, anxiety, concentration difficulties, inattentiveness, flashbacks, worry, irritability, weakness and fatigue, and nightmares were listed among the psychological problems. The following were listed in the conclusion section of the report:

- The fact that 50.5% (291 people) of the 576 people who applied to the HRFT in 1996 were tortured in 1996 supports the assertion that torture is systematical in Turkey.
- Torture was inflicted to 90.8% of the 576 applicants for political reasons but this should not be taken to mean that those detained for non-political reasons are not exposed to torture systematically.
- The statements of the applicants revealed that hunger strikes still have the characteristics of being a frequently used method of claiming rights during detention or prison life.
- Unemployment, a major factor that negatively affects the treatment and rehabilitation, was again at a significant level this year. Projects have been developed concerning supplying work and occupation and social support.
- It is quite significant that although there is no treatment and rehabilitation centers in the Eastern and Southeastern Anatolia region, the South-eastern and Eastern region ranked

- first regarding the birth places of the applicants and also that 21.7% of the torture incidents that led to application to the HRFT took place in the Emergency State Region.
- Long detention periods facilitate infliction of torture. The number of applicants released before appearing before a prosecutor and the number of those released by the prosecutor or the court constituted 62.5% of the total number of the applicants, and this should be evaluated within the ongoing discussions about arbitrary detentions.
 - The statements of the applicants made it clear that psychological torture methods are more common but such torture methods as electric shocks or hanging are also applied systematically. These findings should be assessed within the discussions on the prevention of torture and certification of the symptoms of torture by medical reports.
 - That many symptoms of torture were not mentioned in forensic reports although they were observed, should be evaluated within the content of the forensic report procedures, Forensic Medicine Institute, and the responsibility of the physician in prevention of torture.
 - Although the proportion of those who abandoned treatment decreased in comparison to the previous year, it still constitutes an important problem.

Meanwhile, the Torture Watch Commission of the İHD İstanbul Branch publicized the report for 1996 on 26 March 1997. The report read that **942** people had applied to the İHD İstanbul Branch in 1996, stating that they had been tortured in detention. Of these persons, **331** certified the torture inflicted on them via medical reports, 92 lodged official complaints with the prosecution offices. 650 of 942 people were male, 292 were women, and 83 were children, and 728 of them were detained because of ordinary crimes and 214 for political. 96 of the applicants reported that “they had been sexually harassed in detention,” and 82 reported that “they had been forced to become informers for the police.” 77 people had applied to İHD in 1993, stating that they had been tortured in detention, 145 people in 1994, and 362 people in 1995.

g)- Disappearances (*)

In addition to deaths due to torture in custody or in prisons, disappearances also were not eliminated in 1996. Throughout the year, **21** people, who according to eye witnesses or serious evidence had been detained or abducted by security forces, disappeared. However, there was a considerable decrease in the number of the disappearances when compared with the cases in 1993, 1994 or 1995. (The list of the people who disappeared in the period between the 12 September 1980 military coup and the end of 1995 is on pages 365-368.)

The fate of the people who had disappeared formerly could not be cleared up as well. The claims about disappearances were not investigated seriously, instead there were attempts at hoodwinking through palliative activities. For instance, the Security General Directorate decided in December that the photographs of the disappeared people should be attached to the police cars, and established a “Department for Disappeared Persons.” According to a project prepared by the Office of Public Order Department of the Security General Directorate in collaboration with the executives of the Association of Families Whose Relatives Disappeared, the names of the disappeared were announced from the police radio, and a photo album were distributed to all provinces and border check-points. A “Mobil Center for Investigating Disappeared Persons” was founded within the structure of the Department for Disappeared Persons. The center which was prepared by making use of a bus started its activities in the beginning of 1997. The mobile center which mostly stayed in the area where the Saturday Mothers performed sit-down demonstrations in Galatasaray, and the invitations from the center produced no result.

Claims about disappearances were neither investigated nor taken seriously. No satisfactory answer was given to the families who applied to the authorities saying “their relatives had disappeared after being detained.” Authorities continued to reply to any application regarding disappearances by saying, “The aforesaid person was not detained.” or “We want him/her, too.” However, after the car crash in Susurluk and the gang in Yükksekova was revealed, important evidence came out in connection with the counter-guerrilla’s involvement in the cases disappearances as well as the murders by unknown assailants.

(*) This section includes the missing people about whom information has been received from numerous other people stating that they had disappeared and those whose fates have been brought to the attention of the public by their relatives. Apart from those stated in this section, there are hundreds of missing cases, mostly in the State of Emergency Region. However, as the claims in this respect were impossible to prove, or were further supported by additional information, these people were not included in the list. Additionally, those who were missing but then found dead or alive were also excluded from the list.

For instance, the mother of Hüseyin Toraman who had disappeared in 1991, Hatice Toraman, who lived in Germany, made a statement in December following the Susurluk accident, and she attracted attention to the then İstanbul Security Director Mehmet Ađar. She stated that they went to the Grand National Assembly for the finding of Hüseyin Toraman in November 1991 and asked for help from the SHP Erzincan MP Mustafa Kul. Hatice Toraman stated that Mustafa Kul called Mehmet Ađar, and said the following:

“Mehmet Ađar stated that he would investigate the event, and after half an hour he called Mustafa Kul and said that Hüseyin Toraman was in detention and had been caught with the fake ID for İsmail Çelik. We were very happy, and we went to diner. 2 hours passed. Then we wanted to visit and thank to Mustafa Kul before returning back to İstanbul. However, Mehmet Ađar phoned and stated that there had been a misunderstanding and that Hüseyin had not been detained. I, my husband Ali Rıza Toraman, my brother Hasan Aydın, Ali Toprak and Mustafa Kul witnessed these words of Mehmet Ađar. What I could not understand is how it was possible for Mehmet Ađar, who had declared that my son had been detained, to know the fake ID of my son which was unknown to his parents. When I talked with Hüseyin’s wife Gülay Toraman and his friends, and learnt that the fake ID had been arranged for İsmail Çelik as stated by Mehmet Ađar. The connection of Mehmet Ađar and his colleagues with the disappearances should be investigated. I was living in Şihli village of Pendik. At nights, we were receiving threat phones. Even I was beaten twice in the minibus I got on in order to participate in Saturday and candle putting demonstrations. Once 2 persons in plainclothes approached toward me and threatened me and my family to death. Therefore we had to settle in Germany.”

The Security General Directorate, which rejected all cases of disappearance, made a separate statement for each disappearance, and claimed no responsibility for them. According to a report prepared by the Department for Disappeared Persons, between 20 December 1996 and 8 August 1997, a total of 153 applications for disappearance were made, 41 being made to the temporary center, and 112 to Mobile Center for Investigating Disappeared Persons. In report, it was stated that 66 applications for disappearance in detention were investigated, that 24 persons who were claimed to have disappeared were delivered alive to their families, that 5 died a natural death or committed suicide, that 1 person had been detained and then released, 4 persons had been arrested for various offenses, that 3 persons had participated in illegal organizations, that 6 persons were wanted for various offenses, 8 persons had possibly gone abroad, and that 15 persons had not been detained.

Saturday mothers

The increase in the number of the people gone missing after being detained, and of those found dead after having disappeared, incited public anger towards such cases. A group of people consisting of the relatives of the missings, executives of democratic mass organizations and artists held a sit-in in front of the Galatasaray High School on İstiklal Street in İstanbul on 27 May 1995. Then this action turned into a tradition, and was repeated at 12.00 every Saturday. In the statement made in connection with the starting of the action, it was said, “Turkey does not fall short of Argentina. We are afraid that Turkey will face a similar situation. We have a call for all writers, poets and intellectuals. Let’s attend to these press statements. This is a cry. Our task is to eliminate this scandal.”

The sit-in act secured world-wide support within a short period of time. “Saturday mothers” presented the story of a disappeared person each week to the public attention. The Saturday mothers occasionally faced intervention by the police. The police officers, who did not intervene in the first few actions, then tried to decrease the number of the participants or shorten the duration of the action. Starting from July, the police changed its attitude. It was witnessed that the activists were attacked or detained by the police in this period. The police intervention was halted upon the determined resistance of the Saturday mothers.

The relatives of the disappeared from Diyarbakır who wanted to participate in the demonstration which would be held by Saturday Mothers on 2 March were obstructed. In the communication sent by Diyarbakır Security Deputy Director Hasan Şenay to İstanbul Security Directorate, it was said: “We have been informed that under the coordination of the Diyarbakır Branch of İHD, approximately 35 women would go to İstanbul starting from 29.02.1996, and gather together with other so-called relatives of the disappeared in front of İstanbul Galatasaray High School on 02.03.1996 in order to form a public opinion.” The relatives of the disappeared who were aware of the initiative by Diyarbakır Security Directorate did not go to İstanbul.

The sit-in act by Saturday mothers continued until the summer of 1996 without any significant incident or attack. But the demonstration area was filled with more than a hundred

police officers in order to prevent the sit-in act to be held by the mothers in front of Galatasaray High School on 1 June. In the demonstration, occupation of the sitting places in front of Galatasaray High School by the police was. Upon such occupation, the relatives of the disappeared performed their demonstration in the area at opposite side.

Saturday mothers were attacked also on 8 June. The police officers attempted to scatter the group of approximately 100 people including the relatives of the disappeared and the delegates of the organizations which participated in HABITAT, who arrived in front of Galatasaray High School around 11.00, detained a number of persons including HABITAT Asia Pacific Coalition delegate Suzanna George from Malaysia, Marl Linilkla from Norway and Norway Humanitarian Aid Organization Representative Nita Kapoor by beating and dragging them. Another group of people who gathered in the vicinity of Galatasaray High School in order to protest this situation was also intervened by the police, and 50 persons were detained by being beaten. Meanwhile some persons felt faint, and a relative of the disappeared, named Hasene Türkoğlu, was taken to hospital. The journalists were also attacked by the police.

The relatives of the disappeared were also attacked on 15 June. The police officers who were waiting in front of Galatasaray High School, detained a number of people including İHD Vice President Mahmut Şakar, KESK General Secretary Faysal Özçiftçi, film director Yusuf Çetin, artist Ferhat Tunç, a reporter for *Guardian* Sena Smith, a French citizen Paul Barenfant and English Judith Ann Cunnison. Following the dispute between the police and the CHP İstanbul MPs Ercan Karakaş and Algan Hacaloğlu, DISK Chairman Rıdvan Budak, ÖDP Chairman Ufuk Uras, İHD Chairman Akin Birdal and Liman-İş Trade Union Chairman Hasan Biber, deputies, who arrived at the spot, a symbolic sit-in demonstration for two minutes was conducted. Most of those detained were released in the evening.

A group of people who attempted to participate in candle lighting demonstration in Altıyol, Kadıköy, İstanbul on 17 June in order to their disappeared and arrested relatives was prevented by the police. The police who took comprehensive security measures due to the candle lighting demonstration which held by the relatives of the disappeared and the arrested on 17th day of every month in Altıyol, prevented a groups of 10 -15 persons and detained 4 persons.

The relatives of the disappeared were also intervened by the police on 22 June and about 150 persons were detained. The police officers who waylaid İstiklal Street where Galatasaray High School located with panzers in the morning, detained the relatives of the disappeared as well as the lawyers who were members of ÇHD and certain writers and artists who supported the demonstrations. There was no ambulance for hospitalizing a woman who fainted while he was being detained. Missing Hasan Gülünay's wife, Birsen Gülünay, were forced to get on the police bus together with her girl at the age of 10. The child, who was separated from his mother for a while, was detained and taken near her mother. A group of lawyers who went to Beyoğlu Court House in order to file an official complaint about the detention their friends had a dispute with the police and then were detained.

The relief titled "Disappearances," placed by the Ministry of Culture in sit-in area of Saturday Mothers was removed by İstanbul Governor in June. CHP İçel MP and former Minister of Culture Fikri Sağlar stated that they had ordered the production of the relief to symbolize the fact that the sorrows of the relatives of the disappeared were shared by the whole society. Sağlar demanded that the relief should be erected in its place as soon as possible.

The police officers who blockaded the area in front of and in the vicinity of Galatasaray High School in the morning on 29 June, detained 127 persons including the executives İHD and ÖDP and artists. The police officers attempted to prevent the families who started to march towards Galatasaray at 11.50, and detained many people by force. Afterwards a group from İHD came in front of the high school. The police also attacked to a group who wanted put cloves to the area of sit-in. A group of persons including the lawyer Gülizar Tuncer, Neşe Ozan, Handan Koç, Nimet Tanrikulu, Filiz Koçali, Mercan Polat and Filiz Karakoç was detained. A group of 70 students gathered together in front of Ağa Mosque, and started to march toward Galatasaray High School. When the students prevented by the police, they sat down in the street. Police beat all of the students and detained them. Of those detained, 80 students were released after their identities were determined, and 47 students after their testimonies were taken.

Similar incidents were repeated during the sit-in which was to be held on 6 July. The police officers who blockaded the area in front of Galatasaray High School and İstiklal Street with panzers, detained about 20 persons who attempted to put cloves in front of the high school. Most of those detained were released after shot time, and İpek Yıldırım on released 7 July, after

her testimony was taken in Beyoğlu Prosecution Office on grounds that he has “resisted to police.” İpek Yıldırım stated that the she had been tortured at Beyoğlu District Security Office where she was taken. İpek Yıldırım, who had been taken to hospital upon getting worsen in detention, maintained that she had stayed in hospital for 10 hours, and both her legs got bruised due to beating. İpek Yıldırım filed an official complaint about the police officers.

There was no intervention with the sit-in after 6 July due to both the determined attitude of the demonstrators and internal and external responses. Minister of Interior Mehmet Ağar made a press release on 13 July, and stated that the demonstration would not be intervened. Following this statement, the interventions with the demonstrations were abandoned.

Although the interventions with the demonstrations were abandoned, trials were launched against those detained during the interventions. In the trial launched by Beyoğlu Public Prosecution Office, 680 persons were demanded to be sentenced to imprisonment for 3 months to 3 years on charges of “holding demonstration without permission.” Among those against whom a trial was launched were SİP Chairman Aydemir Güler and KESK Chairman Siyami Erdem and 38 persons with ages below 18. The trial started at İstanbul Penal Court of First Instance No. 5 on 15 September. In the first hearing, some defendants stated that they had participated in the demonstration, certain others said that they had no connections with the demonstrations and they had been detained while they had been passing by.

Award to Saturday Mothers

“Carl Von Ossietzky Medal” (*) awarded by the International Human Rights Union conferred on Saturday Mothers in 1996. Ossietzky Medal was conferred on the writer Aziz Nesin in 1993. In the ceremony held in World Cultures House in Berlin on 8 December, Carl Von Ossietzky Medal was awarded to Yelda and Chair of İstanbul Branch of İHD Nimet Tanrıku on behalf of Saturday Mothers. Nimet Tanrıku, took the award to the sit-in on 14 December, and gave it to the families of the disappeared. In her statement, Tanrıku said the following: “They told us ‘Do not give up, we will support until the end and stated that they were supporting us. We thank to this solidarity and continue our struggle against the disappearances.”

Other demonstrations

There were other demonstration similar to those in front of Galatasaray High School. İHD Ankara Branch started to hold a candle lighting demonstration in front of the Human Rights Monument on Yüksel Street in Kızılay on 17th of every month starting from 17 June. There were also periodical demonstrations related to disappearances in Konak Square in İzmir and in Altıyol in İstanbul. The demonstrations in Ankara would generally end up with no incident due to non-intervention, the demonstrations in İstanbul and İzmir were frequently intervened by the police.

Kudret Çelik, Dilber Bulut, Aydan Özalp, Hatice Tekdal, Fatma and Bedia Orhan, Müslime Almaz, Hüsnü Demiray, Ahmet Gündem, and Atila Yeniso, relatives of persons disappeared in detention, (*) made a press release in İHD Diyarbakır Branch on 29 January, and demanded that “they be given information about their relatives if they are alive, and given their corpses if they are dead.” Ahmet Gündem disclosed that his son İbrahim had been detained by first lieutenant named Kenan Şahin. He said: “When I went to the Station, Kenan Şahin said that he had not detain and recognize my son. Yet I know Kenan Şahin very well. A few days later, soldiers came to our village and put our village on fire, and forced us to migrate. My son İbrahim was married with 9 children. I could not receive any information about my son for 4,5 years.” Hüsnü Demiray, the father of Ahmet Demiray, who had been detained in 1994, said: “Village guards Habib Ek, Tevfik Ekti, and Ömer Ekti detained my son due to antagonism between us. Then I applied to Diyarbakır SSC. It was disclosed that my son Ahmet disappeared after he had been detained by Diyarbakır Provincial Center Gendarmerie Headquarters.”

The press release which would be made by the Democratic Struggle Platform in İstanbul Altınşehir Dispossessed Cemetery on 9 June, was prevented by the police, and 11 people were detained. The detainees are İrmak Uğurlu, Arzu Demir, Filiz Yeşilyurt, Civan Yıldırım, Ali Battal, Ulaş Onur, Şahin Çoban, Gözde Kaplan, Tuncay Kılıçarslan, Özgür Günaslan, and Aşur İş-

(*) German journalist and peace defender Carl Von Ossietzky, was born in 1889. He started the initiative “No more wars” in 1925. He was remanded in 1931, and pardoned one year later. Hitler his arrest in 1935, and he was confined in a concentration camp. He was given the Nobel Peace Price in the same year. Ossietzky began to suffer from tuberculosis. He was released in 1936, but died in hospital in the same year.

(*) Missings are Bedri Algan, Mustafa Ekrem, Ali, Ramazan, Fahri Bulut, Selahattin Akbulut, Ali Tekdal, M. Selim, Hasan Orhan, Sinan Fidan, Salih Çalık, Ahmet Demiray, İbrahim Gündem, Turgut Yeniso.

bilir. The 11 people were tortured in detention for 9 days. İstanbul SSC remanded Günaşlan and İşbilir on 18 June, and released others in order to be prosecuted without arrest. In a press meeting in İHD İstanbul Branch on 19 June, and the detainees related about the torture inflicted on them.

The Police intervened in the sit-in by relatives of the disappeared at Konak Square in İzmir on 22 June, and detained under harassment about 60 people. The detainees were later released except Deniz Bağcı. The sit-in act was also prevented on 29 June. The police expelled the relatives of the disappeared attempting to enter into Konak Square in small groups, and detained 5 people. The police also interfered with relatives of the prisoners and the disappeared that staged a sit-in on 13 July at İzmir Konak Square and detained 13 people under harassment. Police officers utilized trained dogs during the incident, and also detained journal *Odak* reporter Emine Can. They beat Kerem Oğuz from newspaper *Demokrasi*, İrfan Sayguner from journal *Kızılbayrak* and Yusuf Işık from the journal *Kurtuluş* and seized the film rolls in their cameras. While 11 of the detainees were released, Erol Cesur and Ömer Gülmez were arrested

The police prevented demonstrators from entering into the sit-in area at Konak Square on 9 November, and scattered them; then the demonstrators gathered together and stage a sit-in in front of Sümerbank. During the incident, Ferhan Uzun, Erdal Güler, and Deniz were detained. During sit-in act held on 16 November, the police detained 10 people under harassment: Özden Özel, Hatice Aslan, Oya Keman, Özlem Gözcü, Zeynel Değirmenci, İnan Öztürk, Ulaş Bilgin, Orhan Aslan, Selahattin Ilgaz, and Cahit Ceylan. After one day, 10 people were released on conditions of prosecution without arrest. The relatives of the disappeared stated that they had been beaten in the police bus and at the Security Directorate, and although they had been permitted for press release, it had been written in the written record that the press release had been without permission. İnan Öztürk declared that although he had been issued a medical report for 3 days from Yeşilyurt State Hospital, the report was not given to him. A trial was launched against the detainees on accusations of “holding an unauthorized demonstration.” The trial started at İzmir Court of First Instance No. 13 on 20 January 1997.

The sit-ins at Konak Square were also intervened by the police on 30 November and 14 December. Some people were detained during the incidents. People named Zeynep Dikilioğlu, Anje Wiltenberg (German) and Metchild Sander (German), who participated in the in the sit-in act at Konak Square on 28 December in order to gave support, were kept in detention for a while.

International Initiatives and Activities

The relatives of the missing persons have also been supported in their struggle by the international institutions and organizations. The fact of being a victim of disappearances drew outcry abroad thanks to the actions of Saturday Mothers and it allowed the matter to be brought onto the international platforms. For instance, “The International Congress of the Missing In Detention” was held in İstanbul between 17-19 May. The congress which had been planned to be held in Taşkışla Premises of İstanbul Technical University, was held in MED-KOM Culture Center on İstiklal Street when the Provincial Governorate did not give a permission. (*)

Within the framework of the activities of the Congress, an act of lighting candles was carried out in Kadıköy on May 18. The police intervened in and detained 33 people. English citizen Jennifer Sutton and French citizen Vincent Reynal were released in the same night. While 29 persons out of the ones who had been detained were released on May 19, Gül Göker and Veysel Ceylan had been kept in detention for some more time. Gül Göker was arrested on May 20 on the grounds that “she failed to declare on a financial matter.” The Congress ended on May 19 with the commemoration activities. Following are the decisions taken in the Congress:

- The Committee For Struggle Against International Disappearances has been formed. Delegates from Chili, Uruguay, Colombia, Palestine, Turkey-Kurdistan, England, Germany, French, Sri Lanka, and Zaire are appointed as members of this committee.

(*) The participants of the Congress laid carnations in front of Galatasaray High School on May 17. When they came to İTÜ Maçka Premises, they faced the police. The Governor’s decision of ban was protested with a statement made by Gül Göker and İlkay Akkaya on behalf of the Organziation Committee. Michael Feeney who made a speech on behalf of English Catholic Church, and Human Rights Project of The Kurd, stressed that Turkey has signed international conventions on human rights, however, the villages had been burned, the people had been disappeared in detention, and human rights had been violated. Baba Ocağ from the Organization Committee pointed out that the governorate did not inform them about the decision of ban although it had to inform them within 24 hours, as a result their legal rights had been violated.

- The Bureau of Struggle Against International Disappearances will be formed. It was agreed that a head office in Istanbul, a representation office in England, and secretariats in the participant countries will be formed. These bureaus will also function as the centers of research, examination and information collection.
- 17 May, on which Hasan Ocak was found dead and which was declared as the day of the missing by the İHD, and 25-31 May which had been declared as the week of struggle against the disappearances in Latin American countries, are combined, and the period between 17 and 31 May is declared as the International Week of Struggle Against Disappearances.
- It was agreed that the congress to be held in the country once a year so as to coincide with The International Week of Struggle Against Disappearances, and the place of the congress which is to be held next year was agreed to be one of the Latin America countries which will be determined decisively later on.
- An international bulletin in Turkish, French, English, and Spanish will be released at least at every 3 months.
- An International Court, which would be independent from the states and which would be composed of lawyers, law experts, defenders of human rights, and the relatives of those who had been disappeared, will be established.
- A list of the missing people will be prepared at the earliest convenience, this list will be open to signatures in the form of an international protest campaign.

The relatives of those who disappeared who came to Turkey upon the invitation of Amnesty International on the occasion of World Missing Day in support of the families of the missing persons in Turkey and to announce the issue to the entire world, held a meeting at Bilsak on October 27. The relatives of the missing persons who reported the stories of their missing relatives said. "We knew nothing about the disappearance cases in Turkey. And we have seen that neither we nor the relatives of those who have disappeared in Turkey are alone. Regardless from language, religion, race, and country, we have witnessed that the mothers, spouses and brothers and sisters of all those who have disappeared shared the common pain. There is no difference between the pain from which we have been suffering and the pain from which the Saturday Mothers have been suffering. The pain of those who disappeared sees no limits."

In his speech, Beba Hadzic who had been exiled from Srebrenica where he had lived during the Serbian war pointed out that they had been exiled from Srebrenica by the Serb Fascists during the war, and more than 10 thousand people had been disappeared, and he said: "A missing person in a family means the disappearance of the entire family. Because those who remain behind have nothing to do but waiting and this cannot be described as life. Pain is pain for a mother whether she is in Bosnia, Turkey, and Argentina. Here, I recommend a campaign to be started for the cases of disappearances which have taken place in Bosnia, Serbia, and Croatia in addition to Turkey."

Baba Ocak, the father of Hasan Ocak, and Hanım Tosun, the wife of Fehmi Tosun, also attended the meeting. Baba Ocak pointed out that the state had not admitted that it massacred Hasan Ocak despite all these national and international pressure, and he said. "We are in favor of the solidarity of all of the relatives of those who have disappeared regardless from language, religion, and race. In case of the formation of a unit for the disappearances in detention which would be affiliated with Amnesty International, I am ready to be the representative of that unit." Hanım Tosun said. "I salute the relatives of those who disappeared in the other countries who have been sharing the same pain with us." A deputy from Holland named Saskia Noorman-Den Uyl said. "I will try to inform the world that people have been killed in detention in this country. I will continue to support the families of those who have disappeared in Turkey."

Provocative Attempts

The actions of the relatives of those who disappeared and the positive public opinion which has been formed have become subject to reactions of certain circles. The circles in question have followed a different method upon their failure to make the relatives of those who have disappeared give up their struggle despite provocative attempts, official statements, and the interventions of security forces. From the midst of 1996, the relatives of those who have disappeared have been encountered with the relatives of the soldiers and police officers who had been killed in clashes or in armed attacks. This group of people who were in pain and who have been describes as "Friday Mothers" by some of the media organs were desired to be provoked sometimes against the relatives of those who disappeared, sometimes against the relatives of

those who had been convicted or arrested, and sometimes against the groups who were in action in order to seek their rights.

Journalist-writer Tanil Bora has drawn the attention to this atmosphere in his article, **“The Mother of The Entire Nation Is Crying”** published in the daily *Milliyet* on 7 August.

Following the Saturday Mothers’ having been allowed to take a rest after a period of intensive beating, the Friday Mothers have been brought onto the agenda. I am using a cheap cliché “brought onto the agenda” because that is what actually happened: while these mothers who have lost their children at war were sharing their pain in the cemeteries, a projector has been directed on them saying “look, there they are on the other side.”

Of course the pain of the Friday Mothers their suffering is no less than that of anybody else. Of course, those who have been commenting on “the dirty war” or “terror” should learn their lessons from their screams. Their screams should always remind them of the existence of the people who were flesh and blood, yet lifeless beyond the maps and figures. However, there lies a damned hypocritical calculation that aims at capturing the consciences behind the Friday Mothers’ being encountered with Saturday Mothers within a manner of “counter act.” This manner is identical to the one which threatens the worker who has been struggling for wage saying “there are thousands of men who are starving on the streets”, thus humiliates both the worker and the men on street.

This mentality which weighs the oppressions and pains of humanity on a scale, and which compares the destinies and crushes them by setting them at loggerheads, now has an intention to sweep what has left from the collective conscience after it has blow out the collective mind of the society.

Luckily, there is a big deal of people who raised objection to this evil calculation. An effort was carried out in order prevent the Friday Mothers with the Saturday Mothers from confronting each other. Have not the Friday Mothers who had been alone with their pain so far said to the microphones and cameras which had been pointed at them: “We have souls too. Aren’t you sorry for us too?” which may be considered their first reaction ?

To be precise, have not those who have opened a “bet of mercy” on behalf of them, said: “What is going to happen to Friday Mothers, are their pains not for their children?” Well, in that case, that gives us a conscientious agreement on being equally sorry for both Friday Mothers and Saturday Mothers.

But, is that all to it; sharing “the pie of mercy” equally? Did Saturday mothers appear in demand for mercy, and in demand for pity? Yes, the majority of the public has developed a feeling of sensitivity and of mercy for these people and the sad thing was they developed these feelings for them as a result of the reaction to the beating that the mothers have taken from the police officers on the street rather than a concern about the fate of their children. However, Saturday Mothers did not yell “have mercy on us, feel sorry for us.” If their condition is to make the others develop a feeling, this feeling should be shame, not mercy and sadness.

Saturday Mothers stand there with a concrete demand, after burying their pain within as deep as possible: Demanding prevention of missing of children in detention, or killing in prisons. Demanding the implementation of basic principles written in laws and lying in the concept of justice. And now they are told “in consequence”: Well, we are sorry for you; actually you had better be sorry for them too.

“To make the mother of the entire nation cry” is the ever work of the ones in power that they perfectly perform. They are now masters in this work: They divide “the mother of the entire nation” into camps and make them cry, race with each other, and they make others watch them.

In his speech on July 25, İzmir Governor Kutlu Aktaş said. “The persons who have been referred to as Saturday Mothers have been organizing demonstrations all over. These persons who have been aiming at the unity of Turkey, have been honored to a certain extend in press and in public. Some circles have recognized them as if they were innocent people.”

A similar statement was made by Security General Director Alaaddin Yüksel. Yüksel said. “Let Saturday Mothers search for their children in mountains, not in front of Galatasaray High School.” These words were protested by the relatives of the missing people. In the statement made by the Saturday Mothers during the sit-in on 30 November, it was pointed out that the authorities who had remained silent so far, started to blame them, and it was said: “Here we ask and expecting an answer, if our children are in detention or in mountains, whose corpses were found in the cemetery of homeless, by the sides of the roads, in pits, and in the landfills of the

military brigades? What stage are the investigations that have been launched in connection with the missing persons who had been later found dead? How many persons' testimony from those who have witnessed that these persons have been detained, has been received? If those who have disappeared in detention are in mountains, "to whom the 256 corpses in the Forensic Medicine records who had not been identified by anyone belong and who are those who died 'from abnormal causes and who constitute 60 per cent of the corpses in question' as revealed by Algan Hacaoglu who was the state minister responsible for human rights of that period in 1995?"

Ali Ocak, the elder brother of Hasan Ocak, was detained by the police officers who raided his house in İstanbul Kartal Rahmanlar in the night of March 15. Ali Ocak, who was released by İstanbul SSC on March 29, stated that he had been tortured. Ocak reported that he had been detained for being the brother of Hasan Ocak and interrogated on the allegation of "being a member of an illegal organization," and said, "First I was suspended on a hanger. I had been left on the hanger for a long time. They put me down when my arms went numb, and they started to squirt pressurized water on me. They made me wait in a cold place. After that, I was suspended on the hanger again. They gave me electricity through my right hand, my foot, and my sexual organ. Upon the deterioration of my health, they put an end to torture, and they put me in a cell. They brought me before the journalists along with some persons whom I did not know except for one of them, and they introduced me as a member of an illegal organization. We have been continuously under pressure since we have nor remained silent to the killing of Hasan."

Baba Ocak, the father of Hasan Ocak was not allowed to go abroad. Baba Ocak stated that his passport was extended on September 18, one week after his application to İstanbul Security Directorate, but his wife Emine Ocak and daughter Maside Ocak were not given passports. Baba Ocak stated that the authorities whom he met at the Security Directorate told him that "the passports were sent back to the political division." Baba Ocak stated that passport officer in İstanbul Avcılar Security Directorate had insulted him saying "We are going to give you passports so that you will be shouting there!" and he also pointed out that the passport had not been issued on the grounds that the trial regarding the ones who were detained at the funeral of Hasan Ocak continued. Maside Ocak pointed out that the medical treatment that was to be given to her mother in Germany had been hindered since she had not been given a passport.

"We Want Our Children," a poster published by the İHD in 1995 on disappearances in detention, was banned by İstanbul Governorate. The İHD applied to İstanbul Administrative Court No. 3 in order to launch a trial for the annulment of the order. But this application was rejected. Upon this, an application was made with the Council of State, but the Tenth Chamber of the Council of State ruled that the decision of the Governorate was in accord with the law.

Those who disappeared in 1996

The following is the information compiled by the HRFT about the people who disappeared in 1996 and the whereabouts of whom could not be revealed:

01)- Abdüllatif Yağızay (40)

No information could be obtained from Abdüllatif Yağızay, who had been detained by the police in Nusaybin at the end of November 1995. His relatives stated that Yağızay had migrated from Yavruköy village of Nusaybin to the district center due to the pressures in August 1995, and that they had applied to the prosecution office two days after his detention, but could not obtain any result. Abdüllatif Yağızay's wife, Erdihan Yağızay, came to İstanbul at the end of March, and took part in various activities in order to reveal out the fate for her husband.

02)- Mehmet Fındık

03)- M. Emin Fındık

04)- Ömer Kartal

Mehmet Fındık, the headman of Doruklu village of Silopi, his brother Emin Fındık and their relative Ömer Kartal, who left their village on 31 December 1995 in order to deliver the turkeys requested from Silopi Gendarmerie Command and Silopi Security Directorate for the New Year's Day, disappeared. The car of Mehmet Fındık, the son of Osman Fındık, who was the leader of Teya tribe which was active in the region, was later found between the Gendarmerie Command and the Security Directorate. For the disappeared persons, Cizre Mayor Kamil Atak and İdil Mayor Abdurrahman Abay went to Silopi together with the village guards on 3 January. It was reported that the authorities stated said "they might be kidnapped by the PKK, we will find them as soon as possible," and in response, the village guards said "If the PKK is able to kidnap a man in the center of Silopi, then what is your use?" Afterwards the village guards met with Silopi District Governor, and complained about the attitude of the state toward them, and said: "You said 'Take your guns', we took our guns. You said 'You will fight with the PKK,' we fought. But

the state still does not trust us. Our relatives disappear or they are killed. This should be solved.” The village guards wanted to march in Silopi after they met with the authorities, but they were prevented by the soldiers and the police with threats of “opening fire.”

05)- Hanifi Yaman (17)

The shepherd named Hanifi Yaman, who had gone to the plateau in order to graze the sheep in Lice district of Diyarbakır on 5 January, disappeared. It was reported that the investigations performed by the family of Hanifi Yaman produced no result, and the soldiers conducted operations in the region. His uncle Kasım Yaman stated that the shooting of 12 sheep belonging to Hanifi Yaman attracted attention to the soldiers conducting operations in the region, and he said: “Hanifi went grazing sheep on 5 January. When he did not come home, we started to search for him. We found the sheep, but 12 of the sheep had been destroyed by being raked. At first we thought of a theft. But when we found all of the sheep except one, we changed our mind.” Kasım Yaman stated they had no problems with anybody, and he said: “That the military units have been conducting field surveys in the region for two weeks is making us suspicious. We are worried about the life of Hanifi. On 7 January, we applied to Diyarbakır Public Prosecution Office. But we could not obtain any result.” In the communication by Diyarbakır Security Directorate dated 3 September 1997, it was alleged that “Hanifi Yaman was detained by the security forces, and such claims intentionally aimed at defaming the security forces.”

06)- Ahmet Oğuz

No information about Ahmet Oğuz, who was reportedly detained in Şirinevler, İstanbul in February 1996, could be received. In the statement made by the İHD İstanbul Branch, it was disclosed that while Ahmet Oğuz was waiting for bus in Şirinevler bus-stop together with two friends, he was taken by 3 plainclothes in a white Renault car, and after 4 days, he was taken to the construction site he worked, for a search. In the book titled “Real Side of Claims About Disappearances” published by the Anti-Terror Branch of the Security General Directorate, it was claimed that “Ahmet Oğuz was not detained, and since his real identity was not known no investigation was made.” The only document supporting this comment by the Security Directorate was the communication by İstanbul Security Directorate dated 29 August 1997.

07)- Talat Türkoğlu

Talat Türkoğlu, (*) who left his mother’s house in Edirne in order to go to İstanbul on 1 April, disappeared. The whereabouts of Talat Türkoğlu could not be revealed despite many initiatives. In a statement she made later, Talat Türkoğlu’s wife Hasene Türkoğlu stated that she was sure that he had been detained since he was followed by the police. According to the information given by Hasene Türkoğlu, Talat Türkoğlu told the following to his sister when he went to Edirne: “As we were approaching the TEM highway, a Renault car in which there were several people stopped in front of the bus in the vicinity of Silivri, and a person came out of the car and got on the bus. After one hour, the same person got off the bus and got on the same car, which traveled in front of the bus up to Edirne. In the bus terminal, I got off the bus and came to the house by a taxi. At the entrance of the street where the house located was a white Renault car with several persons in it. As I was waiting for the opening of the door of the building, two persons got off the car and started to walk toward me, at that moment the door opened and I entered in and closed the door.” Hasene Türkoğlu told that while Talat Türkoğlu was describing his bus travel, he said to his sister “In the bus, I was about to cry out ‘they will kidnap me.’” Hasene Türkoğlu disclosed that the balcony door of the house in Edirne had been forced the same day, and that after two days, Talat Türkoğlu had been pursued by the police in the street.

In the response by the Ministry of Interior to the parliamentary question issued by CHP Ankara Deputy Ali Dinçer about Talat Türkoğlu to the Office of Speaker, it was stated that Talat Türkoğlu had been detained for the last time on 21 September 1994 on charges of “being active within the illegal organization named Turkish Revolution Party,” and that after he had been arrested by İstanbul SSC, he had been released at the end of 1994. In the response, it was said: “He has not been detained after the date in question. Upon applications by the family, and lawyer of the person in question, and İHD, detailed information on the matter had been given and they have been told that they would be helped by all means in this regard.” In addition, in the response by

(*) After the 112 September military coup, Talat Türkoğlu was kept under custody at Ankara Security Directorate for 90 days. He was prosecuted at Court Martial and kept under arrest in Mamak Prison for 13 months. He was repeatedly put on trial in cases of Communist Party of Turkey/Union (TKP/B) and Revolution Party of Turkey (TDP). He was abroad for some period. He was detained in İstanbul after 1984, and kept under arrest in prison for 24 months. Last time he was remanded together with his wife, and served 13 months at Sağmalcılar Prison. He was released in October 1994.

the Ministry, it was stated: “No oral or written application has been made about the possibility that Talat Türkoğlu might be murdered by unknown assailants.” It was claimed that the person named Kasım Açık, who had been killed in Gebze Prison on 18 May 1997 on accusation of “being an agent of the police,” played a role in the disappearance of Talat Türkoğlu. In the written statement made by MLKP and the Turkish Revolution Party (TDP), it was stated that after it was understood that Kasım Açık was “an agent of the police,” he was interrogated in the prison, and he confessed that he had participated in various incidents. In the statement, it was emphasized that Kasım Açık had said that he had “participated in the killing” of Talat Türkoğlu.

08)- Hıdır Öztürk (18)

Hıdır Öztürk (18), who was detained in Bismil, Diyarbakır, on 14 April 1996 and then arrested, disappeared in October. While the administration of Diyarbakır Prison claimed that Öztürk had “escaped as he was being taken to hospital,” the SSC Prosecution Office maintained that “he had fled in the rural area where he had been taken for an operation.” Öztürk’s mother, Leyla Öztürk, stated that her son “disappeared in the prison.” In her application to İHD in December, Leyla Öztürk related the story of his son as follows: “My son joined the PKK in 1993. After 3 years, he came to our house in İzmir. He stayed for 4 months. Afterwards he returned to Diyarbakır. He was arrested in Silvan. It was said that after he had been tortured for 20 days, he was put into the ward of confessors. When I went to the prison to visit him in June 1996, he told me ‘I don’t want the ward of confessors, they put him there by force and torture. I have no security of life here.’ Since my financial status is not good, I could only visit him after three months. When I went to the prison on 31 October, the guardians said to me ‘Your son was in the ward no. 38. But he fled away as he was being taken to the hospital.’ When I applied to the prosecution office the same day, they told me ‘Your son escaped to the mountainous area when he was taken to the operation by the security forces.’ I think that my son has been killed.”

09)- İsa Efe (65)

No information could be received about İsa Efe, who was detained during the raid by special team members and village guards against Kocatepe village of Derik, Mardin on 7 July morning. İsa Efe was taken to Üçyol Gendarmerie Station on 7 July, and released after a few hours. İsa Efe, along with 25 villagers, was detained in the second raid against the village in the evening the same day, by village guards including chief village guard Seydo Denli, former repentants Orhan Denli and İshak Ektiren, chief village guard of Karataş village, Mustafa (surname unrevealed), and chief village guard of İncesu village, Abit. Some of the villagers who were taken to Üçyol Gendarmerie Station were released on 8 July. According to narration by witnesses, İsa Efe separated from other villagers on 12 July, and taken blindfolded to Derik Gendarmerie Headquarters, and 14 villagers were released the same day. While Derik Gendarmerie Commander Cemal (surname unrevealed), to whom his relatives applied later, claimed that they released İsa Efe, a witness said that İsa Efe had been delivered to the Necimoğlu family, with whom he had a vendetta for 30 years, in return for 5 billion TL. The witness said that a captain named Cemal delivered him to Derik Mayor Hasip Necimoğlu (ANAP) and his nephew Faruk Necimoğlu on 13 July. A relative of İsa Efe said: “They had taken 40 people from the village. Afterwards he was released together with them. Then he was taken again to Derik Gendarmerie Command on grounds that he should give testimony. When we went there after 3 days, they told us that he had been released. We cannot receive any information about him for months.”

10)- Ali Haydar Kaya (26)

No information could be received about Ali Haydar Kaya, who worked as the Director of Aras Kargo company in Silvan, Diyarbakır, since mid-August. His relatives stated that Kaya had gone to Diyarbakır via his car to visit his elder sister, and he had left Diyarbakır the same day, and that they could not receive any information about since. His relatives disclosed that the car of Ali Haydar Kaya was found on Diyarbakır–Silvan freeway 3 days after he had disappeared, and that although they had applied to the security, the gendarme and the prosecution office, they received no information. In the book titled “Real Side of Claims About Disappearances” published by the Anti-Terror Branch of the Security General Directorate, it was alleged that “Haydar Kaya had been detained in an operation against Hezbollah in April 1995, but later he was released.” In the book, the claims about 1996 were not mentioned.

11)- Orhan Yakar

Orhan Yakar, who was reportedly detained in Bingöl in September, gone missing. His father Mehmet Yakar stated that he had applied to İstanbul Public Prosecution Office on 13 November, stating that he could not receive any information about his son who worked as a bootblack in İstanbul, for two months. He said that when his application produced no result, he

returned back to his homeland Sarısu village of Doğubeyazıt, and applied to Sarısu Gendarme Station. Mehmet Yakar disclosed that non-commissioned officers İlker and Enver said, “Your son is in detention in Bingöl Gendarme Station,” and therefore he went to Bingöl. He said: “Here they told me ‘Your son died by stepping on a mine while he was showing a spot.’ How could it be that not those many soldiers, but only my son walked on a mine? He was killed under torture.”

12)- Hazım Ünver (29)

No information could be received about Hazım Ünver, who had left Adana and gone to the Northern Iraq in order to collect the debts to him in September. The relatives of Hazım Ünver applied to Diyarbakır Branch of İHD in 1997 and requested help. Hazım Ünver’s brother, Enver Ünver stated that as a result of the investigation they performed on the registers in Habur Border Checkpoint, they found out that his elder brother had entered into Turkey.

13)- Halil Birlik (60)

14)- Mehmet Bilgiç (50)

No information could be received about Halil Birlik (a close relative of former Deputy Kemal Birlik) and Mehmet Bilgiç, who had entered into Turkey from Habur Border Checkpoint on 7 November. ANAP Şırnak Deputy Salih Yıldırım brought the issue to the agenda of the Parliament, and stated that when Halil Birlik and Mehmet Bilgiç arrived at Habur Border Checkpoint on 7 November in order to enter into Iraq, they had been detained together with Ramazan Ökten and their other friends and no information could be received about them later. Salih Yıldırım met with Şırnak Governor, the State of Emergency Region Governor, the Gendarme Regional Responsible, and Şırnak Security Director, and stated that he had been informed that no record concerning Halil Birlik and Mehmet Bilgiç was found. The relatives of Halil Birlik and Mehmet Bilgiç applied to the Deputy Prime Minister Tansu Çiller via DYP Şırnak Deputy Bayar Ökten. But this proved to be useless.

15)- Şirin Bayram (17)

17)- Hakkı Kaya (47)

19)- Fahriye Mordeniz (40)

21)- Selahattin Gümürçü

16)- Ramazan Tekin

18)- Ramazan Yazıcı

20)- Mahmut Mordeniz (45)

No information could be obtained about 7 people, who had been taken by those introducing themselves as “police,” or who had been kidnapped by unknown assailants in Diyarbakır and in several districts at the end of November. The applications by the relatives of the people in question proved in vain.

Those found dead (*)

Numerous people were found dead a short or long after they disappeared in 1996, as in the previous years. The number of the people who were found dead after disappeared or abducted reached 200 from 1991 till the end of 1996.

For example, People’s Labor Party (HEP) Diyarbakır Provincial Chairperson Vedat Aydın, abducted by people who came to his house in Diyarbakır on the night of 5 July 1991 and introduced themselves as “police officers,” was found on Diyarbakır-Maden Highway on 7 July 1991; İsmail Hakkı Kocakaya, abducted in Esenler Quarter of Diyarbakır on 23 November 1991 by people alleged to be “police officers,” was found in the Karacadağ region around Siverek on 27 November 1991; journalist Bülent Ülkü, who had gone missing in Bursa at the beginning of 1992, was found in Bursa Uludağ on 1 April 1992; Cemal Akar, who had gone missing on 25 January 1993, was found on 25 February 1993 around Pülümür District of Tunceli; İHD Elazığ Branch Chairperson lawyer Metin Can and doctor Hasan Kaya, who had gone missing on 21 February 1993, were found on 26 February 1993; journalist Ferhat Tepe, abducted on 28 July 1993 in Bitlis by people with radios in hand was found on the shore of Lake Hazar around Sivrice District of Elazığ on 3 August 1993; retired major Cem Ersever (had quit the army at the beginning of 1993 and made important statements about the activities of the counter-guerrilla), who had gone missing in November 1993, and his 2 friends named Mustafa Deniz and Neval Boz (members of the intelligence department) were found on 5 November 1993 -all dead.

(*) In the reports published by the HRFT, the persons who were found dead after disappeared were not included with the statistical information given under the section Disappearances” as their fates are revealed, albeit sorrowfully. These cases are reported as “murders by unknown assailants” with few exceptions, such as the case of Mehmet Şerif Avşar (found dead on 7 May 1994), the murderers of whom were later revealed.

Following are a few of the examples of people who disappeared and were killed in 1994: Kurdish businessman Behçet Cantürk (44) and his driver Recep Kuzucu were found dead in the vicinity of Sapanca, Sakarya on 15 January; an *imam* named Kerem Gencer (42) was found dead in the vicinity of Kırkbudak Village of Tatvan on 17 January; Şeyhmuz Yavuz (41) was found dead on Diyarbakır-Silvan Highway in the night of 11 March; Yusuf Ekinci (52), a lawyer of the Ankara Bar, was found dead around Gölbaşı, Ankara in the morning of 25 February; a Kurdish businessman named Savaş Buldan (30) and his friends Adnan Yıldırım (37) and Hacı Koray were found dead in the vicinity of Karakuş Village of Yığılca, Bolu on 4 June; a trade unionist named İkrım Mihyas was found dead in the vicinity of Yaka Village of Bornova District of İzmir on 6 July; a village headman named Naif Ummaz was found dead in the vicinity of Hilvan on 16 August; two people named Sıddık Etyemez and Ahmet Ceylan were found dead on Diyarbakır-Ergani Highway on 30 September; and lawyer Faik Candan was found dead in a deserted area in Salih Bey region 15 kilometers from Bala District of Ankara in the morning of 14 December.

Similar incidents also took place in 1995. Pharmacologist Ayşenur Şimşek (one of the founders and administrators of Sağlık Sen), who went missing on 24 January, was found dead on 29 January in the vicinity of Yahşihan, Kırkkale. Her family was informed after 3 months. Selahattin Akbulut, who had gone missing in Eriktepe (Mahmeşervan) Village of Bismil District of Diyarbakır on 20 June, was found dead in the vicinity of Goma Village of Bismil on 25 February 1996. It was revealed that Selahattin Akbulut had been killed in September. His daughter Ayda Özalp stated that her father had been detained by police officers, and said, "My father had been detained 3 times previously. He had been continuously threatened by soldiers."

Rıdvan Karakoç, who was declared to have "gone missing after being detained by the police in İstanbul on 15 February" and Hasan Ocak, who had gone missing after being driven by people reported to be "police officers" in İstanbul Gedikpaşa on 21 March, were found tortured to death in the vicinity of Buzhane Village of Beykoz. The fate of Rıdvan Karakoç and Hasan Ocak, whose bodies were kept at the Forensic Medicine Institute Morgue after being found and whose families were not informed, could only be learned by their families in May. It was determined that the corpse of Hasan Ocak was found in the vicinity of Buzhane Village on 26 March 1995, and kept in the Forensic Medicine Morgue until 28 April, and that of Rıdvan Karakoç had been found in the same region on 2 March 1995 and buried in the Cemetery for Homeless People after kept for some period of time.

The corpses of Şerafettin Gazeli, a student in the Faculty of Medicine, Sivas Cumhuriyet University, who left home in order to go to school at the beginning of November, and of his fiancé Fatma Uysal, were found in the vicinity of Karakaya Dam on Diyarbakır-Elazığ freeway on 16 November 1995. It was determined that Şerafettin Gazeli and Fatma Uysal, whose hands, feet and eyes were reportedly tied, had been killed by being shot by the head. Şerafettin Gazeli's father, Şakir Gazeli said: "My son was saying that he was being threatened by the ultra-nationalist students in the school. Finally, he was detained in Silvan on 15 October 1995. My son was kept in detention at Silvan Security Directorate for 15 days, and then he was released; afterwards my son said he would go to school and left." Şakir Gazeli declared that the home-mates of his son phoned and said that Şerafettin Gazeli had come to the school, but he had not come the house for two days; he said: "His friends asked whether Şerafettin had gone Silvan back. Then I applied to Diyarbakır and Silvan Security directorates. However they told that he had not been detained. Despite all my efforts, I could not receive any information about him. On 16 November 1995, the corpse of my son and his fiancé were found tortured by the hunters. We have no enemies. Although 3 months passed, the assailants had not been revealed out. Since the ultra-nationalists were involved in the incident, nobody is willing to find out the assailants."

People killed in 1995 were not limited to the cases reported above. For example, Süleyman Abak and Abdullah Abak, abducted from their house in Kızıltepe, Mardin at early 1994, were found dead in January in the vicinity of Viranşehir; Hamza Haran (uncle of İhsan Haran who had gone missing in December 1994), who had gone missing on 23 February in Hüseyinika Village of Lice was found dead on 24 October in the vicinity of the same village; Ferhan Eşer, the Director of the Registry of Birth in Lice District of Diyarbakır, abducted on 13 April in Şehitlik Quarter of Diyarbakır, was found dead in the vicinity of Piriçlik Town of Diyarbakır on 27 April; farmer Hadi Baran, abducted by unknown people on 14 May from Kahveci Village of Kozluk, was found dead on 7 June in the vicinity of Kurtalan, Siirt; a civil servant named Süleyman Kaplan, abducted by being forced into a car by 4 people on 26 May in Midyat, Mardin, was found dead in the morning of 27 May in the vicinity of Kayapınar.

In 1996, some of the persons who had gone missing were found dead, especially in the first half of the year, uninterruptedly. Abdullah Canan, who had gone missing in Yüksekova District of Hakkari on 17 February, was found dead around Altınbaşak Village of Yüksekova on 21 February. The murder of Abdullah Canan was solved when the gang, named by the public as “Yüksekova Gang,” which has been formed by soldiers, police officers and village guards, was revealed. (Detailed information is on page 201)

Siblings named Eyüp Karabey (26) and Mahir Karabey (18), who had disappeared on 28 December 1995 in Çukurca, Hakkari, were found dead on 26 February. Eyüp and Mahir Karabey, whose corpses were found around Narlı village of Çukurca that was evacuated in 1994, were reportedly shot with rifles and on their corpses traces of bayonet were determined. Recep Karabey, father of the murdered brothers, said that his sons were tortured to death after being detained by plain-clothes police officers. Recep Karabey added that the applications he had filed to the authorized offices, following the disappearance of his sons, were definitely unattained.

Süleyman Seyhan (65), who had been detained in Dargeçit after 3 persons, 2 of whom were teachers, had been killed by the PKK militants in the vicinity of Dargeçit district of Mardin on 29 October 1995, was found dead on 6 March. Upon information that 3 corpses had been found in a hole in the vicinity of Kurucu village, which was 3 kilometers away from the district and which had been evacuated formerly, the relatives of the disappeared obtained permission from the district governorate and the District Gendarmerie Command, and found the corpse of Seyhan in the hole. It was determined that Süleyman Seyhan had been killed after his hands had been tied at his back. The relatives of the disappeared disclosed that since they had no permission for further search they could not find other two corpses. Then the relatives of other 6 persons who had disappeared in detention applied to the district governorate and the prosecution office in order to obtain permission for making a search. The relatives of the disappeared stated that following the detentions at the beginning of November 1995, the military authorities said “three persons who had been involved in the killing of teachers had been killed,” and this confirmed the claims by the villagers that “there were 3-4 corpses in the hole.” No information could be obtained about Emin Aslan, Seyhan Doğan, Davut Altunkaynak, Nedim Akyön, Abdurrahman Olcay and Abdurrahman Coşkun (12), who had been detained in the operations following the killing of businessmen and teachers.

The corpses of 2 people were found buried in the dump of the Brigade Headquarters in Şırmak on 14 May. One of the dead people was determined to be Ahmet Ürün (31) of the Village Services Şırmak Provincial Directorate, detained by 4 people who, introducing themselves as “police officers”, had come to his house on the night of 14 April. Strangled with a rope, Ahmet Ürün reportedly had certain traces of torture on his body. The relatives of Ahmet Ürün stated that they had applied to various offices following his disappearance but all their efforts had ended up in vain. His relatives disclosed that workers had found Ahmet Ürün’s and the other person’s corpses in the dump and informed the soldiers, and said the following: “The soldiers got the corpses of Ahmet and the other person out of the dump and handed them over to the municipality. According to the witness accounts, the corpse had been totally buried in the dump and covered. When we saw Ahmet at the Şırmak State Hospital Morgue, it was impossible to recognize him. We just managed to identify him through the traces on his body. His eyes had been blown out, his body had been swollen and gone blue due to the torture inflicted on him. He still had the rope on around his neck. Besides, they had taken off the watch on his wrist and his shoes, and taken his money as well. In the autopsy performed, Ahmet was determined to have been strangled with a rope about 15-20 days ago.” It was also alleged that the other dead person had been a Northern Iraqi apprehended in a clash as he attempted to cross the border and brought to the Şırmak Brigade Headquarters.

Mustafa Tokuş, who worked in the water pumps in the vicinity of Demirbağ village, which was affiliated with Divriği Iron and Steel Mines Enterprise in Divriği, Sivas, was kidnapped by unknown assailants at night on 21 June. It was reported that Mustafa Tokuş had gone to the water pumps for the watch between 16.00-24.00, but his colleagues could not find Mustafa Tokuş when they arrived for their shift. The workers found out that there had been attempts at burning down the pumps and the car of Mustafa Tokuş, and that the shift register had been torn down, and then they informed the company representative. The family of Mustafa Tokuş and the trade union authorities applied to the Security Directorate and the Gendarmerie Command, which proved ineffective. The authorities claimed that Mustafa Tokuş had been kidnapped by the PKK militants in a raid. Mustafa Tokuş was found dead in the vicinity of Çivlik stream in the vicinity of Demirdağ village of Sivas at night on 22 August. The corpse of Mustafa Tokuş, which had been torn down, could be recognized by his relatives from his clothes.

The body of İsmet Güvenç was found in Esenler, İstanbul, on 6 October. The police authorities claimed that Güvenç was a member of the DHKP-C, and that he might have been killed in an internal conflict within the organization. In the press release made by the family of İsmet Güvenç and the lawyers in İstanbul Branch of İHD on 11 October, his relative Kadir Güvenç stated that the report prepared following the autopsy in the Forensic Medicine Institute specified the cause of death as internal bleeding, and that the doctors asked those who came to recognize the corpse whether İsmet Güvenç had been detained or not. In the report it was stressed that there were bruises on the body of İsmet Güvenç, and a trace of bullet which entered into body from the front part of the chin and left the body from spinal cord. Kadir Güvenç said: "İsmet had been accused of several actions. All of these confirm that İsmet has been detained and killed by the police and MİT."

Nimet Çakmak (21), who was abducted by unknown persons when he was going from Diyarbakır to Silvan with his private car on 2 September, and a woman whose name could not be revealed, were found dead around Samanyolu Village of Batman in the morning of 4 October, both burnt and burnt to death. On the morning of October 4th, around the Village Samanyolu of Batman, 2 burnt corpses were found. The corpses, found upon information by villagers, were taken to the Batman State Hospital Morgue. It was reported that the corpses belonged to an approximately 30 year-old man and a 20-year-old woman, and that these people had been burnt down after being killed with a single bullet in the head.

Nimet Çakmak's father Arif Çakmak, stating that his son had also been detained previously and tortured, said, "Though he had burns on various parts of his body, they say his face was still recognizable. My son traded cars. He used to frequently go to Silvan because of this. We did not hear from him the last time he went there. We found his car some 30 kilometers away from Silvan. On the fifth day he had gone missing, my son's house in Seyrantepe was robbed. The persons who broke in the house had taken the gold in the house and DM 10,000. The only key of the house was on my son."

The corpse of a person named Nusrettin Çomak was found at Yeniköprü region on the road between Hakkari and Yüksekova on 17 November. Çomak, who inhabited in Saridere Village of Başkale, Van, had reportedly been invited to Başkale Battalion Headquarters on 30 October to "give testimony," and no information had been received about him since then. His relatives, who filed an application with the Battalion Headquarters, were told that "he was not detained." His relatives stated that they had been informed on the incident after the body of Çomak, who had been shot and thrown down a hole, had been found by the villagers.

Confessions by a JİTEM Officer (21 January 1996-Evrensel)

A JİTEM officer who called Evrensel newspaper, said that the person named Ali Tekdağ () had been killed by JİTEM. During the meeting under special secrecy conditions, the officer stated that JİTEM had been involved in many murders by unknown assailants, and he informed Evrensel newspaper of the modus operandi and operations of the intelligence organization. The officers stated that he served as a lieutenant in the intelligence team, that he worked in Şırnak, Siirt, Sason and Silvan regions, and that he undertook duties in pursuit, wired communication, wireless command and telephone listening departments. The officer maintained that JİTEM was responsible for the burial of Ali Tekdağ in a field after he had been tortured and burnt down in Silvan, that he had taken part in the operations in collaboration with village guards and PKK confessors in the region he served in, and that he had a number of police and officer friends who took part in the operations conducted in the city center of Diyarbakır. The officer declared that all of the telephones in the city center were listened, and he said: "There are about 30-40 JİTEM and MİT interrogation centers in the provinces and districts. These interrogation centers are known by top ranking officers and by those who serve in operation (especially catching, pursuit and interrogation) teams. These centers includes definitely several confessors. The confessors are as free as other authorities. These teams are directly subordinated to the Public Order Army Corps Command." The officers said the following in sum:*

(*) Some witnesses disclosed that they had seen Ali Tekdağ, who had been taken by persons, "reportedly police officers," in Diyarbakır on 26 November 1994, at Diyarbakır Anti-Riot Forces Directorate. A witness said that he had seen Ali Tekdağ in detention. A prisoner, Seyfettin Demir, said that "he had be together with Ali Tekdağ in detention, and he had seen that he had been severely tortured." Upon these statements, Ali Tekdağ's wife Hatice Tekdağ applied to Diyarbakır SSC Prosecution Office, and met with SSC Prosecutor Bekir Selçuk. Relatives of Tekdağ made an application with the European Human Rights Commission.

“Ali Tekdağ had been tortured for months and then he was killed. The commander with the nickname “bull” inserted a wire into the sexual organ of Tekdağ, and gave electricity. Tekdağ was raked by the commander with nickname “Timuçin” and “Bull” with guns. The confessor “General Zinnar (Alaattin Kanat)” participate in the interrogation of Tekdağ, and forced him to reveal information about DEP members. Ünal Erkan was monitoring the developments concerning the interrogation of Ali Tekdağ. JİTEM members are trained by the intelligence officers from the USA and England. The confessors took part in the interrogations with torture as well. The intelligence and operation team trust in tribes. In the headquarters of the tribes are interrogation rooms. A number of militants were killed in these rooms. It is true that the special teams consist of MHP members, the newspapers publishing news in this respect had been made targets.”

The officer alleged that the people seized and detained in Diyarbakır were interrogated with torture in Pirinçlik Gendarme Base, and the State of Emergency Region Governor was informed of the delivery of detainees; he said:

“The members caught in Diyarbakır are taken to Pirinçlik Gendarme Base. Here is the interrogation center of JİTEM. Moreover, interrogation is conducted in a hangar in Deregeçidi Military Region used in the martial law period. In addition, those seized are also interrogated in Ergani Gendarme Station, Silvan Armored Brigade, and Commando Battalion. Detainees are interrogated in mobile stations, and headquarters subordinated to the Regional Public Order Command. JİTEM may take a militant caught within the region of the police if it so wishes. The delivery of members is approved by State of Emergency Region Governor or by the related branch security directors. The people killed is known in advance. Everything within the area in our responsibility is reported daily. Pirinçlik Gendarme Base is the center of torture. Those seized are interrogated here. Diyarbakır MİT center is one of the most powerful intelligence centers in the Middle East. Aid is obtained from the intelligence organs of Iran, Iraq and Barzani forces. In Diyarbakır, Silvan, and Cizre, aid is obtained from Hezbollah. A female militant seized was raped by the commander with nickname ‘Bull.’ Then he shot her by her sexual organ with a G-3 rifle. In interrogations, rape is frequent. The sexual organs of men or women are aroused, and then cigarettes or clothes are fired and held on them. The payroll of the team members are not certain. They are paid separately for each operation.”

Disappeared people who had escaped or had been rescued

Some of the disappeared people managed to escape alive or be rescued. For example, Abdullah Aydın who was abducted after a raid by unknown people against his house in Bağlar Quarter of Diyarbakır on 1 September 1994, was found alive on 15 September 1994. The then State of Emergency Regional Governor Ünal Erkan disclosed that Abdullah Aydın had been abducted by Hezbollah militants and found in the basement of a house raided by the police, with his hands tied and about to be killed. Abdullah Aydın who was utterly exhausted due to hunger and torture, was treated at the hospital for a long period.

Ayhan Uzala , who had been abducted in front of his house in Kadıköy, İstanbul, on 29 November 1994, was released on 19 December 1994. Ayhan Uzala stated that he had been abducted by people he deemed counter-guerrilla or MİT members, had been psychologically tortured and threatened with death during 20 days, and he said: “I was to be the latest victim of the chain of murders by unknown people. My being a Dutch citizen contributed to my being able to stay alive.” Ayhan Uzala described his experiences in a book he wrote.

Belediye-İş Trade Union Batman Branch Chair Osman Küntaş, Halit Aydın, Selahattin Yasak, Şakir Tanrıkulu, Ahmet Günbatı (village headman), Ekrem Şaşmaz, Hikmet Çiftçi, Burhan Alkaş, Halit Teymur, and Arif Gezici (doctor), who were abducted in Batman by unknown people in January and February, were released in January 1996. The 10 people were reportedly abducted by Hezbollah militants and kept at the special shelters in basements of some houses in Batman. It was alleged that 10 people were released upon the intensification of the operations against the Hezbollah in Batman. Batman Security Director Emin Körpe said: “Taking into consideration the identities of those abducted, we conclude that they have been abducted by Hezbollah members.” Körpe said that of those released, Arif Gezici had been disappeared since 17 October 1994, Ekrem Şaşmaz since 5 December 1994, Şakir Tanrıkulu since 9 January 1995, Halit Teymur since 10 January 1995, Selahattin Yasak since 11 January 1995, Halit Aydın since 16 February 1995, and Ahmet Günbatı since 15 November 1995.

Osman Küntaş, Selahattin Yasak, and Ekrem Şaşmaz (abducted while he was going from Erzurum, where he served as a soldier, to the city center of Gercüş), stated that they had been kept

alone in special places excavated underground, they were given foods such as bread and onion and they did not know the abductors. Osman Küntaş stated that they were continually said “We are taking you to release” during their abduction and their places were changed, and he said: “Therefore I did not believe them when they had last said ‘We are taking you to release.’ They were demanding a ransom of one and half billion TL. I said that I did not have that much money and could give it. We were kept in shelter-like places excavated under a house. They were giving us daily food. We could not have a bath for a year. We had to satisfy out toilet needs where we were.” Osman Küntaş said that they were only subjected to psychological pressures.

Below is the list (*) prepared by the HRFT regarding the people who had gone missing between 12 September 1980 and the end of 1995:

001)- Gazal	1980	Mardin	Political
002)- Hüseyin Morsümbül	18 September 1980	Bingöl	Political
003)- Cemil Kırbayır	09 October 1980	Kars Göle	Political
004)- Mahmut Kaya	25 December 1980	Kars	Political
005)- Zeki Altınbaş (25)	April 1981	Yalova	Political
006)- Gürkan Mungan	December 1983	Ankara	Political
007)- Nurettin Öztürk	04 April 1984	Ankara	Political
008)- Ömer Savun	06 May 1989	Siirt	Political
009)- Hüseyin Demirtaş	26 May 1989	Siirt	Political
010)- Adnan Bağca (32)	11 June 1990	Siverek	Political
011)- Abdullah Kurt	September 1990	Yüksekova	Political
012)- Yusuf Erişti	March 1991	İstanbul	Political
013)- İbrahim Gündem (46)	25 September 1991	Hazro Sarıerik village	Political
014)- Hüseyin Toraman (25)	27 October 1991	İstanbul	Political
015)- Mehmet Demir (32)	10 January 1992	Siirt	Political
016)- Durmuş Çaylak (27)	09 February 1992	Fethiye	Ordinary
017)- Hüseyin Yaman (22)	04 May 1992	İstanbul	Political
018)- Soner Gül (22)	04 May 1992	İstanbul	Political
019)- Hasan Gülünay (32)	20 July 1992	İstanbul	Political
020)- Mehmet Ertak	22 August 1992	Şırnak	Political
021)- Ayhan Efeoğlu (25)	06 October 1992	İstanbul	Political
022)- Namık Erkek (30)	19 December 1992	Mersin	Political
023)- Ali Kırılgaç	07 March 1993	İstanbul	Political
024)- İbrahim Akıl	14 June 1993	Şırnak Görümlü village	Political
025)- Hikmet Şimşek	14 June 1993	Şırnak Görümlü village	Political
026)- Salih Demirhan	14 June 1993	Şırnak Görümlü village	Political
027)- Hamdi Şimşek	14 June 1993	Şırnak Görümlü village	Political
028)- Halit Özdemir	14 June 1993	Şırnak Görümlü village	Political
029)- Şemdin Culaz	14 June 1993	Şırnak Görümlü village	Political
030)- İhsan Uygur	06 July 1993	İstanbul	....
031)- Yüksel Alptekin	06 July 1993	İstanbul	....
032)- Aysel Malkaç (22)	07 August 1993	İstanbul	Political
033)- Erdoğan Şakar (32)	13 August 1993	İstanbul	Political
034)- Abdülvahap Timurtaş (32)	14 August 1993	Silopi Yeniköy	Political
035)- Serhan Dehmen (23)	08 September 1993	İstanbul	Political
036)- M. Şah Atala (24)	09 October 1993	Kulp Alaca village	Political
037)- Bahri Şimşek	09 October 1993	Kulp Alaca village	Political
038)- Hasan Avar (41)	09 October 1993	Kulp Alaca village	Political
039)- Şerif Avar (24)	09 October 1993	Kulp Alaca village	Political
040)- Nusrettin Yerlikaya	09 October 1993	Kulp Alaca village	Political
041)- Turan Demir (27)	09 October 1993	Kulp Alaca village	Political
042)- Behçet Tutuş (40)	09 October 1993	Kulp Alaca village	Political
043)- Abdi Yamuk	09 October 1993	Kulp Alaca village	Political
044)- Salih Akdeniz (65)	09 October 1993	Kulp Alaca village	Political
045)- Celil Aydoğdu	09 October 1993	Kulp Alaca village	Political
046)- Ümit Taş	09 October 1993	Kulp Alaca village	Political
047)- Yılmaz Gümüş	21 October 1993	Batman	Political
048)- Bahri Kağanaslan	29 October 1993	Diyarbakır Baroğlu village	Political
049)- Ahmet Çakıcı	28 November 1993	Hazro Çitlibahçe village	Political

(*) Of the persons who were reported as missing by the HRFT in its Annual Report for 1995 and in certain other documents, it was revealed that Hamza Güneri (11 September 1995-Ağrı) was alive and he was in prison, and Ahmet Cingöz (7 June 1995-Diyarbakır) was working in Derince, Kocaeli. Besides, the dead body of Süleyman Seyhan (October 1995-Dargeçit) was found dead in March 1996. The list has been revised with respect to these 3 cases, in line with the information compiled by the HRFT starting from 1996.

050)- Ali Efeođlu	05 January 1994	İstanbul	Political
051)- Fethi Yıldırım (32)	05 January 1994	Urfa Viranşehir	Political
052)- Yusuf Tunç	09 February 1994	Kızıltepe Kengerli village	Political
053)- Cüneyt Aydınlar	20 February 1994	İstanbul	Political
054)- Nazım Babaođlu	12 March 1994	Urfa	Political
055)- Zeynel Kürsad	23 March 1994	Batman	Political
056)- Piro Ay	16 April 1994	Derik Çay village	Political
057)- Muharrem Tanrıverdi (20)	08 May 1994	Lice Dibek village	Political
058)- Mehmet Tanrıverdi (25)	08 May 1994	Lice Dibek village	Political
059)- November Alpsoy	18 May 1994	Adana	Political
060)- Fahri Bulut	18 May 1994	Lice Törelı (Esenli) village	Political
061)- Mustafa Bulut (25)	18 May 1994	Lice Törelı (Esenli) village	Political
062)- İkrım İpek (21)	18 May 1994	Lice Duralı village	Political
063)- Servet İpek (16)	18 May 1994	Lice Duralı village	Political
064)- Seyithan Yolur	18 May 1994	Lice Duralı village	Political
065)- Ali İhsan Çiçek (19)	18 May 1994	Lice Dernek village	Political
066)- Tahsin Çiçek (47)	18 May 1994	Lice Dernek village	Political
067)- Çayan Çiçek (15)	18 May 1994	Lice Dernek village	Political
068)- Zeki Ercan Diril	19 May 1994	Beytüşşebap Kovankaya	Political
069)- İlyas Edip Diril	19 May 1994	Beytüşşebap Kovankaya	Political
070)- Hasan Orhan	24 May 1994	Lice Yorulmaz village	Political
071)- Mehmet Selim Orhan	24 May 1994	Lice Yorulmaz village	Political
072)- Cezayir Orhan	24 May 1994	Lice Yorulmaz village	Political
073)- Mehmet Can Aysin (45)	24 May 1994	Lice Yorulmaz village	Political
074)- Sinan Fidan	06 June 1994	Diyarbakır Kadiye village	Political
075)- Hacı İsa Gök	12 June 1994	Batman	Political
076)- Recai Aydın (32)	02 July 1994	Diyarbakır Çınar	Political
077)- Abdülğani Dađ	23 July 1994	Nusaybin Akarsu village	Political
078)- Mahmut Demirel	August 1994	Batman	Political
079)- Mehmet Salim Acar	August 1994	Bismil Bele village	Political
080)- Resul Saçan	09 August 1994	Batman	Political
081)- İbrahim Kartay	17 August 1994	Hani Hurik village	Political
082)- Safura Yıldırım	31 August 1994	Nusaybin Çađlı village	Political
083)- Lütfiye Kaçar	05 September 1994	İstanbul	Political
084)- Fidan Güngör	11 September 1994	İstanbul	Political
085)- Sabahattin Talayhan	11 September 1994	İstanbul	Political
086)- Kenan Bilgin	12 September 1994	Ankara	Political
087)- Rıdvan Temiz	October 1994	Mardin Derik	Political
088)- Turgut Yenisoı	04 October 1994	Diyarbakır Bismil	Political
089)- Hıdır Işık (59)	Sept. - Oct. 1994	Tunceli	Political
090)- Hatun Işık (25)	Sept. - Oct. 1994	Tunceli	Political
091)- Elif Işık (22)	Sept. - Oct. 1994	Tunceli	Political
092)- Düzali Serin (31)	Sept. - Oct. 1994	Tunceli	Political
093)- Yeter Işık (15)	Sept. - Oct. 1994	Tunceli	Political
094)- Gülizar Serin (28)	Sept. - Oct. 1994	Tunceli	Political
095)- Dilek Serin (3)	Sept. - Oct. 1994	Tunceli	Political
096)- Adnan Şeker	Sept. - Oct. 1994	Tunceli	Political
097)- İbrahim Gencer (55)	Sept. - Oct. 1994	Tunceli	Political
098)- Nazım Gülmez (61)	Sept. - Oct. 1994	Tunceli Hozat	Political
099)- Mehmet Ağğün (90)	Sept. - Oct. 1994	Tunceli Hozat	Political
100)- Ahmet Akbaş	Sept. - Oct. 1994	Tunceli Hozat	Political
101)- Müslüm Aydın (56)	Sept. - Oct. 1994	Tunceli Hozat	Political
102)- Ahmet Yetişen	14 November 1994	Batman	Political
103)- Ali Tekdađ	26 November 1994	Diyarbakır	Political
104)- Ender Tođcu	29 November 1994	Diyarbakır	Political
105)- İsmail Ağaya	December 1994	Batman	Political
106)- Abdullah Efeli (50)	15 December 1994	Şırnak Cizre	Political
107)- İhsan Haran (25)	24 December 1994	Diyarbakır	Political
108)- İsmail Bahçeci	24 December 1994	İstanbul	Political
109)- M. Şirin Mutlu (25)	January 1995	Batman Kozluk Zıdıya	Political
110)- Nihat Aslan	February 1995	Midyat Dođançayır	Political
111)- Muhittin Olmaz (35)	February 1995	Diyarbakır Bismil	Political
112)- Bedri Algan	01 February 1995	Diyarbakır	Political
113)- Murat Yıldız (20)	23 February 1995	İzmir	Ordinary
114)- Tarık Ümit	02 March 1995	İstanbul	Gang
115)- Kemal Birlik (26)	29 March 1995	Mardin Kızıltepe	Political
116)- A. Baki Birlik (55)	29 March 1995	Mardin Kızıltepe	Political
117)- Zübeyir Birlik (30)	29 March 1995	Mardin Kızıltepe	Political

118)- Zeki Alabalık	29 March 1995	Mardin Kızıltepe	Political
119)- Ali İhsan Dağlı	14 April 1995	Diyarbakır Silvan Eşme	Political
120)- Nezir Tekçi (27)	28 April 1995	Yüksekova Yukarı Ölçek	Political
121)- M. Sait Zengin	06 May 1995	Mardin Midyat	Political
122)- Edip Aksoy	07 June 1995	Diyarbakır	Political
123)- Ahmet Pehlivan (30)	04 July 1995	İstanbul	Political
124)- Servet Bayram (28)	08 July 1995	Diyarbakır Hazro	Political
125)- Selim Acar	21 July 1995	Midyat Çalpınar	Political
126)- Mehmet Yıldız	22 July 1995	Diyarbakır	Political
127)- Ahmet Özdemir	13 August 1995	Güçlükonak Fındık	Political
128)- Ahmet Özer	13 August 1995	Güçlükonak Fındık	Political
129)- Bahri Esenboğa	13 August 1995	Güçlükonak Fındık	Political
130)- Fikri Şen	13 August 1995	Güçlükonak Fındık	Political
131)- İlhan İbak	13 August 1995	Güçlükonak Fındık	Political
132)- Osman Buluttekin	26 August 1995	Diyarbakır Kulp	Political
133)- Reşit Yıldız (54)	27 August 1995	Mardin Nusaybin Çilesiz	Political
134)- Şehmuz Eroğlu	03 September 1995	Batman	Political
135)- Cemil Çelik (62)	26 September 1995	Mardin Ömerli	Political
136)- Mehmet Emin Yılmaz (78)	15 October 1995	Van Başkale Aydemir	Political
137)- Haydar Yılmaz (42)	15 October 1995	Van Başkale Aydemir	Political
138)- Beşir Sayın (33)	15 October 1995	Van Başkale Aydemir	Political
139)- Yusuf Ertaş (67)	15 October 1995	Van Başkale Aydemir	Political
140)- Kerevan İzmez	15 October 1995	Şırnak Silopi	Political
141)- Fehmi Tosun (38)	19 October 1995	İstanbul	Political
142)- Düzgün Tekin (21)	21 October 1995	İstanbul	Political
143)- Mehmet Emin Aslan (19)	Oct. - Nov. 1995	Mardin Dargeçit	Political
144)- Seyhan Doğan	Oct. - Nov. 1995	Mardin Dargeçit	Political
145)- Davut Altunkaynak	Oct. - Nov. 1995	Mardin Dargeçit	Political
146)- Nedim Akyön	Oct. - Nov. 1995	Mardin Dargeçit	Political
147)- Abdurrahman Olcay	Oct. - Nov. 1995	Mardin Dargeçit	Political
148)- Abdurrahman Coşkun	Oct. - Nov. 1995	Mardin Dargeçit	Political
149)- Abdullah Yağlı	November 1995	Nusaybin	Political
150)- Şemsettin Yurtseven (73)	27 November 1995	Yüksekova Ağaçalı	Political
151)- Mikdat Özeken (20)	27 November 1995	Yüksekova Ağaçalı	Political
152)- Münir Samtaş (15)	27 November 1995	Yüksekova Ağaçalı	Political

h)- Prisons and death fasts

1996 was a year in which the problems in prisons did not end, pressure and attacks increased as similar in the 4-year period following the 12 September coup. Beating of prisoners one by one or collectively, inhuman treatment, bans and operations occurred continuously in prisons. Sometimes the operations turned into a massacre, as in Ümraniye and Diyarbakır E Type Prisons. In these massacres, 4 people were beaten to death in Ümraniye, and 10 people in Diyarbakır, whereas many others were wounded. Suicides, murders by prisoners and attacks with guns, knives or skewers in prisons went on. Intensifying pressure and violence and the taking away again of obtained rights caused the prisoners to resort to short or long-term hunger strikes. In July, the hunger strikes went to a totally irrational level because of the indifference of Ministers of Justice Mehmet Açar and Şevket Kazan to the hunger strikes. In this period, during which hunger strikes were staged in all of the prisons and turned into a death fast later on, 12 arrested or convicted prisoners died whereas many others developed permanent illnesses.

The hunger strikes did not end after the death of 12 prisoners. Hunger strikes worsened the health of prisoners and led them to develop permanent illnesses. Rights obtained after hunger strikes were taken away again within a short time. Inhuman treatment, torture and hunger strikes in prisons created a series of problems for the relatives of prisoners. In 1996, the relatives of the prisoners staged many acts, some of which were brutally quelled by the security officers.

The number of the arrested and convicted prisoners, especially that of political prisoners increased extensively in comparison with the number last year. The number of arrested or convicted prisoners which decreased to approximately 20,000 in 1991, increased to 32,000 by the end of 1993, to 40,000 by the end of 1994, and to 50,000 in 1995. The increase in the number of prisoners arrested for political reasons was much more striking. The number of the political prisoners in November 1991, when the DYP-SHP coalition government came to power, was 900. This number rose to 4,248 in 1993, and reached 6,379 in the middle of 1994. It was disclosed that 49,566 people (29,763 arrested and 19,803 convicted) were in prison as of January 1996. Of the total numbers of prisoners, 40,942 (24,183 arrested, 16,759 convicted) were ordinary prisoners and 8,624 (5,580 arrested and 3,044 convicted) were political prisoners.

According to the figures provided by the Ministry of Justice, there were 56,082 prisoners in 562 prisons over Turkey as of 1 January 1997. Of these people, 24,922 were arrested prisoners and 231,090 were convicted ones. 50,405 of the prisoners were kept in “E” and “Special Type” prisons, 3,713 were in open prisons, 1,547 were in the juvenile sections of the closed prisons, and 4167 in penitentiaries for children. Of the 9,241 arrested or convicted political prisoners, 528 were right-wing and 8,713 left-wing, whereas 46,841 were ordinary prisoners. Of the political prisoners, 6,321 were arrested and 2,920 were convicted prisoners.

Provocative information was made on the prisons, especially those in which arrested or convicted political prisoners are kept; restrictions and prohibitions were attempted to be put, and false reports were prepared. For example, a report entitled “Prison Activities,” prepared by the Ministry of Interior, claimed that arrested members of organizations were getting “ideological training,” they became more proficient when they were released from the prisons, the prisons were turned into “training camps” because of their current structure, and the prisons were a step in the advancement of the militants. The report pointed out that prison officials had lost control on the prisoners because of political, social and economic reasons, and accused the lawyers of “carrying documents, messages or certain criminal tools used in the activities of organizations.”

In response to the prisoners’ demand of improvement in living conditions, certain newspapers published provocative photographs taken out of the police archives. For instance, a news titled “PKK Camp in Bayrampaşa,” published in *Sabah* on 28 February, alleged that souvenirs and keepsakes made by the prisoners “are made to provide income to the organization.” The news also claimed that sports done by prisoners were also organizational activities. In the news which was based on a report from the police, it was alleged that prison turned out to be a PKK camp. However, İstanbul Public Prosecutor Avni Bilgin stated that the photographs were shot 2-3 years ago. He said: “Our investigation about the report by the Security General Directorate in under way. When the investigation is completed, we will file an official complaint with Eyüp Public Prosecution Office.” Moreover, Bayrampaşa Prison Prosecutor Halil Abuka stated that the photographs in question had been shot in 1993, and the people in the photographs had been either released or sent to other prisoners. In the statement made by the relatives of the prisoners, the false information was condemned, and it was emphasized that the prisoners had been made targets intentionally with the news published in *Akşam* and *Sabah* newspapers and Flash TV and İnter Star television channels in particular.

Death fast and hunger strike

During their terms of office as the Minister of Justice, both Mehmet Ağar and Şevket Kazan assumed an approach towards the arrested and convicted prisoners, which regarded them not as “human beings,” but as “dangerous people which should be eliminated.” The price paid for this approach was very heavy. The circulars issued by both ministers made the living conditions of the prisoners even worse. The hints concerning the attitude assumed by the then Minister of Justice Mehmet Ağar, can be found in the essay by Ertuğrul Özkök titled “*Ağar: Some People will be Hurt*” published in *Hürriyet* newspaper on 8 April 1996:

One of the ostentatious figures of the political arena today is the Minister of Justice Mehmet Ağar. In a short period of time, he has become the most influential figure of A Team of Çiller. Therefore, there reactions against him both in his own party and in ANAP. The Prime Minister Mesut Yılmaz thinks that certain key appointments, in the Ministry of Interior in particular, are obstructed by him. In the view of a number of politicians in Ankara, his influence on the Ministry of Interior and the Security General Directorate continues in the same level. (...) Ağar is determined to find a solution to the chaotic situation in the prisons. But how can he solve this problem which could not be solved since 12 March period in Turkey?

“Some people will be hurt, but I deal with this problem. We cannot wait by doing nothing with the fear that they kill us.” These words are highly pretentious. Ağar takes one more step forward and gives the signals of the great change initiated by him in the Ministry of Justice as follows: “I am already a target. I have no fear. But I have to bring the people who can do this. I need courageous people. () This is what I have declared at the National Security Council.”*

These words describe a portrait of Mehmet Ağar, with which we are very familiar. During his term of office as İstanbul Security Director, he would deal with Dev Sol disregarding

(*) CHP Erzincan MP Mustafa Kul disclosed that Cemal Şahin Gürsel, who was appointed by Mehmet Ağar to the General Directorate of Prisons and Detention Places, had told to former Undersecretary Yusuf Kenan Doğan and bureaucrats, “We are feeding those in prisons? We can clean all of them over night, 3 kilograms of cyanide will suffice” when he was Konya SSC prosecutor in 1995.

all of its threats. Therefore, he was loved by the people as well. I think that a great confrontation with the problems accumulated for the last 25 years in the prison will start.

Police chief have been continually complaining about the situation in the prison for years. Now one of those complainers is serving as the Minister of Justice. Let us see what will happen in the end? However, the issue of prisons is one of the controversial issues all over the world. Ađar should be very careful during this operation since this operation will have both internal and external impacts. Therefore, it is vital to observe legal limits during this operation.

Intolerant attitudes adopted by first Mehmet Ađar and then by Őevket Kazan led to widespread hunger strikes in the prisons. The hunger strike which started in Diyarbakır E Type Prison in April, spread to all over Turkey after 20 May. The strike turned into death fast on 3 July. According to the official data, 2174 prisoners took part in hunger strike, and 355 prisoners in death fast in 43 prisons in 38 provinces. As a result of the hunger strikes, 12 people died, and 170 people became seriously ill. The names those died in hunger strike are as follows:

- 01)- Aygün Uđur (25) 21 July 1996 İstanbul Ümraniye Prison**
He was graduated from Tunceli High School. He was detained for a number of times. Aygün Uđur, who came to İzmit in 1990, was detained for the last time on 30 March 1993, and he was tortured. İstanbul SSC sentenced him to 12 years 6 months in prison for membership to the TİKKO in 1995.
- 02)- Altan Berdan Kerimgiller 23 July 1996 Bayrampaşa Prison**
He was graduated from Press and Publication Higher School of Ankara University (A.U.), he started to work in Ankara office of *Yeni Çözüm* in 1989. Kerimgiller was imprisoned in September 1992, and he stayed in Buca, Aydın and finally Bayrampaşa Prisons.
- 03)- İlginç Özkeskin (35) 24 July 1996 Bayrampaşa Prison**
While he was a student in the Faculty of Medicine, he was arrested in 1987 for the first time. He was sentenced to imprisonment for 29 years 2 months, and spent 5 years in prison. He was released in 1993. He was arrested on 8 February 1994 on charges of being a member of DHKP-C.
- 04)- Hüseyin Demirciođlu (36) 25 July 1996 Ankara Central Prison**
He was detained and arrested in İstanbul in 1981. He was released in 1987. He was arrested again in Ankara on 6 March 1996 on charges of being an executive of MLKP.
- 05)- Ali Ayata (32) 25 July 1996 Bursa Special Type Prison**
Ali Ayata, who was detained in Mersin on 7 September 1994, was put on trial at Konya SSC on charges of “being a member of TİKKO,” and convicted to 12 years and 6 months in prison in 1995. He started hunger strike on 20 May, participated in the death strike of the first group on 45th day.
- 06)- Müjdat Yanat (32) 25 July 1996 Aydın E Type Prison**
He was arrested in an operation against the Revolutionist Left at the end of 1991, and sent to Buca Closed Prison. He was put on trial alone due to the tunnel in Buca Prison, and convicted to 18 years in prison. While his trial was continuing, he was exiled to Aydın Prison along with 27 of his friends.
- 07)- Tahsin Yılmaz (35) 26 July 1996 Bayrampaşa Prison**
He was detained on 2 May 1996. The trial launched against Tahsin Yılmaz at İstanbul SSC on accusation of “being a TİKB member” was under way.
- 08)- Ayşe İdil Erkmen (26) 26 July 1996 Çanakkale E Type Prison**
She was arrested in 1994 on charges of “aiding DHKP-C.” Ayşe İdil Erkmen, who was sentenced to imprisonment for 3 years and 9 months by Ankara SSC, would complete her required term in 1997. Ayşe İdil Erkmen is the first woman died in hunger strike in the world.
- 09)- Ulaş Hicabi Küçük (24) 27 July 1996 Bursa Special Type Prison**
While he was a student at second grade at A. U. Faculty of Education, he was sentenced to 12 years and 6 months at the TİKB case.
- 10)- Yemliha Kaya (28) 27 July 1996 Bayrampaşa Prison**
He was the head of editorial department and owner of *Yoksul Halkın Gücü* newspaper. Kaya, who entered into prison in 1995, was on trial on charges of being a DHKP-C member.
- 11)- Osman Akgün (32) 27 July 1996 Ümraniye Prison**
He was detained on 21 February 1991. Osman Akgün, who was sentenced on charges of being a TİKB member, would be released on 21 February 1999.
- 12)- Hayati Can (25) 28 July 1996 Bursa Special Type Prison**
He was detained in 1995 on charges of being a TİKKO member. He was tortured in detention and afterwards he was arrested and sentenced to imprisonment for 12 years 6 months.

The hunger strikes, which ended with the deaths of 12 persons, started with the hunger strike staged at Diyarbakır E Type Prison in April on the demands of “improvement in living conditions.” This strike did not attract attention at the first stage, but it spread to other prisons because of the negative approach of the authorities.

While the hunger strike in Diyarbakır E Type Prison was under way, a circular (known as “6 May Circular”) came on the agenda. The circular foresaw transfer of prisoners, who are prosecuted at İstanbul SSC, to Eskişehir Special Type Prison, which was defunct since 1991, when Seyfi Oktay served as Minister of Justice. The circular led to restlessness in prisons, and the

hunger strikes spread over Turkey starting from May when this restless added to the pressure and oppression in prisons. During the period when hunger strikes started/spread, Mehmet Ađar released the aforementioned circulars in addition to not taking any initiative to end the hunger strikes. Őevket Kazan, who was assigned the Minister of Justice after the change in government, did not have a different attitude. (Mehmet Ađar was the Minister starting from 6 March until 24 May, when the ANAP-DYP coalition government resigned. The RP-DYP coalition government came to rule in June, and Őevket Kazan was the Minister of Justice until 14 June 1997.)

With the circular by the Ministry of Justice on 6 April 1996, EskiŐehir Special Type Prison started to be used for the prisoners who were put on trial at İstanbul SSC. It was reported that although the circular specified that 150 prisoners would be sent from İstanbul to EskiŐehir Special Type Prison, there were preparations for the accommodation of 1000 prisoners in the prison. With the circular, a quota of 50 prisoners was allocated to Kırklareli, Sakarya, Kastamonu, İnebolu and Sinop prisoners each in addition to EskiŐehir Special Type Prison. In the circular, it was stated that the people who were arrested in Balıkesir, Yalova, Bilecik, Çanakkale, Edirne, Kırklareli, Kocaeli, Sakarya, Tekirdađ, and Gebze, which were within the domain of İstanbul SSC, were also put in the prisons in the cities where their trials were heard, instead of those in İstanbul.

Implementation of the circular started on 8 May. Nine people (2 of whom were women) who were arrested by İstanbul SSC on 7 May was not admitted to BayrampaŐa Prison in accordance with the circular. Subsequently male prisoners were taken to Metris Prison, and the female prisoners were taken to Üsküdar E Type Prison. However, these prisoners were taken from their current prisons to EskiŐehir E Type Prison on 8 May. It was reported that the personal belongings of the prisoners were seized, and that no food or clothes were accepted in. Moreover, it was reported that the lawyers could meet with only one prisoner.

“The Prisons Central Coordination,” consisted of the prisoners from MLKP, TKP (ML), TİKB, TKP/ML, Ekim, TKEP-Leninist, DireniŐ Hareketi and DHKP-C, made a statement about hunger strikes. The statement demanded that the circulars for coffins should be annulled, the attacks against the families of the prisoners should be stopped, and the obstructions against the right of defense and treatment of the prisoners; it was also declared that “the Hunger Strike for An Definite Period” was initiated starting from 20 May.

An operation was launched against the prisoners on hunger strike at Diyarbakır E Type Prison on 29 May. Some of the inmates got severely wounded in the attack, and were hospitalized. Names of some of these prisoners are as follows: UlaŐ Aslan, Toksoy Aktı, Musa Altun, Fesih Erkaplan, Mehmet Dursun, Ahmet Tüneli, Yılmaz Yürek, Ali Koç, Őükrü AkbaŐ, YaŐar Kırmızı, Mehmet Aylak, Mehmet GüngörmüŐ, İbrahim Karayel, Tacettin Turan, Hakkı Aygün, Halil Dađ, Nizamettin Karaađar, Osman Ünler and Gani Yalçın. Of the prisoners who were transferred to Gaziantep subsequent to the operation, Fesih Erkaplan and Mehmet Dursun set themselves on fire in protest of the pressure.

Nineteen prisoners, who got injured during the attack, were sent back to the prison without treatment. In the written statement made by the arrested inmates in prison, the attack was cited as follows: “On 29 May, after 10 a.m., the wards were searched. The wards numbered 29 and 33, where our friends on indefinite-non alternate hunger strike stayed, were intentionally searched last. Our 16 friends who constituted the first team to go on a hunger strike on 25 April, were unable to move. The prison directors and officers stated that they were going to take them to the hospital. Our friends refused this, saying that first the problems that had caused the hunger strike had to be solved. Upon this came the command to attack. The guardians, the soldiers in charge of outer security and the commando unit brought from outside especially for this move, attacked the prisoners with iron sticks and clubs.” Nineteen prisoners, who were wounded in the attack, were transferred to Gaziantep Special Type Prison on 1 June.

The delegation including the HADEP Deputy Chairman İsmail Aslan, the ÇHD Chairwoman Őenal Sarihan, lawyers Nuran PaylaŐan, İbrahim Ergün, Hüdai Berber, Abdullah Acar and Fırat Anlı, held a meeting with 7 prisoners and Diyarbakır E Type Prison 2. Director Aziz Güler in the prison on 30 May. The request by the delegation for meeting with Diyarbakır Chief Public Prosecutor and the Prison Prosecutor was not accepted. İsmail Aslan stated that Aziz Güler said that the had been ordered by the ministry to hospitalize the prisoners who were on hunger strike and who became ill, and that they had to resort to force for it due to the objections. İsmail Aslan added that Aziz Güler also stated that they would behave the same way in case the prisoners who were on hunger strike did not put an end to strikes. Upon questions by the journalists about the incidents in Diyarbakır Prison, the then Minister of Justice Mehmet Ađar

said: “There is nothing to worry about the incidents in Diyarbakır Prison. The attempts by the prisoners at burning down themselves are their own problems. The prison administration did not intervene with the incidents.”

Doctor Bayram Bozbeyođlu, (*) who examined the 19 prisoners transferred from Diyarbakır E Type Prison to Antep Special Type Prison on 6 June, said the following: “They all looked dead, staring blindly into space. I saw traces of burns and cuts on their bodies. All the traces were still there. According to the prisoners’ accounts, the prisoners were laid down on the ground during the transfer and their stomach, back, arms and legs were cut with pieces of glass. The cuts on prisoners’ bodies have not healed as they are not eating anything. All 19 prisoners suffer anal bleeding. Due to the loss of liquid, they have lost their sense of seeing and stare dimly. Their bodies have started cooling, just as it happens in the dead. Their nervous systems have been damaged, permanent damages have taken place in the brain and again due to loss of liquid, kidney disorders has started. On 6 June, when I performed a general check-up, I determined that the prisoners were on the verge of death and stated this in my report, too.”

The 19 prisoners, who continued to strike at Antep Prison, ended the hunger strike on 14 June, on the 51st day upon calls by the HADEP, Diyarbakır Bar and 28 mass organizations.

In the statement made by the Executive Board of TTB on 11 June, it was stated: “It is obvious that hunger strikes have become a social problem. It was decided in the meeting of the Executive Board that the applications by the Minister of Justice Mehmet Ađar should be annulled, and that it should be stressed he himself would be responsible for the deaths of people who became ill due to hunger strikes.” In the statement, it was also stated that during the hunger strikes the circular by the TTB titled “doctors’ attitude toward hunger strikes” should be complied with. In the circular it was stressed that doctors should continually check the medical status of the prisoners on hunger strike, they should warn the authorities so that they should not force the prisoners on hunger strike to perform duties which required increased physical activity, and they should not force the prisoners to put an end to hunger strike.

In a statement on 19 June, Minister of Justice Mehmet Ađar said that 2 thousand people went on a hunger strike. He said, “The ones who are still on a hunger strike are given food, but they refuse to eat. Sugared water and salt is provided for them. We are not going to allow the prisons to convert into educational nests. If there is something wrong going on, we will go after it. However, we have no concessions to make and we will not step back. Being an intellectual is neither supporting whatever the death machines do, nor supporting the armed organization in the mountains. Let everybody gather his wits. They demand that they be treated as prisoners of war and that we abide by the one-sided cease-fire proclaimed by the PKK. We do not accept this.”

Another attack was experienced in Nevşehir Prison on 20 June. As a result of the attack against the ward C/7 including the PKK prisoners who were on hunger strike for 34 days, İlhami Yılmaz was wounded. İlhami Yılmaz was taken to hospital, but he refused treatment; there were attempts at forcibly giving her serum. The prisoners who held demonstrations for returning of their inmate back broke the window glasses. When 400 ordinary prisoners supported the political prisoners, İlhami Yılmaz was taken back to the ward.

Prisoner relatives that met with Minister of Justice Mehmet Ađar for the first time on 27 June. In the meeting, Ađar had his word that “a circular was prepared to prevent degrading treatment against the prisoners and their relatives,” but he stressed that they would not accept the closure of Eskişehir Prison. As to the relatives of the prisoners, they said that the circular would not be in accord with the demands by the prisoners. They added that they would continue their acts, but waiting for the results of the meeting that would be held with the prisoners at Bayrampaşa Prison. Following this meeting, the relatives of the prisoners visited İstanbul and Eyüp prosecution offices on 28 June, but they were not allowed to have a meeting with the prisoners. But later İstanbul Public Prosecutor Ferzan Çiftçi, Prison Director Ömer Faruk Yılmaz and prisoner relatives met prisoners in Sağmalcılar Prison on 29 June. During the meeting Çiftçi reportedly demanded from the prisoners that they take a break in the hunger strike till the new government is established, and the prisoners rejected this. Meanwhile, Human Rights Commission of İstanbul Medical Chamber demanded to visit the prisons where the hunger strike was under way, but this demand was rejected by İstanbul Public Prosecution Office.

(*) Bayram Bozbeyođlu was suspended from duty for examining the prisoners transferred to Antep Special Type Prison and for giving statements to the press. He launched a trial against this implementation. Winning the trial, he was appointed to Aksaray in May. He was detained in Kalebalta Village of Aksaray on 9 July.

Minister of Justice Şevket Kazan, just like former Minister Mehmet Ađar, declared when he was assigned the Minister after the change in government that the demands of prisoners on hunger strike “can not be accepted.” On 5 July, Minister Kazan said that there were physical constraints in certain prisons as well as defects in service due to the overloaded status of these prisons, but, he claimed, this was not the case for the prisons where the hunger strikes were under way. He said that in these prisons the prisoners had been given meal, there were doctors kept waiting for the medical examination. He added, “But these arrested and convicted prisoners, who continue their organizational activities inside, do not accept meals and examination.”

The hunger strike at Diyarbakır E Type Prison ended with consensus on 8 July, but continued in other prisons. The demands of prisoners accepted as a result of the negotiations are as follows: “The practice of forcing people to become confessors shall be left aside,” “Prisoners are not going to be beaten on the road to and back from the court,” “During transfers to other prisons and on the road to hospital, prisoners shall not be chained on the feet,” “A doctor shall always be present inside the prison,” “Packages which do not constitute a legal drawback shall be let inside the prisons,” “Unbarred books and publications shall be let inside,” “Prisoner relatives shall not be kept under pressure,” “Prisoners’ possessions shall not be seized, their food shall not be muddled up with others”.

Minister Kazan, in the press conference on 9 July, declared that the “May circulars” released by former Minister Ađar were annulled. Kazan informed the public about annulment of the aforesaid circulars and the new circular issued. The new circular, while stopping the transfer of political convicts and arrested ones to other prisons, also foresees the ones transferred till now to be sent to the prison closest to the court where they had been prosecuted. Minister Kazan also stated that they were not thinking about closing the Eskişehir Special Type Prison down.

Despite the fact that Minister Kazan has annulled the circulars issued during former Minister Mehmet Ađar’s rule and issued a new one, the hunger strike and death fast in prisons continued. In the statements by prisoners, the circular issued by Kazan was defined as “a political trick.” In the statements, attention was called to the points that in the new circular, certain articles have become stricter than ever and also the Eskişehir Special Type Prison was not closed down. Prisoners announced that they were going to continue their protest till their demands were met.

Death Fast

Defending that the new circular by Şevket Kazan would not provide “humane living conditions” in the prisons, the prisoners converted their hunger strike into death fast. This period, in which the act was made public and covered by the media, was also the way leading to deaths. The arrested and convicted prisoners who converted their hunger strike into death fast, made public their demands with a declaration they issued. The names of the people who took part in the death fast in the first group with the declaration issued by the arrested and convicted prisoners:

To Our Peoples

The circulars for coffins should be annulled. The attempts at making everybody confessors and exiles should be stopped; all coffins, in particular in Eskişehir, should be closed down. The attacks against the relatives of the prisoners should be stopped. The obstructions before our right of defense and treatment of the prisoners should be eliminated. The disappearances, executions, massacres, and tortures should be put an end to. The terrorism against all workers including in particular the Kurdish people should be stopped. The violence in Erzurum and Diyarbakır prisons should be stopped.

With our determined belief in our victory, we, as the prisoners form DHKP-C, MLKP, TKP(ML), TKEP-Leninist, TKP/ML, TDP, Direniş Hareketi cause, have converted our general resistance represented by our hunger strike into death fast starting from 3 July 1996, on the 45th day, in Bayrampaşa, Ümraniye and Sakarya prisons, from 5 July 1996 in Buca, Aydın, Bursa, Çanakkale, Eskişehir, and Gebze prisons, and from 7 July 1996 in Ankara Central Closed, Yozgat, Çankırı, Bartın, Konya, İskenderun, and Malatya prisons. ()*

Captives of DHKP-C trial

Bayrampaşa Prison: Hüseyin Fevzi Tekin, Mehmet Akdemir, Kenan Günyel, Hakkı Akça, İLGİNÇ ÖZKESKİN (died), Birol Abatay, Ali Yalçın, YEMLİHA KAYA (died), Mustafa

(*) DHKP-C: Revolutionary Peoples’ Liberation Army-Front, MLKP: Marxist Leninist Communist Party, TKP(ML): Communist Party of Turkey (Marxist-Leninist), TKEP-Leninist: Communist Labor Party of Turkey-Leninist, TKP/ML: Communist Party of Turkey/Marxist-Leninist, TDP: Revolution Party of Turkey.

Yılmaz, Mehmet Güvel, Mustafa Atalay, Ali Ekber Akkaya, Mehmet Yaman, Mustafa Gök, ALTAN BERDAN KERİMGİLLER (died), Münire Demirel, Gülizar Kesici, Havva Suiçmez, Yasemin Okuyucu, Nursel Demirdövcü **Ümraniye Prison:** Sadık Eroğlu, Ümit Günger, Sezgin Çelik, Hüseyin Çukurluöz, Gökhan Gündüz, Cahit Bedir. **Sakarya Prison:** Şerife Doğan, Güllümser Tosun, Kamile Kayır, Sevgi Saymaz. **Buca Prison:** Bernar Satar, Yusuf Sarp, Mehmet Göcekli, Nevzat Kalaycı, Ali Teke, Gülten Işık, Zeliha Kayapınar, Yasemin Cancı. **Aydın Prison:** Vedat Savaş, MÜJDAT YANAT (died), Şahin Işık, Mesut Koca. **Bursa Prison:** Yusuf Kenan Dinçer, Nurettin Erenler, Fedai Şartlı, Bülent Durgaç, İbrahim Doğan. **Çanakkale Prison:** Sinan Yavuz, AYŞE İDİL ERKMEN (died), Mehmet Eroğlu. **Eskişehir Prison:** Bülent Bağcı. **Ankara Central Prison:** Nevzat Şahin, Fehim Horasan, Ali Tekin, Ercan Şeker, Yıldırım Eyüboğlu, Zeynep Güngörmez, Gülaferit Ünsal, Emel Şahanoğlu. **Yozgat Prison:** Rabbena Hanedar, Selmani Özcan, Mert Yamaç, Serdar Gelir. **Çankırı Prison:** Haydar Yıldırım, Erol Özbolat, Barış Özçelik, Eyüp Baş. **Bartın Prison:** Metin Yavuz, Müñir Çolak, Abdülaziz Nakçı, Süleyman Matur

Captives of MLKP trial

Bayrampaşa Prison: M. Ali Çelebi, Ayhan Güneş, Delil İldan, Birol Paşa, Sakine Altun, Ahmet Turan Atmaca, Ümit Koca. **Buca Prison:** Hüseyin Ali Günay, Semiray Yılmaz. **Eskişehir Prison:** Ayşe Yunli, Serkan Gündoğdu. **Ankara Prison:** HÜSEYİN DEMİRCİOĞLU (died), Hatice Güden, Fikret Lüle. **Malatya Prison:** Veysel Yağın, Cihan Akdemir, Sinan Alakuş. **İskenderun Prison:** Yunus Aydemir, İlhan Karatepe, Bayram Sarıtaş, Turaç Solak

Captives of TKP(ML) trial

Bayrampaşa Prison: Cafer Cangöz, Abdullah Kalay, Ökkeş Karaoğlu, Hasan Rüz-gar, Nurettin Em, Mehmet Can Targay. **Ümraniye Prison:** AYGÜN UĞUR (died), Cafer Oral, Cengiz Polat. **Sakarya Prison:** Çiğdem Kazan. **Buca Prison:** Murat Kahraman, Binali Yıldız, Erdal Tiryaki. **Bursa Prison:** HAYATİ CAN (died), Kemal Özelmali, Ergün Bütüner, Müslüm Kaloğlu, ALİ AYATA (died). **Çanakkale Prison:** Pervin Kurtulmaz, Okan Ünsal. **Ankara Prison:** Cemal Çakmak, Yıldız Doğru. **Yozgat Prison:** Hasan Durna, Aydın Balkar, İsmet Çetinkaya. **Konya Prison:** Hıdır Durmaz, Zeki Demirçivi, Cahit Çiftçi, Mahir Öz, Cemalettin Gürsoy, Ali Şahin, Hakan Yıldız, Hıdır Açikel, Dursun Ali Özcan, Dursun Sonuç, Nihal Gül

Captives of TKEP/Leninist trial

Bayrampaşa Prison: Arzu Kemanoglu, Suna Uzunbıyık, Muharrem Yançer, Erhan İl, Şerif Kartoğlu, Sedat Hayta. **Bursa Prison:** Vefa Serdar. **Çanakkale Prison:** Baki Yaş. **Eskişehir Prison:** M. Reşat Güvenilir, Sami Özbil, Serpil Ünal

Captives of TKP/ML trial

Bayrampaşa Prison: Cemal Rakip, Molla Çakıroğlu, Eyüphan Başar, Muzaffer Acunbay, Bayram Kama, Nil Pınar Arın, Sadegül Özdemir. **Ümraniye Prison:** Seyit Külekçi. **Sakarya Prison:** Suzan Baran. **Buca Prison:** Osman Kaan, Meltem Kuruhan. **Bursa Prison:** Hayri Yeşil, İlhan Kozan, Doğan Haşimoğlu, Kenan Taşkın. **Eskişehir Prison:** Filiz Gülmez

Captives of TDP trial

Bayrampaşa Prison: Cahit Oral, Aziz Hun. **Gebze Prison:** Niyazi Kaya, Birtan Güven

Captives of Direniş Hareketi (Resistance Movement) trial

Bayrampaşa Prison: Ramazan Sadıkoğulları. **Gebze Prison:** Rauf Erdem^(*)

The news that included interviews with prisoners on hunger strike, pre-announced to be broadcast on the private TV station Interstar newscast, was banned by Prime Minister. The decision was taken under Article 25 of the Law on Radio and Television, which reads that “the Prime Minister or the Minister is entitled to cease broadcast in cases clearly necessitated by the national security or if there is the possibility that the public order might seriously be destroyed”.

The number of the prisoners on death fast climbed up to 217, with the participation of a second group in mid-July. On 16 July, ÇHD Chairman Şenal Sarıhan, İHD Chairman Akın Birdal and a group of lawyers met with Justice Minister Şevket Kazan. In the statement she made,

(*) Prisoners prosecuted in TİKB trials did not undersign these declarations, but continued to stage the hunger strike. These prisoners objected against the “death fast,” and defended that the hunger strike should continue with widespread participation. Three prisoners prosecuted in TİKB trials, **Tahsin Yılmaz, Ulaş Hicabi Küçük** and **Osman Akgün** died in the hunger strike.

Sarıhan cited that Kazan had accepted that the prisoners had to be transferred from the Eskişehir to İstanbul but he had said that he needed time to solve the problems. However, Şevket Kazan disclosed on 19 July that “Eskişehir Prison would not be closed.”

The first death in the death fast took place in İstanbul Ümraniye Prison on 21 July. Aygün Uğur died on 21 July. Muharrem Çöpür, the lawyer of Aygün Uğur who was prosecuted in a TİKKO trial, disclosed that Uğur had lost consciousness around 10.30 and died at 11.25. The body of Aygün Uğur, after being taken out of the prison around 9 p.m. on 21 July, was handed over to his family at 3 a.m. on 22 July. He was buried in Mezitli Town of Mersin under the police surveillance. About 300 people, who gave support to the family of Aygün when they went to deliver the body, including some children and elder people, were detained. Besides, the gendarmerie quelled about 250 people, who assembled at Sangazi in order to held a ceremony for Aygün Uğur. 53 people were detained whereas many others were beaten.

Of the prisoners on death strike at Bayrampaşa Special Type Prison, Altan Berdan Kerimgiller died at 8.30 a.m. on 23 July and İlginç Özkeskin at 8.05 a.m. on 24 July.

Starting from 23 July, the 66th day of the death fast, 52 arrested and convicted prisoners from various prisons participated in the death strike. Thus the number of the prisoners on death fast reached over 260. The declaration made by the prisoners on death fast reads as follows:

66th day in Death fast

The general resistance we stage in the form of Death Fast, with the belief of our victory, takes one more step towards the victory with the participation of a new group. We, 52 prisoners of MLKP, DHKP-C, TKP(ML), TKEP/Leninist and Direniş Hareketi (Resistance Movement) trials from Bayrampaşa, Ümraniye, Buca, Aydın, Çanakkale, Bursa, Eskişehir, Sakarya, Ankara, Konya and İskenderun prisons, began to stage the Death Fast starting from 23 July 1996. Our act of Death Fast will continue with new participants until the demands we have declared previously are met.

Bayrampaşa Prison

DHKP-C: Ural Eroğlu, Savaş Dörtüol, Okan Barış Ekinci, Okan Yılmaz, Arif Gülbudak, Erkan Erden, Hüseyin İkke, Fırat Tavuk, Alaaddin Gündoğdu, Murat Acar, Hamide Öztürk, Seyhan Doğan, Şefinur Tezgel, Funda Davran, Nilüfer Alcan, Alev Yıldız.

TKP(ML): Aydın Hanbayat, Taylan Yıldız, Özgür Saltık, Selma Turgut, Selda Camkaran, Murat Targay.

TKEP/Leninist: Fatma Yıldırım

Resistance Movement: Yadigar Tepe, Kemal Tuğan

MLKP: Akif Han, Hasan Polat, Muharrem Esina, Füsün Erdoğan, Ali Hıdır Polat (Bayrampaşa), Fehmi Çapan and Cemil Kuyu (Ümraniye), Dinçer Ergün (Buca), Bülent Öner (Aydın), Düzgün Demirpençe, Emine Güngör and Nihat Göktaş (Çanakkale), Kerim Tepeli and Hamit Vayıcı (Bursa), Garip Kırmızııkaya and Şafak Karşoğlu (Eskişehir), Hüseyin Yalçınkaya, Özgür Günaslan and Fatma Harman (Sakarya), Hatice Köşker and Ali Toprak (Ankara), Asiye Güden, İbrahim Tiryaki, Bülent Genç (Konya), İbrahim Bozay and Yusuf Demir (İskenderun)

Meanwhile, the hunger strikes came on the agenda at the Parliament on 22 July, right 2 months after the starting date. Minister of Justice Şevket Kazan, in the speech he gave at the Parliament, claimed that “the prisoners had gone on a hunger strike under pressure” and accused the activists of “attempting to disturb the peace.” Kazan also alleged that the activists by all means had access to all the comforts, that the prison directors were incapable of running the prisons, and that the prisons produced militants. Kazan, in the press conference held on 24 July, said, “In the case that the actions continue, we shall take back the bonus rights granted apart from the framework of the circulars and regulations for the inmates of these prisons. If they do not want to lose the bonus rights granted, they would better end their actions.”

On 25 July, on the 67th of the death fast, Hüseyin Demircioğlu died in Ankara Central Closed Prison, Ali Ayata in Bursa Special Type Prison, and Müjdat Yanat in Aydın E Type Prison.. Müjdat Yanat was laid to rest in İzmir, and Ali Ayata in Sangazi, İstanbul.

Many people were wounded during the incidents broke out after the body of Hüseyin Demircioğlu was sent from Ankara to İstanbul on 25 July. The police quelled the group of about 300 who started marching from the Forensic Medicine Institute to Kızılay after the sending of the body, and brutally beat down many people. About 10 people who got wounded in the police attack were taken under treatment at the hospitals. The police did not allow the commemoration to be held for Hüseyin Demircioğlu at İstanbul Karacaahmet Cemetery on 8 August, and

detained 22 people. The detainees disclosed that they had been tortured in detention. Of the 22 people, 13 were later remanded on the accusations of “being members of the MLKP”: Aydın Güzel, Nevin Aslan, Gülsüm Güzel, Hülya Gerçek, Hatice Bolat, Hüseyin Ateş, Kıymet Karaman, Deniz Akyol, Bayram Meram, Erdal İldan, Umut Karşlı, Tahir Yalçın and Ahmet Haşım Baran. Ahmet Haşım Baran later become a repentant. In the hearing held on 27 February 1997, Deniz Akyol and Hasan Kütri, whose case file was added in the course of the prosecution, were released. Bayram Meram, Umut Karşlı, Nevin Aslan, Gülsüm Güzel, Erdal İldan and Hüseyin Akçiçek were released in the hearing held on 13 December 1997.

On 26 July, on the 68th day of the hunger strike, Tahsin Yılmaz died in İstanbul Bayrampaşa Prison at noon, and Ayşe İdil Erkmen in Çanakkale E Type Prison around 18.15.

The body of Ayşe İdil Erkmen was delivered to his father Semih Erkmen in Çanakkale on 27 July. While the autopsy was being performed, an announcement was made from the municipality loudspeakers: “Ayşe İdil Erkmen has become martyr. To farewell to our martyr, we invite everybody, who have love for human being, to the SSK Hospital to take the body and send her to İstanbul via ferry.” A municipality officer Aylin Oktar, who made this announcement, was put under investigation by Çanakkale Municipality and Public Prosecution Office. Aylin Oktar, the wife of İHD Çanakkale Branch Chairman Rasim Oktar, was kept under arrest for a while for “acting in contravention of the Anti-Terror Law” and “abusing the duty.” Rasim and Aylin Oktar died in a traffic accident in the vicinity of Ezine, Çanakkale, on 23 September.

Minister of Justice Şevket Kazan, during the press conference he held on 26 July and when he appeared live on TV at night, said, “Negotiations are over. This is my last call. End the death fast, or I will intervene.” Kazan added that there might be deaths during the intervention to the hunger strikes, but they would risk it. Kazan also said that the wards in prisons were not under their control. A journalist wanted to know if he was in good conscience when he slept at nights. Kazan simply replied, “Yes.”

On 27 July, on the 69th day of the death fast, Ulaş Hicabi Küçük died at Bursa Prison, Yemliha Kaya at İstanbul Bayrampaşa Prison and Osman Akgün, an arrested prisoner in a TİKB trial, at İstanbul Ümraniye Prison. The last prisoner who died in the hunger strike was Hayati Can. He died at Bursa Special Type Prison on 28 July.

Hunger strikes ended

The death fast ended on the 69th day, when a consensus was maintained as a result of the meetings held by intellectuals and some MPs with the prisoners and the authorities. İstanbul Public Chief Prosecutor Ferzan Çitici, RP İstanbul MP Mukadder Başeğmez, CHP İstanbul MP Ercan Karakaş, artist Zülfü Livaneli, writer Yaşar Kemal, İHD İstanbul Branch Chairman Ercan Kanar, ÇHD İstanbul Branch Chairman Mustafa Üçdere, lawyers Eşber Yağmurdereli, Ahmet Düzgün Yüksel and Mihriban Kırdök and actor Halil Ergün met with the prisoners.

As a result of the meeting, a protocol was signed, which foresaw the “transfer of the prisoners in Eskişehir to Gebze and Ümraniye Prisons” and “establishment of a committee of Yaşar Kemal, Zülfü Livaneli and Eşber Yağmurdereli to follow the practicing of rights.” Thereby, the demands by the prisoners which foresaw the “closing of the Eskişehir Special Type Prison for political prisoners,” “ending of violence experienced during the transfers to hospitals and courts,” ending of the violence and detentions directed against the families,” “allowance of publications (which are not banned) inside the prisons,” “unimpeded social relationships among the prisoners,” “a delegation’s observation of whether the legal rights are being experienced or not” and “prisoner representatives’ maintenance of the communication between the prison administration and the prisoners,” were acknowledged. The protocol was signed by Yaşar Kemal, Zülfü Livaneli, Eşber Yağmurdereli, Ercan Kanar, Mustafa Üçdere and Ahmet Düzgün Yüksel and prisoners Mehmet Yeşilçalı, Şadi Özbolat and Mehmet Akif Han. While the meeting went on, Prime Minister Necmettin Erbakan and Şevket Kazan were continuously informed by the phone. Upon demand by the prisoners, Kazan appeared live on TV at night and guaranteed the Eskişehir Special Type Prison would be emptied.

“Behind the Scenes in the Bargaining” (Cumhuriyet-28 July 1996/Oral Çalışlar)

When Yaşar Kemal and Zülfü Livaneli left Chief Public Prosecutor Ferzan Çitici around 18.00 in the evening yesterday (26 July), everything seemed disappointing. Yaşar Kemal and Zülfü Livaneli stated that the demands focused on a single point, which was the transfer of the prisoners from Eskişehir to İstanbul. It was obvious that going to the prisoners without a step taken by the Ministry in this regard would be futile. While we were talking these, the strict statement by the Minister of Justice Şevket Kazan appeared on TV. This attitude stripped off any

possibility for compromise worried increasingly us. All of us were afraid of an intervention with the prisons since in such case, large-scale incidents which were impossible to be prevented might appear. We set out to our homes with despair and sorrow. As in the morning I was talking with Zülfü Livaneli about "what can be done?" Livaneli stated that in the evening yesterday Şevket Kazan told him that Gebze Prison might be arranged and this might be a solution.

These words revealed out on condition that they would be kept secret, provided us with a possibility for starting again. Now we could take actions again. It was necessary to contact with the prisoners and to find out their attitudes with respect to Gebze as soon as possible. The lawyer Eşber Yağmurdereli, who spent 14 years in prison, might be a solution for contacting with the prisoners and communicating the Gebze Prison issue to them. I talked to them. He said "I am ready to go immediately." He stated from his former contacts, the prisoners in Gebze Prison might say "yes." The information revealed out by Eşber, might be handle for hope and taking actions. Therefore, I talked with Zülfü Livaneli again. Livaneli talked with the chief prosecutor, and ensured that Eşber Yağmurdereli could enter into the prison in order to meet with the prisons. Meanwhile, he said that the chief prosecutor was worried about an intervention.

Yağmurdereli entered into the prison around 15.30. We were still worried about the intervention. At that moment, RP İstanbul Deputy Bahri Zengin called me. He said that the meeting of the Executive Board of the party had just ended, and that Prime Minister Erbakan and Şevket Kazan were disapproving the intervention, and the prisoners should be informed that there would be no intervention. Moreover, he also stated he was ready for any initiative for the solution of this issue. We communicated this to the prisoners in the prison. Around 17.00, Eşber Yağmurdereli called me and stated that he had met with the prisoners and that they had positive attitudes toward the Gebze Prison issue. However, they stated that they would declare their attitudes only after a delegation in which they could trust went there and they obtained the required guarantees. Then I called Bahri Zengin and informed him and thus the Minister of Justice Şevket Kazan of this situation.

Bahri Zengin met immediately with the Minister and said the Minister was ready for any initiative and for providing compromise. I informed Yağmurdereli of this so that he could convey it to the prisoners. Meanwhile, Zülfü Livaneli, Yaşar Kemal, Ercan Karakaş, and Ercan Kanar were informed of the situation. They came to the prison in order to meet with the prisoners. They entered in. When I arrived at the door of the prison, the Chairman of the Chamber of Doctors Prof. Dr. Orhan Arioğul and Prof. Dr. Gencay Gürsoy were there. Moreover, the CHP chairpersons of all districts of İstanbul were in front of the prison. They stated their sensitivities and worries about the solution of the problem. They said that they were ready for doing everything they could do. The prison doctor explained the current situation. He stated that the medical situation of about twenty prisoners was critical, and new death might be expected. He demanded Arioğul that the doctor should be kept ready. He demanded that Çapa Faculty of Medicine should be prepared for urgent interventions.

A new meeting was held with the prisoners. The Ministry declared that it had accepted the transfer of the prisoners in Eskişehir Prison to Ümraniye and Gebze Prison in line with the demands of the prisoners. Thus a compromise was achieved. Subsequently, the prisoners stated that their urgent demands were fulfilled and that they will put an end to death fasts. A significant step was taken at the end of a day which was desperate at the beginning. Turkey got rid of a critical issue though with significant damages. Of course, the problems did not end. The death fast which last about 70 days had significant impacts on the prisoners.

After the agreement was maintained, 175 arrested and convicted prisoners were transferred to 15 hospitals in 11 provinces. The other prisoners received medical treatment in the prisons. Of the hospitalized prisoners, 9 were discharged on 28 July. It was reported that the condition of 18 prisoners (1 in Ankara and Konya, 2 in Bartın, Bursa, İzmir and Kocaeli, 3 in Çanakkale, and 5 in İstanbul) was serious, that 11 of these prisoners began to recover due to the medical treatment, but 7 were kept at the intensive care unit. Out of the 31 prisoners who were transferred to Buca Prison, the heart of Gülten Işık stopped beating during the transfer, but she survived after the medical intervention. The names of the arrested and convicted prisoners who received medical treatment at hospitals are as follows:

Bayrampaşa Prison: Gülizar Kesici, Refik Ünal, Cafer Cangöz, Hüseyin Yaman, Ali Yalçın, M. Ali Çelebi, Mehmet Yaman, Delil İldan.

Ümraniye Prison: İdris Yiğit, Seyit Külekçi, Cafer Oral, Hami Yüksel, Cengiz Polat, Hüseyin Çalgül, Ergül Acer, Sadık Erdoğan.

Ankara Central Prison: Zeynep Güngörmez, Seral Civelek, Nevzat Şahin, Hatice Güden, Ali Tekin, Cemal Çakmak, Y. Doğru Duman, Emel Çobanoğlu, Ercan Şeker, Ömer Ünal, Yıldırım Eyüboğlu, Tekin Horasan, A. Rıza Güngör, Fikret Gül, Habip Gül, Ferit Ünsal.

Buca Prison: Bernar Satar, Ali Teke, Semiray Yılmaz, Hüseyin Ali Günday, Binali Yıldız, Yusuf Sarp, Murat Kahraman, Aliyar Şimşek, Ahmet Korkmaz, Nuri Uğur, Erdal Tiryaki, Mürüvet Küçük, Hüsne Davran, Nuray Özçelik, İnyet Kandemir, Makbule Deniz, Gürhan Tamer, İdris Tiryaki, Ahmet Gün, Necati Gönenç, Kadir Ağbaba, Taşkın Türkmen, Tekin Vatandaş, Zeliha Kayapınar, Haydar Güneş, Esat Tekeli, Ünal Koçak, Mustafa Şala, Ali Bağdaş, Nevzat Kalaycı, Gülten Işık.

Konya Prison: Hıdır Durmaz, Hakan Yıldız, Durmuş Sonuç, Lütfiye Aydın, Mahir Öz, Nihal Gül, Neşet Çakmak, Çetin Günay, Hıdır Açikel, Cahit Çiftçi, Zeki Demirçivi, Ali Şahin, Cemalettin Gürsoy.

Eskişehir Special Type Prison: Bülent Bağcı, Kenan Taşkın, Kemal Tuncer, Adem Serkan Gündoğan, Erdal Arslan, Ender Genç, Sami Özbel, Reşat Güvenilir, Taylan Akaltun, Serpil Günel, Evrim Tarakçı, Ayşe Yumlu, Filiz Gülmez.

Gebze Prison: Veli Kılıç, Rauf Erdem, Hüseyin Tut, Birtan Güven, Niyazi Kaya, Murat Sözeri.

Bursa Special Type Prison: Remzi Ercanlar, Yusuf Can, Ali İhsan Özkan, İsmail Sağdıç, Müslüm Koloğlu, Doğan Hamşinoğlu, Mehmet Güngörmez, Sunal Yorulmaz, Hayri Yeşil, Erdal Doğan, Mustafa Yaşar, Nurettin Erenler, Ahmet Gülhan, Vefa Serdar, Mehmet Salim, Bülent Turgaç, Cengiz Dumanlı, Özgün Koçak, Ercan Uçuk.

Çanakkale Prison: M. Salih Eroğlu, Sinan Yavuz, Okan Ünsal, Baki Yaş, Pervin Kurtulmaz, Mutlu Yıldırım, Ayşe Baştımur.

Aydın Prison: Şahin Işık, Mesut Koca, Bülent Öner, Ali Varol.

Bartın Prison: Abdullah Nakçı, Süleyman Metur, Metin Yavuz, Münir Çolak.

The transfer of political prisoners from Eskişehir Special Type Prison, started on 5 August with the transfer of 20 prisoners to Gebze Special Type Prison. The Prison was emptied by the end of August. On 29 August, 82 prisoners from DHKP-C trial and 3 ordinary prisoners were sent to İstanbul Ümraniye Prison, 5 political prisoners to Gebze Prison.

The lawyer Ahmet Düzgün Yüksek, who took part in the meeting with the prisoners in Bayrampaşa Prison, explained the day of agreement in the interview published in *Demokrasi* newspaper on 31 July 1996. The interview with Ahmet Düzgün Yüksel is as follows:

Why were you the first person entered into the prison on the day the agreement was reached? What did the prisoners say, and were they expecting a delegation?

Together with the lawyer Yüksel Hoş, we entered into Bayrampaşa Prison due to our martyred clients. To tell you the truth, we were not expecting a delegation. Especially after the threatening statement by the Minister. There were rumors that an operation would be launched. In the morning, we learnt the prisoners' opinions. Then chairmen of ÇHD and İHD came. Yüksel Hoş took the corpse and got out. For my client Yemliha Kaya, a ceremony would be performed inside. Therefore I stayed inside. Lawyers Mihriban Kırdök, Zekiye Baran, and Mu-harrem Çöpür were there too. The lawyers were worried and saying 'We should solve this problem, they will launch an operation.' But the prisoners were very calm. They tried to calm down the lawyers. Upon the statement by Minister Kazan that 'it is not possible to enter into the wards, the organization are forcing the people to die,' the prisoners wrote down a note reading "let us call a medical team, let the doctors come, let the prosecutor come, let an official from the ministry or the Minister himself come if so wishes, let them meet with people one by one, if there is one who declares that he has stopped death fast, let them take him out, if they do not trust, let them take everybody to single cells," and they wanted me to fax it to the Ministry. Around 16.00, we invited the prosecutor. Then we found out that the prosecutor had invited Yaşar Kemal and Zülfü Livaneli. The prosecutor entered in, and I hand over the note to him. He said "We already know it, we also know that there is no problem in entering in and that everybody is determined to go on with death fast. The Ministerial statement is not binding on me." Meanwhile I presented a petition to the prison prosecutor. I told him to give me the search records conducted for 6 months. The prosecutor Melih said 'searches are being made.' At that moment, Yaşar Kemal came and we entered in altogether. We visited all of the wards. Ercan Karakaş and Mukadder Başeğmez came too. Altogether, we visited the wards, the delegation shook hands with the prisoners one by one. While we were visiting the wards, Başeğmez was trying to contact with Erbakan. Başeğmez said "I will inform directly the Prime Minister, not the Minister, of the issue of transfer of the prisoners to Ümraniye."

How was the dialogue between the delegation and the prisoners?

Everybody shook one by one and spoke each other. Prisoners were heard. At that moment, there was a prisoner with lost consciousness: Ali İhsan Akkaya. He was sleeping. They recognized the visitors and hardly signaled victory. There were sentimental conversations between the prisoners and artists. They were asking 'Why are you death fasting, why are you on hunger strike, are you not willing to put an end to them?' Moreover, when Yaşar Kemal saw the situation of those people, he could not stand anymore and cried until we got out.

Then...?

We left that ward and entered into another ward on which "no entry" was written. Başeğmez went to call the Prime Minister. Then he came saying, "OK, we agree, and if you agree too, everything will be okay. 20 DHKC members will go to Ümraniye and others to Gebze." The prisoners did not agree to it. They demanded that everybody should be sent to Ümraniye Prison. Başeğmez said 'OK, but how can we explain it to the public? The state does not retreat, how can we say it?' Livaneli and Kemal was affected with the scene. He said 'We want to follow up the problems in the prisons. Let us follow up these. Let us establish a coordination.' The Deputy Başeğmez also took part in this coordination. At that point, I had to leave them for the burial procedures of Yemliha Kaya. When I returned back, I was told that an agreement was made.

Wasn't an earlier agreement possible? What did Kazan want to do?

Kazan did not believe in the possibility for the death for the first 60 days since he is a false pious man. He did not want to believe that people are death fasting, since he cannot fast for 30 days. He cannot fast for 30 days by eating two meals daily, he has not that will. It did not occur to him that such determination was existent. Then 60th day came. At the 63rd day did come the first martyr, he panicked. There were three deaths the same day (25 July), this time he could not know what to do. He became stricter. Even he was stricter than MGK. MGK could not take such a strict decision in 1984. You cannot be more military than the soldiers; Mehmet Açar could not take such decisions. Açar would prefer producing long term policies, he would not wear out his personality. Starting from the 20th day, when the death fasts were being discussed, he himself formed the first delegations and sent them to the prisons.

Acts of support

The hunger strike at the prisoners were supported by relatives of the prisoners, democratic mass organizations and some political parties with the hunger strikes they staged, press statements they made and demonstrations they held. These acts were brutally hindered by security officers. The demonstrators, including children and elder people, were beaten, dragged on the ground and detained. Occasionally, security officers opened fire. Meanwhile, various leftist organizations launched armed attacks against the police.

In order to support the hunger strike launched by the prisoners in Diyarbakır E Type Prison, about 20 relatives of prisoners launched a hunger strike at HADEP Diyarbakır Bağlar District Center on 10 May. The police officers blockaded the building, and entrance and exit were forbidden. Although the police officers disconnected the electricity and irrigation water connections of the building, and detained the visitors, the death fast of the relatives of prisoners continued. The relatives of prisoners made a statement on 20 June, and they said: "We are not allowed to bring compulsory material such as sugar, salt, medicine. Our visitors are detained. There are plainclothes at the entrance, halls and around. When we look from the balconies and windows, the plainclothes are harassing us with hand signals."

Representatives of democratic organizations, who attempted to make a press statement on 31 May in front of İstanbul Sağmalcılar Prison were detained under beating by the police. On behalf of the representatives of the İHD, ÇHD, Revolutionary Platform of Solidarity with the Prisoners' Families (DETUTAP), Revolutionary Committee of Prisoners' Families (DETAK), İHD Prison Commission lawyer Mihriban Kırdök attempted to read the press statement. The police did not allow for the press statement and detained 5 persons. Lawyer Mihriban Kırdök and Hüdai Berber were beaten by Kemal Bayrak, İstanbul Security Deputy Director.

The İHD, representatives of some organizations and relatives of prisoners laid a black wreath outside the Ministry of Justice on 3 June protesting Açar's attitude towards the incidents in prisons. The demand to meet Minister Açar was refused on the grounds that "there was no authorized person at the Ministry." Then, İHD Chairman Akın Birdal made a statement: "The prisons have borne deaths. The prisons have borne pains. We are aware of the fact that the

problem is not directly related to Mehmet Ađar. Even if Ađar quits, the injustice shall go on. Ađar has left behind disappearances, executions and murders by unknown assailants. We want Mehmet Ađar to resign, which will at least relieve the conscience of prisons and the public.”

İHD İstanbul Branch Chairman Ercan Kanar, some lawyers and relatives of the prisoners were detained under harassment on 7 June at İstanbul Sirkeci Post-Office, where they had gone to send a telegram to the Prime Minister demanding “the end of the pressure in prisons and improvement of the standards of living in prisons.” Names of the 15 detainees are as follows: Lawyer Ercan Kanar, İHD Branch Secretary Zeynep Baran, Member of the Branch Executive Board Suna Aras, ÇHD İstanbul Branch President Mustafa Üçdere, prisoners’ relatives Fatma Şahin, Fadime Kaya, Özlem Coşkun, İsmail Erdal, Fahrettin Öner, Çeşminaz Ulusoy, İbrahim Yılmaz, Hüseyin Tepe, Oktay Canpolat, Lawyer Niyazi Cem and Lawyer Naci Binay. The detainees were referred to prosecution office in the evening. The prosecutor demanded their arrest, but they were released by İstanbul Penal Court of First Instance No. 2 pending trial.

Out of the executive members of some trade unions and relatives of the prisoners who attempted to make a press statement on 7 June outside İstanbul Bayrampaşa Prison, 56 were detained. The 56 people were released after testifying at Eyüp Prosecution Office on 8 June, but they were later put on trial. The defendants, including DİSK Nakliyat-İş Trade Union Chairman Ali Rıza Küçükosmanođlu, KESK Secretary General Faysal Özçift, DİSK Deri-İş Trade Union Chairman Munzur Pekgüleç, Genel-İş Trade Union executive members Hüseyin Ateşçi, Hüseyin Nacar and Mevsim Gürlü, were indicted on the demand of sentences between 1 year 6 months and 3 years on charges of “acting in contravention of the Law on Meetings and Demonstrations.” The trial started at Eyüp Penal Court of First Instance No. 1 on 12 December.

In order to support the hunger strikes and to condemn the detention of the trade unionists during the press release made in front of Bayrampaşa Prison, 3,000 workers in Tuzla Leather Industry Site in İstanbul, stopped working on 8 June. The workers who gathered together at the entrance of Organized Industrial District, marched towards Aydınlı village, where the trade union building was located, by shouting various slogans for 3 kilometers. About three thousand workers performed the same act on 18 July as well.

20 relatives of prisoners launched a hunger strike in front of RP Diyarbakır Provincial Center on 8 June. The police officers blockaded the building. The relatives of the hunger strikers, who took tea, sugar and oralet to the hunger strikers, were not allowed to enter in on 9 June. Şahin Yıldız and 4 people, who wanted to visit the relatives, were detained. An official from RP rejected the demand by the journalists to meet with the relatives of prisoners, and said: “The police officers do not allow even our members to enter in. They also force us and the tea maker not to give them tea. But we have to give them tea since they are our guests.”

On 14 June, the police raided the HADEP Antep Provincial Organization office, where the prisoner relatives staged a hunger strike, and detained 16 people, including HADEP Provincial Chairman Lawyer Niyazi Bulgan and Şahinbey District Chairman Ali Şimşek. The police reportedly seized the film rolls belonging to the daily *Demokrasi* reporter Remzi Erkut. The detainees were released the next day.

About 500 relatives of prisoners assembled at HADEP İzmir Konak district building and started to march towards Cumhuriyet Square. The police surrounded the crowd. Afterwards the relatives went to the post office in groups under the police cordon, and sent telegrams. In the telegrams it was stated that the prisoners were on verge of death and that the Minister Ađar would be responsible for subsequent events, and added: “The problems in the prisons have increased since the beginning of your term of office. These lines are to remind you of your responsibility.” During the demonstration, the police officers did not allow the journalists to take photographs.

The police quelled the rally held by the relatives of the prisoners, who were on hunger strike in solidarity with the prisoners, in Gemlik District of Bursa on 16 June, and detained about 40 people, including the *Demokrasi* reporter Ayhan Örnek and the *Evrensel* reporter Nurettin Demir. On the same day, 43 members of the “Platform of Artist Solidarity” were detained in Ortaköy, İstanbul, when they attempted to held a rally to show solidarity with the prisoners on hunger strike. A reporter and a cameraman of private TV channel Kanal D, covering the incident, were also taken to the Security Directorate. The 43 people were referred to İstanbul Court House on 17 June, on the accusations of acting in contravention of the Law on Meetings and Demonstrations. They were released by Penal Court of First Instance No. 9 pending trial.

Around 3.40 p.m. on 16 June, fire was opened from a reportedly stolen cab against the police vehicle waiting outside the residence of DYP leader Tansu Çiller in Yeniköy, İstanbul.

Police officer Şükrü Hüner got severely wounded in the attack. Cab driver Salman Aydemir, who had been put at the back of the car, tied in the hands and feet, also got wounded on the right arm during the counter-fire by the police. The DHKC claimed responsibility for the attack. Şükrü Hüner died in hospital on 25 June.

The action of lighting candles organized by the İHD Ankara Branch at the 17th day of every month in front of the Human Rights Monument, turned into the action of supporting the hunger strikes in the prisons on 17 June. İHD Chairman Akin Birdal delivered a speech here and stated that the prisoners were on the verge of death, and the meetings with the President, the Ministry of Justice and leaders of political parties for solution proved to be futile. When the police offices did not allow the crowd attempting to present 20 thousand signatures to the Ministry of Justice, a delegation of 6 people went to the Ministry of Justice. The crowd sat in front of the monument until the delegation arrived. Akin Birdal made a press release in front of the Ministry, and said: "We are not rendering a system bound to the people. Otherwise, it will be a totalitarian regime. We will present the signatures to the Ministry of Justice. Thus we call the deputies in the parliament for taking actions."

In Urfa, the HADEP Provincial Organization, where relatives of prisoners staged a hunger strike, was raided in the night of 17 June, and 17 people were detained. The detainees, except for Deniz Cihanbeyli and Baran Güler, were released after a while. They disclosed that they had been subjected to beating, sexual harassment and forced to become informers for the police. The police reportedly raided Baran Güler's house in the night of 17 June, and detained his sister Gülistan Güler and another person whose name could not be revealed.

Twenty-four persons, including 11 lawyers, were detained under harassment when they attempted to send telegrams from İstanbul Sirkeci Post-Office to Prime Minister Mesut Yılmaz at noon on 18 June. The group was impeded by İstanbul Deputy Security Director Ahmet Köse at the post-office. When lawyers protested Köse, he said, "You are to leave here immediately. Otherwise, I will detain you all. I recognize neither such a right to send telegrams nor freedom of communication. Whoever you are, I will not allow you to send a telegram." Names of the detainees are İHD İstanbul Branch Chairman Ercan Kanar, ÇHD İstanbul Branch Chairman Mustafa Üçdere, Mehmet Ali Kırdök, Mihriban Kırdök, İbrahim Ergün, Eren Keskin, Gülizar Tuncer, Nazan Yaman, Mevlüt Yeşildağ, Several Demir, Cemal Yüce, Tülay Erkal, KESK Secretary General Faysal Özçift, Songül Tanrıkulu, Mukaddes Alataş, Özgül Saki, Ayçan Sarıoğlu, Veysel Ferman, Sabri Gök, Suna Doğan, Yeter Fırat, Nazan Çakla, Mevlüt Doğan, Özcan Kaplan. The detainees were released in the evening.

Some relatives of the prisoner, who visited RP and ANAP headquarters on 19 June to tell about the problems in prisons, later arrived at the DYP Headquarters on Selanik Street and demanded to meet DYP Chairman Tansu Çiller. However, as the prisoner relatives were not allowed to get inside, they declared that they were going to stage a sit-in before the building until their demand was met. Police officers quelled the rally, and detained 76 people under harassment. The detainees were released later. Meanwhile, about 70 relatives of the prisoners were dispersed by the police when they attempted to send telegrams after making a press statement at Labor's Party Adana Provincial Organization office. The relatives of the prisoners protested the police when they were not allowed to send telegrams in groups, and they gathered again around the Main Post Office. A fight arose when the police intervened. Devrim Derslioğlu, Gaye Altinel, Hasan Gürgöz and Hakan Mertcan were detained.

CHP Ankara Provincial Organization members were harassed by the police when they attempted to lay a black wreath outside the Ministry of Justice on 21 June. CHP Ankara Provincial Secretary Mehmet Özkan and CHP Women Branches member Göknur Özkara were detained for a while during the incident. The police also quelled the relatives of prisoners when they demonstrated at Güven Park, 50 m. Away from the Ministry, wearing symbolic shrouds and black bands on their mouth. In the incident, 41 persons were detained by dragging on the ground, and HADEP Ankara Provincial Secretary Babür Pınar was beaten down.

On 22 June, 17 of the relatives of the prisoners were detained when they staged a protest by chaining themselves at Ankara Kızılay Square. The 17 persons were referred to Ankara Penal Court of First Instance No. 20 on 24 June, and after testifying, they were released pending trial.

DHKP-C militants launched an armed attack around 9 p.m. on 22 June against the DYP Kağıthane District Center in İstanbul, killing watchman Abdülkadir Sırma, and wounding police officer Selçuk Kule. In the clash that broke out later between the militants and security officers, a

militant named Filiz Emir died whereas police officers Fikri Aslan, Osman Pala, Hasan Hüseyin Dođru and a passer-by named Sinan Özkan got wounded.

Udo Kim (Germany-student), Heiki Schrader (Germany-journalist), Magda Spiliopulio (Germany-Leftist Union Party Human Rights Commission member), Lawyer Dimitris Hacı Panayotis (Representative of the Greek Union of Bars), Kanella Hanya (Greece-International Committee of Human Rights Solidarity member) and translator Süleyman Özcan were all detained when they attempted to speak to the prison prosecutor for a permission to meet the prisoners on hunger strike in İstanbul Sağmalcılar Prison. German Greens/Union 90 MP Heidi Lippman Kasten, who was also in the delegation, was not detained upon intervention by lawyers. CHP delegation who came later to Sağmalcılar, was also hindered by the police. The police stated that only İstanbul MP Algan Hacalođlu was allowed to enter the prison, and detained CHP PM member Hasan Aydın and CHP executives Rüştü Altın, Muazzez Çelebi, Muharrem Sarıççek, Nihal Korkmaz, Şahin Özdemir, Hikmet Vural Çarbođa and Cafer Dursun.

The police intervened in the sit-in staged by relatives of prisoners on 5 July in front of the Human Rights Monument on Ankara Yüksel Street, and harassed many people including Eğitim Sen executive member Başıyrek Altın and TV channel Interstar reporter Tusem Çankaya. Nobody was detained but the 5 prisoner relatives, injured during the incident, were hospitalized. Şırnak former MP Mahmut Alınak was also beaten by the police when he attempted to prevent the attack. Alınak was treated for 2 days at the hospital he was taken to. He sent his blood-stained clothes he wore during the attack to Prime Minister Necmettin Erbakan and Deputy Prime Minister Tansu Çiller, and said the following. “They squirted water from panzers and replied with truncheons when I asked for 5 minutes in order to convince the families to disperse. The relatives of prisoner were brutally beaten and injured. I was also beaten till I fainted in the police bus I was taken, for I refused to keep my head down under the seat. They kept on hitting and breaking truncheons on my head. I learned from the prisoner relatives who then took me to the hospital that when I fainted, I was thrown out from the bus like a pile of flesh for they thought I was dead.” In the trial launched in connection with the demonstration, imprisonment terms between 1 year and 3 years were sought for Mahmut Alınak, Başıyrek Altın, Tayfun İşçi, Fatma Şahingöz, Neslihan Turan, Nurettin Aldemir, Mehmet Ali Yüksel, Oktay Canpolat, Hatay Çakırođlu, Hüseyin Çakırođlu, Yıldız Yılmaz, Gülşah Tađaç, Mahmut Konuk, Olcay Meral, Sedat Cengiz, Vasfi Çilingir, Fadime Tokmak, Feride Kaya, Fatma İlhan, Murat Coşkun and Gülten Turan, on charges of “acting in contravention of the Law on Meetings and Demonstrations.”

Relatives of the prisoners assembled outside the Parliament gate at noon on 8 July and attempted to lay a symbolic coffin outside the gate. Police officers did not allow for the demonstration and detained 59 relatives of prisoners under harassment.

The relatives of prisoners staged a sit-in for about 2 hours on 12 July at the RP Ankara Provincial Organization office in order to meet Minister Şevket Kazan. The police detained about 90 of them. The detainees were released by Ankara SSC on 15 July. In İstanbul, prisoner relatives halted the traffic on the TEM highway. Following the protest that lasted for about 20 minutes, around 20 people were detained. On the same day, Halil Can Dođan and Zeki Mimarođlu were detained by plainclothes police officers in Kızılay, Ankara, after having visited the prisoner relatives on death fast at the ÖDP Ankara Provincial Organization.

Police officers dispersed the rally staged by the relatives of the prisoners on Çađalođlu Street in İstanbul. The police did also beat *Cumhuriyet* reporters Kaan Sađanak, Alper Turgut, Hatice Tuncer, *Milliyet* reporter Efe Erdem, *Global* reporter Yüksel Koç and German Press Agency employee Şaban Dayanan, broke their cameras and burnt the film rolls inside. As the journalists took shelter at the Turkish Journalists Society (TGC) nearby, the police officers followed them and got inside the Society building. Here, the police threatened Secretary General Leyla Tavşanođlu. (Detailed information is on pages 436-437)

About 15 prisoner relatives were detained after distributing leaflets by the “Committee of Solidarity With The Prisoners of Freedom” at İstanbul Bakırköy Freedom Square on 19 July. The prisoner relatives, after distributing leaflets for about 15 minutes, left the Square and stepped on a public bus. Police officers stopped the bus, took other passengers out and drove the prisoner relatives to the political police center. Police officers also interfered with the prisoner relatives who made a press statement before the RP Provincial Center in İçel, and detained about 40 people. Of the detainees, Orhan Gül, Kahire Şahin, Sultan Çiftçi, Gül Çiftçi and Güzin Tolđa (the journal *Kurtuluş* reporter) were remanded on 22 July, while others were released.

A clash broke out between the police and a group of people who staged a demonstration on 19 July on Namık Kemal Street in İstanbul Bağcılar Yeni Mahalle Quarter in solidarity with the hunger strikes in prisons. A young man named Levent Doğan (17) died in the fire opened by the police against the demonstrators, (Detailed information is on page 249)

The police intervened with relatives of the prisoners when they attempted to stage a sit-in for 24 hours on Ankara Yüksel Street on 20 July, beat many people including journalists, trade unionists and political party representatives, and detained 137 people. The relatives of the prisoners, who were on hunger strike at the ÖDP Ankara Provincial Center, were halted by the police at the entrance of Yüksel Street. The police dispersed the group of about 250 people. They beat Gökhan Gerçek, a photographer with the National Press Agency (uba), and did not allow the journalists to take pictures. Fadime Kaya, Saray Ercan, Cemile Atmaca, Güllü Uzundüz, Oya Gökbayrak, Fadime Canik, Fatma Güner, Dürdane Öz, Havva Kutlu, Tuncay Yamaç, Nuran Kalkan and Binnaz Niksar were hospitalized. Of the detainees, Deniz Erşanlı, Ercan Usluyürek and Erol Malkoç were remanded. The trial launched against 137 people on the accusation of “holding unauthorized demonstration and resisting the police,” started at Ankara Penal Court of First Instance No. 6 on 20 August. The remanded 3 defendants were released in the hearing.

During the demonstration held for Aygün Uğur in front of Sarıgazi Cemevi on 22 July, Provincial Gendarme Troops Commander Colonel Baki Onurlubaş ordered the group to disperse. When the group did not, gendarmes attacked against the group with rafters and pickaxe handles. When the group responded with stones and clubs, the clash intensified. Meanwhile, a molotov cocktail was thrown at a municipal bus and it was put on fire. Afterwards the group erected a barricade on former Ankara Street and inner streets with stones, wooden material and litter barrel, and hung placards. The gendarmes entered by force into the shops and houses on the street, and detained the people who had no connection with the incident by beating them. Around 17.00, a group of 50 people in Sarıgazi Cemevi left the cemevi and started to march towards Sarıgazi Square. Here the gendarmes attacked again. During the incident, 10 people were injured (2 seriously). The journalists attempting take photographs were prevented by the gendarmes. Of 28 people detained, 21 were arrested and 7 were released. Meanwhile, 64 people who were detained when they gathered together in front of İstanbul Ümraniye Prison upon hearing the death of Aygün Uğur, appeared before the court on 23 July. Mehmet Yalçın, Ömer Faruk Özkardeş, Nihat Uçukoğlu, and Emrah Gedik were arrested on charges of “resisting the police.”

The police quelled the rally staged on İsmetpaşa Street near İstanbul Bayrampaşa Prison on 24 July, and detained 30 people. On the same day, a group of about 2,000 people held a rally after assembling outside ÖDP Ankara Provincial Organization Center. The demonstration ended when a delegation of 5 met Ministry of Justice Undersecretary Uğur İbrahimhakkıoğlu.

Police officer Murat Kaya died and another one, Mehmet Kartal was wounded in an armed attack against a police vehicle in Gebze around 11.45 p.m. on 24 July. Mehmet Kartal died at hospital on 26 July. Around 3.30 a.m. in the same night, police officer Ali Demiryürek got wounded in an armed attack against a police car outside the DYP Sultanbeyli (İstanbul) Center.

During an unauthorized demonstration held in Eyüp, İstanbul, around 21.30 on 25 July in support of the hunger strikes in prisons, unknown persons opened fire against a police vehicle that came to the region. Chief superintendent Emin Ebsir (43) died and police officer Ahmet Emin Bahçeci (27) got seriously wounded in the fire. The MLKP claimed the responsibility for the attack. Four persons were put on trial at İstanbul SSC in connection with the incident. In the trial, Cihan Deniz Tarak, one of the defendants, was indicted on the demand of the death penalty.

Bekir Şahin and Cem Kaya, students of Kırşehir Vocational High School, and Ekrem Altındal, who were all detained on the accusations of writing slogans supporting the hunger strikes on the walls in Bardakçı and Baraj quarters of Çumra, Konya, were remanded on 27 July.

Developments following the death fast

Minister of Justice Şevket Kazan, in a statement on 1 August, said that he launched an investigation about the death of 12 people “since everybody at the Ministry of Justice from the guardians to himself is responsible.” However, the communication sent by the Penal Works Directorate of the Ministry to the prosecution offices demanded that “those who persuaded the people to suicide, and those who helped them be determined.” Then, prosecutors started to question the prisoners. Kazan stipulated that the families of 12 people who died should “declare the existence of the connection with the organization” so that they could be given compensation, and he said “The families who declare that their children launched the death fast without pressure from any organization, and thus died on their own will, will not be paid compensation.”

In August, prisoners from Yozgat E Type Prison sent a letter to the Turkish Medical Association, stating that they had only been given serum and then sent back without receiving the necessary medical treatment at the hospital where they had been taken to after the hunger strike. The statement read that the doctors did not react to the handcuffing of the prisoners to the beds, that the doctors who came to the prison on 29 July stated that the illness of the prisoner named Selmani Özcan was disorder of nutrition, and that they did not examine the other prisoners. The prisoners stated that if Selmani Özcan and Serdar Gelir was not treated they would be crippled. Another statement made by the arrested and convicted prisoners in Bayrampaşa Prison on the same days, read that the arrested and convicted prisoners were given excessive serum in Haydarpaşa Numune Hospital, and thus their body balances were disturbed, and that prisoners were chained to the beds. In the statement made subsequently by the TTB on 9 August, it was stated that but no response was made to their last application to the Ministry of Health on 7 August for the medical treatment of the strikers within the framework of a project.

Lawyer Ercan Demir, the Chairman of İHD İzmir Branch, disclosed on 24 August that of the prisoners who took part in death fasts and hunger strikes in Buca Prison, the medical situation of 10 were serious. Lawyer Demir, who emphasized that it was impossible for the patients to be treated under the conditions prevalent in the prisons, said: "I had a meeting with the ward representatives in Buca Prison, and learnt that Bernar Satar, Hüseyin Ali Günay, Semiray Yılmaz, Ali Teke, Nevzat Kalaycı, Gülten Işık, and Zeliha Koyupınar suffered from visual disorder, amnesia and the difficulty in walking." On 23 January 1997, Ercan Demir disclosed that Semiray Yılmaz (30-balance and visual disorder; only hospitalized thrice), Bernar Satar (amnesia; hospitalized thrice). Ali Teke (injury of optic nerves, irritability; hospitalized twice). Hüseyin Ali Günay (27-heart disorder; hospitalized twice) were not treated sufficiently.

Upon the negative developments in the medical treatment of the prisoners, the TTB launched an investigation at the end of August against doctors who did not fulfil the requirements of the doctor-patient relations for the prisoners who were hospitalized following the death fast. The statement made by the TTB on 27 August stressed that the medical treatment could not be sufficiently performed due to the paper works among the Ministries of Justice, Health, and Interior, and added: "It was possible to participate in the medical treatment and follow-up of the patients as the Ministry of Justice did not give a permission. This demand was repeated on the day when the strike ended. A procedure for medical treatment was suggested and the treatment process was programmed for Ministry of Justice, but this application has not been replied yet."

A statement made by İstanbul Medical Faculty on the same day read that prisoners Mehmet Yaman, Mehmet Ali Çelebi, Gülizar Kesici, Refik Ünal, Ahmet Turan Atmaca and Sadegül Özdemir, who had been under treatment since 28 July, were discharged and were invited to the hospital for check-up three months later. Besides, it was noted the examinations of Delil İldan, Eyüphan Başar, Gülay İncesu, Mehmet Güvel, and Hasan Yüksel, who suffered from "imbalance and visual loss," were completed, and that they might be discharged at the end of August. It was stated that prisoner Ali Ekber Akkaya suffered from "memory impairment" and went on with a nutrition program, and that treatment of Cafer Gürbüz continued.

The persons who have participated in the death fast were crippled permanently or faced permanent health problems as they were not provided with the necessary medical treatment. Following are some of these prisoners, who are known to the HRFT:

Semiray Yılmaz (Buca Prison), visual loss, ataxia.

Bernar Satar (Buca Prison), amnesia.

Ali Teke (Buca), injury of optic nerves and PTSD.

Hüseyin Ali Günay (Buca), cardiac disorder, visual loss, ataxia.

Hüseyin Muharrem Gündüz, Wernicke-Korsakoff disease, memory impairment.

Niyazi Kaya, major depression. (*)

Birtan Güven, major depression.

Cafer Gürbüz (Sağmalcılar Prison), amnesia.

Bekir Balyemez (Malatya Prison), cardiac disorder, muscular atrophy, renal failure.

(*) After his release, Niyazi Kaya was detained again in October 1997 for "being a draft evader" although he was seriously ill. Although he could not eat meals and needed help to meet his needs, Niyazi Kaya was kept in Gebze Police Station for 3 days. He was sent to Gebze Gendarmerie Station without being given medical treatment in Gölçük and Haydarpaşa Hospital, and taken to the military hospital on 16 October 1997.

The Committee for Prevention of Torture (CPT) of the European Council was also concerned with the developments during and following hunger strikes. A delegation from the Commission visited Turkey on 18 August. The delegation members met with the Minister of Justice Şevket Kazan and the authorities from the ministry on 19 August. The CPT members performed investigations in Eskişehir Special Type Prison on 21 and 22 August. The delegation members did not want the authorities from the Ministry of Justice to be ready in the meetings with the prisoners. The delegation members were informed by Deputy Director of Prisons and Detention Places Yusuf Ögmen on the physical structure of the prison. The delegation members met with the prisoners, and heard the criticisms about the hunger strike and Eskişehir Prison. The delegation members particularly concerned with the reason why the prisoners put on trial at İstanbul SSC were kept in a prison in another city. The CPT members Ingrid Iycke Elligson, Lambert Keltehermans, Gordon Lakes, Jeon Pierra Restallini and Trevor Stevens had met with the political and ordinary prisoners in the prisons for two days. The statement made later read that the opinions about Eskişehir Prison would be communicated to the government with a secret report in accordance with the rules, and added, “The news on the press stating that there is consensus about Eskişehir Prison between the delegation and the government is fictitious. The Committee for Prevention of Torture has not declared any comment on the prisons.”

i)- Ümraniye and Diyarbakır Prisons

1996 witnessed numerous other incidents, in addition to the death fast, which resulted in deaths and wounding of prisoners. The incidents in Ümraniye and Diyarbakır prisoners were the most important ones. Bloody incidents took place in the beginning of 1996 in Ümraniye Prison, which has been a scene for unrest starting from the very date it was opened. **Four** prisoners were killed in the incidents, many other were wounded. The earliest incident took place in Ümraniye Special Type Prison on 4 January. A clash broke out between gendarmes and prisoners during the resistance staged by the prisoners on the demand of an improvement in living conditions. After clashing for about half an hour, certain sections of the prison were occupied by prisoners. Upon this, about 200 police officers and soldiers, who were sent to the prison, launched an operation. At about 20.30. During the operation, about 50 gas bombs were thrown inside the sections occupied by the prisoners. Then, the security officers forcibly broke in these sections.

The operation continued until 04.30 on 14 January. Some of the occupied sections were dominated again. The arrested and convicted prisoners in these parts were taken out by beating. The operation into the wards near the prison kitchen failed and about 80 arrested and convicted prisoners continued to resist. During the incidents, 14 gendarme, 12 police officers, 2 guardians, and 36 arrested and convicted prisoners (3 seriously) were injured or poisoned from gas bombs. The furniture in the parts where operation was conducted was destroyed completely. When an agreement was reached between 80 prisoners who occupied some parts of the prison and the authorities from the Ministry of Justice around 16.00 on 15 December, the resistance ended. In compliance with the agreement, the arrested and convicted prisoners removed the barricades. Following the incidents, there was no effort for the solution of the problems in the prison and the commitments were not fulfilled. Lack of response to the application led to increased tension.

Tension in Ümraniye Prison caused bloody incidents on 4 January. During the incidents which broke out when gendarmes carried out an operation against two wings in morning and noon, 3 arrested inmates named Abdülmecit Seçkin, Orhan Özen and Rıza Boybaş were beaten to death while 36 arrested or convicted inmates, 21 gendarmes and 10 guardians got wounded. The number of the deaths rose to 4 when one of the wounded prisoners, Gültekin Beyhan, died at the hospital in the morning of 11 January. Thirty-five (28 arrested or convicted inmates, 6 gendarmes and 1 guardian) of the wounded were hospitalized. The security forces could not be able to enter the wings numbered D3, D4 and B9 where a total of 61 arrested or convicted inmates stayed. Some of the wounded prisoners are Ağa Yıldırım, Nurettin Aslan, Metin Turan, Savaş Kırca, Asım Özdemir, Cahit Bedir, Mustafa Gök, Dursun Dil, Haydar Özdemir, Metin Şimşek, İzzet Çetin, Muharrem Karademir, İlginç Özkeskin (died during the death fast), Gökhan Gürbüz, Oktay Yıldırım, Turan Ada, Çetin Dönmez, Mustafa Atabek, Rasim Öztaş, Ali Rıza Demir, Ahmet Özdemir, Sadık Eroğlu, Halil Acar, Malik Koparan, İbrahim Yerlikaya, Levent Nevruz, Halil Önder, Feridun Bat, Süleyman Metin, Cengiz Çalıkoparan and Akın Olgun. The result of the autopsies on Abdülmecit Seçkin, Orhan Özen and Rıza Boybaş showed that “internal bleeding in brain, fractures and caving at skull due to blow to head with an hard object” had caused the deaths. The heads and faces of the killed people were reportedly torn to pieces in a manner that it would be difficult to identify them.

In the autopsy report for Abdülmecit Seçkin, the cause of death was specified as “the cerebral hemorrhage characterized by cranial fragmented collapsing fractures due to blunt cranial trauma, and accompanied effect of widespread tissue bleeding under the traumatic lesions on his body.” The lawyer Metin Narin, who took part in the autopsy, said that there were 5-6 cracks of 12-15 cm on the head of Abdülmecit Seçkin. Metin Narin said: “Cranial bone of Abdülmecit Seçkin had been broken into pieces and his brain had appeared following the strokes. There were bruises only on his palm. There were no other bruises on his body. The stroke traces on his hands and head reveal that Abdülmecit Seçkin tried to protect his head by his hands.” Metin Narin, who also stated that the face of Rıza Boybaş could hardly be discerned, said: “One of his relative could not recognize him. They could recognize the corpse only from the trace of the operation he underwent during his military service.”

Rıza Boybaş and Orhan Özen were buried in İstanbul Alibeyköy Cemetery on 8 January. They were buried by police officers, because İstanbul Security Directorate did not allow a ceremony. Nobody except the mother of Orhan Özen and 2 brothers of Rıza Boybaş could watch the burial of the corpses. The police blockaded the vicinity of the morgue where the corpses were kept and Alibeyköy where the funerals would be held as of 06.00 in the morning, and did not let anybody enter the region. About 1,000 people who wanted to attend to the funeral or who were passing-by, were detained. Most of the detainees were taken to the Eyüp Closed Sports Hall, some were ruthlessly beaten by the police. Meanwhile, the police frequently attacked on the journalists. (*) Film rolls or video cassettes in the cameras of numerous journalists were seized.

39 people who were detained while coming from Gebze to İstanbul for the funeral of Rıza Boybaş and Orhan Özen on 8 January made a press release at the HADEP Gebze District center after they were released. In the meeting, Kamil Dağ stated that the police officers had waylaid them before they arrived in Alibeyköy, and they had been taken first to Topçular Police Station, then to the Political Branch, where they had been tortured. Dağ said: “They threatened those who rejected to give testimony and who staged hunger strike to death. The arm of one of our friends was broken, and the nose of another was broken, the rib of another was crushed. The eyes and lips of many of our friends were blurted out from being beaten. Many of our friends were given electricity. The testicles of the men were squeezed, and one of our female friends was harassed sexually with a truncheon.” Kamil Dağ stated that after two days police officers had released them in groups near roads without taking them to the Forensic Medicine Institute and prosecution office, and the ID cards of two people had been confiscated.

The incidents in Ümraniye Special Type Prison immediately reverberated through the other prisons. Some of the arrested and convicted inmates in İzmir Buca, Ankara Central, İstanbul Bayrampaşa, Bartın, Yozgat and Bursa Prisons started resisting. About 1,000 arrested or convicted inmates participated in the resistance which was not supported by the PKK case defendants. Arrested and convicted inmates who occupied certain parts of the mentioned prisons, erected barricades at the doors. 2 prison directors and 15 guardians in Buca Prison, one director and 11 guardians in Bayrampaşa Prison, one director and 11 guardian in Ankara Central Prison and 9 guardians in Bartın Prison were taken as hostages. All of the hostages in Ankara were released in the evening of 5 January, 6 of the hostages in Bayrampaşa on 7 January, and 3 of the hostages in Bartın in the morning of 8 January. The remaining hostages were released subsequently. It was reported that they had not been ill-treated. Meanwhile, Ümraniye Special Type Prison Prosecutor Cemal Ünsal and Director Hüseyin Atakan were suspended from duty.

ÇHD İstanbul Branch Chairman Levent Tüzel and İHD İstanbul Branch Chairman Ercan Kanar, who participated in the negotiations between the prisoners and the authorities, held a press meeting on 10 January. Kanar noted that the Ministry of Interior and İstanbul Security Director Orhan Taşanlar were responsible for the incidents in Ümraniye Prison, and that new incidents were prevented for the moment when the positive results were obtained from the negotiations. Tüzel stated that the agreement that was reached though the determined resistance of the prisoners, was partial, and a permanent solution should be found.

The incidents in Ümraniye Special Type Prison protested by the public. When the incidents were heard, unauthorized demonstrations were held in various quarters of İstanbul in the night of 4 January. The demonstrations ended without any incidents except for two. As a result of fire opened by police on about 100 people demonstrating at Okmeydanı Fatma Girik Park, Mahmut Aktaş was shot and wounded in the back. In addition, a clash broke out between

(*) Evrensel reporter Metin Göktepe was beaten to death by the police at Eyüp Sports Hall. The dead body of Metin Göktepe was found in the morning of 9 January. (Detailed information is on page 411).

the demonstrators and the police when the police attempted to bar them in Yeni Bosna Zafer quarter. During the clash which lasted for about one hour, branches of banks in the vicinity and certain shops were burnt down with explosives, and some police vehicles were damaged. As a result of the operation carried out in the region after the incident, 21 people were detained.

A group of about 150 people who assembled outside İstanbul Court House on 5 January in order to file an official complaint about the authorities responsible for the incidents in Ümraniye Prison, were not let inside the building. The majority of the group consisted of relatives of the prisoners. When they insisted on entering the building, the police dispersed them. Many of the demonstrators were beaten. Besides, journalists were attacked by the police. Sedat Aral, the photo-reporter of the daily *Yeni Yüzyıl* was beaten by the police and his cameras were broken and a reporter with the same, Ahmet Şık was attempted to be detained under harassment. Journalists Eylem Düzyol, Oktay Özilhan, Kubilay Tüntül and Ersan Çağatay were either harassed or insulted. 122 people detained in front of the Court House were taken to various police stations in groups. The trial launched against them at İstanbul Penal Court of First Instance No. 2 on charges of “acting in contravention of the Law on Meetings and Demonstrators,” ended in acquittal.

Demonstrations in İstanbul continued on 5, 6 and 7 January. Numerous bank branches, shops and vehicles were destroyed or burnt down by unknown people. 2 municipality buses were burnt down when the police attempted to disperse a demonstrating group of 200 people at Nurtepe Sokullu Street, İstanbul, in the night of 6 January. After the incident, 15 people, most of whom had nothing to do with the demonstration, were detained. 12 of these people were released pending trial, whereas Ali Rıza Çelebi, Cem Duman and Hasan Kaya were remanded. A clash broke out between a group of 150 people, who demonstrated and burnt down a municipality bus, and police in Karadolap quarter of Alibeyköy, İstanbul, in the evening of 7 January. Police officer Bayram Bozkurt and a person named Veysel Tanış, who was watching the incident from the window of his house, were shot and wounded in the clash. In the same evening, a municipality bus was burnt down during the demonstration held in Ümraniye Mustafa Kemal quarter.

Meanwhile, Özdemir Sabancı (55), an Executive Board member of the Sabancı Holding, a leading holding companies in Turkey, Haluk Görgün (43), director of an automotive firm within the holding, and secretary named Nilgün Hasefi (40) were killed in an armed attack about 11.00 on 9 January. The armed attack provoked great protests. The DHKP-C claimed responsibility for the attack. In a statement made in the name of organization, it was stated that the attack was carried out in reprisal for the incident that had took place in the Ümraniye Special Type Prison.

Prosecution

The investigations launched into the incidents in Ümraniye Prison ended in “acquittal” of the prison administration, whereas prisoners were deemed “guilty.” This was another example of how the security officers are protected when they involved in torture or extra-judicial executions.

Üsküdar Public Prosecution Office concluded the investigation in the beginning of March. On 1 March, the Prosecution Office issued a decision of non-prosecution against the prison officials, whom were accused by 161 prisoners of “intentionally wounding people, theft, giving harm to private property, abusing the duty and negligence in the duty” in connection with the first attack. The prosecution Office also gave the same decision for the first and second directors of the prison and 10 warders in connection with the incident, during which 4 prisoners were killed. The case file against one lieutenant and 20 gendarmes was referred to the Provincial Administrative Board so that it would “decide whether a trial should be launched or not.”

Against the 280 arrested and convicted prisoners, however, a trial was launched under Article 304 of the Turkish Penal Code on the allegations that “they committed the crime of mass rebellion, stood against the officers and caused damage in the prison.” In the indictment, the 10 warders and 20 gendarmes were listed as victims, and imprisonment terms between 7 and 109 years were sought for the defendants. The trial is under way at Üsküdar Penal Court of First Instance No. 2.

After a decision of non-prosecution was issued against the prison director and warders, and no result was obtained from the objection raised with Kadıköy Penal Court of First Instance No. 1, the lawyers applied to the European Human Rights Commission. The People’s Law Office disclosed that Üsküdar Public Prosecution Office had referred the case file against police officers and gendarmes, who had participated in the attack, to Provincial Gendarmerie Headquarters and İstanbul Security Directorate in line with the Law on Prosecution of Civil Servants, but the case files had been pigeon-holed there. The statement read that the case had been referred to the European Human Rights Commission as the domestic remedies had exhausted.

A trial was also launched against the 10 relatives of the arrested and convicted prisoners who had filed an official complaint in connection with the incidents. In the trial, Feyzullah Gömi, Ali Rıza Erdoğan, Hüseyin Ada, Şükrü Karaçelik, Selvi Yiğit, Kemal Yerlikaya, Müslüm Erdal, Servet Çetin, Erdal Aslan and Hüseyin Özdemir were accused of “making unfounded accusations” against Ministry of Justice Undersecretary Yusuf Kenan Doğan and Prisons Director General Zeki Güngör. In the trial, the 10 persons were indicted on the demand of sentences between 3 months and 3 years in prison under Article 285 of the Turkish Penal Code. The trial at İstanbul Penal Court of First Instance No. 11 in acquittal of the defendants.

A trial was launched at Eyüp Heavy Penal Court No. 1 against 453 arrested and convicted inmates who had started a resistance at İstanbul Bayrampaşa Prison on 5 January and taken a director and 11 guardians as hostages. In the trial, imprisonment terms between 8 years and 15 years were sought for the defendants.

Diyarbakır Prison

The second massacre in 1996 was in Diyarbakır E Type Prison. **Ten** prisoners were brutally beaten to death in the massacre by special team members, gendarmes and prison warders at about 15.00 on 24 September, whereas 46 prisoners were wounded, 10 of whom severely. (*) Fourteen of the prisoners, including some of the wounded ones, were transferred to Gaziantep Special Type Prison. Prisoners 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.

Cemal Taş, one of the wounded prisoners, made a written statement in Gaziantep Special Type Prison where he was sent, and he said that on the day of the incident, when two of 31 prisoners who were on visit opened the porthole in order to talk with their relatives in the ward No. 36, a guardian named Fethi Ahmet, whose surname they did not know, threatened Rıdvan Bulut and İskan Usal by saying “Do not talk or else I’ll crush you.” Cemal Taş disclosed that following this incident the guardians named Şakir and Recep from Mardin, whose surnames he did not know, molested them. Cemal Taş also stated that the directors Mahmut Çaçan and Aziz Güler came and threatened them by saying “You will regret, the price for heckling the personnel is heavy,” and he explained what had happened as follows: “We saw many official, civilian and military people go to the administration section. Preparations were going on, they made us wait in the corridor until 15.00. On both sides of the corridor were many police officers, soldiers, plainclothes and people in black clothes. They were holding long rafters, iron rods and needles, chains, as if to conquer İstanbul. On the other we were 31 persons and there were 400 guardians. The doors were crowded with ‘rambos’ sufficient for a raid into a city. Suddenly, the doors were opened and they attacked us with slogans of ‘Allahüekber’ (God is the Greatest). They gathered us together. At that moment, Aziz Güler and Mahmut Çaçan were standing at the opposite. Aziz’s hands were in his pockets, and were pressing his foot on the head of Rıdvan Bulut, saying ‘Be a confessor, or else I’ll kill you.’ When he did not reply, he turned to us and repeated the same call he made during the attack. ‘Those who do not want to die should leave aside, be confessors, or else you’ll be killed.’ Then 2 persons left aside, and they attacked again.

“After a while I saw a tall sergeant check the corpses. He held the head of Rıdvan Bulut, and shout to his friends ‘This asshole is still alive.’ Among the attackers were chief guardians Recep and Fethi Ahmet. Soon after Rıdvan was dead. Chief guardian Ahmet inserted a needle in his hand into the head of Ahmet Çelik until it got out from his neck, although he was dead. A tall and bearded person with a walkie-talkie who was standing over one of our friends, said: ‘Be a confessor, surrender, save your life.’ When he could not obtain any reply, he started to beat him with rafters, saying ‘Die.’ When they poured water over me in the transfer vehicle in order to learn my name, torture and attack by soldiers was continuing. While a soldier was beating me in the vehicle, he said: ‘So, you are killing soldiers. Don’t you know that we will kill you and take revenge?’ Kadir Demir was heavily wounded, he was martyred due to suffocation. In the prison, as we wanted to go to near our friends, they said ‘Only you can go to confessors and independent persons.’ When rejected, they put us into the cells. We said ‘We will neither accept treatment nor go to the infirmary.’ We staged death fast. Then they put us near our friends after 3 days.”

(*) The names of the wounded prisoners are as follows: Ramazan Nazlier, Mehmet Emin İzra, Ramazan Korkar, Yasin Alevcan, İskan Osal, Mehmet Batuge, Kenan Acar, Abdullah Eflatun, Hakkı Bozkuş, Bedri Bozkuş, Ahmet Sever, Şeyhmus Kaya, Ali Yerne, Muharrem Doğan, Yavuz Eken, Cemal Taş, Ali Kaya, Abdülvahap Uyanık, Halil Süren, Nusret Yelboğa, Muhlis Altun, İrfan Korkar, Mehmet Pehlivan.

The autopsy reports revealed that the prisoners were generally killed by being beaten by their heads. The following are the autopsy reports confirming the violence:

Erhan Hakan Perişan: *The examination of the head of the corpse reveals that there is an open wound extending from 5 cm over the left ear to top point, which resembles to peeling, and which reveals out the brain tissue, there is an open wound with length of approximately 5 cm at the left back of the head, which reveals out the bone, there are 3 open wounds with a length of 3 cm each over the right ear, which reveals out the bone, there is an open wound with a length of 5 cm on left chin, the chin was broken, and there are zones of bruises at the back extending from the left shoulder to the mid-waist. The definite cause of death is "brain impairment."*

Cemal Çam: *There is an open cutting at the back of left ear with a size of 2x5 cm, which reveals out the brain tissue, there is a regular cutting over the former cutting, with a length of approximately 5 cm, which penetrates into the bone, there are two wounds by an incisive tool to the left of head, there is an irregular open cutting at the top left of the head with a size of 5x8 cm, there is a wound over the left eyebrow, and over it is open wound with length of 5 cm which penetrates into the bone, and there is a wound extending from the lower part of left chin to the left ear lobe, which pierced the bone, there are bruises extending from the elbow of the left arm to shoulder-blade, there is a bruise on left hand muscle, and that there is a bruise on the knee of left leg. The definite cause of death is "brain impairment."*

Hakkı Tekin: *There is fragmented tissue loss extending from 5 cm above the left eyebrow to the back of head, and there are open wounds which reveal out the bone, and there is a regular cutting of 4 cm at the back left ear, there is an open wound at the back of head with a length of 5 cm, which penetrates into the bone, there is bruise on the left eye, there is a bruise on the left zygomatic bones, there is a stitched wound above the right eyebrow, there is hematoma on the right hand and wrist, and there are prevalent bruises extending from the left arm humerus to the back of left shoulder-blade. The definite cause of death is "brain impairment."*

Ahmet Çelik: *There are two wounds at the back of head penetrating into the bone, one of which is 1 cm and other is 2 cm, and there is a wound of 2 cm at the back of head. An open wound of 2 cm to the left of forehead revealing out the bone, a fracture in the nose, open wound on the right eyebrow, a bruise on the left eye, bruises on the front of the neck, random bruises on the back, bruises on both hips, bruises of 8-10 cm extending from back part of left leg at the level of knee. The definite cause of death is "brain impairment."*

Edip Derikçe: *There is a stitched wound of 2 cm above the forehead, and there is another stitched irregular wound of 5 cm above it. A regular wound of 5 cm above the right ear and a stitched wound. A stitched irregular triangular wound of 5x4 cm at the top of head, and an irregular stitched wound of 7x4 cm extending from the top of head to the back. Two regular cuttings above the left parietal, one of which is 3 cm and the other is 5 cm, and a stitched wound, there is a wound in the middle of left ear, and there is a cephalic hematoma at the back of left ear and a collapsing fracture in this region. Two bruises on the right hand elbow, a bruise on the right wrist, right bruise, a bruise at the back of right shoulder, and a bruise of approximately 10 cm at the external part of the foot. The definite cause of death is "brain impairment."*

Mehmet Kadri Gümüş: *Three cuttings of 4 cm on the left parietal and a cranial fracture below them, an open wound of 7x3 cm and a collapsing fracture on the right fronto-parietal, an open wound of 7x3 cm and a collapsing fracture at the back of head, a bruise with a diameter of 3 cm above the left eyebrow, and prevalent bruises on both sides. The definite cause of death is "brain impairment."*

Mehmet Nimet Çakmak: *There is an irregular wound of 10x8 cm at the back of head penetrating into the bone, and in this section a fracture at the back of head is observed. There are two open wounds of 4x2 cm at the upper left part of forehead, a wound of 3 cm at the upper part of left eyebrow and prevalent hematoma and bruises around the left eye, two regular cuttings with diameter of 5 cm extending from the upper part of frontal zone to the back, two regular cuttings with a diameter of 3 cm at the back of head, and a wound with a diameter of 3 cm at the back of head. The definite cause of death is "brain impairment."*

Rıdvan Bulut: *The teeth of upper palate were broken into pieces, and there are prevalent bruises on the front part of the neck and on the face, a bruise on the external surface of the right elbow, hematoma on the right hand, and a bruise on the right should tip. An open L-shaped peeling-like wound of 8 cm extending from the left part of forehead to the back penetrating into the bone, a collapsing fracture below this lesion, a wound of 2 cm at the back of ear penetrating into the bone, and three open wounds of 3 cm at the back of the neck penetrating*

into the bone. There is a wound above the right eyebrow, and two peeling-like on the chin. The definite cause of death is "brain impairment."

Kadri Demir: *There are a peeled bruise with a diameter of 2 cm 2 cm above the internal tip of the right eyebrow, a peeled bruise with a diameter of 1 cm 2 cm above it, a peeling with a diameter of 1 cm in the middle line 2 cm above the right eyebrow and a bruise with a diameter of 3 cm on the surface, and a peeled bruise of 4x1 cm in the middle line where the hair is lost at the top of skull extending from the front to the back. The examination of breast, abdomen and back reveals that there are two bruises with diameters of 20x10 cm and 15x10 cm on the region between two shoulder-blade extending to the shoulder. The definite cause of death is "brain impairment."*

Mehmet Aslan: *There is a bruise of approximately 10 cm left lower part of breast under skin zone. The ribs were broken at the level of back underarm, the tips of fractures are bleeding and around it is an under skin bruise with a diameter of 8 cm. The heart is larger than normal, weighing approximately 500 gram, and there are sparse bleedings in the manner of superikarmani point. The liver has started to turn into dirty yellow, which implies the onset of fattening. The definite cause of death is "brain impairment."*

Minister of Justice Şevket Kazan went to Diyarbakır on 25 September, and made statement on 27 September, disclosing that Prison Director Mahmut Çaçan, Second Director Aziz Güler and Chief Guardian Fethi Ahmet Onat were suspended from the duty in connection with the incidents. Kazan stated that he met with 3 ordinary prisoners, 3 confessors and 3 political prisoners and he inquired whether the circular issued by him on 9 July were put into practice or not, and he disclosed that he "witnessed" some of the faults of the administration, and therefore 3 executives were suspended from the duty. In addition, Minister of State Sacit Günbey from RP, who went to Diyarbakır together with Kazan, stated that there were tangible evidence that the prison administration led to the deaths, and he accused special team members.

Protests against the massacre

The incident in Diyarbakır E Type Prison led to tension throughout the country, especially in the prisons. 3 prisoners from the PKK case (one woman) burnt themselves in İstanbul Bayrampaşa Prison in protest of the massacre. Gülbahar Köker burnt herself in the Woman Ward in Block C at 23.00 on 27 September; Vedat Aydemir in the Ward No. 13 at 13.00 on 28 September; and Hamdullah Şengüler in Ward no. 6 at 14.30 the same day. Gülbahar Köker, who had slight burns on her arms and legs, was treated in the Prison.

Vedat Aydemir (*) died at Cerrahpaşa Medical Faculty Hospital at about 20.30 on 8 October. When Family Aydemir attempted to take his body from the morgue to their house in İstanbul Soğanlı, the police prevented them. The police agreed to hand over the body only on the condition that it would immediately be taken out of the city. Media Aydemir, Vedat Aydemir's elder sister, said that her brother had not been properly treated at the hospital. She added, "The treatment my brother went under at the hospital was of a really terrible quality. One day he had fouled his bed, but they had taken hours before cleaning up the mess. Therefore it is quite natural that he was infected." Hamdullah Şengüler died at the same hospital in the morning of 10 October. Hamdullah Şengüler(**) was buried in Bismil, Diyarbakır. The left foot of Şengüler had been paralyzed due to torture. Suffering from various disorders and unable to walk, Şengüler was taken to the hearings on a stretcher.

Yakup Güneş was slightly wounded when he set himself on fire in Batman Prison in protest of the massacre on 30 September. Mesut Aydın (16), a PKK case defendant in Buca Closed Prison, set himself on fire at about 03.00 on 4 October. Wounded in his arms and back, Mesut Aydın was given medical treatment at the infirmary of the prison.

The police intervened in the press conference held at Taksim Square on 6 October by the HADEP İstanbul Provincial Organization and civil organizations in protest of the incidents in prisons. Groups of people gathered at noon on the streets around Taksim Square, and started

(*) **Vedat Aydemir** (22) was remanded in 1993 on the accusations of "being a member of the PKK," and put in Sağmalcılar Prison. A trial was launched at İstanbul SSC against him, and Hamdullah Şengüler, Ayten Kaymaz, Nizamettin Karabulut, Veysi Aktaş, Süleyman Demir and Mehmet Turhallı. In the trial, the defendants were indicted on the demand of the death penalty under Article 125 of the Turkish Penal Code.

(**) **Hamdullah Şengüler** (30), was detained in 1994 and put in Bayrampaşa Prison. He was on trial on the demand of the death penalty under Article 125 of the Turkish Penal Code, together with the persons listed in the footnote above, on the accusations of "being a member of the PKK."

marching towards the Square. The police dispersed the groups by beating them with truncheons, and detained 52 people, including HADEP Provincial Secretary Cemal Coşgun, executive members Ferhat Yeğın, Fethi Özcan, Abdullah Özcan, and Kağıthane District Chairman Halil Salık. As a result of the fire opened by the police on the demonstrators, Şahin Yıldırım (19) got shot in the leg. Meanwhile, passer-by Mehmet Elbecer became the victim of a Molotov cocktail thrown by a group resisting the police. Elbecer, who suffered from burns on the hand, face and hair, was hospitalized. During the incident, the police harassed the daily *Cumhuriyet* reporter Alper Turgut, *Milliyet* reporter Serhat Oğuz and *Demokrasi* reporter İrfan Uçar, as well as a cameraman. They also broke cameras and seized the film rolls of many journalists. Out of the 52 people detained during the demonstration, 34 were released by the Prosecution Office and 12 by the Court. Osman Laçın and Erdal Yılmaz, who was accused of throwing Molotov cocktails, were remanded. Subsequently, a trial was launched against the 52 people on the accusations of “holding an unauthorized demonstration.” The trial at Beyoğlu Penal Court of First Instance No. 6 started on 8 November. Osman Laçın was released in the hearing.

The delegation of RP Siirt MP Mehmet Emin Aydın, Rize MP Şevki Yılmaz, Diyarbakır MPs Yakup Hatipoğlu and Ömer Vehbi Hatipoğlu, who went to Diyarbakır on orders by Minister of Justice Şevket Kazan to investigate the massacre in the prison, met with the prisoners on 30 September. Hatipoğlu declared that “pre-meditation” had been detected in the incident, and he held the special team members responsible for the incident. As for Minister of State Salim Ensarioğlu, he said, “It is clear that the prisoners had not died by bumping their own heads into the wall. As these people had not fought with each other, and as the possibility of public intervention is out of question, it is clear that the incident had taken place as a result of intervention by special team members.” The delegation, after turning back to Ankara, informed Minister Kazan that the incident was a pre-mediated one and special team members were responsible.

The Parliamentary Human Rights Commission, as a result of the investigation carried out in Diyarbakır Prison, stressed that “30 soldiers and 38 police officers, who exceeded the limits of their authority, had caused deaths.” The report denoted that there were MHP flags in the wings of repentants, and the commission had the impression that the prison administration had granted privileges to those wings. The report read that the beaten prisoners had been offered verbally to become repentants during the medical examination, a total of 19 prisoners, including 2 who had accepted the offer, had been transferred to the Diyarbakır State Hospital, and the remaining 14 prisoners had been sent to the Gaziantep Special Type Prison without having been referred to hospital (Out of these prisoners, Kadir Demir had died during the transfer).

The report, which emphasized that judicial proceeding should be initiated against the persons responsible for the incidents, stressed that death of a prisoners during the transfer to Gaziantep, and the treatment of two prisons under intensive care aroused doubts “that these people continued to be beaten.” The report stated the following in short:

“It was determined that following the intervention the injured people had been taken to the cabins for meeting, and upon the objections by doctors the first aid to the injured people was done in the control room. It was expressed that during the examination the prisoners were offered to become confessors, and a total of 19 prisoners, 2 of whom accepted this proposal, were sent to the hospital, and the remaining 14 people were sent to Gaziantep Prison, asserting that it was not necessary to refer them to the hospital. In the medical examination and autopsy reports, it was stated that the definite and clear cause of death for 8 prisoners was brain impairment, that one prisoner died due to brain trauma, and fractures on the ribs on both sides of the breast. The investigation about 30 personnel of the prison would be conducted by the prosecution office, and the investigation about 38 police officers serving in Diyarbakır Security Directorate and 30 soldiers serving in Diyarbakır Prison Gendarme Division Headquarters on charges of leading to death and injuries in a way to conceal the assailants by transgressing the limits specified by laws and necessity, was within framework of the Law on Prosecution of Public Servants, and thus decision of non-prosecution was issued, and the documents were sent to Diyarbakır Governorate to be presented to the Provincial Administration Board. The Commission holds that since the Chief Prosecutor and the Prison Prosecutor have taken part in the incident, the trial should be held outside the State of Emergency Region for the sound performance of the prosecution.”

The prisoners in Diyarbakır E Type Prison stated that some parts of the report were contrary to the facts. The statement reads, “Although the Commission Chairman Demir Berberoğlu observed the facts on spot, he attempts to present the people in charge of the massacre as innocent by characterizing the act of breaking the skulls of 10 prisoners into pieces as

‘unintentional act.’” The statement emphasized on the claim that “there was clashes and rows between the prisoners and the security forces,” ignoring the planned attack against the prisoners.

As was the case in Ümraniye Prison, an investigation was launched against the prisoners who were attacked, beaten and wounded in Diyarbakır Prison. In the investigation launched against 23 prisoners, who were wounded in the attack, upon the instruction by Diyarbakır Public Prosecutor İbrahim Akbaş, the prisoners were accused of “damaging the state property and mutiny.” Protesting the investigation, lawyers from Diyarbakır Bar Association said, “The victims have been put under investigation in order to show the assailants innocent. That is to say, we live in a country where killing people is free but breaking windows or truncheons is a crime. Windows, truncheons and other things that were listed as public property were in fact broken in blows to the heads of the prisoners.”

As a result of the investigation, prisoners Remzi Tanrıkulu, 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 Nazlıer, Ramazan Korkar, Emin Irza, Abdullah Eflatun, Mehmet Batıge, Kenan Acar, İskan Usal, Rasim Alevcan, Hakkı Bozkır and Bedri Bozkır were put on trial on the accusations of “damaging the state property and resisting the officers.” In the trial, the prisoners who survived the attack were asked to pay the loss due to the breaking down of the window glasses and the loop-holes of the doors during the attack. The indictment alleged that “the incidents occurred when the prisoners attacked the guardians who intervened with the meeting of the prisoners with their friends in other wards and later attempted to start a fire; that the prisoner attacked against soldiers and police officers with iron clubs.” The indictment claimed that “10 prisoners died due to the row” and the prisoners “contributed to the result since they moved collectively.” The trial started at Diyarbakır Penal Court of First Instance No. 4 on 23 January 1997. The soldiers, who were heard as witnesses, claimed that the prisoners had attacked them. The lawyers of the prisoners said, “Soldiers say ‘they were wounded.’ Medical reports issued 4 days after the incident read that all were wounded ‘on the right wrist.’ This means they were wounded while assaulting.”

In the investigation against the soldiers and police officers who performed the massacre, the prosecution office gave a decision of non-prosecution under the Law on Prosecution of Civil Servants. The prosecution office alleged that “the soldiers and police officers invited by the prison administration entered in without guns, and tried not to inflict suffering on the prisoners in their methods of intervention as much as possible,” and that “the deaths resulted in the clashes which occurred due to the prisoners’ ideological structures and determination in resistance.”

When the investigation failed to produce any result, 83 lawyers from Diyarbakır Bar filed an official complaint with the prosecution office on 4 December. In the application, it was stated that “the directors, guardians and administrative personnel of E Type Prison, officers, non-commissioned officers and soldiers serving in the Prison Gendarmerie Division Command, and other police officers invited by the people in charge, committed the crime of pre-mediated homicide through torture, and attempted homicide.” In 66-page official complaint, it was said: “Taking into consideration that although the acts of the suspects required heavy penalty, and penalty provided for by the laws was death penalty, not resorting the measure of immediate arresting of the suspects arouses the doubt that with the help of their status and position the suspects might darken, overshadow, and even destroy the evidence. In case in such an incident the prisoners are not arrested, everybody with public power authorities would be incited to violate the laws in an unrestrained manner.”

The Parliamentary Human Rights Commission, stating that the prisoners were beaten to death, applied to the Prime Ministry and Ministries of Justice and Interior, demanding that 29 soldiers and 38 police officers be prosecuted. Upon this, Diyarbakır Provincial Administrative Board decided on the prosecution of the security officers. Diyarbakır Public Prosecution Office, in January 1997, launched a trial against 65 people, 35 of whom are police officers and 30 soldiers. In the trial, the defendants were indicted under articles 50, 230, 452/1 and 463 of the Turkish Penal Code. Article 230, which regulates the offense of “negligence in duty,” foresees sentence of 3 months to 1 year in prison; and Article 452/1, which regulates the offense of “causing to death as a result of an action that did not aim at killing,” foresees sentence of no less than 15 years in prison. Article 463 states that the sentence may be decreased to 10 years “if the killing was committed in a way that the assailant cannot be determined.” Article 50 foresees that “those who exceed limits of law or compulsion while fulfilling an order” can be sentenced to no less than 8 years in prison “if the crime they had committed requires a death sentence.” If the defendants are found guilty just for “neglecting the duty,” their sentences may be decreased to 3 months. In the meantime, a trial was launched at the penal court of first instance against 6 prison

officers on the accusations of “wounding the prisoners.” Subsequently, both trials were unified. There is no arrested defendant in both trials.

j) – Incidents in other prisons

Uşak Prison: Ordinary prisoners Metin Sümbül, Kadir Subaşı, Mete Ünsay, Abdül-gafur Yavuz and Muharrem Akbulak were stabbed to death in Uşak E Type Prison on 2 July, whereas Mahmut Abaylı and Hamit Kaymaz got wounded. It was revealed that the convicts had been tied up by right-wing ordinary prisoners and some prison officers in the night of 2 July around 02.00, had their eyes carved out and then severely wounded by knife. It was also stated that the 5 prisoners could not be saved as the doors of the wing were kept closed for 12 hours. Prison Director Ali İhsan Yıldırım and 3 warders were suspended from duty in the course of the investigation launched by the Ministry of Justice. As a result of the investigation, 9 prisoners were remanded by the court they were secretly referred on 5 July. These prisoners, Orhan Yiğit, Ramazan Orhan Sugeş, Mesut Ayhan, Celalettin Çapan, Sinan Abatay, Harun Aktaş, Mümin Bozacı, Ferruh Yeter and Erol Engin, were confined in special cells. In the course of the prosecution, it came out that the prisoners had been killed because of “gamble.”

Zile Prison: Two PKK-member prisoners, who were taken to hospital in the Zile District of Tokat, and one non-commissioned officer died in a clash. The clash reportedly broke out when the prisoners, who had been life sentenced, attempted to escape. The incident took place as follows: On 22 November, 6 prisoners, 5 of whom were political ones, were referred from the Zile Prison to the Zile State Hospital. While 3 of the prisoners were being kept at the prison vehicle, Ruhi Bilgi, Özdemir Kocahal and another prisoner (name could not be revealed) were taken to the doctor for examination. While the third prisoner was being examined, non-commissioned officer Necdet Kayan (25) took the handcuffs on Bilgi off. Bilgi, who took the gun of Kayan at that moment, shot Kayan to death. Bilgi and Kocahal were killed in the fire by soldiers. The third prisoner was reportedly captured while he was trying to escape. When the rumor that Public Prosecutor Fatih Çıtak had provided Bilgi with a gun, went round in the district, a group of MHP adherents demonstrated while shouting “Off with you Communist Prosecutor” and they attempted to burn down the prison vehicle in front of the hospital.

After the incident, Prosecutor Çıtak, Zile Heavy Penal Court Judge Coşkun Yıldırım and prison prosecutors, Birol Orman and Cemal Polat, were suspended from office on the grounds that “they had negligence in the incident.” The delegation consisting of the ÇHD Prison Commission members Nesrin Hatipoğlu and Zeki Rüzgar, Member of İHD Executive Board Şükran Buldu and EP Ankara Provincial Organization executive Sema Başok went to the prison on 27 November following the incident, and met with the representatives of the prisoners. The prisoners’ representatives stated that the prisoners named Salman Mazı and Barış Kaygısız had been put into the ring car, Müjdat Yılmaz had been beaten by the soldiers and plainclothes and a soldier had attempted to shoot him. The representatives said: “It was established that the plainclothes incited people and said ‘Those who have gun should shoot these.’ A group of MHP fans attempted to burn down the ring car. The prisoners were also attacked by the guardians in the prison. The prisoners were taken into a room one by one, undressed, beaten and put into solitary confinement. When their friends formed barricades and wanted them back, they were returned back to their wards. Afterwards the Prison Director opened the doors of the wards for ordinary prisoners, and ordered to attack against the political prisoners with iron clubs. After the negotiations, the barricades were removed.”

The report of the delegation was made public on 1 December. The report read that following the incident the prisoners named Müjdat Yılmaz, Salman Mazı and Barış Kaygısız, who were in hospital were beaten, taken to the prison and put into the single cells. When the incident was heard the guardians attacked the political prisoners, and opened the doors of the wards for ordinary prisoners, and the political prisoners formed a barricade and thus prevented the attack. The report also noted that the attacks continued through the following days, and that the PKK case convicted prisoners Hüseyin Yılmaz, Hasan Çelik and Veli Mutlu Özdemir, who went to the visiting place on 23 November, were beaten by the ordinary prisoners. The hunger strike staged by 15 PKK case convicted prisoners following the incident ended 30 November.

Buca Prison: Throughout 1996, tension prevailed and incidents broke out in Buca (İzmir) Closed Prison, where 3 prisoners were beaten to death in 1995. (*) The trial launched at İzmir SSC against 40 prisoners, who were held responsible for the incidents in the prison that broke out in 1995, on the accusations of “rebellious,” started on 21 April.

Prison warders in Buca Prison, Rıza Çelik, Sebahattin Kaval, Hilmi Usta, Nilgün İnci, Yusuf Polat, Bilal Terzi, Coşkun Öcalmaz, Veysi Taş and Türkan Özdoğan, who are members of the Tüm Yargı Sen (trade union of prison officials) and who were claimed to have “good relations with the political prisoners,” were expelled to the prisons in Malatya, Antep, Bitlis, Bingöl, Ağrı, Muş, Muğla and Kütahya in June.

In mid-September, the practice of searching the shoes of the lawyers prior to their visit of their clients, was witnessed. Lawyers protested this implementation. The prison executives said that “they started such a practice since they suspected of lawyers.” Lawyers Hülya Üçpınar and Zeynep Sedef Özdoğan, who objected to the searching of their shoes at the entrance of the prison on 11 September, said the following: “We went to the prison in order to meet with our clients, our bags were controlled with laser devices. As we were passing through the doors, the signal rang. The officials searched us, but could not find anything. We passed through the door with detectors again, and the signal rang again. This time they attempted to search our shoes. We told the officials that the signal rang because of our belts and metal belongings. But they insisted on. We put out our shoes and passed them through the laser device, nothing was found. We went to the prison prosecutor and stated that the practice was inappropriate. When he said that the prison administration had decided on the practice, we left the prison without meeting with our clients in order to protest it.” On the other hand, the prison officials claimed that the practice was natural. İzmir Bar took the issue to İzmir Chief Public Prosecutor Melih Tarı. İzmir Bar Vice Chairman Cafer Özkan stated that Melih Tarı had said “from now and on, there will be no such a problem.”

PKK case prisoners in Buca Prison disclosed that police officers and soldiers attacked 2 of their friends and threatened them to death in front of the court board during the trial at İzmir SSC on 19 November. The statement read, “Afterwards our friends Hüseyin Yeşiltaş, İrfan Kalan, Halit Gün, Fadıl Ünal, Zeki Kaya, and Hanifi Eridi were put into the transfer vehicle, and attack continued during the transfer. The stroke traces on their bodies were established by the reports by the Forensic Medicine Institute.”

Other incidents

Prisoners in Elazığ E Type Prison started an alternate hunger strike for 3 days on 27 December 1995 due to the pressure and forcing to become repentants. The prisoner disclosed that Adnan Karakaş, Zeki Şaşmaz, Arslan Şaşmaz and İsmail Atay were invited by the guardians to the administration by saying “you have visitors” in mid-January, and they became confessors. The statement read that these people along with warders oppressed other prisoners, and added, “They attempt to send many of our friends to the ward for independent prisoners through torture. 10 prisoner who did not go to the ward for independent prisoners were sent to Batman Prison.”

During the incidents in the ward No. 14 for ordinary arrested and convicted prisoners in Ankara Central Prison in the evening on 13 January, the convicted prisoner named Cafer Acemi died, and 3 prisoners (1 severely) were wounded. The incident reportedly broke out when Cafer Acemi and Ali Demir Yaşar, convicted on charges of rape, asked Metin Sakar and Volkan Devrim Kanter, arrested on charges of killing a taxi driver in Ankara, why they killed the driver.

Muammer Aydın (26), who killed his father Sait Aydın, who did not give money to him, as well as his step-mother Cevriye Aydın, step-sisters and brothers Adem Aydın (13), Asiye Aydın (8), Orhan Aydın (7) and Burhan Aydın (4), committed a suicide in Samsun Prison on 13 January. Muammer Aydın reportedly hanged himself on the berth with a sheet.

Şükrü Akın, who was arrested in Konya E Type Prison on charges of “being a PKK member,” was found dead in the ward water-closet on 2 February. The prison authorities claimed that Şükrü Akın, who was blind, had been killed by the prisoners by cutting his throat on grounds that “he was a confessor.” On the other hand, the PKK case prisoners stated that Şükrü Akın had committed suicide. The prisoners, who stated that Şükrü Akın had attempted to commit suicide for several times before he had been arrested, disclosed that there was no reason for themselves to kill a blind and ill person. The read, “On the day when Şükrü Akın committed suicide, prisoner

(*) In İzmir Buca Prison, an operation was launched on 21 September 1995 in order to end the act of preventing roll-calls that was staged by the political prisoners on the demand of an improvement in the living conditions. Prisoners Yusuf Bağ, Uğur Sarıaslan and Turan Kılıç were killed during the operation.

Hanefi Kaya was released. After a few days, the police officers detained Hanefi Kaya at his home in Adana, and forced him to be a confessor. Kaya could not withstand the pressures and distorted the incident stating that upon the instruction by Nurettin Çelebi, their inmate, he, Kerem Canpolat, and Mehmet Çelik killed Şükrü Akin. Afterwards, Hanefi Kaya declared that the statement was forced to him by the police. However, the prison administration and the police are seeking for a provocation.”

Yener Çolaklar, a warder in İstanbul Bayrampaşa Special Type Prison, was shot dead by a prisoner named Emin Alakaş on 28 March. It was reported that Emin Alakaş had been arrested on charges of “theft” and that he was a follower of the radical Islamic İBDA-C organization.

In a trial which ended at Diyarbakır SSC on 3 April, 4 people were sentenced to death penalty. Following it, the prisoners protested the court by shouting slogans, and they were taken out of the hall under beating. Other prisoners who were waiting in the corridor were also attacked. Prisoners Serdar Güzel, Zülküf Birgül, Erdal Güzel, Mehmet Taşkesin and Suat Kaçar were wounded. 50 lawyers from Diyarbakır Bar filed an official complaint on 4 April.

Faysal Türkan (17), a PKK-case defendant in Amasya Prison, hanged himself on 12 April. Prisoners asserted that “pressure in State of Emergency Region and problems in prisons after the assignment of Mehmet Ağar as the Minister of Justice had led the death of Türkan.”

Prisoner Erdoğan Ünal, who was given 3 years and 9 months’ imprisonment on charges of “aiding the Revolutionist People’s Party (DHP),” was convicted because of a letter he sent from Kadınhanı Prison to his friend Murat Yıldız in Bozubüyük Prison. Ünal, who wrote about his participation in the hunger strike staged by PKK-case prisoners on 14 July 1995, was given 2 years’ imprisonment and fined TL 450,000 on charges of “praising a crime” under Article 311 of the TPC. The trial ended in the first hearing held in April, 6 months before the completion of the sentence given to him formerly, which was shown as the justification of the conviction.

Metin Çoruh (19), who was prosecuted on charges of “intentional murder” and kept in Paşakapısı Prison, shot dead a recently arrested person, Eyüp İlhan, in the garden of the prison on 2 May, on grounds that “he came to kill him.” Eyüp İlhan was shot in the head with two bullets, and died in hospital. Çoruh was injured in the arm when other prisoners attempted to hold him.

Ayhan Sönmez, convict for membership to radical Islamic İBDA-C organization serving in Bandırma Prison, along with Ayşe Utanç and Ümmü Gülsüm Özyılmaz (both imprisoned in Karaman Prison on charges of being members of the İBDA-C), started a hunger strike on 8 July “in protest of the cruel torture.” Subsequently, some prisoners in Bandırma and Çanakkale E Type Prison, Altan Gültekin, Cem Eker, Yılmaz Yüksel and Fevzi İşalmaz, participated in the hunger strike. The demands of these prisoners were similar to those mentioned during the 69-day death fast. The hunger strike ended on 11 July, when the demands of the prisoners were accepted. İBDA-C-case defendant prisoners staged another hunger strike in August when the agreement was not fulfilled and pressure continued.

97 prisoners in Amasya Prison staged a hunger strike on 9 July. Women prisoners also participated in the hunger strike on 9 August. The hunger strike ended thanks to the initiatives by Eşber Yağmurdereli, Vahit Kaya and Yücel Sayman, who went to Amasya on the morning of 14 August on behalf of the Prisons Watch Committee. Thirteen prisoners, situation of who deteriorated, were hospitalized while other prisoners were taken under treatment in the prison. In the agreement, it was decided that “The status that was acquired within the framework of the agreement reached during the death fast in Bayrampaşa Prison, would be utilized in a way to contain Amasya Prison.” The prisoners staged another hunger strike on 28 September to “put an end to the pressures and to improve the living conditions.” The hunger strike ended on 10 November when an agreement was reached about “meeting of the representatives of the prisoners with chief prosecutor and prison administration, and negotiating with them the problems once every 15 days, and meeting of prisoners who were put on trial in the same case.”

Fuat Önder (25), an arrested prisoner in Tomarza District of Kayseri, died on 28 July. His mother Azize Önder stated she had been told that her son had committed suicide by taking drugs, and said the following: “It is true that my son died due to drugs. However, I don’t believe that he took drugs by his own will. Along with the drugs, he had been forced to drink 5 liters of cologne and bottle of vodka. My son certainly did not commit suicide. He was killed for being a Kurd. The MHP (Nationalist Movement party) adherent prisoners, the prison administration and the prison prosecutor are responsible for the death of my son.” Azize Önder also said that her son had fought with MHP adherent prisoners 10 days before his death, and added that the doctor who performed the autopsy had said, “Your son had been a victim of an assassination.”

Emine Yavuz (20), a PKK-case defendant in Diyarbakır Central Closed Prison, was found dead at 05.30 on 8 August. As a result of the autopsy performed, it came out that Emine Yavuz had been strangled to death by a rope on 7 August. It was revealed that Emine Yavuz was executed by prisoners in the same wing on the grounds that “she had cooperated with the police.”

25 prisoners in Karabük Eflani Prison rebelled around 04.30 on 15 September in protest of the transfer of Haluk Uçar to the prison in Ovacık, Tunceli. The prisoners broke the window panes of the ward and burnt down the beds. In a quarrel between the prisoners, Ali Peker was stabbed. The prisoners who were affected by the smoke were taken to the garden. When the rebellion ended in the morning, the fire brigades entered into the prison and extinguished the fire.

Prisoners Harun Gül, Hilmi Omca, Süleyman Akay, Celal Solgut and İzzet Ekrem were wounded in an operation launched by warders and security officers in Aydın E Type Prison on 18 September, when the political prisoners prevented roll-calls in protest of the pressures. A hunger strike was started in the prison on 27 September. After the incident, lawyers Ahmet Öner-ge, Kemal Bilgiç, Songül Ak, Halit Sabancı and Türkan Aslan met with their clients and stated that there was an increase in the pressures against the political prisoners, and maintained that under the pretext of the circular by the Ministry of Justice, there were attempts to take back the rights acquired through hunger strikes. On 11 November, an agreement was reached, but broke down when the prison administration demanded new conditions. While 12 demonstrators were treated in the hospital, 18 prisoners with serious medical situation rejected treatment. The hunger strike ended with an agreement on 12 November, 17 prisoners were taken to hospital.

The old prison in the city center of Aydın was evacuated in the first week of October upon the instruction by the Ministry of Justice and the prisoners were transferred to Aydın E Type Prison. Those prisoners launched a resistance in order to protest the strict rules on 7 October. During the operation by the security forces, 5 prisoners were wounded.

Züleyha Alagöz (21), a prisoner in Sivas E Type Prison who was given life imprisonment in a PKK trial, committed a suicide on 15 October. Her dead body was found by her friends in a section that was used as a depot.

Female prisoners Selamet Menteş, Sema Topdemir, Sihan Muhammed, Emel Kaplan, Cevahir Yıldırım, Zübeyde Güneş and Hacer Ahil Yusuf, accused of “being PKK members,” were beaten by soldiers at Diyarbakır SSC on 16 October. Lawyers Osman Baydemir and Meral Daniş Betaş disclosed that the 7 female prisoners were also beaten while they were being taken back to the prison. Lawyers added that soldiers had entered into the ward and beat all prisoners when the prisoners demanded that the wounded prisoners be taken to hospital. Lawyers described the medical situation of the prisoners as follows: “Selamet Menteş: bruises on the body due to strokes and gastric bleeding. Sema Topdemir: bruises around both eyes due to strokes. Sihan Muhammed: nasal fracture and bruises on the body. Emel Kaplan: fracture in the arm and bruises on the body. Cevahir Yıldırım: ill due to stroke by the kidneys. Zübeyde Güneş: suffered from internal bleeding after the attack. Hacer Ahil Yusuf: fracture in the legs, eyes damaged.”

İlhami Yılmaz, a prisoner in Bayrampaşa Prison, was shot dead in a fight that arose between ordinary prisoners on 21 October, whereas Celal Şahin and Mehmet Mete got slightly wounded. Following the incident, about 100 prisoners (80 from MHP) were transferred to Çankırı and Kırşehir Prisons. During the search conducted in the wards for MHP, 4 pistols and bullets were found. Kurdish prisoners in prisons said: “İlhami Yılmaz was in charge of the ward where 105 Kurdish prisoners were kept. We supported the demonstrations by the political prisoners. The MHP fans who were disturbed by it, planned attacked upon Oral Çelik’s entry into the prison. They shot him from his back while he was having a haircut in the prison barber.”

İHD İstanbul Branch reported that on the day of the incident the wards for the Kurdish prisoners and for the MHP fans were left open, other wards were locked, thus the conditions suitable for the attack were prepared. In the report which stated that the incident was not a ‘mafia confrontation’ as appeared in the press, it was disclosed that after Oral Çelik came to the prison, the MHP prisoners prepared for the attack, and then the prisoners in the ward no. B-9 demanded help from the prison administration: “The prison administration was informed of the preparation for the attack. Matching the incident with the roll-call hour, the guardians’ leaving some doors of the wards open and others closed, not intervening with the first attack and not taking measures against the second attack, and two guns found in the prison kitchen where the prisoners could not reach, reveal that the attackers were supported internally and externally.”

Fatma Özyurt, who had been convicted to 3 years in prison in a DHKP-C trial, was killed in Ankara Central Closed Prison on the grounds that “she had cooperated with the police.” All of

the women in the wing claimed responsibility for the murder. Meanwhile, there was reportedly an attempt to kill Özyurt's sister Songül Özyurt in Afyon Prison, but Songül Özyurt (sentenced to 22 years 6 months in prison by Ankara SSC) had managed to survive the attack.

In Ankara Central Closed Prison, Ramiz Şişman, who had been life sentenced on charges of "being a member of the TIKKO," was stabbed to death. The incident took place at the visit place, while the political prisoners in the fourth and fifth wings were having visits.

15 prisoners in Burdur Prison, prosecuted in a PKK trial, staged a hunger strike on 7 November, demanding that standards in other prisons should be met in also Burdur Prison." The hunger strike ended in agreement on 27 November, thanks to the initiatives by the families and Enver Küçük yıldız, a lawyer from Konya Bar Association. The prison administration reportedly accepted to close the doors of the refectory and wings at 24.00, to allow legal publications in the prison, and to adopt the rights listed in the regulations and implemented in other prisons.

In Urfa Closed Prison, Fikriye Govla Muhammed (25), a Syrian arrested for "being a member of the PKK," was found dead on 19 November. Prison administration claimed that Muhammed was killed by her wing-mates. However, the PKK prisoners stated that Govla Muhammed had committed suicide in order to protest the pressures and attacks in the prisons, and the prison administration held the prisoners responsible for the incident and oppressed them.

Hasan Hüseyin Er, a prisoner in İstanbul Bayrampaşa Prison prosecuted in a TIKKO trial, was found dead in the wing on 5 December. Following the incident, there was tension in the wards of political prisoners. Authorities said that Er was killed by other members of the organization. They said, "A note reading 'our response to surrender and treason' was left next to the corpse." Er had been arrested in İstanbul in June 1994 and on trial at İstanbul SSC. Ahmet Ateş, prosecuted in the same trial, was killed in Bayrampaşa Prison on 15 December 1994.

Metin Savaş (21), a prisoner in Bursa Special Type Prison who had been convicted to 8 years 6 months in prison on charges of being a member of the PKK, was found hanged at the toilet of the wing on 21 December. It was disclosed that Metin Savaş had committed suicide.

Sara Aktaş, a convicted prisoner in Konya Prison, was transferred to Sivas Prison in 5 days. Aktaş was reportedly taken to travel together with the prisoners transferred to Ceyhan, Erzurum and Bitlis. Sara Aktaş was taken to Bingöl and Diyarbakır, where she was confronted with the confessors and oppressed and beaten to accept being a confessor.

Ulaş Şahintürk, who was on remand at Ankara Central Closed Prison in connection with a DHKP-C trial, was killed by his wing-mates for "cooperating with the police." The prisoners in the fourth wing had reportedly applied to prison administration on the demand that 3 prisoners, including Şahintürk, be transferred to another wing. Although the family of Şahintürk had a similar demand, this demand was reportedly rejected by the prison administration.

Abdülhalim Kaçar (27), an ordinary prisoner in Nazilli (Aydın) E Type Prison, was killed in a fight that arose on 25 December. Kaçar was reportedly killed by the right-wing ordinary prisoners as "he was a Kurd." In the fight, prisoners named Mahmut Koşut, Ercan Elitaş, Selman Demir and Fevzi Yaman were wounded. The incident reportedly occurred when 29 ordinary prisoners transferred from Buca Prison to Nazilli was put in the ward of the MHP prisoners, who objected it. İHD Aydın Branch executives went to the prison to investigate the incident, but not informed by the Public Prosecution Office and the prison administration.

Tülin Polat (24), an ordinary prisoner in Adana Kürçüler Closed Prison, fell down the stairs and wounded due to an epilepsy attack on 28 December. Polat died on the way to hospital.

Deaths because of health problems

Another crucial problems in 1996 was health problems and prevention of the necessary medical treatment for the ill prisoners. There was an increase in the number of the deaths due poor living conditions and lack of medical care. Besides, many prisoners were crippled or developed permanent illnesses.

About half of the prisoners who died in the prison reportedly died due to cardiac failure, and the other half due to cancer, tuberculosis, murder, suicide and drug respectively. In the study by İstanbul Forensic Medicine Institute Chairman Prof. Dr. Özdemir Kulusayın on convicted and arrested prisoners and detainees who were taken to the institute for autopsy in 4 years, it was established the people who had stayed long in the psychiatry observation wards of the prisons, police stations, reformatory and hospitals, and who then died, had characteristics different from natural deaths. The report read, "Deaths resulting from heart diseases constitute approximately half of the deaths in the prisons. While cancers account for 2.9 percent of the general forensic

autopsies, this rate is as high as 28 percent for the prison group. This difference results from the application of autopsy more frequently on the prisoners, even though deaths are natural. In prisons, cardiovascular diseases, cancer and tuberculosis are significant pathological reasons for death, and require autopsy.” The report stressed that natural deaths and murder were followed by suicide. The report maintained that the most prevalent method of suicide in the prisons was “hanging,” and that the most frequently employed tools in murders were incisive-piercing tools and cords, which were easily obtainable. In the report, it was also noted that during the detention and immediate treatment of the people addicted to alcohol and drug, the officials and even doctors had difficulties in determining whether the facts required treatment or not.

Medical students Ali Dursun, Musa Gündođdu, Reřit Arslan and Cengiz Ođuz, who were on remand in Bayrampařa Prison, applied to İstanbul Medical Chamber in mid-March, and demanded initiatives for an improvement in the health conditions in prisons. The students stressed that doctors in hospitals had acted in contravention of the medical ethics, and that they had not provided the necessary medical treatment for the prisoners because of their political identities. The application read that prisoners who needed operation had been refused on the grounds that “no operations were made as there were no wings or rooms in the hospitals allocated for prisoners.” The application listed the names of the prisoners who needed urgent medical treatment: Hamdullah řengüler (set himself on fire later), Musa Gündođdu, Sadrettin Aydınlık, Halil Uçar, Hayrettin Toktař, Nizamettin Kaya, Hüseyin Çelik, Öztürk Sarıtař, Menaf Yılmaz, Fesih Karatař, Cemal Odabařı, Tuncay Koçak, Talip Kalın, Menderes Yıldırım, Celal Turpçu, Kasım Aydın, Nusret Kılıç, İhsan Gedik, Ahmet Ep (cardiac problems), Vedat Aydemir (set himself on fire), Halit Akın, Fahrettin Altun, Gülay Söker, Nuran Ekingen, Habibe Çiftçi, Lütfiye Baytekin, İkrım Narin, Elif Ateř, Selma Batmaz and Saime Uđurlu.

FREEDOM OF THOUGHT, PRESS AND BELIEF

1996 was not a positive year regarding the freedom of the press, thought and belief. Pressures, attacks and illegal practices continued at an increasing pace compared to previous years. A number of laws, especially the “Anti-Terror Law,” constituted grounds for practices which eliminated the freedoms of thought and of the press. Freedom of thought and expression, and cultural life were seriously affected. Bombings and armed attacks were carried out against journalists and the press. In particular, the publications adopting approaches contrary to the official ideology and discourse on the subjects considered to be taboos such as the Kurdish problem, compulsory military service, the army and religion, and the ones who expressed their opinions on these problems, were subjected to heavy pressure and attacks. Different approaches concerning the issues deemed as taboo were not tolerated. Journalists, writers, trade unionists, leaders of democratic mass organizations and political parties were prosecuted, convicted and imprisoned because of their speeches or writings.

Ideological attacks were an important dimension of the attacks against the press and journalists. “Enemy” newspapers and periodicals, and “enemy” journalists were created, as in previous years. The persisting one-sided publication and broadcasting approach of the popular newspapers and television channels, which only serve to distort the facts and mislead public opinion, was another negative dimension of the mass media, affecting freedom of thought and the press. Pressure against the press concentrated mostly on journals and newspapers like Demokrasi, Evrensel-Emek, Kurtuluş, Atılım, Ronahi, Alınteri. Pressure also brought heavy sanctions on some of the radical pro-Islamic publications (such as Akit, Selam).

The “Anti-Terror Law” () and the cases of arrested or convicted journalists, writers, artists, and leaders of democratic mass organizations and political parties were the focus of the discussions about freedom of thought in 1996. The increase in the number of people who were imprisoned or prosecuted and convicted because of their thoughts, articles or speeches, drew criticisms on the national and international platforms. Turkey was criticized and condemned on international platforms because of her attitude disregarding freedom of expression, and disobeying international human rights documents on this issue.*

Democratic mass organizations carried out activities to condemn the pressure and attacks on the freedom of press. Protests, campaigns and activities, in Turkey and abroad, failed to produce permanent results. Certain arrangements and amendments which were loudly brought onto the agenda turned out to be attempts at hoodwinking. For instance, the law regarding certain amendments to Article 8 of the “Anti-Terror Law” entered into force upon promulgation in the Official Gazette on 30 October 1995. With this law, the text “regardless of the method, aim and idea” was omitted from the former law. Lower and upper limits of prison sentences that might be given under Article 8 were reduced from 2 years to 1 year and from 5 to 3 years, respectively. However, the amount of fines were increased extensively. Suspension of the sentences or commutation of them into fines were left to the jurisdiction of courts.

(*) Freedom of thought and press was mostly curbed by Articles 140, 141, 142 and 163 of the Turkish Penal Code before 1991. These articles were abolished when the “Anti-Terror Law” was put into force on 12 April 1991. However, this modification was proved to be of no use in practice. Article 142/3 of the Turkish Penal Code, which was mostly applied for the publication confiscation or imprisonment decisions for “separatist propaganda,” was preserved in the text of Article 8 of the “Anti-Terror Law.”

The amendments to Article 8 of the “Anti-Terror Law,” () did not go beyond being a gesture towards the European Union. The experiences in 1996 confirmed concretely the fact that “the amendments did not go beyond being a gesture.” (Detailed information is in the sections titles “Prisoners of Thought,” “Sentenced Given and Those Prosecuted,” and “Confiscated and Closed Publications.”) Journalists, writers, artists, trade unionists, leaders of democratic mass organizations and political parties were prosecuted, convicted and imprisoned, publications were confiscated. The majority of the people who were convicted prior to the amendments, were convicted again. However, these sentences were less when compared to the previous sentences, or they were commuted into fines. The amendments caused some of the prisoners of thought to be released, thus providing a temporary relief for the coalition government. Some of the released people were imprisoned in 1996. (**)*

Many people who were convicted due to their writings or speeches applied to the European Human Rights Commission (EHRC) on grounds that the provisions of the European Convention of Human Rights on “freedom of expression” were violated. For instance, the appeal made by Münir Ceylan, former Chairperson of the Petrol İş Trade Union, to the EHRC was put on examination in May. Ceylan had been given 8 months’ imprisonment and fined TL 100,000 on charges of inciting people in an article published in Yeni Ülke. In his appeal, Ceylan asserted that the Convention’s provisions on freedom of expression were violated.

Journalist Selami İnce, who had been sentenced to 2 years’ imprisonment because of his interview with İsmail Beşikçi, entitled “The Kurds Should Convene Their Parliament,” applied to the EHRC in December. The appeal by İnce, who went abroad without waiting for the decision of the Supreme Court, was found admissible. The EHRC concluded that a friendly solution be found in line with the paragraph 1/b of Article 28 of the European Convention. In the communication she sent to the EHRC, Selami İnce’s lawyer Şenal Sarıhan stated that her client faced a heavy moral burden because the trial launched against him. Lawyer Sarıhan asked for a material compensation of TL 6 billion and a moral compensation of TL 6 billion.

a)- Those who were killed or disappeared

In 1996 1 journalist (Metin Göktepe) was killed in Turkey. Turkey has drawn attention due to attacks against the press in 1992 and 1993 and was attributed as “the country where the most journalists were killed,” and which witnessed similar incidents in 1994 (Detailed information is on pages 411). In 1995, contrary to 1992, 1993 and 1994, no newspaper vendors or distributors were killed or attacked in State of Emergency Region. Yet in İstanbul, İrfan Ağdaş, the distributor of *Kurtuluş* journal, was killed by the police on 13 May (Detailed information is on page 263).

There were no serious efforts in 1996 to find the assailants of 25 (*) journalists killed in the last 6 years. Efforts made by officials regarding those murders were always half-hearted.

(*) In 1997, a new amendment for the releasing of editors in prison was put on the agenda. (Detailed information is on page 447.)

(**) Former Chairperson of the Hava-İş Union, Atılay Ayçin, who lost his right to become an executive of a union when convicted under Article 8, regained this right with the amendment. At the meeting of the Hava-İş Union Executive Board in January, Atılay Ayçin was once again elected Chairperson. Ayçin, who was prosecuted at İstanbul SSC in connection with his speech at a meeting held in İstanbul on 8 September 1991 by İHD, was convicted on 26 April 1994. Upon the approval of the sentence, Ayçin was arrested on 16 May 1995. As a result of the amendment to Article 8, Ayçin was re-prosecuted and released on 3 November 1995. The prison sentence was commuted into 10 months on 15 December 1995 and reprieved.

(*) Çetin Emeç (*Hürriyet*, İstanbul-7 March 1990), Turan Dursun (*2000’e Doğru*, İstanbul-4 September 1990), Halit Güngen (*2000’e Doğru*, Diyarbakır-18 February 1992), Cengiz Altun (*Yeni Ülke*, Batman-24 February 1992), İzzet Kezer (*Sabah*, Cizre-23 March 1992), Bülent Ülkü (*Körfez’e Bakış*, Bursa-1 April 1992), Mecit Akgün (*Yeni Ülke*, Nusaybin-2 June 1992), Hafız Akdemir (*Özgür Gündem*, Diyarbakır-8 June 1992), Çetin Ababay (*Özgür Halk*, Batman-29 July 1992), Yahya Orhan (*Özgür Gündem*, Gercüş-31 July 1992), Hüseyin Deniz (*Özgür Gündem*, Ceylanpınar-9 August 1992), Musa Anter (*Özgür Gündem*, Diyarbakır-20 September 1992), Kemal Aktay (*Türkiye*, Hani-9 November 1992), Hatip Kapçak (*Gerçek*, Mazıdağı-18 November 1992), Namık Tarancı (*Gerçek*, Diyarbakır-20 November 1992), Uğur Mumcu (*Cumhuriyet*, Ankara-24 January 1993), Kemal Kılıç (*Özgür Gündem*, Urfa-18 February 1993), İhsan Karakuş (*Silvan*, Silvan-13 March 1993), Ercan Gürel (*Hürriyet News Agency*, Bergama-20 May 1993), Rıza Güneşer (*Halkın Gücü*, İstanbul-14 July 1993), Ferhat Tepe (*Özgür Gündem*, Bitlis-28 July 1993), Muzaffer Akkuş (*Milliyet*, Bingöl-20 September 1993), Erol Akgün (*Devrimci Çözüm*, Gebze-8 September 1994), Ersin Yıldız (*Özgür Ülke*, İstanbul-3 December 1994), Safiyettin Tepe (*Yeni Politika*, Bitlis-29 August 1995).

Evidence obtained during interrogations of militants captured accidentally, or as a result of examining the guns seized on them, could not be evaluated properly. Although the police announced that “assailants of some of the murdered journalists had been apprehended” and trials had been launched in some cases, no concrete results were obtained.

Following the murder of Uğur Mumcu in a bomb attack (24 January 1993), no progress was made in the investigation with regard to the apprehension of the assailants. The case file was transferred to the fourth prosecutor during the term of fifth government established after the incident. The Ministry of Justice launched an investigation against Ülkü Çoşkun, who had undertaken the first stage of the investigation as a military prosecutor, on charges of “negligence in the investigation.” The file of Ülkü Çoşkun, who is still a military prosecutor at Ankara SSC, was sent to the Ministry of Defense, to which he is affiliated with. No proceedings initiated by the Ministry of Defense about Ülkü Çoşkun, who said “This murder was performed by the state. If the political power so wishes, it will be resolved.” The Ministry justified the non-prosecution of Ülkü Çoşkun with the fact that Çoşkun was of “military” origin. Mumcu Family launched a trial with the Military Supreme Administrative Court against the Ministry of Defense, which ensured the acquittal of Ülkü Çoşkun by not giving him a discipline penalty.

Following the killing of Cengiz Altun, Batman reporter for *Yeni Ülke* newspaper, on 24 February 1992, the gun used in the attack was seized in 1994. Nevertheless, this failed to produce any productive result. The gun was found on a person named İsmail Ersen during the search performed by the police in Diyarbakır on 12 May 1994. İsmail Emsen said that he had taken the gun from his brother Metin Emsen. İsmail Emsen was remanded, whereas Metin Emsen was released when he said that the gun did not belong to him. In the trial heard at Batman Heavy Penal Court, Metin Emsen was acquitted on grounds that “Faris Orhan, the only eyewitness to the incident, died, and thus he could not be heard by the court.” Emin Altun, Cengiz Altun’s father, said: “After the killing of Cengiz, no officials has come to me and asked if there was anybody I suspected or why and by whom Cengiz had been killed.”

Hüseyin Deniz, Ceylanpınar (Urfa) reporter for the daily *Özgür Gündem* and a writer, was heavily wounded in an armed attack on 9 August 1992, and died the next day in the hospital. Two days before the attack, Hüseyin Deniz reportedly said to his relatives “I am being followed by counter-guerrilla members. They are Mehmet Kaya and Mehmet Gül. If somebody kills me, they are them.” Besides, eyewitnesses gave descriptions of the assailants. A person, who called *Özgür Gündem* after the incident, said that two of the assailants were “Nihat Bektaş and İbrahim Halil Göv, who were dismissed from İmam Hatip High School in 1990-1991 educational period,” and that Nihat Bektaş and a third person were on watch while İbrahim Halil Göv opened fire. Nihat Bektaş was detained after a while this information was published in *Özgür Gündem*, but he was released soon. In September, it was disclosed that 8 people, who were claimed to have participated in various acts of robbery and armed attacks, were captured. Two of these persons were reportedly İbrahim Halil Göv and Mehmet Kaya. Although the witnesses stated that the gunman was İbrahim Halil Göv, the indictment prepared by Diyarbakır SSC asserted that Hüseyin Deniz had been killed by the persons with code names “Ammar” and “Selman,” whose real names were unknown and who could not have been apprehended, and that İbrahim Halil Göv and other suspects had only involved in the attack.

Killing of Kutlu Adalı

Kutlu Adalı (61), a columnist for the daily *Yeni Düzen* which is the publication organ of the Republican Turkish Party (CTP) in the Turkish Republic of Northern Cyprus (TRNC), was killed in an armed attack in front of his house in Lefkoşa in the night of 6 July. The Turkish Revenge Brigade claimed responsibility for the attack. 13 empty bullet shells were found in the search conducted in the crime scene. CTP Chairperson and Deputy Prime Minister Mehmet Ali Talat pointed out that the killing of Adalı, who had always defended “the establishment of a democratic federation with the Greek side” in his articles, was a “political murder.” CTP Secretary General Ferdi Sabit Sayar said, “The political identity of Kutlu will reveal the assailants. Secret terrorist organizations has been throwing threats and launching attacks for a long time in our country. The bombing of the CTP 15 days ago was a good example of this fact.” A news story published in *Yeni Düzen* on 8 July read that the police department had not made a statement about the bullets and the type of the automatic weapon that was used.

***Behind The Scenes of Adalı Incident* (July 8 1996-Evrensel / Fatih Polat)**

A folk song which perfectly describes the political map of Northern Cyprus and the position between the Turkish dwellers of the island and the Cyprus policy, had been sung by Adalı for years: "Is Cyprus an island, or is it a part of the Turks?" This question, hidden in the folk song, gives a clue for understanding the political developments in TRNC. The opinion which have become dominant especially after '74 landing' introduces that "the island is a piece of Turks." In that case, the ones who are opposed to the official Cyprus Policy were described as 'the raging leftists' and 'traitors', and the ones who consider Northern Cyprus as a part of 'the motherland' and those who relate the fate of the public of Northern Cyprus to the foreign policy needs of Turkey were referred to as 'patriots'. The political identity of Yeni Düzen columnist Kutlu Adalı reveals the assailants and the motive of murder.

Adalı is known to be a columnist who opposed the powers from the island and from the motherland who have certain interests in Cyprus policy. Adalı is a columnist in Yeni Düzen which is the newspaper of the CTP, the partner of the coalition that ended a short time ago, which insisted on the concept of 'a federation with the Greek side, a democratic solution,' a concept that is now defended by CTP with repugnance. One of his last articles, 'When the Fascists Fall From Grace,' read that Turkey has been affecting Cyprus for the last 35 years, and referred those responsible for this influence as 'fascists'. Adalı says that there is a fascist pressure on workers, civil servants, political parties, students, associations, clubs, and on everybody who get involved in politics, and adds, "The Cyprus Turks got their share of this fascist pressures within the last 35-40 years due to the policies of motherland/childland."

Adalı, who criticized the 35-year policy, faced the same end with two journalists from Cyprus, who told the same things 33 years ago. Muzaffer Gürkan and Ayhan Hikmet, who were killed in 1963 and who were the columnists for the daily Cumhuriyet published in Cyprus in that period, opposed those who referred to the Greek Side as enemy, and defended a common life in the island, the democratic solution. Their deaths took place shortly after the bombing of Bayraktar Mosque which had created a bomb effect in Cyprus. The official propaganda was that the mosque had been bombed by the Greek, however, they had defended that the bombing had been carried out by the fascist forces from the Turkish side.

The murders, which were operations by the counter-guerilla, led to the address of the Turkish Resistance Organization (TMT). This was an organization that was the contractor of the powers who sought interest in the continuous fight between Greek and Turkish sides. Years later, in a television speech in London, TRNC President Rauf Denктаş confessed the truth about these murders. The way Adalı murder has taken place shows that he was also killed by the powers who are well-known, but will never be disclosed by the administrators, just like the murders of his colleagues, who were killed because they refused to obey the rulers.

b)- Metin Göktepe

With respect to the attacks against the press, the most important development in 1996 was the killing of the daily Evrensel reporter Metin Göktepe, which became one of the most important topics of Turkey in 1996, as well as in 1997 and 1998. Metin Göktepe (27), was detained before funerals of Rıza Boybaş and Orhan Özen, who were killed in Ümraniye Special Type Prison on 4 January, and beaten to death by the police. The incident took place as follows:

Metin Göktepe, who went to Alibeyköy Cemetery at noon on 8 January, was detained by the police officer who blockaded the region. While the journalists Murat İnceoğlu and Kerem Ilgaz, who were with Göktepe, managed to escape from the police officers, Metin Göktepe was taken to Eyüp Sports Hall under beating. When Metin Göktepe, who was also beaten for a while in the sports hall, got worse, he was taken out of the hall by the police officers. Meanwhile, during the meeting of the lawyers of Evrensel with the police authorities and Eyüp Public Prosecutor, it was confirmed that Metin Göktepe had been detained and it was stated that he would be released in the evening. However, no information could be obtained about Metin Göktepe. An unidentified person who telephoned to Evrensel around 20.00 stated that he had been just released from detention and that Metin Göktepe had been beaten to death. Subsequently the lawyers of Evrensel learnt that Metin Göktepe had been killed. Eyüp Public Prosecutor Erol Canözkan disclosed that Metin Göktepe had been released in the evening on 8 January, and he had been found dead in a park 100 meters away from Eyüp Sports Hall around 20.00. However, it was revealed out later that the corpse of Göktepe was not found in the park, but in front of a buffet nearby the sports hall. The autopsy revealed that the cause of death was cerebral hemorrhage and tissue bleeding due to the blows to the body and the head.

On 9 January, Eyüp Public Prosecutor made the first official "statement" about the killing of Metin Göktepe: "Around 22.00 a male corpse was found next to the buffet 50 meters away

from Eyüp Sports Hall. On the corpse was found an ID card for Metin Göktepe, and the corpse was taken to the Forensic Medicine Institute for determining the cause of death. The autopsy revealed that on the body of Göktepe were wounds, traumatic lesions and rib fracture due to blows. The cause of death was cerebral hemorrhage.” The autopsy report listed the findings: “A blow trace with a length of 11 cm and a width of 2 cm on the left shoulder-blade region. A blow trace with a length of 21 cm and a width of 2,5 cm on the right shoulder-blade region. Traces with a length of 10 cm and a width of 2 cm on the waist. On the head, bleeding due to blow in six separate spot on skin with hair. Large bleeding in brain, cerebellum and right hip. Under skin bleeding due to blow on left thigh and left arm. Fracture in breast rib.”

Then-ÇHD Executive Board Member Levent Tüzel and İHD İstanbul Branch Chairperson Ercan Kanar, lodged an official complaint with İstanbul Governorate and İstanbul Public Prosecution Office on 10 January. The same day, a ceremony was held for Metin Göktepe in front of Turkish Journalists Association (TGC). TGC Chairperson Nail Güreli stated during the ceremony that Metin Göktepe had been killed by “those who did not want the people to learn the realities.” Güreli said, “The autopsy reports reveals that the incident is a murder. It seems that the police is responsible for this murder.” İhsan Çaralan, the Publication Director of *Evrensel*, said that Metin Göktepe had been beaten to death because he worked for *Evrensel* as a reporter. Afterwards, those who took part in the ceremony marched towards İstanbul Governorate by shouting slogans. Then the group left a blank wreath which read “Metin was killed; we will not be silent –*Evrensel*.” The murder was also protested in Ankara by a group of journalists and representatives of mass organizations. Metin Göktepe was buried following the ceremony on 11 January. About 10,000 people participated in the funeral procession which lasted 6 hours.

Evrensel will not be silent! (10 January 1996-*Evrensel*/Editorial) (*)

Our reporter Metin Göktepe was beaten to death by the police. Metin is the 25th journalist killed in the last 5 years. The common characteristics of these 25 murders is that, all of these journalists wrote in a way that displeased the rulers and killed by “unknown assailants.” The prosecution office and the authorities are in attempt to turn the killing of Metin Göktepe in detention into a “murder by unknown assailants.” Yet, the incident was neither a murder by “unknown assailants” nor one by ordinary police officers.

(...) İstanbul Security Director, before taking his office officially, had declared publicly that “he came to İstanbul to cut off heads.” Still a few days ago he was satisfied with the terror applied in the prisoner, and stated that “he would finish these problem with ten people,” and thus revealed out his intentions. Therefore, those who are responsible for the killing of Metin Göktepe are not only gunmen. Eyüp Security Chief and İstanbul Security Director, the Minister of Interior Affairs and the government which governs the country with unlimited pressures and under a reign of terror are also the assailants of this incident; since this is the impact of the terror policy of the power which has not tools other than tyranny and coercion for governing the county, on the press. Those who are not pleased with the uncovering of the realities of the country resumed the killing of journalists, which stopped for a few years, since they think that the most immediate challenge for those who write down the realities is to kill them. Since the murders of the journalists are not / cannot be revealed to date. In this regard, the powerful media have collaborated with the killing of the journalists. They have not mentioned anything about the journalists who were beaten, detained, and even killed, even if these were their own reporters; they have not mentioned about the freedom of information and communication. (...)

At first, there were attempts at passing off the incident, and most newspapers allocated a small space to the incident. However, despite the authorities’ and media bosses’ approach that fed the “official view,” the death of Metin Göktepe was kept its significance on the agenda thanks to the efforts by his colleagues, family, relatives and the mass organizations. The murder could not be whitewashed as it was in the killing of many journalists previously.

Narration by witnesses

The people who witnessed the murder of Metin Göktepe started to inform the public short after the murder. In the press conference held at the center of *Evrensel* in Yenibosna on 16 January, the witnesses disclosed what had happened. The Publications Director of *Evrensel*, İhsan

(*) This issue of *Evrensel* was confiscated by İstanbul SSC under Article 6 of the Anti-Terror Law because of this editorial and several condolence messages. The decision was made on the grounds that “the identities of security officers were given, and thus they were shown as targets for terrorist organizations.”

Çaralan disclosed that there were some other witnesses, and that some of these witnesses had testified to the prosecutor and some would testify after the press conference.

In this meeting, Deniz Özcan, who had been detained at the entrance of Alibeyköy around 12.30 on the day of the incident, stated that the detainees were taken to Eyüp Sports Hall in groups of 10 people. He said, "I was taken down to a place which they called torture house. I was beaten roughly for about 20-25 minutes. At that moment, Metin entered in. One of the police chiefs said 'Here is a journalist, special treatment for him.' A group of 10 people attacked on Metin. They were hitting Metin with truncheons and clubs. Metin fainted after ten minutes. They poured water on him and he recovered. After giving a break for a while, they resumed beating him. Half-fainted, I was watching them beneath my coat. The police officers could not see me watching. Metin was loosing too much blood. They took him to the water-closet. The washbasin in the water-closet was stuck from the blood. They brought him back and beat him again. I am sure Metin died there. One of police officers said 'This will die. Let's take him to hospital,' but other police officers said 'Not matter. What's the matter with you?' and took him out. They kept on beating him. They were calling each other 'Haydar,' 'Abdullah' and 'Ali'."

Ali Ekber Palabıyık stated that when he was detained, a police chief said "They want to be martyrs of the revolution." He added, "With us were 2 lawyers, one woman. They particularly insulted the female lawyer. They were beating harshly the lawyers and journalist. They took us to Eyüp Closed Sports Hall. I saw Metin Göktepe inside. He was saying 'I am a journalist. I am working for *Evrensel*.' Between us were three banks. They were beating him. He said 'I got worse. Tell it to the chiefs.' But the police officers started to beat him even more harshly. It was around 13.00. He was laying on the ground over the green iron rafters. One of the beaters was a superintendent. If I see him, I can recognize him. He was dark and eccentric."

Another witness, İlhan Uçar, disclosed what he had seen as follows: "While they were taking us down, they wanted us to close our faces. At that moment, I heard a voice saying 'I am a journalist. Why are you beating me?' Then I heard another voice saying 'Bring the journalist here.' They overwhelmed the journalist, and started to beat him more harshly when he said 'I am Metin Göktepe, working for *Evrensel*.' Metin fell down, but the police officers kept on beating him. They were saying 'We will bury your corpse.' Then they jumped over me and laid me down. I had a chance to look around. When I saw Metin, he was dead. After about one hour, I said that I wanted to go to the water-closet. They took me to the water-closet by beating. As I was going there, I saw two people laying to the right of the corridor. But none was Metin. Since their coats were black, Metin's was brown. Afterwards, I heard voices from a room on the way to the water-closet. The police officers were beating people and there were blood on the floor. The washbasin was stuck with blood. Around 21.30, they released me. When I attempted to look at Metin behind my coat, they said 'He wants to be a martyr for the revolution. Beat him?'"

As for Ceyhun Emre Dağdelen, he said that he had been beaten in the sports, and added, "Cries were coming from a room. These cries were not due to normal truncheon or beating. I left there between 11.00-11.30. As we were leaving, we took our personal belongings. On the table was a bag. When they said that the bag belonged to *Evrensel* reporter, I put the belongings to the bag. I thought that the owner of the bags had been taken to or left in another place. The next day, I would take it to the newspaper. In the morning, I learnt that Metin Göktepe had been killed and took the bag (the camera, press card and telephone call device of Göktepe were not in) to *Evrensel*. The bag contained Metin's school ID card, bank card, agenda and several notes."(*)

Yeni Yüzyıl reporter Murat İnceoğlu, who was with Göktepe when he was detained, stated that Metin Göktepe had been detained arbitrarily as everybody. İnceoğlu said the following: "That day we followed the transfer of the corpses from the Forensic Medicine Institute. Metin,

(*) When the investigation was launched into the killing of Göktepe, the witnesses were threatened. Ali Ekber Palabıyık disclosed that he had been threatened by the police, that the police officers who had come to his restaurant in Gazi quarter had attempted to provoke him and threatened him to close down the restaurant. Deniz Özcan disclosed that he had been detained twice, threatened and continually followed. On 25 March, Deniz Özcan held a press conference and said, "For the first time, I was detained during the occupation in İstanbul University in late February. At the Political Police Center, they said 'Here is the witness to Metin Göktepe. You talked too much. We will ensure you will be sentenced to 5 years in prison. You cannot leave here alive,' and they tortured me. I was released by the prosecutor. I was given a medical report certifying my inability to work for 3 days. On 13 March, some police officers stopped me and threatened while I was going home with my mother. On 16 March, I was detained by the plainclothes police officers for the second time. They drove me for hours. They continuously threatened and insulted me."

Satı Kaya from UBA, me, and *Cumhuriyet* reporter Kerem Ilgaz got on the car of *Cumhuriyet*. We could not exactly follow the convoy. We were a bit far away from it. We confronted with the barricade of the anti-riot forces 150-200 meters to the cemetery. We got off the car. We walked towards the barricade and showed our ID cards. The first police officer said nothing. However, another police said that we should have yellow press cards or we would not be allowed to pass. One of our friends had it and he passed. Then they told us to talk to the deputy superintendent. Two deputy superintendents were there. One of them approached us. We talked with him, he said ‘No, we are ordered no to allow people without yellow press cards.’ I wanted to learn who had given the order, and I said that there was no need for yellow cards. He did not listen to us. There was a teahouse, I said to my friends ‘Come, let us wait there.’ Metin said ‘Let us talk again,’ attempt to enter in and we started to talk with a deputy superintendent with dark skin. We were not talking in the manner of dispute. Then the deputy superintendent said ‘You are talking to much, I detain you.’ Two anti-riot police officers twisted the arm of Metin at his back and detained him. We interfered with it. Similarly, he said to Kerem ‘I will detain you too.’ Kerem said ‘We did nothing wrong and there is no reason for you to detain us.’ Then he said to Kerem ‘I detain you too.’ He asked the newspaper he was working for, he said ‘*Cumhuriyet*.’ They said ‘That will cause trouble,’ and released Kerem. Nothing physical done to me. We could not see Metin since then. It was not possible to see him behind the barricade.”

Yeni Yüzyıl reporter Ahmet Şık said, “There were about 40 journalists in front of the Cemevi. When we learnt that the corpses would not be brought there, we started to walk towards Güzelyayla Mosque. We confronted with the police barricade 150-200 meters to the mosque. Here, many people were detained in the attack. The police also attempted to detain reporters of *Demokrasi* newspaper and *Özgür Yaşam* journal. We interfered with it and saved them.”

First Official Acknowledgment

The killing of Metin Göktepe in detention was first acknowledged by Adnan Ekmen, then-Minister of State in charge of human rights. In the press meeting held on 16 January, Adnan Ekmen stated that a ministerial delegation was sent to İstanbul in order to investigate the incident and prepared a report. He said, “It was established that Metin Göktepe had been detained, that the ID cards of the detainees had been taken first and then given back when they had been released, and that of Metin Göktepe had been seen there. The corpse of Metin Göktepe was found in the park as was said, but in the stadium controlled by the security forces. İstanbul police is now under blemish, and the murderer of Metin should be captured.”

On 22 January, Prime Minister Tansu Çiller, while accepting the petition (*) signed by 600 journalists demanding that the incident be brought to light, said, “On that day I went to İstanbul and had a meeting with the security officers. I gave definite orders to inspectors for the investigation of the incident neutrally and independently. Assailants are about to be captured. This incident is an individual case. It should be exposed to light so that nobody is put under blame.” Upon questions, Tansu Çiller said, “It has been established that Metin Göktepe had been detained. But, the investigation as to what had happened then is under way. The incident will be exposed to light and the assailants will be apprehended. The incident is investigated neutrally.” Upon another question, Tansu Çiller stated that the official statement that “Metin Göktepe died upon falling down a wall” was not true. Minister of Interior Teoman Ünüsan made a statement on 26 January and acknowledged that Metin Göktepe had been killed in detention under torture, and apologized from Göktepe family and the Turkish press.

Parliamentary investigation

The motion for Parliamentary Investigation on the killing of Metin Göktepe was adopted unanimously on 15 February. After the “Commission for Investigating the Murder of Metin Göktepe,” consisting of 3 MPs from RP, 2 from DYP, 2 from ANAP, 1 from DSP and 1 from CHP, started its activities, it heard Bursa Governor Orhan Taşanlar, former İstanbul Security Director, on 8 May. Taşanlar said: “That day the police was very successful. There were attempts at leading to second Gazi incident. These were prevented, but the death of Metin Göktepe cast shadow on the success of the police. I think that Metin was subjected to blows in the row during the detention. If Metin had been taken to hospital, he might have been alive now. However, the negligence by the security chief Seydi Battal Köse is in question.”

(*) The journalists’ petition read: “Our colleague Metin Göktepe was detained by the security forces whose duty was to ensure public security, was beaten cruelly and found dead. The prosecution of the assailants has become a vital test for the Republic of Turkey to ensure the plausibility of its character as a state of law.”

The Commission held a meeting with 5 members on 14 May, and dissolved itself on grounds that “the cases transferred to the judiciary cannot be investigated by the Parliament.” Commission Chairperson Mehmet Ali Şahin, Gürcan Dağdaş, Gökşel Küçükali from RP, Hakan Tartan from DSP and Mahmut Yılbaş from DYP attended this meeting whereas Metin Öney and Yaşar Okutan from ANAP, Cevher Cevheri from DYP and Oya Araslı from CHP did not since they were informed belatedly. Hakan Tartan and Mahmut Yılbaş specified their opposition views in the decision taken in the meeting in which no minutes were kept. Hakan Tartan stated that MPs from RP ensured the dissolution of the commission in order to prevent the hearing of the motion for investigation about Süleyman Mercümeç, who was prosecuted on charges of transferring the funds collected for aiding Bosnia-Herzegovina to RP. Hakan Tartan said that he had been informed only one hour before the meeting, and he had doubts that other members were ever informed at all, moreover, certain member were not in Ankara.

Commission’s Chairperson Mehmet Ali Şahin claimed that the decision was issued in compliance with Article 138 of the Constitution; and he said: “There is a provision that an issue transferred to the judicial organs could not be heard by even the legislative organ.” He added, “The prosecutors phoned and said ‘We are investigating the incident, an issue transferred to the judicial organs should not be heard by the Parliament.’ Therefore, I transferred all information and documents to the court.” Mehmet Ali Şahin claimed that the decision was not connected with the motion for Mercümeç. The commission members Yaşar Okuyan, Metin Öney, Cevher Cevheri, Mahmut Yılbaş, Hakan Tartan and Oya Araslı objected to the decision and informed the Speaker Mustafa Kalemli that the decision had been taken in contravention to the Constitution and Parliamentary by-laws. Subsequently, the Commission resumed its activities.

The Commission heard İstanbul Deputy Security Director Deniz Gökçetin on 4 June. Gökçetin said, “I am convinced that ill-treatment has been performed in the sports hall.” In addition, police officers testified before the Commission on 9 June. The police officers from the anti-riot squad, who, in their first testimonies to the police inspectors, said “Göktepe could not recite *ezan* (prayer call), and even National Anthem, and we beat him,” stated: “We have been tortured, our testimonies are not true, we did not beat anybody, we have no connection with Göktepe incident.” They claimed that they had been beaten by the directors at the Public Order Branch, and said: “They promised us to take us to abroad in case we confessed the offense.”

The Commission completed its activities in mid-July. The reports did not go beyond writing the developments which were already known. The report, which acquitted İstanbul Security Director Orhan Taşanlar, alleged that Metin Göktepe was not detained with intention of killing and that he was killed “accidentally.” The report described the incident as follows:

“After Göktepe was detained, he was harassed; and after he was taken to Eyüp Closed Sports Hall, he was beaten by a group of police officers until he got worse. In order to heal him, the methods which were not medical were employed; although security chief in charge of the hall came and saw current situation of the person in question, he rejected to take the person to hospital by saying ‘We cannot take everybody to hospital.’ This is a fault that cannot be excused. Afterwards Göktepe was left on the bank next to the buffet in the vicinity of the sports hall and it was understood that he had died due to the blows he was subjected to. When the autopsy photographs were shown to them, Eyüp Sports Club Masseur said ‘When I treated him, there were no such bruises,’ and a police officer said ‘There were only bruises on his face, the deep scratch on his lips on the photographs were not there when first saw him.’ The inspectors who conducted the investigation and İstanbul former Security Director stated that Metin Göktepe had not been detained and beaten with intention of killing him, that there had been no prejudice as ‘he has previous conviction, let us beat him’; that they had no intention for the person in question and that incident occurred by chance. Contrary to the claim in the summary that the District Security Director was guilty since following the incident he invited the Security Chief in charge of the hall to his office and ordered him to maintain that those who knew about the incident not talk about it, and a few days after the incident he invited certain police officers, and warned them in the same manner, and continued his warnings in the casino and bus, the Provincial Administration Board and the Council of State concluded that Eyüp District Security Director was not guilty. Due to inconveniences that might result from criticizing of the judicial decisions, the Commission has issued no comment in this regard.

“It was confirmed that men and women were taken to sports hall through different doors; following the searching at the doors, an unfounded rumor ‘The list of police officer to be killed was found on the detainees’ was heard, and they laid men down beating them with truncheons, kicks and blows, then they took men to the stands, where they made them lay on and under the

stand banks and on the empty spaces in the hall; women were beaten at the entrance corridor and were kept waiting there for a while, then they were taken to the hall, and were sat down with their faces to the wall, they were insulted by police officers and some women were slapped, as a result of the recording of certain detainees, the records showing the scratches on the faces, eyes and mouths confirmed that these activities continued in the hall, too.”

In the report in which it was stated that 1052 detainees were released in groups after 17.00, and in connection with non-existence of a record for the detention of Metin Göktepe, it was said: “The reason why the name of Metin Göktepe was not in the release records although he was detained, was that the detention records were not arranged as stated above. This was confirmed by the fact that when the person in question got worse by being beaten by the police officers in the hall, he was taken out of the hall before the arrangement of the release record, and he was not taken again in the hall, and that following the death, both the security directorate and the Ministry of Interior were misinformed, thus the authorities made wrong statements.”

The report also read that the detentions had become arbitrary on the day of the incident, and thus disciplinary investigations were launched against 41 police officers who were responsible for the incident, except for Deputy Security Director M. Kemal Bayraktar. The report emphasized the fact that unexpected incidents had taken place during the mass detention, and continued, “The Commission has found it worth mentioning that despite this fact the inspectors demand of an investigation for the responsible persons was totally disregarded.” According to the report, the detentions had taken place upon a written order by İstanbul Security Directorate on 7 January, which included “erection of barricades in order to search the suspected people and detain those of certain age groups who intend to break out incidents and to carry out the necessary investigations about them.”

The Commission submitted its report to the Chair of the Parliament on 19 July. The report was signed by Van MP Mahmut Yılbaş, İzmir MP Metin Öney, İzmir MP Hakan Tartan, Adana MP Cevher Cevheri, Yalova MP Yaşar Okuyan and İçel MP Oya Araslı. The report was not signed by three MPs from RP who did not take part in the activities of the commission. The report was read and discussed in the session of the Parliament on 15 October.

The process of investigation and trial

In the course of the investigation launched upon the murder of Metin Göktepe, 24 security officers were detained on 22 January. During the investigation, some dailies and TV channels reported that the police officers had been tortured during interrogation, that 4 police officers had been hospitalized, and the situation of Coşkun Öztürk, who had been detained on 21 January, was serious. After being released, Öztürk lodged an official complaint with İstanbul Public Prosecution Office on 24 January on grounds that “he had been tortured.” Öztürk, via his lawyer Ömer Yeşilyurt, complaint about the security directors Mustafa Candan and Deniz Gökçetin. He, accompanied with his lawyer, testified to the prosecutor on 26 January. The Forensic Medicine Institute issued a medical report certifying his inability to work for one day.

Civil Service Chief Inspectors Şükrü Erdem and Cengiz Akın, and Police Chief Inspector Yaşar Gökçetin, who investigated the killing of Metin Göktepe, completed their work on 25 January and submitted their report to the Ministry of Interior Affairs and the Security General Directorate. At the end of the investigation, Eyüp District Security Director Ali Aydın Aydemir, 2 security chiefs, one deputy superintendent and 11 police officers were suspended from duty. The report about the police officers was then referred to Provincial Administration Board. The 14 security officers who were suspended from duty were Mehmet İşbitiren (security chief), (*) Seydi Battal

(*) Mehmet İşbitiren was involved in the death of the woman named Biray Kurşun (20), who attempted to commit suicide in October 1995, and taken to Alibeyköy Police Station instead of a hospital. This was an interesting example of negligence. Biray Kurşun’s mother Yıldız Çakır lodged an official complaint against Chief Superintendent Mehmet İşbitiren and police officers Erdoğan Ateş, Halil Keleş, Tevfik Özaslan and Halil Kurtalay, and demanded that the police officers and Hasan Derman be sentenced on charges of “abusing their duties.” The police officers testified in the investigation and stated that they had taken Biray Kurşun to the SSK Hospital, but she could not be saved. Yet it was found out that the name of Biray Kurşun was not registered at the Emergency Service of the SSK Hospital, and that she was dead when she was taken to hospital. The name of Mehmet İşbitiren also appeared in the developments subsequent to Susurluk accident. Abdullah Çatlı, who had been detained in Erdek, Balıkesir in August on charges of opening fire into the air, declared his home address as Fatih Şehremini Validegahı 57. Street, the address of the four-storey building used as Fatih Mecidiye Police Station. Three of the storeys were allocated for the accommodation of the personnel, and Mehmet İşbitiren stayed in one of these storeys.

Köse (security chief), Mehmet Uysal (superintendent), Şuayip Mutluer, Burhan Koç, Saffet Hızarcı, Fedai Korkmaz, İlhan Sarioğlu, Murat Polat, Selçuk Bayraktaroğlu, Fikret Kayacan, Metin Kuşat, Tuncay Uzun and Yalçın Aydeniz.

The investigation revealed that Metin Göktepe had been detained upon the instruction by Mehmet İşbitiren, beaten by Şuayip Mutluer, Burhan Koç, Saffet Hızarcı, Fedai Korkmaz, İlhan Sarioğlu, Murat Polat, and Selçuk Bayraktaroğlu, and left injured and about to die by Fikret Kayacan, Metin Kuşat, and Tuncay Uzun. The report accused Eyüp Security Director Ali Aydın Aydemir of “neglecting his duty and concealing the death of Metin Göktepe”; Security Chief Seydi Battal Köse of “not taking the measures for ensuring the security of lives of detainees”; Memduh Uysal and Yalçın Aydeniz of “beating certain detainees.”

The inspectors’ report was discussed in the Supreme Disciplinary Board of the Ministry of Interior Affairs. In its session on 1 September, the Board expelled Eyüp District Security Director Mehmet Ali Aydın Aydemir from the profession on charges of “heavy negligence in duty,” whereas 24 police officers were deprived of their personnel rights for 24 months, each.

On 25 December, the dailies reported that the Security General Directorate applied to the Ministry of Interior Affairs on the demand that the police officers be returned to their post on grounds that “the prosecution would last long.” Upon the approval by then-Minister of Interior Affairs Meral Akşener on 27 December, Seydi Battal Köse, Şuayip Mutluer, Burhan Koç, Saffet Hızarcı, Fedai Korkmaz, İlhan Sarioğlu, Murat Polat, Selçuk Bayraktaroğlu, Fikret Kayacan, Metin Kuşat and Tuncay Uzun were returned to their duties. The decision for suspending from duty had been abolished for Mehmet Ali Aydın Aydemir, Mehmet İşbitiren, Memduh Uysal and Yalçın Aydeniz on 5 April. Upon the protests, Akşener annulled the transactions on 14 January 1997 and the police officers were again suspended from duty.

Göktepe family and ÇHD İstanbul Branch Chairperson Levent Tüzel applied to Eyüp Public Prosecution Office on 5 February, demanding the arrest of the police officers. Lawyer Tüzel asserted that the prosecutor Erol Canözkan (*) did not fulfill his duties fully, and said: “The suspects might flee away, and the evidence might be concealed. The suspects’ obtaining medical reports for the day of the incident, and the claims of torture are plans for concealing the evidence in order to distort the investigation. The decision of prosecution, which is the prerequisite for trial, will take time, and it is highly possible for the defendants to distort the evidence if they are free.” However, this demand was rejected by the Court. The police officers related the incident as follows, according to their testimonies in the course of the investigation:

Şuayip Mutluer: Those who were taken to the hall were laid down on the stands. I saw a person on the ground at the entrance on the way to the water-closet and his head was covered with a coat. I asked the police officer Metin Kuşat who he was and why they were beating him. He said to me ‘He could not recite the ezan and the National Anthem.’ I said ‘Never mind’ and kicked him. The truncheon of police officer Saffet Hızarcı was broken while beating people.

Murat Polat: Detainees were forced to lay down on the face. Those taken to the water-closet were returning back ill-treated. For a moment, I got out and saw Chief of the Anti-Riot Squad Korkmaz Karaşioğlu separating men and women, saying ‘Bastards to the left, bitches to the right.’ The police officers from Bayrampaşa were beating the detainees. Some women were bleeding in the head.

Battal Köse: At the entrance of the sports hall were Murat Polat, Fedai Korkmaz, and Yalçın Akdeniz. I warned them not to beat the people. Police officers named Metin Kuşat and Şuayip Mutluer kicked Metin Göktepe. The police officers were forcing the detainees to shout “Turkish police is the greatest.” I warned them not to do so. After the corpse of Göktepe was found, District Security Director Ali Aydın Aydemir came. He searched through the ID cards in the hall and took that of Metin Göktepe. This was later found on the corpse. He demanded that the release record should be prepared. A release record was arranged with the date for previous day on 9 January. This was performed by Security Chief Metin Öztürk. Göktepe was not included in the record in order to give the impression that he was never detained. Following the incident, Security Director Ali Aydın Aydemir called me and asked me not to tell anything.

(*) Eyüp Prosecutor Erol Canözkan, who stated that “after he was released Metin Göktepe died upon falling down a wall in the teahouse,” was appointed as İstanbul SSC Prosecutor in August. A witness police officer who made a statement to *Evrinsel* newspaper after the incident, and who wanted his name to be kept secret, claimed that Canözkan had assembled with the suspects in order to conceal the incident.

Fedai Korkmaz: I was hitting those taken to the hall with my white truncheon. I hit their hips. I heard that Metin Kuşat and Şuayip Mutluer kicked Metin Göktepe. Two hours after the incident, Security Chief Battal Köse wanted to learn what I knew about the death, and asked me not to tell anything to anyone.

Following the investigation, İstanbul Provincial Administration Board decided on 8 February for the prosecution of 14 security officers who involved in the incident and 34 police officers who were accused of beating other detainees. Yet, the Board decided on non-prosecution of Eyüp Security Director Ali Aydın Aydemir, who was accused of “neglecting his duty and attempting at concealing the death of Metin Göktepe.” The names of 14 security officials are as follows: Mehmet İşbitiren, Korkmaz Karaşihöğlü, Seydi Battal Köse, Mehmet Uysal, Şuayip Mutluer, Saffet Hızarcı, Fedai Korkmaz, Murat Polat, İlhan Sarioğlü, Selçuk Bayraktaroğlü, Fikret Kayacan, Burhan Koç, Metin Kuşat, and Tuncay Uzun.

The Council of State Chamber No. 2 approved the Board’s decision regarding 48 police officers on 11 April. Following the approval, the lawyers of the Göktepe family applied again to İstanbul Heavy Penal Court No. 6 on 15 May, demanding that the 14 security officers be remanded. The court rejected the demand in early June on grounds that the “addresses of the defendants are known” and that “lower limit of the penalty sought for the defendants is not sufficient for a decision of arrest.”

İstanbul Public Prosecution Office launched a trail against 48 police officers. The indictment sought an imprisonment between 6 months and 3 years for Mehmet İşbitiren, who ordered the detention of Metin Göktepe, on charges of “abuse of duty” under Article 228 of the Turkish Penal Code, and between 5 years and 15 years for Security Chief Seydi Battal Köse and police officers Şuayip Mutluer, Saffet Hızarcı, Fedai Korkmaz, Murat Polat, Burhan Koç, İlhan Sarioğlü, Selçuk Bayraktaroğlü, Metin Kuşat, Tuncay Uzun and Fikret Kayacan on charges of “killing a person unintentionally,” and “killing a person in a way to conceal the real assailant.”

The police officers who were put on trial under Article 245 of the Turkish Penal Code on charges of “abuse of duty” for beating the detainees are as follows: Security Chief Korkmaz Karaşihöğlü (accused of insulting the detainees), Deputy Superintendent Memduh Uysal (accused of beating ATV reporter Mustafa Erdoğan and cameraman Tuncay Altığ), Emin Aksoy, Mustafa Bayrak, Mehmet Akköse, Ali Dağtekin, Sadık Orhan, Yusuf Kulmaç, Şenol Öztürk, Önder Oruç, Yalçın Aydeniz, Ergün Akbalık, İbrahim Özçelik, Şükrü Keskin, Barış Aktaş, İbrahim Kılınç, İsmail Akgül, Volkan Katar, Yücel Karamızrak, Doğan Aslan, Alpay Torun, Ahmet Başkurt, Erkan Yakımlar, Mehmet Yavuz, Erkan Öz, Atilla Güngör, Salih Sırlı, Osman Dağlı, Nedim Yılmaz, Taner Özdil, İsmail Güneysu, Mehmet Ayhan, Coşkun Öztürk, Recep Adıgüzel, Mustafa Duru and Fazlı Şen.

After the trial was launched, it was decided that the prosecution should start on 15 July. However, before the first hearing was held, İstanbul Heavy Penal Court No. 6 applied to the Supreme Court, demanding that the trial should be heard in another province out of “security” reasons. The Supreme Court ruled that the trial be heard in a province other than İstanbul for “public security.” The relatives of Göktepe, lawyers, and spectators, who went to İstanbul Court House in order to attend the hearing on 15 July, saw a note hanging on the door of the court, which read “the hearing of Göktepe trial was transferred to Aydın.”

The trial against 48 police officers started at Aydın Heavy Penal Court on 18 October. Four defense lawyers as well as 13 intervening persons the mother, elder sisters and elder brothers of Metin Göktepe attended the hearing, in which the defendant police officers did not. About 2500 people including the representative of the press organizations from Turkey and abroad watched the trial. The first part of the hearing in the morning was heard at the Court House under strict security precautions. However, the hall was insufficient. The Presiding Judge gave a break when he could not maintain the order in the hall. Then the hearing was resumed in Aydın Closed Sports Hall in the afternoon. In the hearing, the Göktepe family demanded that the police officers be remanded, the trial be transferred to İstanbul, and İstanbul Security Director Orhan Taşanlar, his deputies, and Ministers of Justice and Interior Affairs be put on trial. The court rejected these demands.

Aydın Heavy Penal Court, without waiting for the second hearing, applied to the Supreme Court for the transfer of the trial to another province. The Supreme Court deemed the application appropriate on the grounds that “the security may not be ensured due to the existence of schools nearby the Court House.” The Supreme Court Penal Board No. 10’s decision, numbered “1996/11536” and dated 4 November, read the following in short:

After the transfer of the public trial registered at Istanbul Heavy Penal Court No. 6 with the number 1996/114 to Aydın Heavy Penal Court, the latter court registered the case with the number 1996/312. The communication sent by Aydın Public Prosecution Office on 24.10.1996, numbered 1996/2.2943, read that “the killing of Metin Göktepe had created public annoyance, that press-publication organs and some of the media had shown efforts in order to keep the incident continuously on the public agenda, that this would give an advantage to the illegal terrorist organizations, that Aydın Courthouse was insufficient due to its physical structure and location, that although the defendants did not attend the hearing on 18.10.1996, there was a huge crowd and disorder and thus the hearing was transferred to the Closed Sports Hall, that it was concluded that security could not be maintained in case that the following hearings were held in places other than a hall in the Courthouse, (...) that it was possible that some sad incidents might occur, such as the public security be violated or defendants, who were decided to be brought to the court, might face attacks during their transfers to the Court House.”

In connection with the issue, Aydın Governorate wrote the following in communication numbered 4.00-11: “It has been observed that the illegal organizations, mainly the DHKP/C, MLKP and PKK, have been carrying out activities in our region in order to receive public support, recruit new militants, carry out propaganda, and involve in miscellaneous actions, and they have been carrying out their organizational activities via using so-called democratic mass associations, universities, schools, trade unions and associations. The illegal organizations have been using the ongoing Baki Erdoğan trial for their organizational objectives, and they try to maintain the matter on the public agenda by distorting the facts through TV channels, newspapers and other publications before and after the hearings, and paying out efforts for belittling the security officers before the public and rendering them ineffective by directing them unfounded accusations regarding this incident.

“It is a fact that Aydın İHD, HADEP, members of the so called public workers trade unions, supporters of the illegal organizations, and the relatives of the prisoners are watching for an opportunity to break out incidents by distorting the political incidents which occasionally take place in the E Type Prison in our province.

“(…) It has been observed that the illegal activities will become much more widespread in our region with the transfer of Metin Göktepe trial to the Heavy Penal Court in our province in addition to the trial of Baki Erdoğan that has been continuing at the Heavy Penal Court of our province, that provocative actives such as the impression of a clash with the police had taken place because of the congestion in the court hall with the participation of some deputies, some members of the European Parliament, the organization of Reporters without Borders, the executives of the international human rights associations, national and foreign press and TV organs, the illegal organizations of the executives and members of Aydın İHD, HADEP, CHP, ÖDP, EP, the reporters and the supporters of the legal publication organs, and the relatives of Metin Göktepe in the hearing of the Göktepe trial held in our province on 18 October 1996, it was decided to hold the afternoon session of the hearing at the Closed Sports Hall on the same day as the court hall was insufficient. They attempted to carry out similar provocative activities in front of the Closed Sports Hall, but possible incidents were prevented thanks to the sensitivity that had been shown. The foreign parliamentarians, executives of the associations and the representatives of Aydın İHD, HADEP and the other organizations have issued a declaration after the hearing, and it has been understood that they have been planning to convert the next trial into a demonstration by gathering larger number of people for the next hearing.

“Due to the activities of the illegal and legal political organizations in our province, the presence of the E type prison, two cases on the same matter have been heard in our province, the insufficiency of the court house for this type of trials, and it’s being inappropriate in terms of security, the possibility of giving damage to the trade centers, shops, and cars during possible incidents that may take place in case that the trial is heard at the court hall, the possibility for the people who are to attend the hearing to organize a demonstration in case the hearing is held at the Sports Hall, the possibility for the students in the secondary schools which are in abundance in the surroundings of the Sports Hall be harmed during the incidents that may possibly occur, the potential danger for the lives of the defendants of the both cases during their transfers to the court, the possibility for a large number of illegal organization members to come to our province easily from very close provinces such as İzmir and Denizli in order to give rise to incidents, and the possibility for some of the press to convey the incidents which may possibly occur to different political dimensions by distorting them, it has been concluded that the transfer of the trial in question to another province will be appropriate for the public order and benefit.” These opinions

and the demand by the Ministry of Justice in this respect have been found appropriate, and it has been decided to transfer the trial to another province because of the public security in line with the last paragraph of Article 14 of the CMUK.

The witnesses testified at İstanbul Eyüp Heavy Penal Court No. 1 on 28 November. Ali Fahri Özer, an employee of the Sports Hall, stated that he saw two police officers trying to wash the face of “a person with bruises on his face.” Özer disclosed that the police officers and himself had taken this person to the hall and given him meal; and said: “Afterwards I applied compress to the person in question with cotton. I collected my equipment and left at 17.00 since I had completed my job. Subsequently two police officers left out together with the person in question. After one day, I learnt from TV that a journalist had been killed, and I found out that the person I saw the yesterday was Metin Göktepe. The names of one of the police officers was Tuncay.”

Testimonies of 11 of the 48 police officers were taken at İstanbul Eyüp Heavy Penal Court No. 1 on 24 January 1997, but the journalists were not allowed to watch the session. The defendants rejected the accusations. An official complaint was lodged against Presiding Judge Tuncay Sezgin for receiving the testimonies of the police officers secretly. ÇHD Metin Göktepe Law Commission and Göktepe family submitted the official complaint petition against defense lawyers and judge Sezgin on 28 January 1997. Lawyer Kamil Tekin Sürek reminded that the complainants, intervening persons and lawyers were not heard while receiving the testimonies.

The first hearing in Afyon was held on 6 February 1997. About two thousand people, who came to Afyon in order to participate in the hearing, marched towards the Sports Hall by shouting slogans. The pictures of Göktepe and placards were hanged in the hall, in which strict security precautions were taken. The defendant police officers did not attend the hearing, in which 90 lawyers of Göktepe family and 5 defense lawyers participated. The Court Board consisted of Kamil Şerif, İbrahim Demirtaş and Nuran Yalınbaş. In the hearing, testimonies of the witnesses were heard.

The next hearing was held in the Court House instead of the sports hall on 11 April 1997. This led to congestion and disputes. Presiding judge Kamil Şerif rejected intervening lawyers' demand that the hearing be heard in a larger hall. Judge Şerif implied that the change was not made on his own will by saying “If it is me to decide, I would accept your demand.” The lawyers stated that these words showed that “the executive interfered with the judicial,” and asked withdrawal of the board. Judge Şerif regarded this demand as “the rejection of the judge,” and referred the case file to Sandıklı Heavy Penal Court for its evaluation of this demand. Sandıklı Heavy Penal Court rejected the demand.

On 28 May 1997, arrest warrants in absentia were issued for Seydi Battal Köse, Şuayip Mutluer, Saffet Hızarcı, Selçuk Bayraktaroğlu and İlhan Sarıoğlu. In the hearing, the files for Seydi Battal Köse, Şuayip Mutluer, Saffet Hızarcı, Fedai Korkmaz, Burhan Koç, Metin Kuşat, Selçuk Bayraktaroğlu, Murat Polat, İlhan Sarıoğlu, Fikret Kayacan and Tuncay Uzun were separated. These defendants were prosecuted on charges of “killing Göktepe.” The trial against 36 police officers on charges of “resorting to blow, coercion and violence” is under way.

On 24 July 1997, arrest warrants in absentia were issued for Fedai Korkmaz, Murat Polat, Burhan Koç and Metin Kuşat. Seydi Battal Köse, Şuayip Mutluer, Murat Polat, Fedai Korkmaz, Burhan Koç and Selçuk Bayraktaroğlu surrendered on 28 July 1997; İlhan Sarıoğlu, Saffet Hızarcı and Metin Kuşat on 1 August 1997. On 15 September 1997, Fedai Korkmaz, Metin Kuşat, Murat Polat and Burhan Koç were released. On 6 November 1997, Presiding Judge Kamil Şerif resigned from the case, stating that “he will not be neutral due to pressures.”

In the hearing on 25 December 1997, Seydi Battal Köse gave a petition, “confessing” that “the police officers killed Metin Göktepe by beating him; and the incident was known by İstanbul Security Director Orhan Taşanlar, Deputy Security Director Kemal Bayrak and Eyüp District Security Director Mehmet Ali Aydın Aydemir.” Later, Köse was taken to another wing for “security” reasons. Upon these “confessions,” lawyers of Göktepe family lodged an official complaint against Teoman Ünüsan, Orhan Taşanlar, Mehmet Ali Aydın Aydemir and Kemal Bayrak on 20 January 1998. In the hearing on 22 January 1998, Köse stated that his former statements were not based on observed facts and he did not accused explicitly the high ranks.

On 5 January 1998, two years after the incident, an investigation was performed 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 arrest, took part. Witnesses Deniz Özcan and Ali Ekber Palabıyık were also present in the

investigation, but the journalists were not allowed to watch. When the investigation was completed, police officer Fikret Kayacan threatened witness Deniz Özcan by showing his pistol. Lawyers demanded that this threat should be recorded, but the demand was rejected.

The trial ended on 19 March 1998 (800 days after the incident). Şuyayip Mutluer (arrested), Saffet Hızarcı (arrested), Seydi Battal Köse (arrested), Fedai Korkmaz and Metin Kuşat were each sentenced to 7 years 6 months in prison. Arrested police officers Selçuk Bayraktaroğlu and İlhan Sarıoğlu, and those prosecuted without arrest, Fikret Kayacan, Tuncay Uzun, Burhan Koç and Murat Polat, were acquitted. Following the verdict, Fedai Korkmaz and Metin Kuşat were arrested; Selçuk Bayraktaroğlu and İlhan Sarıoğlu were released. On 17 July 1998, the Supreme Court overturned the verdict. The re-trial started on 20 August 1998.

c)- Attacks against the press and journalists

In 1996, press institutions, press organizations, journalists and writers frequently faced attacks by various circles. Most of those attacks were carried out by security or public officers. According to the figures determined by the HRFT, 97 journalists were insulted or beaten by public or security officers in 47 different incidents (52 journalists were attacked in 24 incidents in 1991, 56 in 26 incidents in 1992, 52 in 33 incidents in 1993, 76 in 34 incidents in 1994, and 56 in 31 incidents in 1995). Many journalists were wounded, or bombings and armed attacks were carried out against journalists and press institutions.

Demokrasi: The attacks and pressure on the dailies *Özgür Gündem*, *Özgür Ülke* and *Yeni Politika*, which were published subsequently after 1992, intensified on the daily *Demokrasi* in 1996, which had a similar publication policy with the dailies mentioned above.

Özgür Gündem, which was first published on 30 May 1992 and closed on 20 April 1994, was subjected to incredible pressure and attacks until its publication was halted. Six staff members and 12 vendors were killed, one staff member was wounded and paralyzed, 2 staff members disappeared and 250 staff members were detained or arrested. As a result of the trials, 10 of the people who undertook the chief editorial position of the newspaper were kept under arrest for periods ranging from 2 to 6 months. First editor-in-chief Işık Yurtçu was imprisoned for a long period of time.

After the closure of *Özgür Gündem*, the daily *Özgür Ülke* came out on 28 April 1994. The most serious attack against *Özgür Ülke* was on 3 December 1994. The headquarters of *Özgür Ülke* in Kadırga, İstanbul and its offices in Cağaloğlu and in Ankara were bombed by allegedly “unknown people” early in the morning. Nobody claimed responsibility for the attacks in which one person (Ersin Yıldız) died and 21 people were wounded. Safyettin Tepe, Batman reporter of the daily, was killed at Bitlis Security Directorate on 29 August 1995.

Elimination..! (December 4, 1996- Demokrasi/ Ertuğrul Kürkçü)

That is it! Although Madam Tansu has given orders with “SECRET” note, nothing remains concealed. Tansu Çiller signed the order to “eliminate” the Özgür Ülke newspaper two years ago on 30 November 1994 with the title of Prime Minister and she had distributed it to her organization for “execution.” The patriots of Çiller “executed” the order in 3 places. The headquarters of Özgür Ülke in Kadırga, its office in Cağaloğlu and Ankara Office were blown away with C-4 explosives. The three-storey building was totally destroyed and Ersin Yıldız who were an employee in the newspaper lost his life, and 19 people were injured.

Today, who can claim that these “patriots” had misunderstood Tansu Çiller? In her order, Tansu Çiller said, “Despite many official complaints, nothing effective has been done legally... an effective struggle should be launched against this type of publication organs...” And they applied the techniques of “effective struggle” that they knew!

We knew that for sure even though we did not know anything else: Tansu Çiller gave an order for Özgür Ülke newspaper to be “eliminated” by issuing a circular numbered 02348, dated 30 November 1994, the people, “patriots” called them Çiller, who “pulled the trigger for the state,” have executed the order; apart from the damage, they have killed one person and injured many others. On that day, journalists and human rights defenders who defended the right of Özgür Ülke to exist were so sure that this incident was initiated by Çiller. However, they could not make anybody to believe this. Witnesses began to speak one year after the attack. We learnt together that Necdet Menzir who was then-Istanbul Security Director, has blamed Meh-met Ağar in connection with the incident. Press Council Chair Oktay Ekşi directly accused Tansu Çiller of “having a newspaper bombed” even though he had been late for one year.

Following the incident Menzir had said to Ağar: “Do not use your men within the area under my responsibility,” () but do these words immune him as Istanbul Security Director? Oktay Ekşi had uttered a few sentences as Press Council Chairperson one year ago, but do they show that he had fulfilled his duty properly? Let us put these matters aside for now. Nevertheless, they have spoken a few sentences which would provide a clue. How about Hayri Kozakçioğlu who was Istanbul Governor then? Kozakçioğlu had detected that they had been faced with “an extremely cold blooded and well-organized” attack but he had preferred not to take a further step. I wonder what he thinks while he is watching while Çiller enthusiastically defends these “cold blooded patriots” in her party?*

How about then-Deputy Prime Minister Murat Karayalçın and Minister of Justice Seyfi Oktay? Why do you think they remain silent? I wonder if Karayalçın did not know about this “elimination” circular? If not, why? Is it possible that Seyfi Oktay did not know about it? Although the circular had been directly addressed to Ministry of Justice, Oktay has remained silent back then, and he has been keeping his mouth shut since then.

Actually, only the testimony of Menzir which he has not denied yet would be enough for the conviction of Ağar and Çiller with the charges of “forming gang and encouraging to commit murders.” But who will do that? Which police chief will write a police report about them? Which prosecutor will launch an investigation? Who is to raise his hand for the removal of their immunity? For example, is Hayri Kozakçioğlu, or Necdet Menzir or Murat Karayalçın or Seyfi Oktay? Will the constipated “state men” of CHP do something other than begging Mesut Yılmaz, “the clean man” of the capital for revealing the reports that he possesses? Are not Deniz Baykal, the leader of CHP, and the ministers of SHP/CHP who had shared the power with Çiller and her partners for 4 years responsible for the storm of violence, murder, and massacre which have been blowing over the country? Does their silence and staring stupidly after sharing the power with Çiller for all these years not prove that they are partners in these incidents if not they are political marionettes?

C-4 explosives failed to eliminate Özgür Ülke, but sooner or later they will eliminate Çiller and the accomplices of her conspiracy. The pen fighters of the sovereign media had remained silent when Özgür Ülke was blown away, in accordance with the orders of the General Staff within the framework of “mass psychological war.” However, “Özgür Ülke, Özgür Gündem, Yeni Politika, Demokrasi” continued their publications in the following day. They continued to display the mentality and the actions of “the special war” day by day. Those who have paid the price of being journalists with their lives, become successful in explaining “the gang” to their readers only one day after the attack.

Today, while the analysts of the sovereign media is screaming “we caught the gang” by grabbing the files which have been distributed by MIT (National Intelligence Organization), and publishing the incomplete stories which they had been told by “MIT members” only for they want these stories to be heard, they do not even think that all these things have been explained in details by their colleagues which had no titles and no names at the cost of their lives.

They are so disloyal and non-appreciative that they do not even remember that their “colleagues” who are the victims of the gang are commemorating their friends in front of their newspaper building which had been brought down upon the order of Çiller. Is it possible for the ones who are not on their “Colleague’s” not to be “eliminated”?

220 of the 247 issues of the newspaper published in 1994 and all of the 35 issues published in 1995 were confiscated. Numerous trials were launched against executives and personnel of the newspaper. The trials that were launched under Anti-Terror Law reached 278. Because of the trials, 8 chief editors of the newspaper were remanded. Pressure on the newspaper

(*) A news story published in the daily *Radikal* on 18 November, reported that Necdet Menzir, then-Istanbul Security Director who was later elected an MP, had called then-Security General Director Mehmet Ağar after the incident, and said to him: “Do not use your men within the area under my responsibility.” The news story also mentioned President Süleyman Demirel’s statement, which he made after the incident: “If there is something wrong, the judiciary will correct it. If the things that are to be carried out by the laws and the affiliated authorities are carried out by individuals, this will do the country harm.” The news story read, “So far, no investigation has been launched in order to reveal the persons who were mentioned in the statement of Süleyman Demirel and who have been said to have acted as if they were law themselves. If the bombing of Özgür Ülke is included in “one thousand secret operation” which were said by the former Minister of Interior Affairs Mehmet Ağar to have been carried out, gave rise to curiosity.”

intensified in 1995. The newspaper came on the agenda during the Security Coordination Meeting held on 4 January and presided over by Prime Minister Tansu Çiller.

At the end of the meeting, it was decided that the distribution of the newspaper would be prevented as much as possible to render its publication “ineffective,” taking into consideration that to close the newspaper completely would invoke protests at the international level. This decision was implemented immediately. The 7 January 1995 issue of the newspaper *Özgür Ülke* was confiscated by İstanbul SSC Prosecution Office on the night of 6 January, utilizing the authority given by the Press Law. Police officers went to the printing house in line with the confiscation order, and seized 13,570 copies of *Özgür Ülke*.

The issues of *Özgür Ülke* dated 8, 9, 10 and 11 January 1995 were also confiscated by İstanbul SSC or İstanbul Public Prosecution Office the day before they were released, on the grounds that “separatist propaganda was disseminated in certain articles and news stories in the newspaper.” Most of the confiscated newspapers were seized by the police at the printing houses or distribution company. After the copies of the newspaper were confiscated, the newspaper *Özgür Ülke* was printed again, excluding the sections which had become the grounds for the confiscation. “Censored” was written in the excluded sections, and it was noted that the article or the news story could not be published as it had been grounds for the confiscation order. However, as a result of this situation, the newspaper was sent to the certain regions late, or could not be sent at all. This continued until 2 February 1995, when the publication of *Özgür Ülke* was stopped with a confiscation decision delivered by İstanbul Penal Court of Peace No. 1. The decision was made on the grounds that *Özgür Ülke* was a successor of the newspaper *Özgür Gündem*, which halted its publication when confiscation decisions against it had become definite and had been put into practice as of 14 April 1994. In the decision delivered in accordance with additional Article 2/2 of the Law on Press, it was asserted that addresses and telephone numbers of the center and offices, writers, page designs and publication policies of *Özgür Gündem* and *Özgür Ülke* were the same.

The newspaper *Yeni Politika*, which started publication on 13 April 1995 after the closure of *Özgür Ülke*, was subjected to the same pressure inflicted on *Özgür Ülke*. Out of the 126 issues of *Yeni Politika*, 117 were confiscated or censored, and numerous trials were launched against its staff and executive members. The first 2 issues dated 13 and 14 April 1995 were confiscated by İstanbul SSC Prosecution Office on the grounds that separatist propaganda was disseminated in certain news and articles. Because of the decision of seizure, the newspaper had to be printed again and distributed in many settlements, firstly in İstanbul after being censored. These kind of implementations were repeated almost every day.

95 of the first 103 issues of *Yeni Politika* were confiscated by İstanbul SSC. The confiscation orders were given in connection with 316 news stories, 88 articles, 20 interviews, 13 editorial letters, 13 advertisements, 2 biographies, 1 one memoir, 1 cartoon, one message and a report prepared by the İHD that were published in the newspaper. In the notifications sent to the newspaper in connection with the confiscation orders, photocopied texts were used, after filling the empty spaces with handwriting. *Yeni Politika* was published again after the notification of the confiscation orders, after excluding the sections subjected to confiscation. The publication of *Yeni Politika* was halted with a decision issued by İstanbul Penal Court of Peace No. 5 on 16 August, upon the official complaint made by İstanbul SSC on 17 July 1995.

The first issue of the journal *Özgür Yaşam*, preliminary work for which was started upon the closure of *Yeni Politika*, was released on 7 October 1995, and it halted its publication on 20 January 1996. The company that released *Özgür Yaşam* began to publish the newspaper *Demokrasi* as of 12 December 1995. Throughout its publication in 18 months, *Demokrasi* was frequently hindered, confiscated, and banned. It was closed for one month in the trial that was launched at İstanbul SSC on the accusations that “people were incited to hatred and enmity” in an article published in the issue of the newspaper dated 9 August, and Ali Zeren, the editor-in-chief of the newspaper, was sentenced to 20 months’ imprisonment and fined TL 700,000. No appeals were made against the verdict, and it was implemented immediately. The last issue of the newspaper was published on 3 May 1997. In July 1997, a new newspaper, *Gündem*, was out.

Until its closure, 11 trials were launched against *Demokrasi*, and a total of 5 months 25 days closure was ordered in these trials. A total of 40 and 21 trials were launched against chief editors Ali Zeren and Ecevit Keleş, respectively, at İstanbul SSC. Eighty trials were launched at heavy courts and penal courts of first instance in connection with the articles and news stories

published in the newspaper. The offices of the daily were raided by the police. Writers, reporters, vendors, administrative staff of the newspaper were detained, tortured and remanded.

Cases of attacks against the press

Bayram Balcı, a reporter with the daily *Demokrasi*, was detained without any grounds by police officers from Sivas Security Directorate while he was turning back to Sivas from Divriği on 10 January. Balcı was released the next day.

Mehmet Oğuz, the General Publishing Director for the newspaper *Demokrasi*, was sentenced to 10 months in prison and fined TL 1,000,000 in the trial he was prosecuted on charges of “belittling the Parliament” in his article published in the journal *Özgür Yaşam* on 10 November 1995. In the trial that ended at İstanbul Heavy Penal Court No. 2 on 20 March, the sentence given to Oğuz was repealed.

Serpil Korkmaz, a reporter with *Demokrasi*, was detained during the police raid against her house in Aksaray, İstanbul, in the night of 20 March. She was interrogated at Aksaray Political Police Center, and not allowed to meet her lawyers. It was claimed that she “kept PKK documents and explosives in her house.” This claim was made during the press conference held at İstanbul Security Directorate on 28 March. During the press conference, Serpil Korkmaz was exposed to the journalists, along with persons named Semir Nafile, Mehmet Ali Kaplan, Caner Paçalı, Fatma Karataş and Şükran Kasırga. Besides, explosives and other material that are used in making bombs put in front of them. Serpil Korkmaz protested this spot, shouting, “I am a journalist. I don’t have no relation with this incident. I don’t know why I was detained.” She was released on 2 April. Making a statement following her release, Serpil Korkmaz stated that she had been ill-treated. Stating that she had gone on a hunger strike for 13 days to protest the attitude of the police charging her of “being a terrorist,” Korkmaz said the following: “They brought me before the press. They also brought people I had never met, right beside me. They piled up bombs I had never seen, right before us. Then I shouted, ‘this is a plot, I am a journalist’. But the journalists standing there wrote down the statement by the police, without taking into consideration what we said. I therefore am going to be filing a complaint against them.”

Demokrasi reporter Fuat Bulut, who followed the transfer of certain arrested prisoners to Bandırma Prison after the killing of a warder named Yener Çolaklar on 28 March in İstanbul Bayrampaşa Prison, was threatened by police officers. The police officers searched the bag of Bulut and asked such question as “What have you shot with your camera? How are you informed of the press releases?” They tore the reporter card of Fuat Bulut.

A child named M.Ç. (11), who distributed *Demokrasi* in Suruç, Urfa, was detained on 3 April. M.Ç., who was kept in detention for 3 hours at the District Security Directorate, stated that he had been threatened to death. M.Ç. said, “The police officers threatened me by saying ‘From now on you will never sell that terrorist newspaper, if we catch you selling it, we first break your legs and imprison you.’”

A TV program, “Güçlükonak,” which was broadcast live in Tempo TV (Adana) in the evening of 6 April, with the participation of *Demokrasi* newspaper Editorial Board members Fikret Başkaya, Şanar Yurdatapan, Ragıp Duran, Münir Ceylan, Mehmet Metiner, Altan Tan and Varlık Özmenek, was halted by the police. The broadcasting was cut down while the participators were narrating their impressions from Güçlükonak. TV executives stated that the police officers telephoned them and demanded that the live broadcasting should be stopped. No written declaration was made to TV executives. After the program ended, Fikret Başkaya, Şanar Yurdatapan, Ragıp Duran, Münir Ceylan, Altan Tan and Varlık Özmenek sent a letter to Adana Governorate and Public Prosecution Office protesting the incident, and demanding an investigation against the persons who had ordered this decision.

Salih Güler, Batman Representative of *Demokrasi*, and Laleş Kurt, a reporter with the same, were detained by the police who raided a house they visited as a guest on 17 April. They were released the next day.

Ercan Kılıç was detained in Adana whilst he was selling the newspaper *Demokrasi* on Sakarya Street in Ankara in the morning of 2 May. Kılıç was taken to Political Police Center and released after 10 hours.

Düzgün Akbaba, Erzincan reporter with *Demokrasi*, was detained by gendarmes raiding his house on 12 June. He was released later, and a decision of non-prosecution was issued at the end of the investigation launched against him. Deniz Cihanbeyli and Ömer Faruk Kaynak, a

vendor and Urfa Representative of *Demokrasi*, respectively, were detained in Urfa on 17 June, and released by the SSC on 24 June.

Demokrasi reporter Menaf Avcı and staff members Şemsettin Yıldırım, Hacı Osman Sarban and Ali Koçyiğit, were detained around 01.30 on 27 June, while returning home by the newspaper's service bus. The detainees were released 8 hours after.

The HADEP Elazığ office was raided at noon on 28 June, and 13 people were detained. Subsequently, the offices of *Özgür Halk* and *Demokrasi* were raided. In the raid against *Özgür Halk*, representative Emin Konar and reporter Seher Sabit were detained, and in the raid against *Demokrasi*, representative Abdullah Kaplan and reporters Turabi Şen and Nurcan Turgut were detained. The police officers also seized certain stuff and publications in the offices. Ten of the detainees were released short after, but a detention period for 10 days was given for the remaining 8 detainees, including *Demokrasi* reporters. The detainees were not allowed to meet their lawyers. Abdullah Kaplan, Turabi Şen, Nurcan Turgut, Kamber Gündüz, Emin Konar and Seher Sabit were remanded on 5 July, whereas Rabia Turgut was released.

In September, Ankara SSC Prosecutor Nuh Çetinkaya launched an investigation against members of the organization committee of the Democracy Festival, which was held in Ankara Atatürk Sports Hall on 16 June in solidarity with *Demokrasi*, on the grounds that "the Law on Meetings and Demonstrations was violated and separatist propaganda was disseminated" in the festival. It was claimed in the preliminary investigation that "illegal slogans were shouted" in the festival and players from the Can Şenliği Theater staged a play that involved "the salvation of Kurdistan." In trial that ended at Ankara SSC in November 1997, the Organization Committee members Nebahat Altıok, Özden Bayram, Şükrü Kaya, Kemal Şahiner, Beşir Demir, Servet Yazar, İHD former executive Erol Anar and theater members Müjdat Albak, Tülay Yongacı, Cüneyt Sezer, Haldun Açıksözlü and Ali Naki Gündoğdu were acquitted.

Ömer Faruk Kaynak, Urfa Representative of *Demokrasi*, was detained by the police outside the newspaper's office on 11 September. Ömer Faruk Kaynak was released thanks to the efforts by certain press organizations.

A trial was launched by İzmir SSC against Mehmet Şah Yıldız, Administrative Director of the *Yeni Politika* İzmir Office, on grounds that in an interview he directed Halime Işık, whose son was arrested from PKK case, and her daughter Fatma Işık to use such words as "Kurdistan, captive." Mehmet Şah Yıldız was acquitted on 21 November.

Derya Bektaş and Yüksel Aslan, reporters with the daily *Demokrasi*, were harassed by the police and some right-wing persons at İzmir Court House on 25 October whilst they were following the trial launched against some students who were detained after a clash that broke out between right-wing and left-wing students at the cafeteria of İzmir Dokuz Eylül University Faculty of Law. Derya Bektaş and Yüksel Aslan were later taken to Police Station in the Court House, they were searched, and released half an hour afterwards. Besides, the house of Derya Bektaş was raided by the police in the night of 22 November. Derya Bektaş, her sister Gülay Bektaş and 2,5-month nephew were released after being kept in detention for three hours.

Adil Harmancı, Van reporter with *Demokrasi*, his spouse Ayşe Harmancı, and Faruk Deniz, a reporter with the daily *Özgür Ülke*, were all detained on 20 November. They were remanded on 29 November. In İzmir, the police raided the house of *Demokrasi* reporter Derya Bektaş in the night of 22 November. Derya Bektaş, his sister Gülay Bektaş and 2,5-month old nephew were kept in detention for 3 hours.

Zülfikar Ali Aydın, a reporter with the daily *Demokrasi*, was detained at İstanbul University Faculty of Literature after an interview with the Dean on 4 December. Aydın was released by the Prosecution Office on 5 December.

Gurbetelli Ersöz, editor-in-chief of *Özgür Gündem*, and Ali Rıza Halis, administrative director of the same, were each sentenced to 3 years 9 months in prison on the accusations of "aiding the PKK." In the trial that ended at İstanbul SSC on 12 December, Gültan Kışanak, Ferda Çetin, Yurdusev Özsekmenler, Hüseyin Solgun, Müslüm Yücel, Ferhat Tuğan, Faysal Dağlı, Mahmut Doğan, Mehtap Gürbüz and Mehmet Balamir were acquitted. The trial had been launched subsequent to the raid against the headquarters and offices of *Özgür Gündem* in İstanbul on 10 December 1993, during which 107 people had been detained.

The trial launched at Diyarbakır SSC against staff members of the closed down daily *Özgür Gündem*, who were detained in the police raid against Diyarbakır office of the daily on 12 January 1994, ended on 9 April 1997. Diyarbakır representative Salih Tekin, reporter Cemal Dağ

and vendor İhsan Erdem were each sentenced to 3 years 9 months in prison, whereas reporters Botan Önen, Metin Dağ, Hasan Değer, Akif Şenyiğit and Emine İğdi and vendor Nevin Güngörmüş were acquitted.

Evrensel-Emek: The second publication that went through intense pressure and attacks was the daily *Evrensel*. The first issue of *Evrensel* was released on 7 June 1995, and 60 issues of it were confiscated throughout its publication life. A total of 78 trials were launched in connection with news stories, articles, advertisements and cartoons published in the newspaper. 18 of these trials resulted in acquittal (as of the end of 1996), and 13 in conviction.

In the trials that resulted in conviction, Ali Erol, one of the chief editors, was sentenced to 9 years in prison and fined TL 1,245,000,000, Fatma Bayar, another chief editor, was fined TL 3,525,000, its owner Vedat Korkmaz was fined TL 1,688,000,000, and columnist Haluk Gerger was sentenced to 20 months in prison. The news-paper was closed for a total of 125 days. *Evrensel* reporter Metin Göktepe was beaten to death by police officers.

Evrensel halted its publication by 31 October. Trials launched against *Evrensel*, the closure decisions ordered by the courts as well as the economical bottleneck were among the reasons which led the closure. In the last issue of *Evrensel*, the decision for closing down was announced as follows:

“After its publication activities for one and half year, *Evrensel* is putting an end to its publication activities today. In spite of the incessant confiscation attempts, and the pressures amounting to arbitrary and intentional detention and killing of our reporters and our readers supporting the distribution, *Evrensel* kept on disclosing the realities irregardless of intimidation. Seeking the realities and preparing news on the realities were principles of *Evrensel*, but the response by the dominant groups to our insistence on the realities was the intentional killing of our colleague Metin Göktepe by the police. No doubt that the pressures were not confined only to intimidation of the daily and reporters though police of courthouse. The big media also ignored the realities uncovered by *Evrensel*, thus pursued the strategy of “suffocating by silence.” While the capital press were provided with every opportunity, *Evrensel* was attempted to be prevented from accessing even the “open resources” though several methods. There were attempts at preventing the distribution of our newspaper by distribution monopolies, and through pressures by the police on vendors in the country and outskirts.”

On 9 November, a new daily, “*Emek*,” was out. Most of the staff and the columnists of *Evrensel* formed the staff of the newspaper. However, *Emek* encountered the same pressure that the newspaper *Evrensel* went through.

The dailies *Emek* and *Ülkede Gündem* were not allowed in Diyarbakır by soldiers by September 1997. The copies of these dailies were seized at Diyarbakır Airport when they were sent via plane.

The police raided the house of Ersel Dağ, Elazığ reporter with *Evrensel*, on 5 January. The police officers searched the house and threatened Ersel Dağ. Ersel Dağ stated that one of the police officer who raided his house was a defendant in Sinan Demirbaş trial (he was killed under torture on 20 July 1995), and the other police officers were those who had tortured him during his previous detentions. Dağ lodged an official complaint with Elazığ Public Prosecution Office against the police officers. Ersel Dağ, who was detained twice in one month and tortured, disclosed that he had been threatened for not accepting to become an informer for the police.

Adana Office of *Evrensel* was raided by the police on 13 January. No grounds were shown for the raid, during which documents in the office were seized. The office was also raided on 1 and 3 March. Necati Öztürk, a reporter in Adana, and İzzet Sarıkaya, the person in charge of the distribution, were detained around 22.00 on 6 May. They were released after 10 hours.

Tekin Zengi, Bilali Bakar, Selami Bakar, Murat Bakar, Barış Demirbüken, and Kemal Çiçek, who sold *Evrensel* in Bağcılar, İstanbul, were kept in detention for a while on 4 February.

23 people including *Evrensel* Domestic News Service reporter Mustafa Kara, lawyer Metin Narin and the journal *Kurtuluş* reporter Mehmet Yıldız, who had been detained in Kale, Antalya, on 8 February, were released after testifying to Kale Public Prosecutor on 9 February.

Taylan Türkmen, Adana Representative of *Evrensel*, and Kubilay Çigvidaş, a reporter from İstanbul office, were detained in Urfa, where they went for a news story. Türkmen said that although he had stated to have been a journalist, he had been kicked, slapped and beaten with truncheon, insulted, threatened to death and bore ungrounded accusations, during the 2 hours in

detention. Türkmen added that his film rolls and notes were seized prior to his release. In the statement they made, Türkmen and Çigvidaş said that they had been treated more harshly when they had shown their IDs at the Security Directorate, that they had been threatened to death, and that they had been subjected to sexual harassment via hands and truncheons. Türkmen added that the police officers had put a gun on his head and threatened him to death, saying, “Metin’s death echoed in İstanbul.” Taylan Türkmen and Kubilay Çigvidaş added that they had been released at about 22.30 on the condition that they left Urfa.

Fifteen people, including *Evrensel* reporter Latif Kaya, were detained following the demonstrations held on 23 February in protest against the recent price hikes in İstanbul Kartal Pazar Square. Latif Kaya was released in a short time, whereas the other 14 were taken to Kartal Central Police Station and interrogated there for a while.

In Fatsa, Ordu, a group of people were hindered by security officers when they wanted to pay a visit to the grave of former mayor Fikri Sönmez on the occasion of the eleventh year of his death, on 4 May. A dispute arose upon the hindrance of the group of about 80 people, and subsequently about 50 people were beaten and detained. The film rolls in the camera of *Evrensel* reporter Ali Güler were seized and the journalists in the district were taken out of Fatsa.

Evrensel reporter İrfan Kurt was detained by the police in İstanbul Alibeyköy on 22 May on his way to the press conference to be called regarding İrfan Ağdaş, who was shot to death by the police on 13 May while distributing the journal *Kurtuluş*. The police officers stopped the vehicles at the entrance of Alibeyköy, and checked the ID cards. Nine other people were detained along with İrfan Kurt. The detainees were released after about 7 hours in detention.

Özgür Durmaz, Mustafa Kızılöz and Ali Özdemir were detained in Topkapı, İstanbul on 27 May while selling *Evrensel*. The detainees were taken to Güngören Şehit Osman Kahraman Police Station. They were released, but they were detained the next day by the same police officers while selling the daily at the same place. The 3 persons lodged an official complaint with the prosecution office against the police officers.

Evrensel reporters Mete Karakul, Cengiz Şimşek and Barış Erbektaş were detained while they were covering the detention of prisoner relatives outside the DYP Headquarters on 19 June. Karakul and Bektaş were released on the spot and Erbektaş was released in the evening.

Evrensel reporters Özlem Çam and Ahmet Büyükyiğit, who went İstanbul İkitelli upon information that a demonstration was going to be held in relation to the hunger strikes in prisons, were kept in detention at İkitelli Police Station for 3 hours.

Evrensel reporter Sultan Özer was kicked by a police chief and Sevda Çetinkaya was wounded in the head while they were covering the incidents that broke out outside the EMEP Headquarters on 24 June, during which the police dispersed EMEP members who assembled for following the closure trial launched against the EMEP at the Constitutional Court.

Evrensel reporters Mustafa Kara, Zafer Kütük and Mehmet Fatih Yurt and Kara’s elder brother Zekeriya Kara and their house-mate Tolga Kahraman were detained by the police who raided their house in İstanbul Çapa in the night of 11 July.

The Headquarters of *Evrensel* in İstanbul Yenibosna was raided by the police on the grounds that a “suspicious person had entered inside.” The daily’s executives and lawyers protested the political police who came to the daily around 13.00 on 16 July and wandered inside with rifles, without a search warrant. The police said that a minute was going to be issued after the search; but they left the building without giving the minute prepared previously.

Evrensel Diyarbakır reporter Hidayet Pehlivan was detained around 13.00 on 3 October while covering the demonstration held by prisoner relatives. The police denied his detention for about 5 hours.

Atılım: Another publication that faced intense pressure was the weekly newspaper *Atılım*, the first issue of which was released on 18 October 1994. Out of the 104 issues of the newspaper, 102 (13 of which in 1994, and 50 in 1995) were confiscated by İstanbul SSC or İstanbul Penal Court of Peace No. 3 on grounds such as “disseminating separatist propaganda, inciting people against each other by making discriminations of race and class, praising illegal organizations, insulting the security forces, the army and other state organs.” *Atılım* had to cease publication 4 times when the closures ordered against it were put into implementation.

A total of 153 trials were launched at İstanbul SSC, İstanbul Heavy Penal Court No. 2, and İstanbul Penal Court of First Instance No. 2 against the executives, writers and staff of *Atılım*. Out of the chief editors who were remanded in custody in connection with the trials, İsmail Akkin was kept in prison for 5 months 15 days, Aslı Yücesan and Eylem Semint each for 2 months. Two of the trials launched at İstanbul SSC resulted in acquittal, whereas chief editor İsmail Akkin was sentenced to a total of 30 months in prison and fined TL 409,810,000 in 4 trials. The prison sentences requested in these trials reached 83 years, and the total of fines reached TL 15 billion.

The offices of the newspaper were raided 102 times, first to mention Adana office, which was raided 69 times. 198 people were detained during the raids. 22 of the detainees were remanded, some were put on trial on charges of “aiding an illegal organization” or “sheltering the members of an illegal organization.” Meanwhile, its office in Malatya was burnt down.

Hüseyin Çapartaş, Adana representative of *Atılım*, was detained 28 times between March 1995 and March 1996, i.e., an average of detention once in every 13 days. Çapartaş disclosed that he never put the office into order as it would be raided again anyhow, and that he had intimately acquainted with some of the police officers. Çapartaş said that he had worked in Antep as a journalist for 3 years (he had been detained 17 times in Antep), and settled in Adana on 15 March 1995, and added that he had been detained twice in a day occasionally, and that he had been released without being referred to the prosecution office every time he was detained.

Atılım Eskişehir reporter Ceyhun Gençsarı was detained by plainclothes police officers on 2 January. A statement made by *Atılım* read that Gençsarı had been detained under harassment, stripped naked, and threatened to death in order to force him to become an informer. Gençsarı was released the same day, and he was given a medical report by the Forensic Medicine Institute certifying his inability to work for 5 days.

Bülent Öner, Mersin representative of *Atılım*, and Fatma Harman, Hasan Abalı, Mesut Bozkurt and Ali Varol, Mersin reporters with the same, were each sentenced to 12 years in prison in the trial that ended at Konya SSC on 26 January. Bülent Öner and his friends had been detained on 15 June 1995 and then remanded.

Malatya office of *Atılım* was raided by the police on 11 February. The police broke the door as there were nobody in the office, seized many copies of dailies and journals, and destroyed some of the furniture and publications.

Atılım İskenderun Representative Bülent Mesut İnanç, its reporter Abdullah Madenci and persons named Özgür Yaşar, Bülent Bulut and Evrim Doğan were detained in the raids against their houses on 11 February. Mikail Vayıç, a reporter with the same, was detained in the raid on 15 February. Vayıç was later released. The detainees were released on 21 February. Vayıç was kept in detention for about two hour while he was distributing the newspaper on 1 March, and all of the copies of the newspaper were seized. The office of *Atılım* was raided by the police on 20 May. The copies of the newspaper were seized during the raid, and İskenderun reporter Altan Koman and Bülent İnanç were detained.

Eighteen people, including 7 staff members of *Atılım*, were detained by the police in the raids against their houses in İstanbul in the night of 15 March. The names of the detainees are: Aslıhan Yücesan (owner), İbrahim Çiçek (chief editor), Doğan Şahin (Malatya representative), Hacı Orman (reporter), Sabahat Karahan (reporter), Zeynel Yeşil, Ali Ocak, Ali Hıdır Polat, Birol Paşa, Delil İldan, Kenan Baştu, Selva Bal, Rıza Özden, Füsün Erdoğan, Ahmet Engin Karaol, Yıldırım Alanbay, Ali Armutlu and Halil Mihçi. A statement made by İstanbul Security Directorate on 26 March claimed that the detainees were the members of the “Marxist Leninist Communist Party (MLKP).” During their exposure at the Security Directorate, the staff members of *Atılım* said to the other journalists that they were actually journalists, not members of an illegal organization. Sabahat Karahan, Doğan Şahin and Zeynel Yeşil, who were released by İstanbul SSC, disclosed that they had been tortured in detention. Nine of the detainees were remanded. The trial launched against the 18 people commenced at İstanbul SSC on 8 November.

Turgay Köse, *Atılım* reporter in Fındıklı, Rize, was detained on 14 April. A statement made by *Atılım* read that many people were detained along with Köse in various districts of Rize.

The police raided the house of Sabiha Budak, a reporter with *Atılım*, in İstanbul in the night of 2 May, beat and detained Sabiha Budak, *Atılım* reporters İncigül Başel, Mehtap Kuruçay, Filiz Öztürk and Sabiha Budak’s father İbrahim Budak. İncigül Başel disclosed after being released that she had been beaten and sexually harassed during the house raid, and that she

had been blindfolded and beaten at Aksaray Political Police Center where they had been taken to. Başel added that the police officers had released her, fearing that she could die in detention.

Atılım reporter Ferhat Akçay was detained under beating while he was covering the occupation of Beyazıt Tower in İstanbul University Campus on 10 July. Akçay was first taken to Beyazıt Police Station and then to the Political Police Center, tortured for 6 hours, and taken to Eminönü Police Station. He was released on 11 May. His eardrum was blown out due to the beating, and he was given a medical report certifying his inability to work for 15 days.

Bülent Mesut İnanç, İskenderun Representative of *Atılım*, and reporter Altan Koman and Ulaşi Erdoğan were detained during the festival held by the ÖDP in İskenderun on 21 July, whereas Mustafa Bulut and Mehmet Arpacı were detained on 22 July. Koman, Bulut and Erdoğan were remanded on 31 July on charges of “being members of an illegal organization.” Eylem İrbaş (detained on 20 July), Bülent Mesut İnanç and Mehmet Arpacı were released.

Ali Haydar Gökçek, a militant of the MLKP who was wounded in a clash that broke out in Bahçelievler, İstanbul on 7 August and died in hospital, was buried on 10 August. About 200 people participated in the funeral, after which about 100 people were detained, including Lawyer Metin Narin, *Atılım* reporters İlkay Sezgin and Sevil Aras, and driver of the newspaper *Evensel*, Bektaş Delibaş. The detainees were released on 10 and 11 August.

Atılım reporter Halil İçöz was detained along with the relatives of prisoners when he went to Sağmalcılar Prison in order to pay a visit to İbrahim Çiçek and Hacı Osman, the editor-in-chief and reporter of *Atılım*, on 27 September. The detainees were released on 8 October, after being tortured during 12 days in detention. Besides, *Atılım* reporters Aysun Gündüz and Hatice Güden, and Güden’s sister Nurten Güden were detained when they went to the same prison for a visit on 6 December. Hatice and Nurten Güden were released on 12 December, whereas Aysun Gündüz was remanded. Gündüz was released on 17 December, upon an objection raised by her lawyer.

Ulaşer Tüzü, Mersin reporter with *Atılım*, was detained on 14 October while covering the demonstration staged by dock workers. Tüzü, who was beaten, subjected to psychological torture and sexual harassment and threatened to death in detention, was later released.

İskenderun office of *Özgür Atılım* was raided twice on 15 November. Antakya reporter Mikail Vayıç was kept in detention for a while. Kayseri Representative Selahattin Ünsal was detained by gendarmes on 28 November. Detention of Ünsal was denied for some while.

Kurtuluş: The journal *Kurtuluş* was another publication facing heavy pressure. Because of the closure orders, it continued publishing by adding some titles before *Kurtuluş*. All issues of the journal released in 1996 were confiscated. Its offices were raided 54 times, over 100 staff members and people who visited its offices were detained, tens of staff members were remanded. İrfan Ağdaş (17), a vendor of the journal, was killed by the police in İstanbul on 13 May.

İstanbul Governorate halted the publication of *Kurtuluş* on 11 October on the grounds that “its editor-in-chief had a criminal record as he had previously been fined TL 800,000.” In the statement made by the journal, it was noted that *Kurtuluş* came out on Saturdays, and stated that the verdict had been delivered at the end of the working hours on Friday in order to avoid any legal objection. The journal continued publishing after legal objections were made.

Malatya office of *Kurtuluş* was raided twice between 8 and 10 February, whereas the office of the journal *Tavır* was raided once. The staff members of the both journals were detained. The number of the detainees arose to 12 with subsequent raids.

Yazgülü Güder Öztürk and Hamide Öztürk, İstanbul reporters with *Kurtuluş*, were detained during police raids against their houses in the night of 29 March. Hüseyin Gündüz, chief editor of the same, was detained in the police raid against his house in the night of 30 March.

Police officers raided Sivas office of *Kurtuluş* on 7 May, and detained its reporter Hülya Dağlı, who was also kept in detention for a while in January.

Arzu Uzun, a reporter with *Kurtuluş* who followed a demonstration held in Alibeyköy for İrfan Ağdaş, and her mother İpek Uzun, who lives in Alibeyköy, were detained in the night of 11 June. Arzu Uzun and her mother were released without being referred to the prosecutor.

Adana office of *Kurtuluş* was raided by plainclothes police officers on 23 June. The police officers seized the archive of the journal, and detained a staff member, Yıldız Gemicioğlu. The office was also raided in the night of 31 December. The police officers could not open the door and get inside, but they broke the sign board of the journal.

Mahir Yeşil, a reporter with *Kurtuluş*, was detained in Yenibosna, İstanbul, where he went to follow a news story on 23 June. He was released on 25 June. Yeşil disclosed that he had been tortured and insulted at Kocasınan Police Station, where he was kept for 2 days.

Antep office of *Kurtuluş* was raided by the police on 27 June. Reporters of the journal, Mehmet Balcı and Selim Durmuş, and Hüseyin Fırat were beaten and detained for 2 hours.

Kurtuluş reporter Fikri Hıdırlar was detained in Gazi Quarter of İstanbul where he went for a news story on 14 June, and was interrogated in the forest nearby Alibeyköy Dam. Hıdırlar stated that he had been forced to get on a car by two plainclothes, and he had been taken to a woodland. He said, "Here I was continually insulted and threatened. They said 'Do you know how many people we killed here,' and fired empty pistols. They said 'We will kill you when the time arrived.' Afterwards I was taken to Küçükköy Police Station and released around 20.30."

The headquarters of *Kurtuluş* in Çağaloğlu, İstanbul, was raided by the political police on 24 July. Nineteen people were detained under beating, and the publications in the office were seized. The names of some of the detainees are: Ahmet İbili, Mahir Yeşil, Nihat Özcan, Fikri Hıdırlar, Nilüfer Güneş, Muhittin Erdoğan, Banu Güdenoğlu, Sonay Kahraman, Sakine Fidan, Özer Kocatepe, Özcan Özkurt, Alp Aslan, Halil, Emel, Özgür, Ceren and Arzu. The 19 people were released on 30 July. The staff members of *Kurtuluş* disclosed that the door of the office was broken, that the furniture was destroyed and that they had been beaten, although they were on hunger strike for 13 days. Many of the detainees suffered from injuries in the head and rib bones, and they were given medical reports certifying their inability to work between 3 and 15 days.

Ceyhun Sertel, Fatih Demir, Berke Nehir and Sultan Özdemir were detained don 23 September when they took copies of *Kurtuluş* to İzmir Buca Prison. The office of *Kurtuluş* in İzmir was raided on the same day, and Seyhan Yıldız was detained.

Eskişehir office of *Kurtuluş* was raided by a group of MHP adherents on 26 October. The assailants, who came to the office handling leaflets undersigned by the MHP, broke the window glasses of the office, and attacked the staff members.

Kurtuluş reporter Ümit Çırıklıel was detained at Ankara Court House, where he went for a news story on some students, who were detained in Ankara and referred to the Court House. Çırıklıel disclosed that he had been tortured at the Political Police Center where he had been taken to, that he had been forced to become an informer for the police, and that he had to accept to become an informer. He added that later he did not attain the appointment given by the police.

Staff members of *Kurtuluş*, Ufuk Doğbay (detained on 26 July 1995 and subsequently remanded), Bülent Bağcı (detained on 4 May) and Kamber İnan (detained along with 20 people in the raid carried out on 11 July 1995 and then remanded) were each sentenced to 12 years 6 months in prison in the trial that ended at İstanbul SSC on 17 December.

Kurtuluş reporter Murat Kuyumcu was detained in Sirkeci, İstanbul, on 21 December. Kuyumcu, who was detained after going to the post office in order to post the journal to the subscribers, was tortured during 3 days in detention, and he was released on 24 December.

Ronahi: The newspaper *Ronahi* was released after the closure of the newspapers *Azadi* and *Denge Azadi*, (*) and it went through intense pressure and was hindered. *Ronahi* was out by 21 May 1995, and released 72 issues. The publication of *Ronahi* was stopped İstanbul Penal Court of First Instance No. 2 on 10 October, during the printing of a new issue, on the grounds that "editor-in-chief Sinan Gül could not be found at the given address." The executive members of *Ronahi* criticized the decision, saying, "The ground for the decision is not convincing. Sinan Gül dwells at the given address. However, as known very well by every body who follows the implementations in Turkey, that are the real reason behind the closure is our publication policy."

Ronahi was in economical bottleneck from the very date it was out, and it was distributed via its own means, as the distribution companies sought huge amounts of money. Confiscations were ordered against 61 of the 72 issues of *Ronahi*, and trials were launched against its executive members either at İstanbul SSC or at criminal courts. Owners of *Ronahi* were convicted 3 times, and its editors 5 times. Of these persons, arrest warrants in absentia were issued against Şemsettin Çelik, Sertaç Kılıç, Sertaç Kutlay, Burhan Erdem, Remzi Güldere and Şükran Erdem. Editor-

(*) The publication of *Denge Azadi* was halted in the beginning of March 1995 with the decision taken by İstanbul Penal of Peace under additional Article 2 § 2 of the Press Law, on the grounds that it was successor of *Azadi*, which halted publishing because of the closure orders. All of the 42 issues of *Denge Azadi*, which was out by 20 May 1994, were confiscated, and many trials were launched against executive members.

in-Chief Mehmet Fehim Işık, staff members Gönül Genç, Ali Serhat Baran, Serkan Akyıldız, vendors Taylan Özgür Efe, Emriye Güner, Derviş Kısa and Zafer Teke were detained in various periods. The trials launched against Ali Serhat Baran, Serkan Akyıldız and Taylan Özgür Efe ended in their acquittal. Ahmet Bulut, Diyarbakır reporter with the newspaper, was forcibly put in a car nearby the Metropolitan Municipality Office by plainclothes police officers on 10 January. Ahmet Bulut was beaten in the car, and threatened for stooping to work for *Ronahi*.

Raid against the TGC: Police officers quelled the rally staged by prisoners' relatives in Cağaloğlu, İstanbul on 15 July, and also beat *Cumhuriyet* reporters Kaan Sağanak, Alper Turgut, Hatice Tuncer, *Milliyet* reporter Efe Erdem, *Global* reporter Yüksel Koç and German Press Agency reporter Şaban Dayanan, and broke their cameras. The journalists took shelter at the Turkish Journalists Society (TGC) near by the spot, the police officers followed them and entered the building. There, Secretary General Leyla Tavşanoğlu attempted to stop the police, but they threatened her, saying, "We get in wherever we want." They beat Yüksel Koç and daily *Siyah Beyaz* reporter Sevil Erdoğan, and detained *Evensel* reporters İrfan Kurt and Muhittin Erdoğan, and *Atılım* reporter Aysun Gündüz. Kurt and Erdoğan were subsequently released.

Then-İstanbul Governor Rıdvan Yenişen and Security Director Kemal Yazıcıoğlu visited TGC General Center on 16 July, and apologized from Nail Güreli. Yazıcıoğlu said: "We want the press to help the police not to prevent them." He also said that they would do whatever necessary. Nail Güreli asked Kemal Yazıcıoğlu "What will you do? Will you determined the people who attacked against the journalists? Will you surrender the police officers who entered the Society and will you inform us?" and added, "We determined that Deputy Security Reşat Altay ordered the police officers to seize the film rolls. The journalists were taken out of the Society under beating. We want these police officers to be determined. Up to now, there have been many attacks against our friends, Metin Göktepe was killed. These stem from negligence." Subsequently Yazıcıoğlu stated that they did not come for press meeting, and wanted to hold a private meeting with Nail Güreli. After the meeting in which press members were not allowed to enter, Güreli said: "If the actions of certain police officers who commit crimes illegally and who abuse their duties are not adopted by all security forces, such police officers should be revealed and sentenced. Otherwise, this will represent the course toward tyranny beyond the police state."

The administrative and judicial investigations launched into the incident proved out to be mere show-off, and only 3 "offenders" were revealed. The case file against 3 police officers was referred to İstanbul Provincial Administrative Board in October for a decision of prosecution, and these police officers were given disciplinary punishments. Upon the Board's consent, police officers Zeki Eşiyok, Zafer Dursun and Fırat Arıkan were put on trial in 1997 on the demand of sentences between 6 months and 3 years under Article 228 of the Turkish Penal Code.

Other attacks

A group of about 150 people went to İstanbul Court House on 5 January in order to file an official complaint in connection with the incidents in Ümraniye Special Type Prison, but they were not let inside the building. Many people were detained under beating when the group insisted on entering the building. Meanwhile, journalists on the spot were attacked by the police. Sedat Aral, the photo-reporter of *Yeni Yüzyıl* was beaten by the police and his cameras were broken. The police attempted to detain Ahmet Şık, another reporter of *Yeni Yüzyıl*. Reporters Eylem Düzyol, Oktay Özilhan, Kubilay Tüntül and Ersan Çagaatay were either harassed or insulted.

Nurcan Demirtaş, a reporter with the daily *Milliyet*, took a picture of a woman brought to Kadıköy Haydarpaşa Numune Hospital on 6 January, but she was beaten and her camera was broken by Mustafa Ulutaş, the husband of the woman. Demirtaş was kept in hospital for a while. Subsequently she lodged an official complaint with the prosecution office against police officer Mustafa Ulukan, reportedly the official driver of Kadıköy Security Director Ziya Özdemir.

On 8 January, the police attacked on the journalists during the funeral of Rıza Boybaş and Orhan Özen, who were killed in Ümraniye Prison, at Alibeyköy Cemetery. Seven journalists were beaten by the police, whereas *Evensel* reporter Metin Göktepe, was beaten to death.

The depot of Anatolian Press/Publication Company in Kayseri was burnt by unknown persons in the night of 8 January. Some books were stolen, and some stuff were destroyed, amounting to a loss of about 1 billion TL. Company's executive Özgür İnce stated that they had applied to the prosecutor since they had been threatened before, but no proceedings was started.

Retva Rönnberg, the reporter for "TV 4" broadcasting in Sweden, was kept in detention for a while in Diyarbakır on 14 January. It was reported that Retva Rönnberg was detained after meeting with the people who had been deported from Sweden to Turkey.

Aykut Tuzcu, the owner of the local newspaper *Sabah* published in Gaziantep, confronted an armed attack in the night of 19 January nearby his house at Kavaklık Quarter. Tuzcu survived the attack without any wounds. Tuzcu's car had been bombed by unknown persons on 27 February 1992; and Nurgül Balcıođlu, General Publication Director of the same, had been shot in the leg by an unknown person in her house in the night of 10 November 1993.

Kenan Erçetingöz, a magazine writer with the daily *Sabah*, and two of his friends were beaten by the bodyguards and certain other people in a night club they went on 21 January. The ankle of Erçetingöz was broken.

Mustafa Çevik, Gaziantep representative of the weekly newspaper *Roj*, was detained on 22 January and forced to leave the city. Çevik, who was released on the same day, applied to İHD Gaziantep Branch and lodged an official complaint.

İskenderun District Governor Selahattin Alanya telephoned *Demokrat*, a local newspaper in İskenderun, on 25 January, and threatened owner of the newspaper, Ersen Korkmaz, because of his articles. Selahattin Alanya, who telephoned Ersen Korkmaz in connection with his articles on the fees in schools prior to the semester holiday, said: "There were claims about your political inclination. You are writing articles so as to confirm such claims. We are trying to ensure peace in the city. You have already foisted by the school administrators, beware of your words." Ersen Korkmaz was attacked with knives by a group of MHP adherents on 6 July, and he was wounded in the hand and hip.

RP Kütahya MP Ahmet Derin, getting annoyed by the questions of a reporter in the Parliament on 29 January about the acquittal of Süleyman Mercümeđ, harassed cameraman Fatih Çotur, who was taking views at that time. Ahmet Derin said to cameraman Fatih Çotur "Give me that cassette" and twisted his hand and shouted "If you broadcast that cassette, I'll kill you."

Hüseyin Demir, Antalya reporter with *Hürriyet*, was wounded in an armed attack outside his house around 23.00 on 31 January. Hüseyin Demir was shot with 2 bullets in the left foot and 1 bullet each in the right foot and left hand. Demir stated that he might have been shot because of his articles on the demolishing of some buildings in Lara region, on a draft evader MP candidate, and on the Union of Chambers of Tradesmen and Artisans. Assailant Cemil Dođan was detained in Ankara on 2 February; and Nevzat Tulgar, Chair of Antalya Union of Chambers of Tradesmen and Artisans, and his son were detained in Antalya on charges of "encouraging the attack."

Ertan Gürçaner, a reporter with the daily *Yeni Asır*, was beaten by the police while he was watching the destruction of the shanties in Buca, İzmir, on 1 February. İzmir Deputy Security Director Oktay Uygun said that the police officers who beat Gürçaner were superintendents Fariz Kahraman and Fatih Terzi from the Anti-Riot Squad and they were suspended from duty.

Mahir İnanç, a reporter with the daily *Zaman*, was beaten by the police while he was watching a football match in Erzurum in February. The police officers also seized his eyeglasses and flash. Upon the protests by the Press Council, Erzurum Security Director Natık Canca said that they had withdrawn the police teams from the competition and the police officers who had beaten Mahir İnanç were given a disciplinary penalty of cuts of 3 monthly wages.

The work permit of American journalist Aliza Marcus, employed at İstanbul Office of Reuters, was not extended and her press card was not renewed. Aliza Marcus, who therefore had to leave Turkey, had faced protests and ungrounded accusations from certain press institutions and certain authorities in connection with the articles she wrote and the way she reported the human rights abuses in Turkey. Aliza Marcus was prosecuted at İstanbul SSC in relation to an article entitled "The Target of the Army is the Kurdish Villages" published by Reuters in 1994, under Article 312 of the Turkish Penal Code, and was acquitted on 9 November 1995.

Şaban Dayanan, the representative in Turkey for German Version Agency, was taken out the taxi car he got on by the police officers and he was threatened by them on 1 March. The journal *Tempo* photo reporter Ali Öz, who was also in the taxi, was also harassed. The plainclothes police officers attempted to detain Dayanan. Şaban Dayanan stated that his camera was dropped to the ground, and added, "When they dropped my camera, I opposed to them. All of a sudden, a lot of plainclothes police officers appeared and rushed over me, and pressed my throat, kicked my waist and harassed me. They told me no to talk too much."

Süleyman Mercümeđ, who had been convicted on charges of transferring the funds collected for aiding Bosnia to the RP, attacked a journalist who attempted to picture him while he was handing over his several immovable property in Bursa on 4 March. Mercümeđ and his relatives broke the eyeglasses and camera flash of *Bursa 2000* newspaper reporter Ali Cebe,

attempting to take pictures. In his testimony, Mercümeç said: "I noticed that a person was taking photos. I did not know whether he was a journalist or not. I wanted him to prove that he was a journalist. We did not attack him." Afterwards Süleyman Mercümeç was released.

The journal *Odak* was raided by the police on 13 March, and its editor-in-chief, Erhan Duman, Osman Tiftikçi, an education specialist with the United Transportation Union, Bülent Şenlik, a staff member of *Odak*, and 2 other persons were detained. Lawyer Saadet Yalçın disclosed on 14 March that Hamza Yalçın, a columnist with *Odak*, had also been detained. The detainees were not allowed to see their lawyers. After being released, Duman said the following on 27 March: "We were tortured for 10 days in detention. Some of the stuff were seized and the office was destroyed during the raid. Our computer was considered as an instrument of crime. We were released without being taken before the court, but we were introduced as members of an illegal organization." Duman was detained again when he went to Kumkapı Police Station on 16 April in order to get an invitation to a trial, and kept in detention for 2 days.

Mehmet Kesim, the owner of Kanal 07 TV, Radyo 07 and Gazete 07 in Antalya, was wounded in the leg in front of his house in the evening of 14 March. It was claimed that Nevzat Tulgar, the Chairperson of Antalya Union of Chambers of Tradesmen and Artisans, had organized the attack. Articles entitled "Tulgar denies," "Squad of deniers," and "Tulgar recounts" had appeared in *Gazete 07* about Tulgar, against whom a trial was launched on charges of "inciting the armed attack" against *Hürriyet* reporter Hüseyin Demir.

Özgür Saltık, a reporter with the journal *Partizan Sesi*, was detained when he went to Gazi Quarter of İstanbul in order to follow the demonstrations held on 12 March on the anniversary of the incidents of 1995, during which many people were killed. Saltık was remanded on 16 March.

A group of about 100 students built a bonfire at Diyarbakır Dicle University Education Faculty at noon on 19 March for celebrating the Newroz, were dispersed under beating by the police. The films belonging to the cameramen Hakim Çetiner (Can TV) and Salih Dündar (Metro TV), who were covering the incidents, were forcibly seized. Metro TV reporter Mahmut Oral and cameraman İbrahim Halit Yakut were detained on the same day.

Many journalists were beaten, harassed and insulted by the police while following the demonstration held by students in Ankara on 23 March. Besides, film rolls of some journalists and their notes were seized. Cemal Gökcanlı (Kanal 6), Serkan Çinier (Star), Gökhan Eren (Star), Kemal Ertaş (*Partizan Sesi*) and Burhanettin Bilici (Associated Press) were injured. Besides, 6 journalists were kept in detention for a while. Prime Minister Mesut Yılmaz made a statement about the incident: "Such undesirable consequences may arise while the security officers are performing their duty. I reiterate that I am regretful for it." However, then-Minister of Interior Ülkü Güney asserted that "the police did not act deliberately." Güney stated that the cassettes and cameras of the journalists, which were lost, were found and returned back to them.

Serhan Altıparmak, the editor-in-chief of the local newspaper *Memleketim* published in Alanya, Antalya, was detained by the police in the night of 29 March. Altıparmak, who was detained on the grounds that he was a draft evader, was released after 7 hours when it was understood that the claim was unfounded. Upon the detention of Altıparmak, the first page of *Memleketim* was published blank. Protesting the incident, the newspaper authorities said, "We had publicized from the first page the torture inflicted on a person named Recep Canpolat by a superintendent named Hakan Erol working at Alanya Security Directorate. Serhan Altıparmak was being disturbed by the policemen who were annoyed at this incident."

Forty-six of the people were detained after participating in the commemoration that was held at the grave of Mehmet Latifeci, the HADEP Samandağ District Chairperson who was killed in Sutaşı Village of Samandağ, Hatay, on 30 March 1995. The aforesaid people were detained while turning back to Antakya, and they were taken to Karaçay Gendarmerie Station. The detainees, including Talat Oruç, Antakya Representative of the newspaper *Güney Uyanış*, and Şahiye Say, Antakya reporter with *Cumhuriyet*, were released in the morning of 31 March.

About 20 adherents of the MHP attacked against the book stalls on Oğunlar Street in Ankara around 21.00 on 31 March. University student Ercan Yenigül in charge at the book stalls and people namely İshak Aslantaş, Aytekin Kayaoğlu, Gökhan Çelik and Murat Aytekin, were injured in the attack.

Abdülhamid Çelik, the person responsible for the distribution of the daily *Selam*, was detained in the night of 2 April. On 4 April, the owner of *Selam*, Hasan Kılıç, said that Çelik had been detained without any grounds in a period when disappearances were frightening.

Suna Tan, the former owner of the journal *Sosyalist Alternatif*, was detained on 11 April when she left her house in order to go to the Court House because of a trial launched against her. Besides, 4 staff members of the journal were detained during the police raid on 12 April.

The police raided the Güneş Ülkesi Publishing House in İstanbul on 16 April, and detained employees Nazif Çetinkaya and Nihal Çıplak and Şükrü Piliç, a guest there. In the statement by the publishing house, it was stated that Piliç was later released, that Nazif Çetinkaya was remanded in connection with a former sentence, and Nihal Çıplak was kept in detention.

Bekir Bayram, Giresun reporter with the daily *Türkiye*, was beaten at Giresun Çarşı Police Station on 22 April. A medical report certifying his inability to work for 2 days was issued for Bekir Bayram, whose feet suffered from rifle butt strokes and whose spectacles were broken down. Bayram disclosed that a police officer named Ahmet had beaten him, and he lodged an official complaint with the prosecution office.

Arena program reporter Tayfun Güzelmeriç was beaten and threatened by Cemal Demirağ and his two friends (names unrevealed) while he was conducting news activities in Bodrum on 24 April.

Hürriyet reporter Nurettin Kurt was beaten by some 30 people in Ankara Courthouse where he went to follow the trial against two persons “captured with unlicensed gun.”

Yüksel Evsen, a reporter with the daily *Zaman*, who watched the “Pan-Turkism Festival and Hidrellez Celebrations” held in Emirli village of Pendik, İstanbul, on 4 May, was attacked by the group taking part in the celebrations. During the celebrations, a group of people opened fire into the air with pistols and rifles. At that moment, Yüksel Evsen and other journalists attempted to take view of the shooters. Then certain people beat Yüksel Evsen and broke his lens.

The police quelled the demonstration held by students in protest of the National Education Council in Ankara on 17 May. The journalists following the incidents were also beaten by the police. The video cassette of Azmi Turan, a cameraman with the Flash TV, was seized, and his camera was destroyed.

Veysel Erol, an employee with the journal *Özgür Halk* who was detained in Adana on 17 May and released the next day, disclosed that he had been beaten at Adana Security Directorate, threatened and forced to become an informer for the police.

On 17 May, the police officers prevented the candle lighting demonstration held in Kadıköy, İstanbul, and manhandled *Günaydın* newspaper reporter Dursune Halat and Kanal D cameraman Ali Ekber.

Office of *Karadeniz Güneşi*, a local newspaper in Trabzon, was raided by the police on 29 May. The Police officers threatened Erdal Yanbuloğlu, who worked for the newspaper, confiscated about 1000 copies of the newspaper and damaged the stuff in the office. The newspaper was also raided on 25 July and Editor-in-Chief Cennet Saitoğulları was detained.

Radyo Aktif, a local radio station in Mersin, was set on fire by unknown assailants in the evening on 29 May. Due to the fire, the broadcasting of the radio stopped. Editor-in-Chief of Radyo Aktif Nihat Yıldız claimed that the assailants were those who envied democracy.

Emin Yılmaz, the judge of Ankara Court of First Instance No. 10, insulted the journalists taking photographs in the hearing held on 30 May. When *Sabah* reporter Cemal Doğan took photographs, Emin Yılmaz got annoyed; and when he was told the hearing was over, he said, “Is it me or you who put an end to the hearing?” and he marched towards the journalists. While *Hürriyet* reporter Nurettin Kurt was stuck in the court hall, the cameramen were not allowed to take shots. When Emin Yılmaz attempted to issue arrest warrants about some journalists, he was prevented by lawyers.

The police attacked on the journalists who wanted to follow the sit-in act staged by the relatives of the disappeared persons in front of Galatasaray High School on 8 June. *Milliyet* reporter Musa Ağacık and ATV reporter Mete Çubukçu were beaten, and many journalists were detained by the police. The names of the detainees are as follows: IPS reporter and Reporter Sans Frontier Representative Nadire Mater, ATV reporter Mehmet Güç, *Siyah Beyaz* reporter Sevil Erol, *Evensel* reporters Necdet Akdemir and Öncü Aslan, *Cumhuriyet* reporter Devrim Sevimay, *Demokrasi* reporters Şükran Can and Kadir Biricik, Nuri Telek, Bülent Sarı and Ayten Öztürk. Except Nadire Mater and Şükran Can, the journalist were released short after.

The police quelled a demonstration held in Okmeydanı, İstanbul, on 9 June. The police also interfered with the journalists following the incidents and seized the cameras of *Sabah*

reporters Hayati Kılıç and Gökhan Karakaş. Cameras were lost, and the journalists lodged an official complaint with Beyoğlu Prosecution Office.

Newspaper *Özgür Gelecek* reporter Zeynel Salt was abducted by 4 armed persons around 08.00 on 11 June in the vicinity of İstanbul Bayrampaşa Prison. Zeynel Salt, taken out of the city, beaten for 3 hours and threatened to death, was released after his reporter ID card and news documents were seized.

During the leaders summit held in İstanbul on 13 June within the framework of HABITAT-II, the journalists who were watching a delegate who got worse due to heat as he was taken out of the hall were prevented forcibly by the officials of the United Nations. The UN officials punched *Hürriyet* reporters Hayrettin Karakete and Engin Giray and seized their entrance cards.

On 16 June, about 40 members of the “Platform of Artist Solidarity” were detained when they attempted to held a demonstration in Ortaköy, İstanbul, in solidarity with the hunger strikes in prisons. A reporter and a cameraman of private TV channel Kanal D were among the detainees. The journalists were released shortly afterwards, and the 43 people on 17 June.

Abdi Satiroğlu, Mersin Representative of the local newspaper *Bölge* published in Adana, was stabbed by an unknown person on the way to his house in Güvenevler in the night of 19 June. The assailant managed to escape.

Newspaper *Akşam* reporter Fehmi Çalmuk, private TV station InterStar reporter Ahmet Takan and cameraman Noyan İnal, who covered a secret meeting held among the RP and DYP to set up a government, were detained in the night of 19 June. The journalists were released 4 hours later. The journalists, who were detained upon the orders by Ankara Public Order Director Ali Gür, were not allowed to call their lawyers and make telephone calls.

Özkan Gülşan, who was detained on 25 June while he was affixing the advertisement posters for the conference by the journalist Mustafa Ekmekçi in Serinyol Festival held in Antakya, was arrested on grounds that “he disturbed the security.” The medical report issued to Özkan Gülşan by Antakya Clinic No. 3 on 28 June was torn down by the police officers. Özkan Gülşan was released by Malatya SSC on 8 August.

During the sit-in held of the relatives of the disappeared in front of Hasan Tahsin Monument in İzmir Konak Square on 29 June, Security Branch Director Mustafa Serbest checked the identity cards of the journalists and ordered *Demokrasi*, *Evensel*, *Demokrat Söylem*, *Kurtuluş* and *Ronahi* to leave the spot. These journalists were also threatened by a group of police officers saying “Our chiefs do not want to see you here. Go away at once. Otherwise we will have to resort to force.” When the reporters objected by saying “You are preventing us from performing our duties. Why do you not check the ID cards of other press members?” Mustafa Serbest called the police officers and forcibly removed them from the scene.

Dilber Aydemir, Adana Representative of the journal *Özgür Halk* who was detained by the police when she was leaving the office in Reşatbey Quarter on 29 June, disclosed after having been released that she had been tortured in detention. She was given a medical report certifying her inability to work for 5 days, and she lodged an official complaint against the police officers.

Unknown persons raided the house of Esat Korkmaz, the editor-in-chief of the journal *Nefes*, in Bostancı, İstanbul, on 28 and 29 June. A statement made by *Nefes* read that the first attack took place when Esat Korkmaz went to Australia on 27 June, and Korkmaz’s wife Kekik Korkmaz and their daughter Vişne Korkmaz were threatened. The second attack occurred around 23.35 on 29 June while Korkmaz was talking with his wife Kekik Korkmaz on the phone, and the window panes were broken and the doors were kicked and attempted to be broken.

The police quelled the demonstration held in İzmir on the anniversary of Sivas incidents (2 July 1993). Journalists were also beaten during the incident. About 50 police officers reportedly attacked on the journalists when some police officers shouted, “Leave the people, attack on the journalists.” Arif Çayan’s (cameraman for private TV station Ege TV) left arm and foot were broken, and newspaper *Ege* reporter Dilek Eski and *Cumhuriyet* reporter Necati Aygün ended up with injuries on various parts of their bodies. İzmir Security Director disclosed that he would launch an investigation against the police officers who involved in the incident.

Mahir Yılmaz Sarı (28), Adana Representative of the journal *Odak* who was detained in Adana on 3 July, disclosed that he had been tortured in detention at the Political Police Center, and that his TL 19,5 million and press ID card had been seized. He also stated that no record was kept in his name, that he had been released in the same night around 02.00. with only his regular ID card and 4-5 police officers had thrown him outside when he asked for his press card.

Three persons opened fire on Hürriyet News Agency reporter Gazi Molla at about 23.00 on 5 July in Emirdağ, Afyon. The fire was opened on Gazi Molla from a minibus (license number unknown) on Bolvadin Bridge. Gazi Molla survived the attack without any wounds.

The police intervened in the sit-in act staged on Yüksel Street in Ankara on 5 July, and harassed many people, including Başıyürek Altun, an executive member of the Eğitim Sen trade union, and Tursen Çankaya, a reporter with the Star TV.

The police intervened in the sit-in act by relatives of the prisoners and the disappeared persons on 13 July at İzmir Konak Square, and detained 13 people. Police officers used trained dogs during the incident, and beat Kerem Oğuz from *Demokrasi*, İrfan Sayguner from *Kızılbaşrak* and Yusuf Işık from *Kurtuluş* and seized the film rolls inside their cameras.

The relatives of the arrested prisoners, who staged a demonstration in Ankara Yüksel Street on 20 July in order to support the hunger strikes in the prisoners, were beaten and dispersed. In the incident, in the addition to the relatives of the prisoners, the National Press Agency photo reporters Gökhan Gerçek were also beaten by the police. The police officers prevented some journalists from taking pictures.

Soldiers intervened in the symbolic funeral held for Aygün Uğur, who died in death fast in the prisons, in Sarıgazi Quarter of İstanbul, and detained about 60 people under beating. During the incidents, *Alınteri* reporter Mehtap Kuruçay, *Odak* reporters Hasan Ali Sönmez and Fadime Tepe, *Partizan Sesi* reporter Yılmaz Cesur and *Devrimci Çözüm* reporter Mahsuni Korkmaz were detained under beating. Kuruçay later disclosed that she had been tortured at the military vehicle and at the station where she was taken, and that she had been sexually harassed.

Hürriyet newspaper Ereğli (Zonguldak) reporter and local *Önder* newspaper writer Eyüp Bektaş was wounded in an attack by 2 unknown assailants on 23 July. Eyüp Bektaş said the following: “As I was writing down an article in my office, 2 people came and sought for Eyüp Bektaş. I said ‘It is me,’ and they attacked on me saying, ‘Why are you behaving this way?’”

Cumhuriyet newspaper and local *Bursa Olay* newspaper Gemlik reporter Cemal Kırgız was wounded in the leg in an armed attack on 25 July. As Cemal Kırgız left his house at Şerifiye street, Keyhan quarter at 09.15 together with his wife Necmiye Kırgız, a person opened fire on him, and escaped. Cemal Kırgız maintained that the attack was organized by the mafia, and stated that on 3 July he wrote a news in *Olay* newspaper about Muhammet Mehmet Bayramoğlu, who had been caught in Gemlik, and he received threat phones following this news.

ANKA News Agency reporter Ebru Dönmezoğlu was beaten down by the police while she was covering the demonstration staged by relatives of the prisoners in Ankara on 26 July. Dönmezoğlu stated that she had sat at the garden of Mülkiyeliler Birliği (a university alumni society center), police officers in pursuit of someone who had got off, had entered the garden and harassed the managers who attempted to prevent them. Dönmezoğlu reported that right then, when the police officers had seen that she had been taking notes, they had kicked and punched her. Dönmezoğlu lodged an official complaint.

Dikili Postası and *Dikili'nin Sesi* newspapers published biweekly in Dikili, İzmir, were closed down for a period of 15 days by the municipality at the end of July on grounds that “they did not have work permits.” The owner and editor-in-chief of *Dikili Postası*, Nuri Gündüz stated that this was because they published essays criticizing the mayor and district governor. Nuri Gündüz applied to the court, which annulled the decision.

Militants of the radical Islamic İBDA-C organization, defending that “the religion was insulted” in the book “Şeriatın Kıssalar” (Tales of Sharia) by İlhan Arsel, raided and burnt down the office of the Kaynak Journal of Electric, which is a professional journal, instead of the Kaynak Publishing House (publisher of the aforesaid book). Five people, including a masked one, came to the journal’s office in the Şişhane District of İstanbul in the morning of 5 August, beat Salim Uzun and Behman Sadık Birgül inside, and wrote on the walls, “The vile ones that attack the Islam and the holy assets of Moslems with open hostility are always punished.”

Reporter Hakan Adabaş and cameraman Sudi Say, who worked in Can TV, a local TV station in Erzincan, were attacked by the security officer of Ziraat Bank Branch, where they went for a news story on 5 August. Hakan Adabaş and Sudi Say were slightly wounded in the incident, and they said that the security officer attempted to seize the bands, cables and microphones.

İstanbul office of the journal *Öncü Yurtsever Gençlik* was raided and searched by the police at about 21.00 on 14 August. Owner of the journal, Hülya Özveren, and staff members

Tekin Bozkurt, Demet Uzun and Pınar Günyez were detained and taken to the Political Police Center. Released on 27 August, the detainees disclosed that they had been tortured in detention.

Local TV station Can TV broadcasting in Diyarbakır was raided in the night of 24 August, during a panel on “the Kurdish Problem and Peace.” Police officers who went to Can TV around 22.30 on the eighth floor of a building on İstiklal Street, cut through the broadcast and entered the studio. Cüneyt Alphan (session instructor), speakers HADEP Diyarbakır Provincial Chairperson Abdullah Akın, Democratic Peace Party (DBP) Provincial Chairperson Semir Güzel, Diyarbakır Bar Secretary Lawyer Sabahattin Çetin and İHD Executive Board member Vedat Çetin, were all detained. Acar and Çetin were released in the evening. State of Emergency Regional Governor Necati Bilican claimed that the police had gone to the building as the speakers were in fact wanted people. The detainees were released by the SSC Prosecution Office in the evening of 26 August. Cüneyt Alphan disclosed that he had been tortured in detention.

Ali Öksüz, a cameraman with the Star TV was beaten by special team members during President Süleyman Demirel’s visit in İstanbul in August.

In İstanbul, the police intervened in the press statement held at the Hotel Hyatt Regency by the workers who had been fired from their job at the Hotel for they wanted to be members of a trade union. Ten people were detained, including Gönül Saygıner, a reporter with the journal *Kızılbayrak*. The police also hindered the journalists at the spot, and seized the IDs of Anatolian Agency, *Cumhuriyet*, *Demokrasi*, *Kızılbayrak* and İhlas News Agency reporters for a while.

Unknown persons carried out an armed attack against Sadi Bilten, the owner of the local newspaper *Banses* published in Bandırma, Balıkesir, on his way to home on 2 September. Bilten was wounded in the lower belly.

İzmir office of the newspaper *Alınteri* was raided by the police on 8 September. Ali Ekşi, İzmir representative of *Alınteri*, and Ayça Taşkaya were detained, whereas reporters for *Özgür Gelecek*, *Odak*, *Partizan Sesi* and *Atılım* were kept waiting at the office throughout the raid.

On 6 October, the police raided the offices of journals *Partizan Sesi*, *Kervan* and *Kurtuluş* in Gazi Quarter of İstanbul. The police officers broke down the door of the office of *Kurtuluş* as there were nobody inside. 20 people were detained during the raids, including Cemal Küçükşahin, the editor-in-chief of *Kervan*, and Haydar Sürgeç, a staff member of *Partizan Sesi*.

The police intervened in the demonstration staged at Ankara Cumhuriyet High School on 10 October in protest of the charged education and payment of salaries of private security officers of the school with the money paid by students. *Evrinsel* reporter Barış Erbektaş and *Demokrasi* reporter Hasan Ogün Özdemir, who had gone to the school to cover the incident, were detained on the grounds that “they did not have the yellow press card, and that they had entered the school without permission.” The journalists were released later.

The police raided the office of the newspaper *Partizan Sesi* in Bursa on 10 October, threatened the people in the office and seized the archive and 46th issue of the journal. The office of the newspaper in Gazi Quarter in İstanbul was raided on 26 October, and reporter Ali Ekber Akbulut and Coşkun Gencer and Cem Tecer were detained.

Journalists were attacked in the meeting held by RP İstanbul Provincial Organization on 20 October in Abdi İpekçi Sports Hall. A dispute arose between party members and the journalists while then-Prime Minister Necmettin Erbakan was speaking. *Radikal* reporter Gülümser İşçelebi fell down and her camera was damaged. Afterwards the journalists left the hall altogether and waited outside the hall. Here was another dispute between the journalists and the party members. *Yeni Yüzyıl* reporters Mustafa Okutan and Emine Kurtan, *Hürriyet* reporter Tamer Yüksel and *Radikal* reporter Gülümser İşçelebi were harassed.

Out of the journalists who went to the building of Adana Anti-Riot Forces Directorate after to the suicide attack on 25 October, *Milliyet* reporter Murad Doğukanlı was beaten by the police. Doğukanlı, who was severely beaten by the police officers, was hospitalized. Doğukanlı was injured on various parts of his body, and suffered from internal bleeding and memory loss.

Zeki Sancak, a reporter with the local newspaper *Karadeniz* published in Trabzon, was beaten by municipality officer Erol Terzi on 29 October while taking pictures of municipality officer Hasan Günaydın, who had been wounded in an incident in Farabi Hospital. Sancak was hospitalized, and his head had to be stitched and he was given a medical report certifying his inability to work for 10 days. Erol Terzi, who escaped after the incident, was later detained.

The police raided the office of the pro-Islamic journal *Siyah Bayrak* in İstanbul on 30 October, and seized the archive of the journal. Besides, Abdullah Uzunoğlu, the editor-in-chief of the journal, was detained in the raid against his house in Pendik.

Merdan Özçelik, the owner and editor-in-chief of the newspaper *Alinteri*, and reporter Salim Gümüş were detained at İstanbul Esenler Bus Terminal where they went on 3 November in order to send the newspapers with cargo. Özçelik and Gümüş disclosed after having been released on 6 November that they had been tortured in detention and given medical reports by the Forensic Medicine Institute, certifying their inability to work one week, each.

Upon a news story published in *Hürriyet* on 8 November after Susurluk accident, the compound of *Hürriyet* on Adana Ceyhan Road were raided by MHP adherents. The group dispersed uneventfully. In addition, unknown persons opened fire at *Hürriyet* building in İkitelli, İstanbul, in the night of 10 November. The building was damaged. Fire was opened at the printing house of *Hürriyet* and *Milliyet* in Ankara on 30 November. Around 01.00 the assailants came to the compound by car, and fired 9 times at the entrance. Nobody was killed or injured.

Murat Şimşek, the cameraman for Dost TV, a local TV station in Erzincan, who took pictures of burning down of Kilise hamlet of Yaylım village of Tezcan, Erzincan and of Polikan hamlet of Bardakçı village of Çat on 9 October, and his family were subjected to pressures. Şimşek stated that he had been threatened and unknown persons attempted to kidnap his wife.

Incidents broke out beneath Sıhhiye Bridge in Ankara, during the rally held by the KESK on 14 December, and photo-journalist Salih Gerçek was wounded in the head with a stone. The police officers seized film rolls of the journalists, harassed newspaper *Demokrasi* reporter Handan Coşkun, and detained 33 people, including a reporter for the journal *Kurtuluş* and reporters for the “İmaj Radyo.” The police officers attempted to detain Fevzi Argun, Ankara Representative of *Emek*, and Barış Erbektaş, a reporter with the same, using force. This attempt to detain the two journalists failed when other journalists on the spot intervened in.

The newspaper *Olay*, published locally in Ordu, was raided by Chairman of Ordu Branch of Ülkü Ocakları Recep Aydın, and an unknown assailant on 19 December. The assailants beat News Editor Metin Akyürek. The reason of the attack was a news story published in *Olay* on 18 December, claiming that certain people who threatened high school students and who seized money were “ülküçü” (ultra-nationalists) and that they were protected by the police.

Yeter Özcan, the owner of the newspaper *Özgür Çukurova*, published in Osmaniye, and Bayram Dana, a reporter with the same, were detained around 20.30 on 31 December. Özcan and Dana, who were released on 1 January, stated that they had been tortured in detention. The police officers raided the office again on 1 January, and stayed there for 3,5 hours, and seized stuff and archive of the newspaper. Moreover, a person who came to the officer was also detained. The police officers who raided the office again on 2 January re-detained Yeter Özcan.

d)- Prisoners of Thought

Throughout 1996, the number of people who were in the prisons because of the books or articles they had written, the speeches they had made or because of their political activities arose to **178**, according to the determinations by the HRFT. The prisoners of thought occasionally faced pressure and attacks and they were threatened, which added to the problems they suffer because of conviction. Following is the list about the people imprisoned for their thoughts:

Those imprisoned after their sentences were upheld	31
Arrested journalists, writers or publishers	91
Arrested parliamentarians (former)	5 (*)
Arrested political party executives	51 (**)

(*) The DEP MPs Leyla Zana, Hatip Dicle, Orhan Doğan, Selim Sadak; independent MP Abdülmelik Fırat.

(**) HADEP executives remanded in connection with the HADEP Congress: Chairman Murat Bozlaş, Deputy Chairmen Osman Özçelik and İsmail Arslan, Secretary General Bahattin Günel, Deputy Secretary Generals Zeynettin Unay, Seracettin Kırıcı, Cihan Sincar, Accountant Mehmet Nuri Güneş. Party Assembly members: İsmail Karakurt, Abdullah Akın, Ahmet Cihan, Ali Rıza Yurtsever, Aynur Gürbüz, Serap Mutlu, Veli Aydoğan, Ziya Arıkan, Melik Aygül, Musa Kulu, Hikmet Fidan (İstanbul Provincial Chairman), Hasan Celalettin Ezman, Lawyer Hamit Geylani, Cabbar Leygara, Edip Yıldız. Ankara Provincial Organization executive members: Kemal Okutan, Yaşar Küpeli, Nebahat Altok, Ferhan Türk, Meliha Özcan, Babür Pınar, Tefvik Kaya, Bayram Önal, Ethem Bingöl, Dursun Turan, Mamak District Chairman İbrahim Elveren, Fırat Anlı, Urfa Chairman Celalettin Erkmek. **Other arrests:** HADEP Çatak District Chairman

Convicted people

The number of prisoners of thought, who were imprisoned in 1996 when prison sentences or fines passed on them in connection with their articles or speeches were upheld, was **19**. When we add this number to the **12** convicted people who were imprisoned in 1993, 1994 or 1995 and who served for in prison for sometime in or throughout 1996, the number of the prisoners of thought reached **31**, (This figure was 3 in 1992, 18 in 1993, 45 in 1994, and 46 in 1995.) most of whom are journalists and writers.

The information about the people convicted because of their thoughts and imprisoned since the sentences passed on them were upheld is as follows:

01)- Naile Tuncer (1993)

A total of 11 months' imprisonment term and fine of TL 92,000,000 given to Naile Tuncer, the editor-in-chief of the journal *Devrimci Proleterya*, in trials launched in connection with certain articles in the 1st and 2nd issues of the journal released in 1991, were upheld in 1993. Tuncer, who was convicted by İstanbul SSC under the Anti-Terror Law, was remanded in 1993 when the sentences were upheld, and sent to Çanakkale E Type Prison. The total ratified sentences given to Tuncer exceeded 8 years in prison after this period. Thus, Tuncer was not released despite the amendments to Article 8 of the Anti-Terror Law, until 18 August 1997. (*)

02)- İsmail Beşikçi (1993)

Writer İsmail Beşikçi was imprisoned on 13 November 1993, when the one-year prison sentence given to him on 23 December 1991 because of his article published in the 1st issue of the newspaper *Yeni Ülke*, was upheld by the Supreme Court. Sentences given to him later increased extensively. As of 1997, the total of sentences passed on him exceeded 40 years, he was fined over TL 10 billion. He disclosed that he was unable to pay the fines, thus he would face an additional imprisonment after serving for sentences passed on him. Some of the trials in which İsmail Beşikçi was convicted were re-held upon the amendments to Article 8 of the Anti-Terror Law. However, this situation was not in favor of İsmail Beşikçi, except for a reduction in the sentences and fines given to him. He continued to be kept in prison (currently in Bursa E Type Prison) as he was convicted again under Article 8 of the Anti-Terror Law or in connection with other sentences passed on him under other laws. (**) Meanwhile, Ankara Yeni Tax Office launched a legal action for the collection of the court expenses of 92 thousand TL about İsmail Beşikçi, who had been sentenced to imprisonment for 2 years and a fine of 250 million TL in July in connection with his book titled "Cumhuriyet Halk Fırkasının Programı (1931) ve Kürt Sorunu (The Program of Republican People's Party (1931) and the Kurdish Problem." When İsmail Beşikçi declared via his publisher Ünsal Öztürk that he would not pay the money, the possibility for sequestration arose. The situation of İsmail Beşikçi, who had been sentenced to imprisonment for 40 years in total in connection with his books and writings, never entered into the agenda of the public opinion and the press. Certain press and publication organizations which launched campaigns on certain occasions and which frequently pronounced the concepts "democracy and human rights," preferred to ignore İsmail Beşikçi.

03)- Recep Maraşlı (1994)

The sentence of 2 years in prison passed by İstanbul SSC on publisher-writer Recep Maraşlı for his book "Diyarbakır Rızgari Davasında Savunma" (Defense in the Diyarbakır Rızgari Trial), was upheld in early 1994. Maraşlı, wanted by police in connection with this sentence, was detained after a police raid on his house in Şirinevler, İstanbul in the night of 9 July 1994, and arrested on 21 July 1994. In addition, the sentence of 2 years in prison passed on him

Nezir Öcek, HADEP Siirt Organization executive members Samet Çalapkulu, Ahmet Nas and Mehmet Akyürek, HADEP Hasankef District Chairman Hayrettin Topkan, HADEP Bingöl Chairman Niyazi Azak, HADEP Antalya Secretary Abdulrahim Ağra, HADEP Deputy Chairman Abdullah Kaya, HADEP Gaziantep Chairman Niyazi Bulgan, EP Central Executive Board members Şemsettin Küçük, Hüseyin Elitaş and Ayla Eyüpoğlu, ÖDP Mersin Provincial Organization executive members Abdurrahman Yıldız and Hüseyin Gür, Kılavuz (Mardin) Mayor Abdurrahman Bozkurt.

(*) The bill which was adopted by the Parliament on 13 August 1997 prescribed 3-year suspension of sentences passed on journalists in their capacity as "editor-in-chiefs," and continuing trials and investigations were dropped.

(**) Most of the trials against İsmail Beşikçi have been launched under Article 8 of the Anti-Terror Law, but he has also been put on trial or convicted under Article 7 of the same law, under Articles 159, 264, 311 and 312 of the Turkish Penal Code, and under Article 6 of the Law to Protect Atatürk.

because of his speech during a meeting organized by the İHD İstanbul Branch in December 1992, was upheld. The sentence given to him in connection with the aforementioned book was commuted into 1 year's imprisonment after the amendments to Article 8 of the Anti-Terror Law. In the ruling of İstanbul SSC on 2 February, the fine given to him was also commuted into TL 100 million. On 28 November 1995, he was sentenced to 1 year 4 months in prison and fined TL 133 million in the trial that was launched at İstanbul SSC under Article 8 of the Anti-Terror Law because of his article published in the newspaper *Jiyana Nü*. The Court Board decided to release Maraşlı, but he served for a long period in the prison due to the other arrest warrants issued against him. He was remanded once again on 13 March 1997. The trial launched against him on the accusations of "membership to PRK-Rızgari organization," ended in acquittal in December 1997. Recep Maraşlı, who was convicted in another trial, was released in March 1998.

04)- İmam Canpolat (1994)

İmam Canpolat, the HADEP Ankara Provincial Organization Chairman, was convicted to 4 years' imprisonment and fined TL 500 million under Article 8 of the Anti-Terror Law in connection with his speech in a meeting in Ankara on 21 March 1993. In the trial that ended at Ankara SSC on 3 November 1994, the court board arrested and sent him to prison, without waiting for the ruling of the Supreme Court. Meanwhile, Canpolat was acquitted by Ankara SSC on 14 June in another trial that was launched under Article 8 of the Anti-Terror Law and continued while he was in prison. He spent 1995 and 1996 in prison, and he was sentenced to 1 year in prison and fined TL 100 million in another trial that ended at Ankara SSC in December.

05)- Mahmut Kaçar (1994)

The imprisonment sentence given to Mahmut Kaçar for demonstrating during the official ceremony held in the "Anıt Kabir" (Mausoleum) on 10 November 1994, on the occasion of the 56th year of the death of Mustafa Kemal Atatürk, the founder of the Turkish Republic, was upheld in 1995. Waving the Koran, Kaçar had approached President Süleyman Demirel during the moment of silence at about 09.05, the time when Atatürk died, and had shouted: "What you are doing is worshipping idols. Do not prostrate yourself to stones and bones. The stones do not save you. I invite you to the Koran." He had been arrested on 22 November 1994. Mahmut Kaçar, in the trial that ended at Ankara Penal Court of First Instance No. 19 on 15 February 1995, was convicted to 4 years 6 months in prison, the heaviest sentence that can be given under the "Law to Protect Atatürk No. 5186." The verdict against Kaçar was upheld rapidly, and after serving for in the prison in Gevaş, Van, he was released on 29 August.

06)- Ünsal Öztürk

The sentence of 2 years in prison and fine of TL 100,000,000 given to Ünsal Öztürk, the responsible person for the Yurt Publishing House, in connection with the book "12 Eylül Faşizmi ve PKK Direnişi" (12 September Fascism and the PKK Resistance) written by Abdullah Öcalan, were upheld by the Supreme Court in November 1994. The decision was immediately put into practice and he was detained in the evening of 22 November 1994. He was arrested in the morning of 23 November 1994 and sent to Ankara Central Closed Prison. While he was serving for in prison, the sentences given to him in connection with the books (all by İsmail Beşikçi) he had published started to be upheld. The total ratified prison sentences and fines of Ünsal Öztürk as of September 1995 reached 7 years 6 months and TL 559,000,000. Out of these ratified sentences, the sentence of 5 years 6 months in prison given under Article 8 of the Anti-Terror Law were commuted into 4 years after the amendment to this article. With the verdict issued by Ankara SSC on 24 November 1995, 3 years of the sentences passed on him was commuted into a fine of TL 5,400,000, and all of the arrest warrants issued against him were lifted. Upon this, he was released on 25 November 1995. However, this was a temporary situation for him. In a trial that ended at Ankara SSC on 27 December 1995, he was sentenced to 2 years 2 months in prison and fined TL 253,000,000 in connection with 15 books written by İsmail Beşikçi. Ünsal Öztürk had been sentenced to 2 years 7 months in prison and fined TL 516,000,000 under the former Article 8 in connection with the aforesaid books. He was imprisoned again on 27 September 1996. The period he had to serve in prison ended on 19 December 1996, but he served for an additional period when he rejected to pay the fine of TL 110,000,000. Later he paid some amount of this fine, and released on 12 March 1997. A total of 62 trials were launched against him, and he was sentenced to 56 months' imprisonment and given a fine of TL 1,110,000,000 in 32 of these trials.

07)- Işık Yurtçu (1994)

Işık Yurtçu, the first editor-in-chief of the newspaper *Özgür Gündem*, was detained by police officers at his house in Ortaköy İstanbul on 28 December 1994, when some of the sentences he received were upheld. He was kept in custody for 2 days, and was arrested on 30

December 1994. More than 100 trials were launched against him under Articles 6, 7 and 8 of the Anti-Terror Law and under Articles 159 and 312 of the Turkish Penal Code. The total of his ratified prison terms and fines reached 16 years and TL 1,633,000,000. Some of the case files against him were reviewed upon the amendment to Article 8 of the Anti-Terror Law. However, this was not in his favor, except for a reduction in the sentences and fines given to him. He continued to be kept in prison because of the sentences passed on him under other laws. Totally 26 trials were launched Yurtçu, who worked for *Özgür Gündem* for 8 months, under Articles 6, 7 and 8 of the Anti-Terror Law. Following the amendments in this law, the sentences given to him were commuted into 10 years 6 months. He was the co-recipient of the 1996 International Press Award by the Committee to Protect Journalists located in New York along with Jesus Blacornelas (Mexico), Davud Küttab (Palestine) and Yusuf Jameel (Kashmir). Reporters Without Borders and the Foundation of France awarded him “1996 Journalism Award” on 10 December Human Rights Day. Yurtçu was released on 15 August 1997 under “the law relieving the sentences issued to editors-in-chief for three years.”

08)- Erdal Dalkılıç (1995)

The prison sentences given to Erdal Dalkılıç, the editor-in-chief of the journal *Toplumsal Dayanışma*, were upheld in 1994. Some sentences given to Erdal Dalkılıç, who is in prison, were commuted into fines after the amendment to Article 8 of the Anti-Terror Law, but he was not released because of other prison sentences and arrest warrants.

09)- Mustafa İslamoğlu (1995)

Writer Mustafa İslamoğlu, who was sentenced to 12 months in prison in connection with his speech during a meeting in Ankara in 1993, was arrested on 13 October 1995 when this sentence was upheld, and sent to Gölcük Closed Prison. The sentence of 18 months in prison passed on pro-Islamic writer Mustafa İslamoğlu under the Law to Protect Atatürk in connection with his article published in the weekly newspaper *Selam*, was also upheld by the Supreme Court while he was in prison. He was released in October.

10)- İbrahim Aksoy (1995)

The sentence of 20 months in prison and the fine of TL 41,000,000 given by Konya SSC to İbrahim Aksoy, the Chairman of the Democracy and Change Party (DDP) which was closed by the Constitutional Court, was upheld in May 1995. Upon the ratification of the sentence, İbrahim Aksoy, who was abroad then, was arrested in absentia. He had been prosecuted under Article 8 of the Anti-Terror Law in connection with his speech during the People’s Labor Party (HEP) congress held in Konya on 21 May 1991. In addition, the sentence of 4 years in prison passed on him in connection with his articles published in the journal *Azadi* were also upheld. İbrahim Aksoy, with a total of 5 years 8 months of ratified imprisonment sentence, returned to Turkey on 14 October. He was detained immediately at Ankara Esenboğa Airport after he disembarked from the plane, and put in Ankara Central Closed Prison. The sentences passed on him were reduced by half upon the amendment to Article 8 of the Anti-Terror Law, but he continued to be kept in prison. On 1 December 1995, he was sentenced to 1 year in prison and fined TL 133,000,000 in the trial launched in connection with his book “Yeni Bir Türkiye İçin Çözüm (Solution for a New Turkey).” This verdict was upheld on 20 March. İbrahim Aksoy was released on 17 May 1997.

11)- Fevzi Gerçek (1995)

Fevzi Gerçek, the Chairman of the Tüm Sağlık Sen, was imprisoned on 23 October 1995 when the sentence of 2 years in prison passed on him in connection with his article “Eline Bir Ekmek, Başına Bin Tokmak” (A Bread to the Hand, a Thousand Mallets to the Head) published in the September 1993 issue of the journal *Direniş*, was upheld. He had been convicted under Article 312 of the Turkish Penal Code on charges of “inciting people to commit crimes,” in the trial that ended at İstanbul SSC on 16 November 1994. The verdict had been upheld by the Supreme Court in June. Fevzi Gerçek, after serving for 9 months 18 days in prison, was released on 11 August.

12)- Ash Güneş (1995)

Ash Güneş, one of the former editor-in-chiefs of the journal *Hedef*, was imprisoned in 1995 when the sentences and fines given to her in connection with the articles published in the journal were upheld by the Supreme Court. Besides, the one-month closure decision for the journal *Hedef*, which was given in connection with an article entitled “Sivas’ın Hesabı Sorulacak” published in its special issue of July 1993, was upheld by the Supreme Court. As a result of the Supreme Court’s decision, the sentence passed on Ash Güneş also became decisive.

13)- Sedat Hayta

Sedat Hayta was imprisoned on 10 January when 1 year 4 months' imprisonment term given to him in connection with the book "Marksizm ve İçsavaş" (Marxism and Civil War), for which he was in charge of publication, was upheld. Sedat Hayta served for 1 year in prison.

14)- Nevzat Teker

Nevzat Teker, one of the founders of DEP that was closed down by the Constitutional Court, was arrested on 17 February. The decision for arrest was issued by Bakırköy Public Prosecution Office on grounds that he had to serve in prison because of his former convicted as he was convicted after having been released conditionally. Formerly, an arrest warrant had been issued by İzmir SSC to Nevzat Teker after the speech he delivered at DEP Manisa Provincial Congress held on 24 October 1996 was published in the newspaper *Yeni Asır*. Nevzat Teker had been put on trial under Article 8 of the Anti-Terror Law and sentenced to 1 year in prison and fined TL 200 million. Nevzat Teker served in prison for 56 days.

15)- Hatice Onaran

Hatice Onaran, former editor-in-chief of the journal *Devrimci Çözüm*, was arrested on 22 March, when the prison sentences passed on her under the Anti-Terror Law in connection with the articles published in the journal, were upheld. Hatice Onaran, who was sent to Bayram-paşa Prison, had been sentenced to a total of 6 years 4 months imprisonment. She was put in Gebze Prison, and she was released in August 1997 in line with the law on suspension of the sentences given to editor-in-chiefs.

16)- Şefik Beyaz

Şefik Beyaz, the Chairman of the Kurdish Institute, was imprisoned on 5 April, when the 1 year prison sentence passed on him in connection with the speech he delivered in a meeting held in 1994, was upheld. Prosecuted at İstanbul SSC in connection with his speech at the meeting on "Nationalism and Racism in Europe" held on 29 April 1994 in İstanbul, Şefik Beyaz was convicted on 1 September 1995 under Article 312/2 of the Turkish Penal Code. After he was imprisoned, his house was raided by the police. Although his family said to the police officers that he had been in prison, they did not believe, and accused them of hiding him. After serving for 4 months 24 days, Şefik Beyaz was released on 29 August.

17)- Ertan Aydın

The sentence of 10 months in prison passed on cartoonist Ertan Aydın in connection with his cartoon published in the issue of the newspaper *Özgür Gündem* dated 15 December 1992, was upheld by the Supreme Court. He was detained in İstanbul on the evening of 15 May, and subsequently imprisoned. Aydın, who was prosecuted at İstanbul Heavy Penal Court No. 2 on charges of "insulting the State," served for 4 months in prison. Aydın had also been imprisoned for 4 months in 1995 in connection with another cartoon published in *Özgür Gündem*. Ertan Aydın was released on 14 August, but he was detained for about half an hour later.

18)- Bilgesu Erenus

Artist Bilgesu Erenus delivered herself at İstanbul Public Prosecution Office on 22 April when 2 months' imprisonment sentence passed on her by the Military Court of the General Staff Office on the allegations of "making statements that would incite the people to perceive the military service in an apathetic manner, in a speech in Lüleburgaz on 26 January 1993," was ratified by the Military Supreme Court. Bilgesu Erenus, who had been put on trial for her words, "Mothers, I implore you, I beg you. Do not send your children to fulfil the military service!," was released in the morning of 16 May, after serving for 23 days in prison.

19)- Mustafa Demirdağ

Mustafa Demirdağ, the editor-in-chief of the journal *Özgür Gelecek*, was sentenced to 3 years 6 months in prison under Article 8 of the Anti-Terror Law in the trial that was launched in connection with certain articles published in the journal. He was arrested on 12 May after the ruling was upheld, and released on 15 August 1997 in line with the law that prescribed suspension of the sentences passed on editor-in-chiefs. He was detained by police officers waiting for him at the exit of the prison, and kept in detention for 24 hours. He was released after testifying to the prosecutor.

20)- Hasan Mezarıcı

The sentence of 1 year 6 months in prison passed on İstanbul former MP Hasan Mezarıcı in the trial he was prosecuted due to a speech he gave at a meeting organized by Bandırma Municipality on 4 June 1992, was upheld by the Supreme Court on 15 August. Mezarıcı had been convicted under the Law to Protect Atatürk No. 5816 in the trial that had ended at Bandırma

Penal Court of First Instance on 29 January. His parliamentary immunity had been lifted on 3 March 1994 in connection with the trial. He had been acquitted in the original trial, but the ruling had been overturned by the Supreme Court. An arrest warrant in absentia had been issued against him in the course of the re-trial, as he was abroad. He was detained at İstanbul Atatürk Airport when he came back to Turkey on 26 December, and subsequently remanded. He was released in October 1997. The trial launched against him in connection with a speech he delivered in Hacıyakup Village of Gökaya, Bolu, in 1992, during which he allegedly said, “We will establish an Islamic state. We will unify with Abdullah Öcalan and demolish the Turkish Republic,” ended in acquittal in September 1997.

21)- Yusuf Yeşilgöz

Yusuf Yeşilgöz, the owner of Ararat Verlag Publishing House in Switzerland, was detained in İstanbul Atatürk Airport on 21 June when a sentence given to him was upheld. Yeşilgöz had been convicted by Ankara SSC on charges of “disseminating separatist propaganda” in the book, “Introduction to Kurdish Literature,” he published in German.

22)- Ayşe Nur Zarakolu

Ayşe Nur Zarakolu, the editor of the Belge Publishing House, was imprisoned when 5 months’ imprisonment passed on her by İstanbul SSC because of the book “Bırakuji-Kürtlerin İç Savaşı (Bırakuji; Civil War of the Kurds)” by Faysal Dağlı, was upheld by the Supreme Court. Zarakolu surrendered to the prosecution office on 29 August, and put in Bayrampaşa Prison. She served for 3 months 15 days in the prison. The trial launched against Ayşe Nur Zarakolu in connection with the book by Hasan Bildirici, entitled “Bekaa - Yarattılan Toprak” (Bekaa, The Created Land), ended at İstanbul SSC on 11 January. In the trial, she was sentenced to 6 months in prison and fined TL 50,000,000 under Article 8 of the Anti-Terror Law. The imprisonment was commuted into a fine, but it was not reprieved on the grounds that “the defendant was inclined to committing a crime.” Ayşe Nur Zarakolu had also been prosecuted because of the above-mentioned book prior to the amendments to Article 8 of the Anti-Terror Law, and sentenced to 6 months in prison. She was acquitted on 14 March in the trial she was prosecuted in connection with a book of Lenin entitled “Doğuda Ulusal Kurtuluş Hareketleri” (National Liberation Movements in the East), but fined TL 84,000,000 in the trial launched against her in connection with Abdülkadir Konuk’s book “Dağdan Kopan Özgürlük.” The trial launched against her in connection with Diyarbakır former Mayor Mehdi Zana’s book, “Sevgili Leyla Uzun Bir Sürgündü O Gece” (Dear Leyla, That Night Was A Long Exile), was concluded at İstanbul SSC on 31 July. Ayşe Nur Zarakolu was sentenced to 6 months in prison and fined TL 50,000,000. The imprisonment sentence was then commuted to fine.

23)- Fatih Yeşilbağ

Fatih Yeşilbağ, one of the former editor-in-chiefs of the newspaper *Özgür Gündem*, was convicted under Article 159 of the Turkish Penal Code in connection with certain articles published in the newspaper. He was arrested in August, and released in line with the law that prescribed suspension of the sentences passed on editor-in-chiefs.

24) Alper Görmüş

Alper Görmüş, former editor-in-chief of the journal *Aktüel*, was detained in Ayvalık District of Balıkesir and put in Ayvalık Prison on 20 October in connection with the sentence of 6 months in prison and the fine of TL 300 million given by İstanbul SSC. The trial had been launched under Article 7 of the Anti-Terror Law, in connection with journalist Reha Mağden’s interview with Altan Tan, who said “PKK is a party of Turkey,” that was published in the 128th issue of the journal in December 1993.

25)- Hasan Özgün

Hasan Özgün, Diyarbakır representative for the newspaper *Özgür Gündem*, was sentenced to 12 years 6 months in prison by Diyarbakır SSC on 17 January on charges of “being a member of the PKK” under Article 168/2 of the Turkish Penal Code. The sentence was upheld by the Supreme Court on 23 October, when Hasan Özgün was already in Aydın E Type Prison. He had been detained in the raid against Diyarbakır Office of *Özgür Gündem* on 9 December 1994, and arrested on 20 December 1994. Hasan Özgün has serious medical problems.

26)- Cengiz Aynaz

Cengiz Aynaz, the editor-in-chief of several pornographic magazines, was imprisoned on 17 November in connection with 2017 trials launched against him. Fines demanded in the trials reached to a sum of TL 7 trillion. Aynaz was released in August 1997 in line with the law that prescribed suspension of the sentences passed on editor-in-chiefs for 3 years.

27)- Haydar Demir

Haydar Demir, the editor-in-chief of the journal *Emeğin Bayrağı* which ceased publishing in October 1994, was detained in Ayvalık, Balıkesir on 22 December when 3 years' imprisonment term passed on him was upheld by the Supreme Court. The total of the imprisonment terms sought for Haydar Demir in the trials launched against him reached 6,000 years. He was prosecuted and convicted under Articles 6, 7 and 8 of the Anti-Terror Law and under Article 312 of the Turkish Penal Code, and he was released in line with the law that prescribed suspension of the sentences passed on editor-in-chiefs.

28)- Muteber Yıldırım

Muteber Yıldırım, one of the reporters with the newspaper *Demokrasi*, was arrested on 19 November when the sentence and fine given to her because of her article "Sokağa, Eyleme, Genel Greve" (To Streets, to Action, to a General Strike) published in the newspaper *Özgür Ülke* on 22 December 1994 was upheld by the Supreme Court. She had been sentenced to 10 months in prison and fined TL 433,000 by İstanbul Penal Court of First Instance No. 2 in the trial launched under the Law on Collective Bargaining, Strike and Lockout numbered 2822 and Article 312 of the Turkish Penal Code. In the trial, Mensure Yüksel, the editor-in-chief of the same, had also been sentenced to 10 months in prison and fined TL 433,000, but the sentence passed on her had been commuted into a fine. Yıldırım was released in 19 March 1997.

29)- Müslüm Gündüz

Aczmendi (a religious sect) Leader Müslüm Gündüz was sentenced to 2 years in prison and fined TL 600,000 by İstanbul SSC on 15 June, on charges of "inciting the public to hatred" in a speech he delivered in a TV program on TV Channel HBB on 12 June 1995, in which he had asserted that they were against Kemalism and democracy, therefore they would establish a Sharia regime. The sentence given to Gündüz was upheld by the Supreme Court in October. Müslüm Gündüz (53) was detained by police officers raiding his house in İstanbul along with journalists on 28 December. During the raid, a woman named Fatma Şahin was also detained. Müslüm Gündüz was arrested on 29 December. His lawyer Abdullah Çiftçi asserted that privacy of his client had been disregarded and his personal rights had been violated during the raid. Afterwards, Gündüz applied to the European Human Rights Commission on grounds that the "secrecy of private life" had been violated. His lawyer Abdurrahman Sarıoğlu, in a press meeting he held on 29 December, said: "The secrecy of the private life of my client was deciphered, and in addition, the headscarf of his wife, with whom he had been married through a religious method, was taken from her head and her pictures were taken while her head was not covered."

30)- Bülent Balta

Bülent Balta, one of the editor-in-chiefs of the newspaper *Özgür Gündem*, was detained on 31 December and arrested on 2 January 1997, because of the sentences given to him in connection with various news, articles and ads published in the newspaper. Bülent Balta had been sentenced to 6 years 6 months in prison and fined approximately TL 1 billion TL by İstanbul SSC. Bülent Balta, who had become the editor-in-chief on 6 October 1993 for purposes of solidarity with *Özgür Gündem* during the period he worked in the newspaper *Fabrika*, had been the editor-in-chief for 11 days until 17 October 1993. During this period, all of the issues of the newspaper had been confiscated by İstanbul SSC, and trials had been launched in connection with a number of news, writings and ads. Balta, had been arrested on 3 January 1994 after İstanbul SSC issued an arrest warrant in absentia against him, had served for 2 months in prison.

31)- Mustafa Aslan

Mustafa Aslan, one of the former editor-in-chiefs of the journal *Newroz*, was imprisoned in 1996 when the Supreme Court upheld the sentences passed on him, prominently under Article 8 of the Anti-Terror Law. He was released in August 1997 in line with the law that prescribed suspension of the sentences passed on editor-in-chiefs.

Arrested people

Other than those who were imprisoned, arrest warrants were issued against **91** (58 of whom were arrested in previous years, but not released until the end of 1996.) journalists, writers or publishers in 1996. The arrest warrants were mostly issued against chief editors and reporters of newspapers and journals. Below is the list of the journalists, writers, publishers and others (*) who were arrested and some of whom entered 1996 under arrest:

(*) EC : Editor-in-Chief

REP : Reporter

PUB : Publisher

1)-Asaf Şah (REP)-Kurtuluş/Antakya/3 January 1996, 2)-Filit Özçelik (EC)-Özgür Halk/İstanbul/16 January 1996 (Released by İstanbul SSC on 26 March.), 3)-İlhan Çaloğlu (R)-Kurtuluş/İzmir/18 January 1996, 4)-Erhan İl (EC)-Devrimci Emek/İstanbul/30 January 1996, 5)-Turan Seyrek (REP) Viranşehir Newspaper/Viranşehir/31 January 1996, 6)-Özgür Saltık (REP)-Partizan Sesi/İstanbul/16 March 1996, 7)-Gonca Dönmezer (REP)-Kızıl Bayrak/İstanbul/22 March 1996 (Released by Küçükçekmece Penal Court of First Instance.), 8)-Ali Eflak (REP)-Kızıl Bayrak/İstanbul/22 March 1996 (Released by Küçükçekmece Penal Court of First Instance.), 9)-İbrahim Çiçek (GPD)-Atılım/İstanbul/28 March 1996, 10)-Hacı Orman (REP)-Atılım/İstanbul/28 March 1996 (Released by İstanbul SSC on 8 November.), 11)-Zübeyde Varan (R)-Kurtuluş/Elazığ/31 March 1996, 12)-Hüseyin Gündüz (EC)-Kurtuluş/İstanbul/11 April 1996, 13)-Yazgül Öztürk (REP)-Kurtuluş/İstanbul/11 April 1996, 14)-Hamide Öztürk (REP)-Kurtuluş/İstanbul/11 April 1996, 15)-Bülent Bağcı (GPD)-Kurtuluş/İstanbul/9 May 1996, 16)-Ercan Başkan (O)-Umut Publications/İstanbul/9 May 1996, 17)-Yıldız Gemicioğlu (R)-Kurtuluş/Adana/23 June 1996, 18)-Sırrı Sakık (Deputy)-Press Statement/Ankara/28 June 1996 (Released by Ankara SSC on 26 September.), 19)-Abdullah Kaplan (R)-Demokrasi/Elazığ/5 July 1996, (Released by Erzincan SSC on 19 September.), 20)-Turabi Şen (REP)-Demokrasi/Elazığ/5 July 1996, 21)-Nurcan Turgut (REP)-Demokrasi/Elazığ/5 July 1996, 22)-Seher Sabit (R)-Özgür Halk/Elazığ/5 July 1996 (Released by Erzincan SSC on 19 September.), 23)-Metin Yıldırım (REP)-Kızıl Bayrak/İstanbul/12 August 1996, 24)-Gülten Üstüner (R)-Kızıl Bayrak/Adana/22 August 1996, (Released on 10 September.), 25)-Serpil Güneş (EC)-Alınteri/İstanbul/9 September 1996, 26)-Nabi Kımran (EC)-Atılım/İstanbul/10 September 1996, 27)-Osman Murat Ülke-Press Statement/Ankara/8 October 1996, (Released by Eskişehir Military Court on 27 December.), 28)-Şanar Yurdatapan (TV)-TV Program/Ankara/17 October 1996 (Released by Ankara SSC on 11 November.), 29)-Songül Çınar (R)-Kurtuluş/Zonguldak/26 October 1996, 30)-Cuma Akın (R)-Özgür Halk/Batman/21 November 1996, 31)-Adil Harmancı (REP)-Demokrasi/Van/29 November 1996, 32)-Faruk Deniz (REP)-Özgür Ülke/Van/29 November 1996, 33)-Aysun Gündüz (REP)-Atılım/İstanbul/12 December 1996 (Released upon her lawyer's objection on 17 December.)

Those who were arrested in 1993, 1994 or 1995, but not released in 1996

34)-Kenan Kalyon (GPD)-Toplumsal Dayanışma/İstanbul/20 April 1993, 35)-Fethiye Pekşen (O)-Devrimci Çözüm/İstanbul/ September 1993, 36)-Hüseyin Solak (R)-Mücadele/Antep/September 1993, 37)-Ercan Alan (REP)-Özgür Gündem/Adıyaman/4 October 1993, 38)-İsmail Güneş (REP)-Özgür Gündem/Ağrı/24 December 1993, 39)-Emine Serhat (REP)-Özgür Gündem/Iğdır/11 February 1994, 40)-Mehmet Çakar (R)-Partizan Sesi/İzmir/13 February 1994, 41)-F. Hülya Tümgan (R)-Mücadele/Samsun/26 February 1994, 42)-Serdar Gelir (R)-Mücadele/Ankara/26 April 1994, 43)-Özgür Güdenoğlu (R)-Mücadele/Konya/20 May 1994, 44)-Rıza Dinç (O)-Sterka Rızgari/Mersin/15 October 1994, 45)-Aysel Bölücek (R)-Mücadele/Ankara/17 October 1994, 46)-Teoman Gül (REP)-Newroz/Malatya/1 December 1994, 47)-Havva Suiçmez (REP)-Devrimci Gençlik/İstanbul/6 December 1994, 48)-Mehmet Akdemir (EC)-İşçi Hareketi/İstanbul/6 December 1994, 49)-Ali Yolcu (R)-Mücadele/Antakya/13 December 1994, 50)-Mustafa Yılmaz (EC)-Jiyana Nü/İstanbul/4 January 1995, 51)-Yılmaz Ekşi (O)-Devrimci Emek/İstanbul/7 January 1995, 52)-Metem Demirkol (EC)-Sterka Rızgari/İstanbul/7 January 1995, 53)-Ali Demir (EC)-Jiyana Nü/İstanbul/11 January 1995, 54)-Ali Avcı (REP)-Elbistan TV/Maraş/12 January 1995, 55)-Ömer Genç (REP)-Elbistan TV/Maraş/12 January 1995, 56)-Kemal Evciman (EC)-Özgür Karadeniz/Trabzon/21 January 1995, 57)-Ali Yeğin (EC)-Çağdaş Zülfikar/İstanbul/22 January 1995, 58)-Kemal Küllahçı (R)-Öncü Partizan/İzmir/24 January 1995, 59)-Müslüm Çatak (EC)-Newroz/İstanbul/13 February 1995, 60)-Yemliha Kaya (EC)-Halkın Gücü/İstanbul/15 February 1995, (Died in the death fast.), 61)-Kazım Albayrak (EC)-Taraf/İstanbul/26 February 1995, 62)-Veysel Ceylan (REP)-Atılım/İstanbul/28 March 1995, 63)-Mehmet Göcekli (R)-Kurtuluş/İzmir/28 March 1995, 64)-Burhan Kardaş (R)-Kurtuluş/Ankara/4 April 1995, 65)-Özgür Taşçı (ADM)-Yeni Politika/İstanbul/13 April 1995, 66)-Kadri Teymur (EC)-Kızıl Bayrak/İstanbul/21 April 1995, 67)-Emin Aslanoğlu (REP)-Yeni Politika/Diyarbakır/18 April 1995, 68)-Kadir Önder İl (W)-Devrimci Emek/İstanbul/8 May 1995, 69)-Hatun Yıldırım (EC)-Partizan/İstanbul/17 May 1995, 70)-Kadir Satık (EC)-Komal Pub./İzmir/22 May 1995, 71)-Salih Bal (EC)-Medya Güneşi/İstanbul/2 June 1995, 72)-Gülnur Aslan (O)-Çağdaş Zülfikar/İstanbul/14 June 1995, 73)-Bülent Öner (R)-Atılım/Mersin/19 June 1995, 74)-Hasan Abalı (REP)-Atılım/Mersin/19 June 1995, 75)-Fatma Harman (REP)-Atılım/Mersin/19 June 1995, 76)-Mesut Bozkurt (REP)-Atılım/Mersin/19 June 1995, 77)-Muharrem Gündüz (EC)-Kurtuluş/İstanbul/26 June 1995, 78)-Sevda Öztekin (REP)-Odak/Ankara/1 July 1995, 79)-Güray Ülkü (EC)-Kızıl Bayrak/İstanbul/29 August 1995, 80)-Şengül Yalçın (EC)-Partizan Sesi/İstanbul/13 September 1995, 81)-Murat Arıcak (EC)-Özgür Gelecek/İstanbul/12 October 1995, 82)-Bayram Namaz (REP)-Atılım/İstanbul/19 October 1995, 83)-Murat Kırsay (R)-Kurtuluş/Adana/25 October 1995, 84)-Ali Toprak (R)-Atılım/Ankara/31 October 1995, 85)-Sakine Topaloğlu (EC)-Özgür Gündem/Malatya/4 November 1995, 86)-Nuray Tekdağ (R)-Özgür Halk/Diyarbakır/8 November 1995, 87)-Bülent Özdemir (EC)-Kurtuluş/İstanbul/7 December 1995, 88)-Hüseyin Alataş (O)-Newroz/İstanbul/11 December 1995, 89)-Hüsnüye Akbulut (EC)-Partizan Sesi/İstanbul/1995, 90)-Aydın Hambayat (EC)-Özgür Gelecek/İstanbul/1995, 91)-Sennur Kılıç (EC)-Özgür Ülke/İstanbul/1995.

e)- Sentences given, and those prosecuted

Some of the press-related trials launched particularly at İstanbul SSC resulted in various prison sentences and fines against journalists, writers, publishers, leaders of democratic mass organizations and politicians in 1996, as in previous years. The total of prison sentences given to journalists and writers reached **160 years 1 months 26 days**, while the total of fines reached **TL 23,445,000,000** (Around USD 295,000; exchange rate for 1 USD is TL 80,000.)

The total of imprisonment terms and fines given in the press trials were 25 years 11 months 15 days and TL 5,976,000,000 (around USD 240,000) in 1992, 165 years 3 months 10 days and TL 38.267,000,000 (around USD 1,500,000) in 1993, 448 years 6 months 25 days and TL 71,614,000,000 (around USD 2,400,000) in 1994 and 107 years 6 months and TL 7,620,000,000 in 1995 (around USD 240,000). (*)

Following is the breakdown prepared by the HRFT about the journalists, writers, publishers, leaders of democratic mass organizations and political party leaders who were sentenced to various imprisonment terms and fined:

Name & surname	Publication	Imprisonment	Fine (TL)
001)- Ayşe Nur Zarakolu (PUB) Three trials in connection with 3 books (Belge Publications)	Book	12 months	184.000.000 TL.
002)- Ali Erol (EC) (7 trials)	Evrensel	108 months	1.245.000.000 TL.
003)- Vedat Korkmaz (O) (7 trials)	Evrensel	---	1.688.900.000 TL.
004)- Işık Yurtçu (EC) (5 trials)	Özgür Gündem	66 months	550.000.000 TL.
005)- Yaşar Kaya (O) (2 trials)	Özgür Gündem	---	401.000.000 TL.
006)- Oral Çalışlar (W) "Öcalan ve Burkay'la Kürt Sorunu" (Yar Publications)	Book	---	5.000.000 TL.
007)- Muzaffer Erdoğan (PUB) "Öcalan ve Burkay'la Kürt Sorunu" (Yar Publications)	Book	---	25.000.000 TL.
008)- Eren Keskin (W)	Newroz Ateşi	13 months	111.000.000 TL.
Eren Keskin (PUB) "Uluslararası Kürt Konferansı" (Doz Publications)	Book	---	50.000.000 TL.
009)- Berin Nadi (O)	Cumhuriyet	---	287.000.000 TL.
010)- Aydın Engin (EC)	Cumhuriyet	---	143.000.000 TL.
011)- Yaşar Kemal (W) "Türkiye Üzerindeki Kara Gökyüzü" (Can Publications)	Book	20 months	500.000 TL.
012)- Erdal Öz (PUB) "Türkiye Üzerindeki Kara Gökyüzü" (Can Publications)	Book	---	3.500.000 TL.
013)- Medeni Ayhan Panel on "Trade Unions and Working Class" held in Ankara in 1993	Speech	12 months	50.000.000 TL.
014)- Yalçın Küçük Panel on "Trade Unions and Working Class" held in Ankara in 1993	Speech	12 months	50.000.000 TL.
Yalçın Küçük (W)	Speech	12 months	250.000.000 TL.
015)- Munzur Pekküleç Panel on "Trade Unions and Working Class" held in Ankara in 1993	Speech	12 months	50.000.000 TL.
016)- Cafer Çakmak (EC)	Mücadele	6 months	50.000.000 TL.
017)- Besim Döner (EC) (2 trials)	Özgür Gündem	4 months	320.000 TL.
018)- Metin Balca (W)	Mücadele	16 months	133.000.000 TL.
019)- Gülten Şeşen (O)	Mücadele	---	100.000.000 TL.
020)- Hale Soysu (EC)	Aydınlık	2 months	160.000 TL.
021)- Şeyh Davut Karadağ (EC)	Özgür Gündem	2 months	160.000 TL.
022)- İsmail Beşikçi (W) "Kırıltilen Kavramlar, Bilim-Eşitlik-Adalet" (Yurt Publications)	Book	16 months	133.333.000 TL.
İsmail Beşikçi (W)	Özgür Ülke	15 months	129.000.000 TL.
İsmail Beşikçi (W) (2 trials) "Kendini Keşfeden Ulus: Kürtler," "İşlevsizleşen Yasaklar" (Yurt Publications)	Book	28 months	278.333.000 TL.
023)- Ünsal Öztürk (PUB) (5 trials in connection with books, 4 written by İsmail Beşikçi) Yurt Yay.	Book	42 months	177.700.000 TL.

(*) We did not take into consideration the sentences and fines given under Article 8 of the Anti-Terror Law prior to the amendments to this article on 30 October 1995. For this reason, there is a relative decrease in the imprisonment terms and fines compared to 1993 and 1994.

024)- İsmail Akkın (EC) (2 trials)	Atılım	12 months	161.000.000 TL.
İsmail Akkın (EC)	Özgür Gençlik	---	100.000.000 TL.
025)- Hüseyin Akbulut (EC)	Partizan Sesi	12 months	100.000.000 TL.
026)- Hatip Dicle (W)	Yeni Politika	24 months	600.000 TL.
027)- Necati Taniyan (O) (3 trials)	Yeni Politika	---	581.300.000 TL.
028)- Cengiz Aynaz (EC)	Club-Eros	---	3.224.000.000 TL.
029)- İrfan Keskin (EC)	Club-Eros	---	3.224.000.000 TL.
030)- Sevda Öztekin (O)	Odak	33 months	---
Because of a statement on obligatory military service, made in 1994			
031)- Hasan Özgün (R)	Özgür Gündem	150 months	---
032)- Kemal Yıldız (R)	Özgür Ülke	26 months 20 days	580.000 TL.
033)- Fikret Başkaya (W)	Book	13 months 10 days	111.100.000 TL.
"Paradigmanın İflası" (Doz Publications)			
034)- Hasan Mezarıcı (MV)	Speech	18 months	---
035)- Memduh Canbey	Poster (TSİP)	16 months	---
036)- Gülfem Yılmaz	Poster (TSİP)	16 months	---
037)- Recep Maraşlı (W)	Book	12 months	100.000.000 TL.
"Diyarbakır Rızgari Davasında Savunması" (Komal Publications)			
Recep Maraşlı (TV-Kanal6)	Speech	16 months	133.000.000 TL.
038)- Faruk Muhsinoğlu (PUB)	Book	6 months	100.000.000 TL.
"Diyarbakır Savunması" (Komal Publications)			
039)- Mahmut Konuk (Unionist)	Speech	12 months	100.000.000 TL.
040)- Mihri Belli (W)	Özgür Ülke	16 months	133.000.000 TL.
041)- Cemal Şerik (W)	Özgür Ülke	16 months	133.000.000 TL.
042)- S. Nusret Öztürk (EC)	Ekimler	5 months	41.000.000 TL.
043)- Kemal Okutan (W)	Özgür Ülke	10 months	1.000.000 TL.
Kemal Okutan (HADEP)	Speech	12 months	100.000.000 TL.
044)- Hasan Karadağ (Radyo)	Demokrat	10 months	83.000.000 TL.
045)- Cevdet Turgut (Radyo)	Demokrat	10 months	83.000.000 TL.
046)- Cengiz Taşdemir (Radyo)	Demokrat	10 months	83.000.000 TL.
047)- Ahmet Altan (TV)	Kanal D	9 months 11 days	12.500.000 TL.
048)- Mehmet Oğuz (W)	Özgür Yaşam	10 months	1.000.000 TL.
049)- Ali Zeren (EC)	Özgür Yaşam	---	1.500.000 TL.
050)- Osman Murat Ülke	Press statement	3 months	450.000 TL.
051)- Ali Serdar Tekin	Press statement	3 months	450.000 TL.
052)- Ayşe Tosuner	Press statement	3 months	450.000 TL.
053)- Hüseyin Yılmaz (W)	Milli Gazete	5 months 25 days	7.000.000 TL.
054)- Ekrem Kızıltaş (EC)	Milli Gazete	5 months 25 days	7.000.000 TL.
055)- İmam Canpolat	Defense in court	24 months	200.000.000 TL.
056)- Ömer Özdemir (EC)	Özgür Gündem	2 months	220.000 TL.
057)- Arif Hikmet İyidoğan (W)	Özgür Gündem	2 months	220.000 TL.
058)- Ahmet Türk (Milletvekili)	Speech	14 months	116.000.000 TL.
059)- Sedat Yurtdaş (MV)	Speech	14 months	116.000.000 TL.
060)- Sırrı Sakık (MV)	Speech	14 months	116.000.000 TL.
061)- Mahmut Alınak (MV)	Speech	14 months	116.000.000 TL.
062)- Aslı Güneş (EC)	Hedef	12 months	4.000.000 TL.
063)- Erhan Duman (EC) (5 trials)	Odak	79 months 10 days	370.600.000 TL.
064)- Hüseyin Karataş (W)	Book	16 months	133.000.000 TL.
"Bir İsyanın Türküsüdür Dersim"			
065)- Erdoğan Ünal	Letter	24 months	450.000 TL.
066)- Saliha Yaptaterek (EC)	Alnteri	24 months	4.000.000 TL.
067)- Atilla Yeşil (EC)	Devrimci Gençlik	16 months	133.000.000 TL.
068)- Ali Teoman Uzal	Speech	2 months	160.000 TL.
069)- Ercan Kanar (O)	İHD Bulletin	---	83.000.000 TL.
070)- İzzet Eray (EC)	İHD Bulletin	5 months	42.000.000 TL.
071)- Seyit Soydan (W)	Peace against War	---	4.250.000 TL.
072)- Halit Elçi (W)	Peace against War	---	4.250.000 TL.
073)- Ömer Uçar (EC)	Peace against War	---	4.250.000 TL.
074)- Haluk Gerger (W)	Evrensel	20 months	500.000 TL.
075)- Fatma Bayar (EC)	Evrensel	20 months	---
076)- İlkey Akkaya	Concert (Adıyaman)	12 months	100.000.000 TL.
077)- Gülay Tan (O)	Kurtuluş	5 months	82.000.000 TL.
078)- Hüseyin Kıymık	Speech	12 months	---
079)- Cabbar Kızıci (TV)	Speech (Kanal 6)	16 months	133.000.000 TL.
080)- Semih İra (EC)	Kervan	24 months	50.000.000 TL.

081)- İsmail Yıldırım (O)	Kervan	---	100.000.000 TL.
082)- A. Rıza Ergüven (W)	Book	20 months	---
"Yasak Tümceler" (Berfin Publications)			
083)- İsmet Aslan (PUB)	Book	20 months	---
"Yasak Tümceler" (Berfin Publications)			
084)- Güray Ülkü (EC)	Kızıl Bayrak	4 months	---
085)- Mihri Belli (W)	Demokrasi	13 months	111.000.000 TL.
086)- Haydar Canan	Poster (EP)	24 months	---
087)- Hüsnü Gültekin	Poster (EP)	24 months	---
088)- Hüseyin Çalışkan	Poster (EP)	24 months	---
089)- Nurettin Demirtaş	Özgür Ülke (Letter)	10 months	---
090)- Münir Ceylan (W)	Ada	16 months	133.333.000 TL.
Münir Ceylan (W)	Demokrasi	24 months	600.000 TL.
091)- Atakan Sayın (EC)	Ada	6 months	100.333.000 TL.
092)- Nedime Tunç (EC)	Newroz Ateşi	28 months	293.333.000 TL.
(2 trials)			
093)- Zekeriya Özdiñç (EC)	Barikat	16 months	133.333.000 TL.
094)- Ertuğrul Karakaş	Barikat	16 months	133.333.000 TL.
095)- Özer Değıştirici	Barikat	16 months	133.333.000 TL.
096)- Semra Çaralan (PUB)	Book	8 months	133.333.000 TL.
"TDPK Röportajı" (Evrensel Publications)			
097)- Songül Özkan (PUB)	Book	8 months	133.333.000 TL.
"TDPK Röportajı" (Evrensel Publications)			
098)- Ramazan Bulut (HADEP)	Speech	12 months	100.000.000 TL.
099)- Doğu Perinçek (TV)	Speech	14 months	116.666.000 TL.
Speech he made as the Chairman of the closed down Socialist Party			
Doğu Perinçek	Press statement	9 months	---
100)- Gani Nar	Speech	12 months	100.000.000 TL.
Speech in a meeting held by İzmir Mesopotamian Cultural Center in 1994			
101)- Kutlu Esendemir (EC)	Leman	10 months	---
Kutlu Esendemir (EC)	Leman	3 months 15 days	2.300.000 TL.
102)- Mehmet Pamak (W)	Selam	20 months	500.000 TL.
103)- Sukuti Memetođlu (EC)	Selam	---	3.000.000 TL.
104)- Nihat Barlas	Press statement	10 months	---
CHP İskenderun District Chairman			
105)- İhsan Türkmen (O)	Ronahi	---	83.000.000 TL.
106)- Naime Kaya (EC)	Hedef	12 months	100.000.000 TL.
107)- Veli Mükyyen (O)	Demokrasi	---	3.919.700.000 TL.
(9 trials)			
108)- Gurbetelli Ersöz (GPD)	Özgür Gündem	45 months	---
109)- Ali Rıza Halis (İM)	Özgür Gündem	45 months	---
110)- Hamit Baldemir (W)	Book	16 months	133.000.000 TL.
"Metropol'de Kürt Kadını"			
111)- Murat Arıcağ (EC)	Özgür Gelecek	12 months	600.000.000 TL.
112)- Züleyha Şahinkaya (EC)	Yeni Dünya İçin	12 months	100.000.000 TL.
113)- Nazım Düzenli (O)	Yeni Dünya İçin	---	100.000.000 TL.
114)- Rıza Erdoğan (O)	Özgür Halk	---	100.000.000 TL.
115)- Dursun Ali Küçük (EC)	Özgür Halk	12 months	50.000.000 TL.
116)- Salih Tekin (R)	Özgür Gündem	45 months	---
117)- Cemal Dağ (REP)	Özgür Gündem	45 months	---
118)- İhsan Erdem (ADM)	Özgür Gündem	45 months	---

Trials and investigations

Yaşar Kemal: A trial was launched against Yaşar Kemal in connection with the articles titled "Türkiye Üzerindeki Kara Gökyüzü" (The Black Sky Upon Turkey) and "Zulmün Artsın" (May Your Cruelty Increase), published in the book titled "Düşünce Özgürlüğü ve Türkiye" (Freedom of Thought and Turkey), in January 1995. (Yaşar Kemal had been prosecuted at İstanbul SSC in connection with his article titled "Zulmün Artsın" and had been acquitted on 1 December 1995.) In the trial launched by İstanbul SSC, Yaşar Kemal was accused of "disseminating separatist propaganda via press and inciting the public to enmity against each other," and he was demanded to be sentenced to 3 to 9 years in prison under Article 8 of "the Anti-Terror Law" and Article 312 of the Turkish Penal Code, and Erdal Öz, the responsible person for Can Publishing House which published the book, was demanded to be sentenced to 6 months to 2 years in prison. In the trial that ended on 7 March, Yaşar Kemal was sentenced to 1 year 8 months in prison and fined TL 466,000, and Erdal Öz was fined TL 3,491,000. The sentences were repealed. The Supreme Court ratified the sentences. The decision led to significant reactions at

abroad and at home. Klaus Kinkel, the German Minister of Interior Affairs, termed the sentence as a “retreat in tolerance and freedom of thought in Turkey.” Ataol Behramoğlu, the Chairman of Turkish Authors Trade Union, said that the conviction of Yaşar Kemal was “the greatest disgrace in the name of justice and law.” Then-Prime Minister Mesut Yılmaz telephoned Yaşar Kemal on 9 March. Yılmaz stated that new arrangement should be made on Article 8 of the Anti-Terror Law. Mesut Yılmaz also visited Yaşar Kemal in his home on 26 October following the ratification of the sentence.

The book “Freedom to Thought”: A trial was launched in May 1995 against 99 of 1080 people who the book “Düşünceye Özgürlük” (Freedom to Thought) as publishers. The book included articles whose writers were prosecuted or imprisoned because of their thoughts. In the trial launched by the İstanbul SSC Prosecution Office in May, sentences of no less than 4 years in prison were requested under Article 8 of the Anti-Terror Law and under Articles 162 and 312 of the Turkish Penal Code for the defendants who were accused of “disseminating separatist propaganda and inciting people to commit crimes.” The indictment also stated that Article 8 of the Anti-Terror Law and Article 162 of the Turkish Penal Code were contrary to the Constitution, and demanded an application to the Constitutional Court for annulment of these articles. The trial started at İstanbul SSC on 24 August.

In the hearing held on 13 March, the defendants stated that they had “intentionally and willingly” undersigned the book. In his defense, actor Mahir Günşiray quoted several sections from “The Trial” by Franz Kafka. Günşiray said: “I have intentionally published the book. In addition, I want to read several quotations from a play I have performed: ‘Who are you supposed to be, what do you do here. What is this comedy of justice. Why is it me who is interrogated, not anybody else, I want to know. You don’t know either. You obey the order issued to you. And this name, which belongs to me somehow, may belong to anybody else. For instance, to a whitewasher. When you leave here, every one of you will go home and embrace you mothers, wives and children. That you have a conscience considered individually... That’s what I cannot understand’, I also undersign this passage by Franz Kafka.” Following the reciting of the passage by Günşiray, Presiding Judge Mehmet Kolukısa asked: “Have you read to mean the court?” Günşiray reiterated that the passage was taken from the play he performed, and said: “I also undersign this passage” and undersigned it. When the prosecutor asked “What is your intention in reading the passage?” Günşiray kept silent. Afterwards, the SSC filed an official complaint against Günşiray in connection with the passage. (*) In the hearing, cartoonist Musa Kart stated that he had been drawing cartoons for 20 years, and said “I have not seen such a comedy.” Ömer Faruk Marsakoğlu, Jülide Kural, Semra Somersan, Munzur Pekküleş, Ayşe Esra Koç, Halil Ergün, Serap Aksoy, Deniz Türkalı, İrfan Erdemoğlu, Zeynep Gürsunal, İlper Sayın, Emre Okaylı, Tahsin Yeşildere, Musa Ağacık, Aylın Çelik, Hasan Tuğrul Eryılmaz, Seyit Soydan, Hasan Basri Çıplak, and Şahika Yüksel testified in the hearing held on 31 May and stated that they had “intentionally and willingly” signed the book.

A second trial was launched against 86 out of the 1080 people by İstanbul SSC Public Prosecution Office on the same charges in late February. The trial started at İstanbul SSC on 22 May. Ayşegül Devocioğlu, Muhsin Kızılkaya, Ali Yılmaz, Yusuf Nimet Çetin, Necmettin Çobanoğlu, Orhan Kamil Kahyaoğlu, Menderes Samancılar, Muzaffer Hiçdurmaz, Nazmiye Güçlü and Süleyman Üstün were cross-examined in the hearing. In the hearing held on 17 July, Ali Nabi Kıran, Selahattin Okçuoğlu, Ramazan Demir, Ali Kapılan, Hüseyin Aygül, Mercan Güçlü (Polat), Oya Engin (Baydar) and Çağatay Anadol stated that they had “intentionally and willingly signed the book so that the bans on freedom of thought could be eliminated.”

While the trials were under way, 144 writers from 20 countries (32 from the USA, 21 from Austria, 20 from the UK, 3 from Germany, 6 from Switzerland, 7 from Canada, 13 from Japan, 7 from Mexico, 3 from Norway, 5 from Poland, 9 from Russia, and 1 from Australia, the Czech Republic, from Croatia, Kenya, Malawi, Finland, Nepal each) signed as publishers the booklet titled “Düşünceye Özgürlük’ cük” (a summarized version of the aforesaid book) and then an official complaint about the foreign writers was filed. The official complaint read, “It is a legal requirement to prosecute the publishers of the book titled “Düşünceye Özgürlük’ cük” just like the publishers of the book titled “Düşünceye Özgürlük.” It is obvious that they cannot be privileged before the laws since they are foreign and famous.” Following the official complaint,

(*) Mahir Günşiray was put on trial in connection with his “defense.” The trial at İstanbul Penal Court of First Instance No. 10 started on 3 October and ended on 20 February 1998. Günşiray was sentenced to 6 months’ imprisonment, but the sentence was commuted into a fine of TL 900,000, and revived.

İstanbul SSC Prosecution Office launched an investigation about the foreign writers. Since no country was willing to prosecute its citizens for thoughts which were not regard as crimes within its jurisdiction, the addresses of the writers were requested from Şanar Yurdatapan, who applied to the SSC and stated that those writers were willing to testify before İstanbul SSC. A decision of non-prosecution was issued about these writers. However, İstanbul SSC Prosecution Office launched a new trial about Şanar Yurdatapan in September, seeking an imprisonment term up to 3 years against him under Article 312 of the Turkish Penal Code on charges of “inciting people to enmity by emphasizing on religious, linguistic and racial differences.”

The two trials were unified in 1997. In October, the trial was deferred in line with the law that prescribed suspension of the sentences passed on editor-in-chiefs for 3 years.

Şanar Yurdatapan: Freedom to Thought Platform Spokesman Şanar Yurdatapan was detained in İstanbul on 15 October, brought to Ankara on 16 October and referred to the SSC on 17 October. After testifying, he was arrested on allegations of “aiding an illegal armed gang” under Article 169 of the Turkish Penal Code. It was disclosed that Yurdatapan had been arrested on the accusations of producing programs for the MED-TV, participating in some programs, and signing the campaign launched upon the assassination attempt against PKK leader Abdullah Öcalan. Yurdatapan’s lawyer Şenal Sarihan stated that Yurdatapan was not the producer of the documentary “Kurşun Kalem (Pencil),” and that his music was used in the program, and added that Yurdatapan had said: “What’s important here is not the TV channel, but my words aiming at unity and peace. I undersigned the text related to the assassination attempt against Abdullah Öcalan (Detailed information is on page 60) in order to contribute to peace. I have not produced any program directly for MED-TV. My images were shown on TV, and my interviews were shown; but I did not.” Sarihan stated that the real reason behind the arresting of Yurdatapan was his contribution to the exposing to light of Güçlükönak massacre, inducing the social opposition, and exerting serious efforts for peace, which disturbed the political power.

In the trial launched against Yurdatapan in November, an imprisonment term between 4 years 6 months to 7 years 6 months was sought. However, Ankara SSC issued a decision of non-authorization on grounds that “the headquarters of the newspaper, which published the protest text, was in İstanbul, the music for documentary Pencil was composed in İstanbul, and the office and home of Yurdatapan are in İstanbul,” and released Yurdatapan. After being released, Yurdatapan filed an official complaint against Ankara SSC Prosecutor Nuh Mete Yüksel, and said: “Although he had no authorization, he took me out of here. He could have written to İstanbul SSC and asked for my testimony.” The trial against Yurdatapan started at İstanbul SSC on 28 January 1997.

Muzaffer İlhan Erdost: The book by writer Muzaffer İlhan Erdost, entitled “Türkiye’nin Yeni Sevr’e Zorlanması Odağında-Üç Sivas,” was confiscated by Ankara SSC on 9 October on charges of “separatist propaganda.” On 31 October, Ankara SSC investigated the objection filed against the confiscation, and rejected the objection on grounds that “separatist propaganda was made” in the book. In relation to the decision, lawyer Emin Değer said: “In such decisions, final judgement is not declared. But in this decision, it was declared that the book included separatist propaganda without ruling on it. As if a trial was launched, the defendant was cross-examined, the evidence was collected, the prosecutor declared his opinion, and the final judgement was issued. It is obvious that the court lost its impartiality and issued a biased judgment. Even this requires the refusal of the court.” The prosecution of Muzaffer İlhan Erdost on the demand of a sentence up to 3 years 6 months in prison, started at Ankara SSC on 5 December. In the hearing, Erdost stated that the articles subjected to prosecution were not his opinions, they had been quoted from certain journals and newspapers. In the hearing on 20 February 1997, Muzaffer İlhan Erdost was sentenced to 1 year in prison and fined TL 100 million. The sentence was not reprieved on grounds that “there is no indication that the defendant would not commit crime in he future.”

Other trials

An investigation was launched against CHP İskenderun District Chairman Nihat Barlas on grounds that in İHD Regional Chairmen Meeting held in İskenderun Branch of İHD on 12 November 1995 he said, “The people are detained. The applications by their families and by us are rejected. Afterwards, the detainees are taken to the prosecution office. The State kidnaps children. Even their families are not informed.” In the trial which ended on 5 November at İskenderun Heavy Penal Court No. 1, Barlas was sentenced to 1 year in prison. The sentence was commuted into 10 months in prison and reprieved.

The trial launched against Berin Nadi, owner of the newspaper *Cumhuriyet*, and Aydın Engin, the editor-in-chief, under Article 6 of the Anti-Terror Law in connection with the news titled “PKK’den Hürriyet’e Tehdit (PKK’s threat to Hürriyet)” on 25 October 1993, was re-held when the Supreme Court overturned the original verdict. In the hearing held at İstanbul SSC on 25 June, Berin Nadi was fined TL 286,969,000 TL, and Aydın Engin was fined TL 143,484,000. The trial, which had been launched on charges of “publishing the statements by the terrorist organization,” had ended in acquittal on 6 October 1994, but the decision had been overturned.

The trial launched against İnönü Alpat, the writer of the book “Randevuyu Dağa Verdik” (confiscated in November 1995), and Mustafa Tüm (an executive of the İHD Ankara Branch executives), the publisher of the same, ended in acquittal on 18 March. The trial had been launched at Ankara SSC under Article 7 of the Anti-Terror Law. However, Ankara SSC decided to file of an official complaint with Ankara Public Prosecution Office demanding an investigation under Articles 311 and 312/1 of the Turkish Penal Code. The book in question had been confiscated by the Ankara SSC in November 1995. In the trial, an imprisonment term between 1 year and 5 years had been sought for İnönü Alpat, and between 6 months and 2 years and a fine of no less than TL 100 million for Mustafa Tüm.

The sentence of 2 years 4 months in prison and the fine of TL 58 million given to Worker’s Party (İP) Chairman Doğu Perinçek by Ankara SSC was overturned by the Supreme Court on 17 April, which took into consideration the amendments to Article 8 of the Anti-Terror Law. Doğu Perinçek had been prosecuted at the Ankara SSC in connection with the speech he had delivered (then he was the Chairman of the Socialist Party closed down by the Constitutional Court) during a panel discussion broadcast by a TV channel prior to the elections of 20 October 1991, and sentenced to 2 years in prison and fined TL 50 million, on 15 January 1993. The Supreme Court had overturned this verdict on 1 July 1993 on the grounds that the sentence was not heavy enough, and demanded re-trial. However, Ankara SSC insisted on its first ruling. Then the case file had been referred to the General Penal Board of the Supreme Court, which demanded an increase in the sentence on 3 October 1994. Upon this, Ankara SSC had sentenced him to 2 years 4 months in prison and fined TL 58 million on 6 June 1995.

İstanbul SSC Prosecution Office launched a trial against İHD Deputy Secretary General Erol Anar because of his book “İnsan Hakları Tarihi (History of Human Rights),” which was confiscated 3 days after being published. In the trial, a sentence between 1 year and 3 years in prison was sought for Erol Anar on the accusations of “disseminating separatist propaganda.” In the trial, Özcan Sapan, the publisher of the book, was prosecuted under Article 8 § 3 and 4 of the same law. The trial, which started at İstanbul SSC on 3 October, ended in acquittal.

The book “Türkiye’de İnsan Hakları Panoraması” (The Human Rights Panorama in Turkey), which was published by the İHD and which is a compilation of the speeches delivered at and messages sent to the assembly of “Human Rights Panorama in Turkey,” organized by the İHD Ankara Branch within the framework of the 1995 Human Rights Week activities, was confiscated by Ankara SSC on 15 August. Police officers, who went to the branch on 19 August, seized all copies of the book. Subsequently, a trial was launched against Naciye Erkol, former Chairwoman of the İHD Ankara Branch, former executives of the Branch Yıldız Temürtürkan (Branch Chairwoman), Oya Ersoy, Mustafa Tüm, Adnan Okur, Ender Büyükçulha and Meryem Erdal, as well as Hatip Dicle, former DEP MP, and İsmail Beşikçi, who had sent messages to the meeting. The trial started at Ankara SSC on 9 December. (*)

The book “Düş ve Yaşam” (Dream and Life), which was written by Yılmaz Odabaşı and published by Doruk Publications, was confiscated under Article 312 of the Turkish Penal Code. Besides, Ankara SSC Prosecution Office launched a trial against Odabaşı and publisher Niyazi Koçak on the accusations that “separatist propaganda was disseminated in the book.” In the trial, an imprisonment term up to 3 years and a fine of TL 100 million was sought for Odabaşı under the Anti-Terror Law, and 6 months’ imprisonment for Niyazi Koçak. The trial started at Ankara SSC on 19 November. The trial ended in March 1997, and Odabaşı was sentenced to imprisonment for 1 year 6 months 20 days and fined 933 million TL, and Koçak was fined 67 million TL (Odabaşı, who protested the decision by saying, “I was ashamed of living in the same

(*) The trial ended on 8 October 1997. İsmail Beşikçi and Hatip Dicle were each sentenced to 1 year in prison and fined TL 100,000,000 on charges of “disseminating separatist propaganda” under the Anti-Terror Law. The other defendants were not convicted, in line with the law that prescribed suspension of the sentences for 3 years and lifting the charges in the trials against editor-in-chiefs.

country with you,” was detained and arrested in the court hall on grounds that “he insulted the court.” Yılmaz Odabaşı, was released on 8 March 1997 upon objections by his lawyers). (**)

A trial was launched against journalist-writer Çetin Altan because of an interview published in *Milliyet*, in which he said, “I do want that the State be quit being a gang and sit on the (basis of) laws,” on charges of “insulting the State.” In the trial, which was launched by İstanbul Bakırköy Public Prosecution Office, Çetin Altan and interviewer Nilgün Cerrahoğlu, and editor-in-chief of *Milliyet* Eren Güvener were prosecuted on the demand of 1 year 6 months’ imprisonment under Article 159 of the Turkish Penal Code. *Milliyet* had been confiscated on 29 July in connection with the aforesaid interview. The trial ended in acquittal on 20 January 1997.

A trial was launched against İstanbul SSC Prosecutor Mete Göktürk in connection with his article titled “Execution in the Judiciary” published in the newspaper *Yeni Yüzyıl* on 14 November and with the speech he delivered in the TV program “Siyaset Meydanı” on the TV channel ATV on 8 November 1996. The trial ended in acquittal in September 1997.

Upon the complaint by İstanbul Security Branch Director Turan Tuna, İstanbul Public Prosecutor launched an investigation against Merve İldeniz, who danced in bikini on the TV while holding a Turkish Flag in December. İldeniz was interrogated on accusations of “violating Article 26 of the Law on Protection of Turkish Flag,” which read, “The Flag cannot be used in a torn, ripped, patched, pierced, dirty, wrinkled condition or so as to undermine its spiritual value; except otherwise specified in Article 21, it cannot be spread as a cover for any purpose; it cannot be placed on placed on which to sit or tread on; it cannot be dressed as a garment or uniform.”

f)- Confiscated and closed publications

Although the authorities often proclaimed in recent years that “the practice of banning publications is no longer carried out,” confiscation of books, journals and the like continued throughout 1996. **633** issues of various newspapers and journals and **27** books were confiscated in 1996. (The figures were 121 newspapers and journals, and 29 books in 1991; 189 newspapers and journals, and 20 books in 1992; 425 newspapers and journals, and 29 books in 1993; 961 newspapers and journals, and 37 books in 1994; and 504 newspapers and journals, and 28 books in 1995.) Most of decisions were made under Articles 6 and 8 of the Anti-Terror Law Articles 155 and 312 of the Turkish Penal Code constituted other important grounds for these decisions. The confiscation orders were particularly used against the dissident publications opposing the official ideology. Nearly all issues of such publications were confiscated. For example, confiscations orders were issued against 17 out of 19 issues of the newspaper *Özgür Ülke*; 2 out of 3 issues of the journal *Reheval*; 6 out of 10 issues of the journal *Proleter Halkın Birliği*; 61 out of 72 issues of the journal *Ronahi*; and all of the issues of the newspaper *Atılım* (36 issues), the journal *Kurtuluş* (10 issues) and the journal *Halk İçin Kurtuluş* (12 issues).

Closure orders, which increased after a forgotten stipulation of law (Additional Article 2 that was added to the Press Law on 10 November 1983) was put into force in the press trials handled by İstanbul SSC in the last three months of 1993, were issued in 1996, too. Many publications were closed from 3 days to one month. According to the determinations of the HRFT, closure orders of **56 months 24 days** were issued against **26** publications in **68** trials that ended in convictions in 1996. (The total of closure sentences for 13 dailies and journals in 21 trials was 15 months and 6 days in 1993; for 24 dailies and journals in 91 trials was 62 months and 2 days in 1994; and for 19 dailies and journals in 101 trials was 67 months and 24 days in 1995.)

Some of the closure sentences were upheld by the Supreme Court and put into practice at once. For this reason, numerous publications had to cease publishing for long periods of time or halt publishing entirely. For example, journal *Hedef* was closed between 5 January-4 February and 14 April-13 May; journal *Partizan* between 6 January-5 February; newspaper *Selam* between 8 and 23 January; newspaper *Alınteri* between 27 February- 17 March, 18 March-17 April and 16 October-31 October; newspaper *Atılım* between 19 March-18 April, 18 April-17 May, 8 November-7 December and 7 December-5 January 1997; journal *Odak* between 26 June-26 July and 25 December-25 January 1997; journal *Akıncı Yolu* between 20 November-19 December. Those who release these publications continued publishing under other names. Newspapers and journals such as *Evensel*, *Direnişçi İşçi*, *Ronahi* halted their publication completely.

(**) In connection with the same book, another trial was launched against Yılmaz Odabaşı and Niyazi Koçak in January 1997. Odabaşı and Koçak was put on trial at Ankara Penal Court of First Instance No. 2 on charges of “insulting Atatürk and the National Anthem.” The trial ended in June 1997, and Odabaşı was sentenced to 2 years 6 months in prison, whereas Niyazi Koçak to 2 years 6 months and fined TL 4,550,000.

g)- Radios and televisions (RTÜK) (*)

The private radio stations and television channels were subjected to an ever-increasing pressure in 1996, compared to previous years. The Radio and Television Supreme Board (RTÜK) occupied the first place to exert pressure on the radios and televisions. The RTÜK issued 105 decisions of warning (38 for radios and 67 for televisions) in 1996, and ordered to halt broadcast 34 times (38 for radios and 67 for televisions).

The highest number of penalties was given to Kanal D, which was ordered to halt broadcast 9 times and issued 4 warnings for violating the broadcasting principles and not broadcasting the replies and correction texts; then came Show TV, which was ordered to cease broadcast for 4 times and given 2 warnings for not broadcasting replies and correction texts and violating the broadcasting principles. Star was order to stop broadcasting twice for not broadcasting replies and correction texts, and given two warnings for violating the broadcasting principles; and under similar grounds, Flash TV was given warnings twice, and was ordered to stop broadcasting once. ATV was ordered to halt broadcast once for not broadcasting replies and correction texts, and given 2 warnings for violating the broadcasting principles. Kanal 6 was ordered to stop broadcasting once, and given 1 warning, and HBB TV and Kanal 7 were given 3 warnings each for violating the broadcasting and advertising principles. As for the local TV channels, Can TV (Diyarbakır), was given 3 warnings for violating the broadcasting and advertising principles, and for broadcasting in violation of the Law on Elections and Basic Principles of Elections. Ekim TV (Trabzon), was given 2 warnings, and was ordered to stop broadcasting once under similar grounds. Kanal 50 in Nevşehir was given 2 warnings, and was ordered to halt broadcast once.

As for the radio stations, Demokrat Radyo (Bağcova, İzmir), and Sev Radyo (Balıkesir), ranked firsts with respect to the penalties issued to the radio stations. Both were given 2 warnings and were ordered to stop broadcasting twice for violating the broadcasting principles. Şok Radyo (İçel), Mozaik Radyo (Ankara), and Karacadağ Radyo (Urfa) were given warning once each for violating the broadcasting principles, and were ordered to stop broadcasting once each for not broadcasting replies and correction texts.

Televisions which were ordered to halt broadcast: ATV, Cine 5 TV, Ekim TV, Flash TV, Star (twice), Kanal 50, Kanal 59, Kanal 6, Kanal D (9 times), Or-TV, Show TV (4 times)

TV channels which were given warnings: ART TV, AS TV, ATV (twice), Bağ TV, Başak TV, Best TV, Bey TV, Can TV (3 times), Deha TV, Ekim TV (twice), ER TV, Flash TV (twice), Gökkuşuğu TV, HBB TV (3 times), Star TV (twice), Kanal 21 TV, Kanal 25 TV (twice), Kanal 50 TV (twice), Kanal 54 TV, Kanal 59 (twice), Kanal 6, Kanal 7 (3 times), Kanal A, Kanal D (4 times), Kanal E TV, Kent TV, Klas TV, Kon TV, Kral TV, Kuzey TV, Mersin TV, Metro TV (twice), Number One TV, Olay TV (twice), Olay TV-Tekirdağ, Selam TV, Sena TV, Show TV (twice), SKY TV, SRT TV (Sakarya), SRT TV (Sivas), Süper TV, Şanlıurfa TV, Tavşanlı TV, TVM TV, Ufuk TV, Yaprak TV, Yıldız TV.

Radios which were ordered to halt broadcast: Demokrat Radyo (twice), Devrek FM, Gözde FM, Hedef Radyo, Karacadağ Radyo (7 days), Mozaik Radyo, Radyo Mega, Sev Radyo (twice), Şok Radyo.

Radios which were given warnings: Aktif Radyo, Anadolu FM, Arifan FM, Arkadaş Radyo, As FM, Bayrak FM (twice), Başak FM, Coşkun Radyo, Çağdaş Radyo, Çağrı Radyo, Demokrat Radyo (twice), Dünya Radyo, Ege FM, Ercan FM, Ezgim Radyo, Karacadağ Radyo, Tesk FM, Hilal FM, İmaj Radyo, Kardelen FM, Mega Radyo, Mozaik Radyo, Ömür Radyo, Radyo Active, Radyo Kulüp, Radyo Umut (twice), Sancak Radyo, Sev Radyo (twice), Sistem Radyo, Şok Radyo, Üçay Radyo, Yenigün FM, Yeşil Hilal FM, Yörem Radyo.

The RTÜK issued decisions of warning for 104 radio and television stations after its establishment till the beginning of 1996 (71 of which in 1995). During the same period, 14 television stations were ordered to halt broadcast (all in 1995). Nine of these decisions were implemented in 1995, and two in January 1996. Three of the decisions were annulled by court verdicts. Two radio stations, one of which broadcasts nationwide and the other locally, were each closed for 1 day with the decision of the RTÜK.

There were interesting details and errors in the closure decisions issued by RTÜK. For instance, in October, RTÜK ordered two radio stations (Urfa-Radyo Karacadağ and Balıkesir-

(*) The RTÜK, the only authority to give license to and control radio and televisions, consists of 9 people elected by the Parliament. This Board can close radios and televisions for definite or indefinite periods.

Sev Radyo) to stop broadcasting for 7 days each for the first time. Sev Radyo was ordered to stop broadcasting on accusations of “broadcasting with aims at dividing Turkey and in contravention of general moral values and Turkish family structure” in two programs. Mistranslation by Urfa Security Directorate led to the closure decision issued to Radyo Karacadağ for broadcasting two traditional Kurdish songs “Şer Şerre” by Ozan Şemdin, and “Hay Nik Na” by Grup Kızılırmak. In the translation sent to RTÜK, the line “War is war” in song “Şer Şerre,” was translated as “Today is arena of battle. War between us and the Turks.” The line “They imprisoned them all” in the song “Hay Nik Na,” was translated by the expert from the Security Directorate as “They fucked them all,” and the phrase “Ah! They killed me” was translated as “Ah! They fucked me.”

Although an instructor in the Faculty of Law, Ümit Kocasakal, prepared an expert report on “Hay Nik Na” upon the request by İstanbul Public Prosecution Office, and determined the mistranslation, the decision was not annulled. Despite the report, RTÜK closed the radio station for a week starting from 23 October for violating Article 428 of the Turkish Penal Code. Mehmet Ural, the owner of Radyo Karacadağ, claimed that the folk songs were intentionally mistranslated. Ural said that RTÜK had been deceived; and added: “Even if the translation is correct, we cannot be held responsible for playing a song which had obtained banderole from the Ministry of Culture, which has the qualities of traditional Kurdish music, and which is not banned.” Hikmet Taşdemir, an executive of Radyo Karacadağ, said the following: “The real reason for the decision is that we are dissidents and play Kurdish folk songs. Urfa Security Directorate intentionally mistranslated the folk song ‘Hay Nik Na’, and this was regarded as a denunciation by the RTÜK. It is claimed that ‘we broadcast obscene programs.’ But, the expert report read that the folk song was not obscene and the translation was not correct; and the prosecution office issued decision of non-prosecution. Nevertheless, RTÜK issued the decision of closure. The second folk song is “Şer Şerre” by Ozan Şemdin. Both cassettes have been issued under permission by the Ministry of Culture. If the cassettes have elements of crime as claimed by the RTÜK and the police, then why has the Ministry of Culture permitted them.”(*)

MED TV: People who watched or were supposed to watch the MED TV, which started to broadcast in 1995, were also oppressed. Various practices were implemented in the State of Emergency Region and other provinces in order to prevent people from watching the MED TV. Houses, shops and coffee houses were raided, satellite dishes were destroyed, the stuff of the dish sellers were seized or they were threatened. Additionally, many people were detained for watching MED TV, and central television transmitters in the districts and towns were taken under control. For instance, in December about 100 satellite dishes were destroyed by the police in Kadifekale, Gümüşpala, and Çiğli Quarters of İzmir, where Kurds lived intensively. Mehmet Zahir Arslan, who made statement on behalf of 20 people who applied to İzmir Branch of İHD in connection with the incident, stated that his house was raided at night. He said: “We thought that they had came for us, but that was not the truth. They distracted our attention, and dismantled the control units of the satellite dishes of other house. We face with the truth in the morning,” and he also stated that he had bought a new control unit and repaired the satellite dish, but the police officers had raided his house again and destroyed the dish.

HADEP Provincial Chairman Eyüp Karageçi stated that 200 satellite dishes were seized by the police without a written document for “watching MED TV” in Adana in June–December. Karageçi said that houses in Dağlıoğlu, Gülbahçesi, Hürriyet, Barbaros, Denizli, 19 Mayıs, Anadolu, Ova, Mithatpaşa, İsmetpaşa, Havuzlubahçe, Kiremithane, and Yeniboy quarters were continually raided by the police: “The plainclothes who raid the houses late at night, take everything precious from jewelry to satellite dishes. Plainclothes plunder the houses without search warrants, and beat people. More than 30 applications have been made to us in this regard. There are also other people who fear and do not apply. We determined that about 200 satellite dishes were dismantled and seized in the last 6 months. The police sell them for 25 million each.”

h)- Kurdish language

Despite the fact that there was no legal sanction, those speaking Kurdish or publishing, writing or singing in Kurdish faced pressure in 1996 as in the previous years. The wedding and circumcision ceremonies organized in accordance with Kurdish traditions were not tolerated either. Security forces interrupted such ceremonies, people were detained or arrested for

(*) Radyo Karacadağ was raided by the police on 22 October. The police closed down the radio and detained Radio Director Mehmetcan Toprak, Broadcast Director Hikmet Taşdemir, and radio staff Lütfü Saraç, Ömer Karataş and Turhan Cihanbeyli. The detainees were released on 24 October.

participating in these ceremonies. Tape recordings of Kurdish songs became subject to unlawful practices. Some governorates gave orders of confiscation or prohibited to sell or play such tapes.

Local Can TV in Diyarbakır was raided by the police on 5 March. In the raid, a cassette including 20 Kurdish clips was seized. Nevzat Bingöl, the Chair of Executive Board of Can TV, said, "They asked us if we had obtained an operation certificate from the Ministry of Culture. We don't have to since we do not reproduce and sell the clips. The content of clips are not political; they are on love." Bingöl stated that the radio station Dicle'nin Sesi, which is known to be pro-State, broadcast in Kurdish, and village guards spoke Kurdish in the forum shown on TRT 1, but neither Dicle'nin Sesi nor TRT 1 was prosecuted. Can TV started to broadcast music in Kurdish regularly in the middle of the year. Bingöl stated that they broadcast Kurdish music within the limits of laws, and said: "It is not illegal to play the Kurdish songs. We have established control mechanism with respect to the Kurdish music. We do not play music of political content." An investigation was launched against Can TV by Diyarbakır SSC Prosecution Office.

Two investigations were launched for Şırnak former MP Mahmut Alınak on the demand of sentences up to 2 years in prison because of a speech he delivered before the elections in 1991. Alınak, who said "Hello" and introduced him in Kurdish in his speech, testified at Ankara Press Prosecution Office on 25 March. Alınak stated that he was accused of "speaking in a foreign language," and added: "Kurdish is regarded as a foreign language in the investigation launched against me. But if I had spoken in German, English or French, no investigation would be launched. A foreign language is the language other than the mother tongue. There are 20 million Kurds in Turkey. How is Kurdish regarded as a foreign language? I will present my defense in English, French, and German in writing in order to attract attention to this mistake."

Kurdish publications that appeared after 1991 were also subjected to various pressures. The first Kurdish newspaper in the period of Turkish Republic was *Rojname*, published one issue in 1991. The first Kurdish journal, weekly newspaper *Welat* was published in İstanbul on 22 February 1992. *Welat* was published for 115 issues, and then closed down due to the financial problems. After a while, a new Kurdish weekly newspaper, *Welate Me* appeared on 21 November 1994. However, "Welate Me" could also be published only for 46 issues. The pressures from the state, the trials launched, the distribution problems and financial problems led to the closure of *Welate Me* like *Welat*. Mehmet Gensiz, the first editor-in-chief of *Welate Me*, served in prison for 45 days. On 21 January, a newspaper, *Azadiya Welat* was published. Düzgün Deniz, the editor-in-chief of *Azadiya Welat*, which also published actual news, made the following statement when the newspaper started publication: "We have three aims in publishing the newspaper: First, Kurds started to awaken starting from 1950s, which was reflected in their languages. Now we seek to increase this acceleration. We regard a fully Kurdish newspaper as the most appropriate tool. Currently, even no periodical is published in this regard. Second, while the Kurds living in different geographies can overcome the lack of relationships, the unity and development of their languages are affected significantly. Therefore, the newspaper will contribute much to the elimination of this jumble. Finally, we want to establish a form in which the Kurdologists and Kurdish language researchers with good intentions can come together."

After the Kurdish newspapers, journals and cassettes, a Kurdish calendar was published by Doz Publications in late 1996. Publisher Ahmet Zeki Okçuoğlu said that they had no political and ideological aims, but published the calendar for the use of everybody who knows Kurdish.

i)- Compulsory military service

In 1996, pressure on conscientious objectors and individuals, groups and organizations objecting to the compulsory military service intensified. Many investigations and trials were launched for criticizing military issues. Some people were convicted and some were imprisoned.

Osman Murat Ülke, the Chairman of İzmir War Resisters' Association (İSKD), became a model figure of persecution facing war resisters and conscientious objectors. Many trials were launched against Ülke, who was convicted for refusing to conduct the military service. Ülke had been prosecuted at the General Staff Military Court along with Arif Hikmet İyidoğan, Mehmet Sefa Fersal and Gökhan Demirkıran on charges of "inciting people to perceive the military in an apathetic manner." In the trial that ended on 29 August 1995, Ülke had been acquitted, but he had been taken from the court hall to the recruitment office. Ülke had been released on condition that he would go to his troop in 2 days, but he did not go there, and in the press release he made on 1 September 1995, he had burnt down the military service documents. Therefore, another trial was

launched against Osman Murat Ülke under Article 155 of the Turkish Penal Code on charges of “inciting people to perceive the military in an apathetic manner.” (*)

Osman Murat Ülke was detained on 7 October in line with the letter written nearly one year later, on 30 September 1996, for implementation of the arrest warrant delivered by the Military Court on 5 September 1995. Ülke was subsequently arrested and sent to Ankara on 11 October. He was sent to Mamak Military Prison after testifying to the General Staff Military Court Prosecutor on 14 October. Ülke, who declared that “he would not obey to any application in connection with the military service” and who refused to wear the uniform, was sentenced to 5 days in isolation cell on charges of “revolt” by the Disciplinary Court. Ülke staged a hunger strike upon this incident on 15 October until acceptance of his demands on 8 November.

Prosecution of Osman Murat Ülke started at the General Staff Military Court on 19 November. The indictment, which sought an imprisonment term between 2 months to 2 years, accused Ülke of “making statements that lead people to perceive the military service in an apathetic manner, not going to the troop in Bilecik for his military service and burning down the military service documents.” The court board rejected Ülke and his lawyers’ demand of a “non-authorization verdict.” In his defense, Ülke said, “I do not incite people to perceive the military service in an apathetic manner, only I am apathetic about the military service. I am not a draft evader but a conscientious objector.” Ülke was released in line with the military prosecutor’s demand. However, he was sent to the Bilecik 9th Gendarme Regiment Headquarters in order to “conduct his military service”. Since Osman Murat Ülke “refused to wear military uniform” in the troop where he was sent, he was put in Eskişehir Military Prison. The prosecution of Osman Murat Ülke continued on 24 December. He was not taken to the hearing for he was kept in Eskişehir Prison since he refused to wear military uniform.

Osman Murat Ülke, who was also put on trial at Eskişehir Military Court on accusations of “refusing to wear military uniform”, was released on 27 December. After he was released, Osman Murat Ülke held a press meeting at the İHD İstanbul Branch, and stated that after he was released he was not taken to his troop. Ülke said: “They told me ‘you yourself go.’ This means, ‘Don’t cause troubles to us, and we shall not bother you.’ They want me to be a draft evader. For them, I am always a problem. They do not know what to do. I will not surrender on my free will. They know my address. I will not escape. But as a conscientious objector, I will not surrender on my own and I will keep acting this way.”

Osman Murat Ülke was sentenced to 6 months in prison and fined TL 540,000 in the hearing held on 28 January 1997. In the hearing, in which the journalists were not allowed to enter, Ülke stated that he was not a draft evader, but he would not perform his military service as he was a conscientious objector. The court decided to send Ülke back to Bilecik Gendarme 9th Regiment Headquarters. After this decision, the case of Ülke turned into a vicious circle. He was sent to Bilecik, but he refused to perform military service there. Then he was arrested and sent to Eskişehir. Eskişehir Military Court decided to release him, and he was sent back to Bilecik.

j)- Freedom of belief and religious pressures

Human rights problems involving the right to the freedom of religion and conscience were frequently the subject of debates, criticism and protests throughout 1996. One main focus of the debate and criticism was again the problem of headscarves. The problems that some women students wearing headscarves hitherto faced drew public attention occasionally. (*) Such students were faced disciplinary penalties. In some universities, the student wearing headscarves were issued discipline penalties. When Dr. Şükran Erdem started her specialization training in

(*) The İSKD was closed by İzmir Governorate on 6 November because of a booklet entitled “Inciting people to perceive the military service in an apathetic manner as a thought crime: Article 155 of the TPC”.

(*) In October, the General Board of Administrative Trials Section of the Council of State quashed the decision given by Department No. 8 of the Council of State abolishing the condemnatory penalty issued a student wearing a headscarf, and held that wearing headscarf in the university “violates the principles and revolutions of Atatürk.” The student in question had been warned not to attend the courses wearing a headscarf, but she had continued to attend the courses, and she had been condemned under the Regulations on Disciplinary Procedures for Higher Education Institutions. The student launched a trial at the Council of State demanding annulment of the provision of the Regulations that read “it is impossible to raise appeals against warning and condemnatory penalties,” and of the condemnatory penalty. The Department had annulled the provision in question and the condemnatory penalty. The rector had applied to the General Board of Administrative Trial Departments of the Council of State, objecting this decision.

General Surgery Department of Cerrahpaşa Faculty of Medicine of İstanbul University, where the ban for wearing headscarf was implemented most strictly, was appointed by Prof. Dr. Kemal Alemdaroğlu, the Chairman of the Department, to the Museum of Surgery, and was not allowed to complete her specialization for 4 months since she was wearing a headscarf. This situation led to the comment, “Şükran Erdem has been locked in the museum.” Afterwards, Şükran Erdem had to quit her specialization training and to go to another institution.

The administration of the Nursing Department of İstanbul University Cerrahpaşa Medical Vocational School decided on 18 October not approve the internships of the students wearing headscarves in the state hospitals. After this decision, students wearing headscarves assembled outside the Department of Nursing, and attempted to have a meeting with the Director of School Demir Tiryaki. But Demir Tiryaki refused to see the students. Meanwhile, some students demanded their transfer to other universities, but this demands were also rejected.

When 15 girls studying at the Medical Vocational School of Zonguldak Karaelmas University, attempted to participate in the applied courses at SSK Zonguldak Hospital wearing headscarves on 15 November, they were prevented by the school administration from taking the courses. The school director Ayşe Ocağcı stated that the students were forbidden to wear headscarves on cap or cap on headscarves under the YÖK Regulations.

Those dismissed from the army

The situation of soldiers who were prosecuted or dismissed by the Supreme Military Council for “carrying out religious activities within the armed forces,” drew public attention in 1996. As in the previous years, no result was drawn from the attempts for “recharging of the military officers and non-commissioned officers dismissed from the army because of their religious activities” nor their compensation demands were accepted. Under Article 125 of the Constitution, nobody can raise an appeal against decisions of the Supreme Military Council. (*)

13 military officers and non-commissioned officers who were accused of “disseminating religious propaganda in violation of secularism” were dismissed from the army upon the meeting by the Supreme Military Council in August. The General Staff Chief Office disclosed that 29 officers and non-commissioned officers were dismissed for “lack of discipline,” that 13 for “participating in religious activities,” and 10 for having connections with extreme right-wing and left-wing organizations and the PKK. Twelve officers and non-commissioned officers including 2 colonels, who were dismissed from the army, made a press meeting on 7 September, and stated they had been dismissed from the army because of their beliefs, and the accusations of lack of discipline were “slanders.” Colonel Mustafa Ateş stated that they were ready for defending themselves before the court; and said, “If we are really guilty, we want to be put on trial.”

(*) The first collective purge of military officers in the recent past took place after the 27 May coup. The National Unity Committee removed hundreds of military officers from office in a short time. Colonel Talat Aydemir, who failed in the coup attempt on 22 February 1962, and officers supporting him, were removed from office. Aydemir and Major Fethi Gürcan were executed after their second coup attempt on 21 May 1963; more than 200 military officers and non-commissioned officers supporting Aydemir and all of the military students in the War School were dismissed from the army. Dismissals continued after the 12 March coup. For the first time, 6 generals and 8 colonels were removed from the office on 16 March 1971 with a decree signed by Süleyman Demirel, who was forced to resign from Prime Ministry by those who conducted the coup d'état. Following it, hundreds of young military officers who had ties with revolutionary organizations or who had revolutionary democratic views were dismissed, put on trial and convicted. There was another wave of purges in 1974. Non-commissioned officers who complained about their wages and who claimed they were discriminated, and their families staged protests. Many of these non-commissioned were dismissed from the army. Following the 12 September coup, over 1,000 military officers, non-commissioned officers and military students, most of whom had leftist views, were dismissed from the army. But trials launched against most of them at martial law courts ended in acquittal. In 1990s, the Military Council dismissed many officers and non-commissioned officers for “disseminating religious propaganda” or “having ties with illegal organizations.” 41 non-commissioned officers were dismissed from the army in 1991, 12 non-commissioned officers in 1992, 9 military officers and non-commissioned officers, one of whom was a major, in 1994, and 42 military officers and non-commissioned officers, one of whom was a colonel, and 6 military students in the War School in 1995.

33 officers and 36 non-commissioned officers were dismissed from the army by the Supreme Military Council in December. Of these 69 officers, 58 were dismissed for “religious activities”, 4 for “illegal left-wing activities,” 7 for lack of discipline and moral standards. (*)

Making a statement on 18 December, Major Arif Çelenk, who was dismissed from the army, said that the claim of “involving in religious activities in the army” was not true. Çelenk, who emphasized that he had worked as a teacher of religion in military schools for years, said: “I perform *namaz*, and my wife wears a headscarf, but is it possible to regard these as reasons for dismissing me?” Çelenk disclosed that since “it is not possible to appeal the decisions by the Supreme Military Council,” he would apply to the European Court of Human Rights.

In May, major Halil Şahin and captain Varol Yüksel, who were dismissed from the army for involving in religious activities, launched a trial against President Süleyman Demirel, Prime Minister Tansu Çiller, Minister of Defense Mehmet Gölhan and 15 generals, who were members of the Supreme Military Council, on the claims of “making unjust appointments” and “undersigning these decisions.” The military officers demanded a compensation of TL 396 million in total in 36 separate trials they launched demanding in each a moral compensation of TL 1 million, and a material compensation of TL 10 million. Captain Zübeyir Gülabi, who was dismissed from the army by the Supreme Military Council in December 1995, launched a trial against Prime Minister Çiller, General Staff Chief İsmail Hakkı Karadayı, Minister of Defense Vefa Tanır and 14 generals, who undersigned the decision, for compensation of TL 11 million in total, of which TL 1 million for moral, 10 million TL for material losses. In the petitions, Zübeyir Gülabi stated that he had been subjected to arbitrary retirement under Article 50 of the Armed Forces Personnel Law on charges of “lack of discipline and moral issues”, and this claim was not true. The generals against whom the trial was launched are Hikmet Bayar, Ahmet Çörekçi, Güven Erkaya, Teoman Koman, Salim Dervişoğlu, Fikret Boztepe, Atilla Ateş, Hikmet Köksal, İlhan Kılıç, Çevik Bir, Necati İkizoğlu, Necati Özgen, Doğu Aktulga and Hüseyin Kıvrıkoğlu.

Interesting incidents

The trial launched against İzzet Kıraç on the accusations of killing Gümüşhane Bar Chairman Ali Günday, (**) and against Bahattin Sungur, Yusuf Gümüş, Muharrem Kurt, Ahmet Mengen and Muzaffer Kıraç (his son) for assisting Kıraç, started at Erzincan SSC on 7 March. In his testimony, İzzet Kıraç asserted that he was not a member of an organization, and that he committed the murder “in the name of God.” He said, “I did not go to Gümüşhane with the intention of murder, but to persuade Günday for allowing headscarves. When I was talking in his office, Günday got annoyed and attempted to resort to arms. Then I took the gun in my bag and killed him. Afterwards I surrendered.” In the trial that ended on 24 October, İzzet Kıraç was given life sentence, and isolation in a cell for 11 months, whereas Muzaffer Kıraç, Bahattin Sungur, Yusuf Gümüş, Muharrem Kurt and Muammer Mengi were acquitted.

RP Bingöl Mayor Selahattin Aydar was removed from office by the Ministry of Interior Affairs in January. Selahattin Aydar had been put on trial at Diyarbakır SSC in connection with the ceremony held for religious leader Said-i Nursi held by the National Youth Foundation in 1994, and had been sentenced to 10 months in prison under Article 312/2 of the Turkish Penal Code. Bingöl Governor Abdulkadir Sarı stated that Selahattin Aydar had been removed from office in line with the Supreme Court’s decision.

A group of about 250 people held a demonstration in the courtyard of Kocatepe Mosque to in order to protest Israel on 4 October. Following the Friday prayer, the group burnt down the Israeli flag and started to march shouting slogans; there was a small scale clash between the group

(*) The names and ranks of those dismissed from the army are as follows: Lieutenant colonels Hikmet Karakaş and Yalçın Yıldırım; majors, Sakin Şahin, Arif Çelenk, Nuri Özlü, Baki Küllap, Orhan Kıratoğlu, Yavuz Ay and Yahya Öztürk; captains, Abdullah Kaplan, Cengiz Özel, İlhami Tan, Özkan Özbaş, Cengiz Ton, Kenan Altıntaş and Yaşar Karaca; first lieutenants, Nihat Dönmez, Zeki Çelik, Fehmi Güven, Köksal Duman, Mustafa Çalmaz, Fatih Aygün, Oktay Kılıç and Faruk İlhan; lieutenant Mehmet Sezer; non-commissioned officers Şerif Tunay, Basri Uçak, Necmettin Keleş, Yusuf Temizyürek, Ünal İşgören, Hakkı Erüenal, Seyhan Erciyes, Abdullah Çiçek, Mehmet Yörük, Orhan Can, Ümit Karasaçlı, Mehmet Korku, Yıldırım Yorulmaz, Ahmet Çakmak, Şenol Ünal, Harun Tektaş, Saadetin Keleş, Atilla Koçođođan, Osman Avcı, Halil Ceylan, Mustafa Çakır, İlhan Köse and Murat Yılmaz.

(**) Ali Günday had been killed by İzzet Kıraç on 25 July 1995, after the newspaper *Akit* published a news story on the lawyers Deryanur Şimşek and Güler Yıldız, who had been put under investigation for “participating in the hearings wearing headscarves.”

and the police officers. The demonstrators staged a sit-in for a while, and then they dispersed. Nine people were detained in connection with the demonstration. Of the detainees, Kemal Erten, Tuncay Özen, Hacı Bayram Şeker and Mustafa Dinç were remanded by Ankara SSC. Five people were released to be prosecuted without arrest. Arrest warrants in absentia were issued for 2 people. Ankara SSC Prosecution Office launched a trial against the 9 people, demanding sentences between 1 year to 5 years in prison and fines between TL 50 million to 100 million under the Anti-Terror Law. In the trial, sentences between 2 to 6 years were also sought for the defendants, who are producers for a radio station, under Article 312 of the Turkish Penal Code on charges of “inciting people to enmity.” The trial which started at Ankara SSC on 11 December, ended in acquittal on 19 March 1997.

The trial launched against 16 people who had been arrested after the demonstration they held in Taksim Square, İstanbul, on 10 April 1994 in order to protest the attack by the Serbs to Goradze, ended at İstanbul SSC on 15 October. Four defendants were given various sentences between 2 years 6 months to 10 years 10 months in prison and fined between TL 666 million to 1 billion 335 million, and 12 defendants were acquitted.

The Aczmendis, who went to Ankara in order to participate in the religious ceremony held by the newspaper *Yeni Asya* in Kocatepe Mosque on 20 October for the 36th anniversary of death of Said-i Nursi, the founder of the Islamic group “Nur Community,” were prevented by the police from entering into the city. The Aczmendis managed to enter into the city; they performed the *namaz* (Islamic prayer) collectively and staged a demonstration in the vicinity of Kocatepe Mosque. The Aczmendis were detained for not abiding by the warning by the police to disperse. Of the detainees, 120 were arrested under Article 7 of the Anti-Terror Law, and one was arrested on charges of “insulting Atatürk” on 27 October. Those arrested were sent to Eskişehir Prison. For the first time, Ankara SSC sent a communication to the prison administration requesting that the Aczmendis should have their hair and beard cut, and their clothes should conform to the prison regulations. İstanbul Branch of İHD and İstanbul Branch of Mazlum-Der sent telegrams to the Ministry of Justice on 6 November and protested this communication. In December, SSC Prosecution Office launched a trial against 127 people under Article 7 of the Anti-Terror Law, with demand of imprisonment for 3 to 10 years, and fine of TL 100 million to 500 million.

The trial of 127 Aczmendis started at Ankara SSC on 8 January 1997. The arrested defendants appeared before the court in their religious clothes, and this led to the disputes. The defendants maintained that their clothes should not be regarded as disrespect to the court. SSC allowed them to take part in the hearing in their religious clothes until the completion of the defenses. Judge Colonel Erman Başol, the military member of the SSC, demanded to withdraw from the Board. The court rejected this demand. The defense lawyers rejected the judge, asserting that Başol had stated his opinion before the prosecution was concluded whilst expressing his demand to withdraw from the Board. The court also rejected this demand. The Aczmendis were allowed to take part in the hearings held on 8 and 9 January in their religious clothes, but 125 were taken out of the court hall because of their clothes in the hearing held on 10 January 1997. The number of the defendants rose to 128 in March 1997, and the trial ended on 30 April 1997. Six defendants were sentenced to 4 years in prison and fined TL 200 million each, 113 defendants to 3 years in prison and TL 100 million, and 3 defendants to 20 months in prison and TL 55 million. One defendant was acquitted “for he had no relation with the trial,” and decision of non-prosecution was issued for 3 defendants and the case file against 2 defendants was separated. SSC released 2 defendants, and issued arrest warrant in absentia for 4 people.

An investigation was launched for Kayseri Mayor Şükrü Karatepe for defining Turkey as “dicta republic” and expressing that he participated in the official ceremonies “because of his position, by force, feeling regretful deep inside,” in a meeting he participated subsequent to the remembrance ceremony for the death of Atatürk on 10 November. Karatepe apologized from the public on 16 November upon protests. Kayseri SSC issued a decision of non-prosecution in the investigation. Meanwhile, Kayseri SSC was abolished in accordance with the law abolishing certain SSCs, and the file was transferred to Ankara SSC. When İstanbul SSC, which reviewed the objection raised against the decision of non-prosecution as the jurisdiction place closest to Ankara, Ankara SSC Prosecution Office launched a trial against Karatepe under Article 312 of the Turkish Penal Code in August 1997. In the trial, a sentence up to 4 years 6 months in prison was sought for Karatepe. In the trial that ended in October 1997, Karatepe was sentenced to 1 year in prison and fined TL 420,000. Upon the ratification of the verdict, Karatepe was arrested on 24 April 1998, and kept in prison for 4 months and 26 days in accordance with the Law on Execution of Sentences. Şükrü Karatepe was also removed from his office as Mayor.

Non-Muslims

Another situation threatening freedom of religion and conscience in 1995, were the intensified attacks against the non-Muslim minorities (e.g. Armenians, Greeks, Syriacs). Threats and insults against the Greek and Armenian societies and against prominent people in these societies continued. Syriacs living in the Emergency State Region were also subjected to various pressure and attacks. (*)

Especially the cemeteries, churches and schools of Greeks and Armenians were attacked by unknown people (Some of these attacks were carried out by militants of the radical pro-Islamic İBDA-C organization). For instance, the bomb found in the abandoned Greek Church on Karagümruk Selma Tomurcuk street in İstanbul was blasted by the police on 3 March. İBDA-C claimed the responsibility for the attack. A bomb was left at the garden of the Bulgarian Church on Balat Muhtarpaşa Street in İstanbul at night on 26 March. Yet the bomb did not explode, and it was destroyed by the police. Fener Greek Patriarchate in İstanbul was bombed by unknown assailants around 01.30 on 29 September. Nobody died as a result of the explosion. İBDA-C claimed the responsibility for the attack. Moreover, a bomb placed in Saint Antoine Church in Beyoğlu, İstanbul, exploded in the evening on 17 December while 50 Italian Catholics were performing a rite. Nobody died or injured in the explosion.

Attacks Against Minority Cemeteries (13 May 1995-Yeni Yüzyıl/Murat İnceoğlu)

Turkey has paved the way for causing the minorities to live a limited life and to leave Turkey, and thus the population of minorities decreased to thousands. Leading a life as a member of minorities has still problems. But the latest developments showed that dying as a member of minorities has problems, too. Some of the Turks bother the members of the minorities even in their cemeteries. An uncomfortable atmosphere is dominant in Prince Islands, which were known to summer place of İstanbul. The years' long tolerance is about to be destroyed in these tiny islands where the Greeks and Armenian minorities lived side by side for years.

The Greek and Armenians living in the islands bury their deaths in the cemetery in Heybeliada in order to be close to them. They took great pains with them, and they have to lock them with chains and padlock. Those days when everybody living the island knew each other, and even did not think it necessary to lock the doors of their houses, were long ago. It is a long tradition not to take efforts at protecting Heybeliada Greek Cemetery. There is only one verger in the church.

There are developments in the islands, which upset the minorities. The graves and their crosses next to the road passing by the cemetery were destroyed. Several graves were subjected to small scale attacks. Of course, the assailants are unknown. Some believe that these attacks were performed by those who came to the island at weekends for holiday. Yet there is a claim that these attacks are closely related to the ever-increasing organization of the MHP. Even it is stated those who have close ties with the Greeks were threatened, "They support the PKK financially. And you are friendly with them!" Although those who destroyed the graves are not known, there is a point which is certain: That is, the old Greek graves are abandoned to their fate, and the new ones will not be tolerated by certain groups.

Pharmacist named Caroline Camgöz, who stated that she had not been allowed to run a pharmacy in Bitlis since she was a Christian, made a press meeting at İHD İstanbul Branch on 23 July. Camgöz said, "I have been a pharmacist for 10 years. On 1 February 1996, I went from Antalya, where I had a pharmacy, to Hizan, Bitlis in order to run a pharmacy. The necessary documents should be approved and sent to the Ministry of Health. But, Bitlis Governor Şükrü Kocatepe and Deputy Governor Abdurrahman Savaş did not approve the documents on grounds that I was a Christian and that my name was Caroline. Even I could not obtain the certificate of domicile, which was required for registering to the Chamber of Pharmacists. Hizan Governor Saim Parlak threatened the headman of the quarter I live for not to issue the certificate. I could only obtain it through a court decision, and thus able to register to the Chamber." Camgöz added,

(*) Within the last 4-5 years 31 Syriacs were killed by unknown assailants in the State of Emergency Region. Also, the evacuation of villages and migrations affected adversely the Syriacs living in the region. (Detailed information is on page 122). Another problem facing Syriacs was the kidnapping of Syriac girls. After 1980, about 20 Syriac girls, some of whom were children, were kidnapped especially around Mardin and Diyarbakır. Due to such incidents and oppression, the number of Syriacs living in Turkey decreased significantly. The studies showed that the population of Syriacs decreased from about 50 thousands in 1980 (including those in İstanbul) to 9-10 thousands. The Syriacs, whose homeland is Mesopotamia, had to abandon Mardin, Midyat and the villages where they had been living for 2,000 years.

“I was detained three times on accusations of selling medicine to the PKK. There are ill people who could not obtain pharmaceutical services. You love job, and you are prevented from doing it. I am planning to apply to the European Court of Human Rights.”

FREEDOM OF ORGANIZATION

1996 also witnessed violations of freedom of association, speaking out for rights, holding meetings or demonstrations, and union rights. Democratic mass organizations, certain political parties, trade unions, members or executives of these organizations faced armed attacks or bombings. Security forces were more harsh against demonstrations compared to the previous years. Especially university students were targets of police brutality. People holding meetings or demonstrations, or carrying out activities with or without permission were ruthlessly beaten, and fire was opened on them, some were killed. 3 people were killed in the demonstration held at Kadıköy, İstanbul on 1 May (Detailed information is on pages 249). Many people were injured during interventions by the police or the gendarmerie. The sit-in act staged by the Saturday Mothers every Saturday, were hindered by the police in June. Many people were dragged on the ground, beaten and detained. (Detailed information is on pages 347)

The money collected under the title of “educational fee” at the universities was protested by students in Ankara on 23 March. Students assembled at Kızılay Square at noon, and started marching towards Sıhhiye. When the crowd reached the Faculty of Language, History and Geography (DTCF), the police dispersed them. Meanwhile, students invaded a part of the Faculty. Students outside attempted to enter the building, and a clash broke out between the police and them. During the clash, everyone around the area was beaten by the police. The police entered the building under a shower of gas bombs, and took many students out under beating. In the incidents, 51 police officers (mostly by gas bombs), along with 200 people most of whom students, got injured and 270 students were detained. Meanwhile, many journalists were beaten by the police. 26 detainees were remanded on 26 March, 244 were released. Two trials were launched against the students. In the first one, sentences between 3 and 9 years were sought for “holding an unauthorized demonstration and impeding the education.” As for the second trial, 115 students (including the 26 arrested), who have also been prosecuted in the first trial, were put on trial on the demand of sentences between 2 and 9 years in prison on charges of “occupying and damaging state property (DTCF).” The students were released on 28 June.

The police attacked some students, attempting to make a press statement on 17 May in order to inform the Ministry of National Education of the decisions made at the “First Alternative Educational Council” in protest of the Ministry’s “Council of National Education” held in Ankara. About 50 students were injured and 57 students, along with EP Ankara Provincial Organization executive member Musa Ulusoylu, Tüm Yargı Sen Chairman Hacı Çoban, were beaten and detained. The detainees were released on 18 May. Making a statement after being released, Ulusoylu disclosed that medical reports were issued by the Forensic Medicine Institute for Hacı Çoban and himself certifying their inability to work for 7 days, each, and that many of the students had also been given medical reports. About 200 students were also hindered by the police when they attempted to protest the police on 18 May on Konur Street in Ankara. 136 of the students, along with EP Ankara Organization executive members Sema Başok, Mehmet Uçma and Celal Atlı, were detained. They were released same night.

The sit-in planned to be held by the KESK in İstanbul on 8 June to voice the demands of “unions having the right of strike and collective bargaining,” is hindered by the police, who took precautions in centers like Taksim, Şişli, Şişhane and Galatasaray. The buildings of democratic organizations and political parties were also surrounded by the police, who blockaded all the back streets in Taksim. The police beat harshly the sit-in protestors and detained 311 of them.

The police ruthlessly attacked students who protested the establishment of the Higher Education Board (YÖK) outside İstanbul University on 6 November. Police dogs were also used during the attack, and 545 students were detained. 107 students, who were wounded, were detained at hospitals. The students were released by the prosecution office short after, and they were put on trial. In Ankara, students assembled in front of Ankara University Faculty of Administrative Sciences (SBF), and held a sit-in act. The police detained about 120 students as well as 15 members of the İHD and the KESK who wanted to give support to the demonstration. The students who managed to escape, continued their protests in front of the Faculty of Law nearby the SBF. Then, the police attacked the students who stated that they would disperse voluntarily and started to march, and detained many students under beating.

The approach of the government towards the human rights organizations did not change. Obstacles arose before the İHD and the HRFT, pressure on, attacks against and prevention of them continued, increasingly. The human rights organizations also faced campaigns launched by the Ministry of Foreign Affairs, based on unfounded claims and blaming.

The Turkish Ministry of Foreign Affairs, in a secret letter signed by CHP Chairman Deniz Baykal and sent to the General Staff Chief Office, Ministry of Justice, Ministry of Health, National Intelligence Organization Undersecretariat, Security General Directorate, Gendarmerie Headquarters and National Security Council's General Secretariat on 29 January, brought accusations against the HRFT. Upon this, the Ministry of Health, and public prosecutors in Ankara, İstanbul, Adana and İzmir launched investigations against the HRFT. Besides, the list of the applicants to the HRFT and the names of the doctors who provided them with medical treatment were asked for. The Ministry of Health sent letters to provincial governors, hospitals and health centers, demanding that the treatment services provided by the HRFT be hindered. The treatment centers of the HRFT were inspected by the officials from the Ministry of Health, and decisions of non-prosecution were issued at the end of the investigations launched in İzmir and Ankara. However, HRFT Adana Representative Mustafa Çinkılıç, doctor in charge at Adana Center, Tufan Köse, and HRFT İstanbul Representative Dr. Şükran Akın were put on trial. Şükran Akın was acquitted in the first hearing held at Beyoğlu Penal Court of Peace No. 3 on 1 November. The trial against Çinkılıç and Köse started at Adana Penal Court of Peace No. 4 on 10 May. A prison term between 3 and 6 months was sought for Çinkılıç, and a fine for Köse on charges of "failing to notify the names of torture victims to the competent authorities and opening an unlicensed health center," under Articles 526 and 530 of the Turkish Penal Code. The judge was frequently changed in the trial, which ended on 2 May 1997. Mustafa Çinkılıç was acquitted, but Tufan Köse was fined TL 18,787,000.

Ankara Public Prosecution Office launched an investigation under Article 159 of the Turkish Penal Code against the book "A Present to Emil Galip Sandalcı" published in June 1995 by the HRFT. At the end of investigation, it was concluded that security officers were insulted in the article "Those Abject" by İHD Chairman Akın Birdal, and judicial organs were insulted in the article "We Protect Human Rights with Improper Constitution and Laws!" by Turgut İnal, former Chairman of Balıkesir Bar. Thereupon, it was alleged that Birdal acted in contravention of Article 159/1 of the Turkish Penal Code and İnal of Article 159/3. Then, an application was made with the Ministry of Justice for permission to launch a trial against Akın Birdal. However, the Ministry did not grant a permission. Turgut İnal and members of the HRFT Executive Board in their capacity as the publishers of the book, Yavuz Önen, Okan Akhan, Murat Yetkin, Haldun Özen, Mehmet Vural, Veli Lök, Mahmut Tali Öngören, Şükran Akın and Fevzi Argun were put on trial under Article 159/3 of the Turkish Penal Code. The trial ended in acquittal on 9 May.

The İHD and its members faced various pressure and attacks in 1996. No attacks resulted in the killing, but İHD executives and members were detained, arrested, tortured and insulted. Its activities were hindered or banned, and the police raided its branches. Samsun Branch was closed for 8 days, and Adana Branch for 15 days. Kırşehir Branch was burnt by unknown persons on 7 April. About 300 people were hindered by the police when they wanted to protest the incident. 36 of these people, who were put on trial, were acquitted on 19 December.

Trials were launched against many İHD leaders and members, particularly against Chairman Akın Birdal. Prison terms and fines were given in these trials. For example, on 4 July, Konya SSC sentenced Birdal to 1 year in prison and fined him TL 300,000 under Article 312 of the Turkish Penal Code on charges of "inciting people to enmity" in his speech on 6 September 1995, in the meeting organized within the framework of World Peace Week activities in Mersin.

In February, Ankara SSC Prosecution Office launched a trial for the bulletin "Solution Lies in Peace," published by the İHD Headquarters on 1 September 1995, in connection with the

World Peace Day. In the trial, which was launched on charges of “separatist propaganda,” sentences between 1 year and 3 years and fines no less than 100 million were sought for 17 executive members of the İHD (*) under Article 8 of the Anti-Terror Law. The trial, which started on 6 March, ended with acquittal on 4 October.

The trial launched against İHD İstanbul Branch Chairman Ercan Kanar and İzzet Eray, editor-in-chief of the branch’s Human Rights Bulletin, in connection with the articles published in the 5th issue of the bulletin on September 1993, was re-heard after the amendments made to Article 8 of the Anti-Terror Law. The trial at İstanbul SSC ended on 7 May. Eray was sentenced to 5 months in prison and fined TL 42 million, whereas Kanar was fined TL 83 million.

Emin Çölaşan, whose articles are published daily on the fifth page in the newspaper *Hürriyet*, was one of the chief contributors to the campaign of accusing, assaulting and attacking the İHD and human rights activists on the media. Emin Çölaşan wrote articles praising the İHD and its executives in early 1990s, but made it a habit to direct groundless accusations against the İHD starting from 1993, and continued this attitude later on. On 27 September, İHD Chairman Akın Birdal launched a trial against Aydın Doğan, the owner of *Hürriyet*, Hasan Kılıç, the editor-in-chief of the same, and Emin Çölaşan, claiming a compensation of TL 1 billion on the grounds that “he was insulted in an article written by Çölaşan, which was entitled “Incredible Scandal” that was published on 1 September. The trial at Ankara Court of First Instance No. 3 ended on 1 May 1997, Emin Çölaşan and Hasan Kılıç were convicted to pay a compensation of TL 200 million. Emin Çölaşan opened a counter-trial, claiming that he was insulted in the petition submitted to the court, but this trial was rejected.

Closed associations

In 1996, numerous mass organizations faced attacks and oppression. Their leaders and members were attacked, detained and arrested. A total of 22 organizations were closed, some for indefinite periods, upon orders by local administrators. These are as follows:

İHD Adana Branch, İHD Samsun Branch, Ege Culture and Art Center (İzmir), Contemporary Rights and Freedoms Association, Mesopotamian Cultural Center İzmir Branch, Bayraklı Folklore Arts and Education Association (İzmir), Halkevleri Adana Branch (twice), Ova Culture and Arts Association (İzmir), Association to Struggle with Unemployment and Inflation (İstanbul), Eđit Der İzmir Branch (twice), Yüređir Solidarity and Cultural Association (Adana), Evka-2 Modern City-Life Association (İzmir), Ege University Student Association (İzmir), Association of Ready Made Clothes Workers (İstanbul), Sevdilli and Neighboring Villages Solidarity and Cultural Association, Association of Families of Arrested and Convicted Prisoners (TUHAD) Diyarbakır Branch (twice), İzmir War Resisters’ Association, Pir Sultan Abdal Association İzmir Bornova Branch, Association for Solidarity with the Families of Prisoners (TUAD-İstanbul), Hatay Alternative Cultural Center (İzmir), Tunceli Solidarity and Cultural Association Headquarters and Tunceli Solidarity and Cultural Association Kartal Branch (İstanbul).

Pressure on political parties

1996 was not a good year for political parties and political activities. The pressure on dissident political parties and groups continued. Firstly the HADEP, Worker’s Party (İP), ÖDP, the Socialist Power Party (SİP), and the Labor Party (EP), and leaders, members and supporters of these faced various pressure and attacks. On 25 March, the Constitutional Court decided for the closure of the Democracy and Change Party (DDP) and the transfer of its assets to the Treasury, on charges that “its program included provisions contradicting the Constitution and the Law on Political Parties, and it engaged in separatism.” When it had become clear that the DDP would be closed, the Democracy and Peace Party (DBP) was established to replace it.

In June, the Chief Prosecution Office of the Supreme Court launched a trial with the Constitutional Court, demanding the closure of the Labor Party (established on 25 March) in connection with a section of the Party Program entitled “Democratic Solution for the Kurdish Problem.” The indictment brought the accusations of “attempting to change the rules regarding the indivisible unity of the state with its country and nation and regarding the language”, “alleging that there are minorities in Turkey”, “pursuing to destroy national unity by creating

(*) Akın Birdal, Hüsnü Öndül, Nazmi Gür, Erol Anar, Selahattin Esmer, Hediye Gülten Felekođlu, Nebahat Akkoç, Ercan Kanar, Hamit Toprak, Ahmet Turan Demir, Alp Ayan, Yeşim İşlegen, Nihat Bulut, Ümit Erkol, Abdullah Çađer, Müjgan Aslan and Özcan Sapan.

minorities in Turkey through protecting, developing and spreading other languages and cultures in Turkey other than the Turkish language and culture.” The Constitutional Court closed the EP on 14 February 1997, concluding that “the EP program included provisions in contradiction with the Constitution and the Law on Political Parties.” A new party, Labor’s Party (EMEP), was established on 25 November, after the closure trial against the EP was launched. (*)

In July, the Chief Prosecution Office of the Supreme Court launched a trial for the closure of the radical Islamic Resurrection (Diriliş) Party, as the party did not dissolved itself despite the notice by the Public Prosecution Office, although it did not participated in the 1991 and 1995 general elections, (The Law on Political Parties includes a provision that obliges parties to dissolve themselves for not participating in 2 consecutive general elections.) The Chief Prosecution Office of the Supreme Court launched a closure trial with the Constitutional Court against the Democratic Peace Movement (DBH), which was established on 1 October, on the accusations that the paragraph of the party program that proposes abolition of the Directorate of Religious Affairs was in contravention of the Constitution. The trial was rejected in 1997.

Armed attacks and bombings against leaders, members and candidates of the political parties and against buildings, meetings or activities of these parties continued in 1996. Five persons were killed in these attacks. Most of the attacks were directed at the executives and members of the HADEP. Hulusi Kul and Mustafa Öztürk, executive members of the HADEP Maraş and Elbistan organizations, and Mehmet Kaya, the General Accountant of Elbistan District Organization, were killed in an attack by unknown assailants on 24 June. Abdülrahim Altın, an executive member of the HADEP Kayseri Provincial Organization who had disappeared in the night of 22 March, was found dead on 1 April, and Mustafa Totoş, an member of the CHP Divriği District Organization Executive Board who had been abducted by armed persons in the night of 21 June, was found dead in the night of 22 August.

In addition, many political party leaders and members, and some candidates were detained, tortured, and arrested (The names of the arrested political party members are on page 446), or sentenced to various imprisonment terms. The prosecution of former MPs Ahmet Türk, Sedat Yurtdaş, Sırrı Sakık and Mahmut Alınak, (*) whose sentences were overturned by the Supreme Court on 26 October 1995, started at Ankara SSC on 11 January. The trial ended on 11 April. Türk, Yurtdaş, Sakık and Alınak were each sentenced to 1 year 2 months in prison and fined TL 116 million under Article 8 of the Anti-Terror Law. The Supreme Court upheld the verdict in September. In the original trial, Hatip Dicle, Ahmet Türk, Orhan Doğan, Leyla Zana and Selim Sadak had each been sentenced to 15 years in prison, Sedat Yurtdaş to 7 years 6 months, and Sırrı Sakık and Mahmut Alınak to 3 years 6 months in prison. The Supreme Court had upheld the sentences passed on Dicle, Zana, Doğan and Sadak, and overturned the sentences passed on the others ones, ruling that “they should be prosecuted under the Anti-Terror Law.”

Abdülmelik Fırat, former MP for Erzurum who was arrested in absentia by Erzurum SSC, was detained in İstanbul on 13 January, and then arrested. The arrest warrant was issued basing on the testimony given by repentant PKK militant Sait Zambak in 1994 (the testimony was reportedly received during the interrogation at the Security Directorate and was taken back later at the judiciary stage.). The trial launched against Fırat on charges of “aiding the PKK and disseminating separatist propaganda” and with the demand of a sentence between 5 and 8 years, started at Erzincan SSC on 7 March. He was released in the hearing, and acquitted on 19 September. Meanwhile, İstanbul SSC confiscated his book, “Fırat Mahsun Akar” (Gloomy Flows the Euphrates), in September on charges of “separatism and inciting people to enmity.”

(*) On 24 June, the executive members of the EP made the defense at the Constitutional Court. About 600 members of the EP assembled outside the EP Headquarters in Ankara. The police attacked them, wounding over 200 people, 20 of whom severely. The police did not allow the ambulances to enter the street. There were fractures on the bodies of Hüseyin Uçar, Mehmet Ali Küçük and Müslüm Timur. Meltem Bal was kept at intensive care unit for a long period. Pakize Gülhan was partially paralyzed. EP Central Executive Board member Mustafa Yalçın suffered from fractures on the cheek-bone and the leg, and had an operation due to the torn in his left eye. Murat Ergenekon was kept at intensive care unit for 2 days.

(*) After his membership to the Parliament was lifted, 17 investigations were launched against Mahmut Alınak. Most of these investigations, which were related with the activities, speeches and statements he carried out or made during the period he served as an MP, were resulted in his prosecution. A book written by Alınak, “HEP, DEP and the State; From the Parliament to the Ninth Wing/2,” was confiscated on charges of “insulting the Parliament, security officers, government and judicial organs.” Alınak was beaten during a demonstration staged by the relatives of the prisoners on 7 July, and stayed in hospital for 2 days.

The trial launched because of the tearing down of Turkish flag during the 2nd Congress of the HADEP at Atatürk Sports Hall in Ankara on 23 June, was an interesting case. 49 executive members of the HADEP were detained at the end of the congress at about 04.30. Besides, people around the sports hall were dispersed under beating. On 24 June, the HADEP Headquarters and its provincial and district organizations in Ankara were raided. Meanwhile, former MP Sırrı Sakık was detained on 26 June and remanded the next day, when he said to the journalists: "People who desire that a certain respect be paid to their own flags, should be respectful to the others' flags." The 49 detainees were referred to Ankara SSC in the morning of 4 July. Ankara SSC Prosecutor Nuh Mete Yüksel released 10 of them, but 39 were remanded by the court. 15 of the arrested persons were released on 14 July upon the objection raised by lawyers. (*)

In its indictment, Ankara SSC Prosecution Office claimed that 23 executive members of the HADEP, including Murat Bozlak, were "leaders of an illegal organization," 17 were "members of an illegal organization," and Sırrı Sakık had made "separatist propaganda." The indictment named the HADEP as "the recruitment office of the PKK." The trial launched against 41 HADEP members, 28 of whom were under arrest, started at Ankara SSC on 25 September. Murat Bozlak, who read the common defense, named the trial as a political one, and asserted that "Nuh Mete Yüksel, acting as a certain political party, had prepared the indictment within his ideological framework." He said, "It was not possible to hang up the flag again because of some technical problems, but a flag was hung on the desk of the chair of the congress." Ömer Doyuran, Sırrı Sakık, Tefik Kaya, Ethem Bingöl, Bayram Önal, Dursun Turan, Yaşar Küpeli, İlhan Akalın, Ferhan Türk, Meliha Özcan and Nebahat Altıok were released on 26 September.

Meanwhile, Faysal Akcan, who tore down the flag, and Gıyasettin Mordeniz were detained in İstanbul in August. Ankara SSC Prosecution Office launched a trial against them, seeking the death penalty under Article 125 of the Turkish Penal Code, and asserting that Akcan had torn down the flag upon the instruction by Mordeniz. In the trial that started at Ankara SSC on 23 October, Akcan confessed that he had torn down the flag. The court board decided to unify the trial against Akcan and Mordeniz with the one launched against the executive members of the HADEP. Fourteen of the arrested defendants, including Murat Bozlak, were released in the hearing held on 14 April 1997. Thus, the only arrested defendants remained in the trial were Faysal Akcan and Gıyasettin Mordeniz (it was decided that he be prosecuted in İstanbul). (**)

Political clashes

1996 frequently witnessed political clashes, fights, attacks or tension which resulted in deaths or serious injuries. Similar incidents also took place in schools, especially in the universities. **Five** persons were killed in these incidents, whereas **210** people were wounded.

A dispute that broke out between two families of Turkish and Kurdish origin, living in Erdemli District of Mersin, gave rise to the incidents that resulted in the death of Galip Çetin and the destruction of some of the shops on 9 and 10 March. (Detailed information is on page 100). A MHP adherent named Hilmi Günaydın was stabbed to death in the fight that arose between the officials of the Pir Sultan Abdal Cultural Association and the MHP adherents in İçerenköy, İstanbul, in April. Two persons, who were arrested in connection with the incident, were released one year later.

MHP Ankara former Provincial Chairman Hasan Basri Erdem and Düzköy Mayor's driver Ali Çağlayan were shot dead during the festival held by the MHP members in Trabzon on 20 August. Engin Uslu (16), a student at Kartal Yakacık High School in İstanbul, was stabbed to death on 6 December by a group of people, reportedly adherents of the MHP. İsmail Uzun (28), Kenan Akbayrak (18), Engin Kara (17) and Mehmet Kaynak (16), a student at the same high school, were detained and subsequently remanded on charges of killing Uslu.

(*) It later came out that Ömer Doyuran, who was exposed to the public at the initial stage as the person who "torn down the flag," had no relation with the incident.

(**) The trial ended on 4 June 1997. Faysal Akcan was sentenced to 22 years 6 months in prison. The SSC sentenced Murat Bozlak and Hikmet Fidan, the Chair of the Congress, to 6 years in prison on charges of "aiding an illegal organization," and 28 defendants to 4 years 6 months. 14 defendants were acquitted.