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## U.S. Department of State

### Turkey Country Report on Human Rights Practices for 1996

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#### TURKEY

Turkey is a constitutional republic with a multiparty parliament, the Grand National Assembly, which elects the President. Suleyman Demirel was elected President in 1993. December 1995 elections led to an unstable coalition government that fell in the spring, and in July Necmettin Erbakan, leader of the Refah party, became the first Islamist Prime Minister in the Republic's history. He heads a coalition government with the secular, center-right True Path Party (DYP), whose leader, Tansu Ciller, is Deputy Prime Minister and Foreign Minister. The Government respects the constitutional provisions for an independent judiciary.

For over a decade, Turkey has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal is a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1984, continues in 9 southeastern provinces where the Government faces substantial terrorist violence from the PKK. (The state of emergency was lifted in Mardin province in November.) A regional governor for the state of emergency has authority over the ordinary governors in the 9 provinces, as well as 2 adjacent ones, for security matters. The state of emergency allows him to exercise certain quasi-martial law powers, including restrictions on the press and removal from the area of persons whose activities are deemed hostile to public order. The state of emergency decree was most recently renewed for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (gendarmarie) carry out this function in the countryside. The armed forces continued to combat the PKK in the state of emergency region, thereby taking on an internal security function.

Although civilian and military authorities remain publicly committed to the establishment of a state of law and respect for human rights, some members of the security forces, particularly police "special teams," Jandarma, and TNP personnel, committed serious human rights abuses.

Turkey has a primarily market-based economy driven by an increasingly active private sector. The agricultural sector employs nearly one-half of the country's labor force but contributes only 15 percent of the gross national product (GNP) and total exports. The leading industrial sectors--textiles, iron, and steel--provide the leading exports. Impressive economic growth over the past 15 years has translated into an improved standard of living and the creation of a growing middle class. Per capita GNP is approximately \$3,000. Such positive developments, however, have been accompanied by substantial macroeconomic imbalances. The Government had little success in implementing needed reforms to reduce the budget deficit and inflation. The introduction of populist economic measures pushed the budget deficit to nearly 10 percent of GNP, while inflation exceeded 80 percent. Persistently high inflation over the past decade has worsened income distribution. The conflict in the southeast and maintenance of a large national defense establishment continue to be a significant drain on the economy. As expected, implementation of the customs union with the European Union in January appears to have aggravated the trade deficit in the short term. Corruption has taken an economic toll and has sapped popular faith in the Government.

Serious human rights problems continued. The Government was unable to sustain improvements made in 1995 and, as a result, its record was uneven in 1996 and deteriorated in some respects. Human rights emerged as a priority public issue during the year. There was growing recognition in the Government, Parliament, the media, academia, big business, and the public at large that the country's human rights performance is inadequate and needs to be brought in line, not only with its international obligations and commitments, but also with popular aspirations and demands.

The situation in the southeast was of particular concern. The Government has long denied its Kurdish population, located largely in the southeast, basic cultural and linguistic rights. As part of its fight against the PKK, the Government forcibly displaced large numbers of noncombatants, tortured civilians, and abridged freedom of expression. The PKK has committed widespread abuses and regularly employed terrorism against the Government and civilians, mostly Kurds. In January a minibus carrying 11 people, including some supporters of a Kurdish political party, was ambushed in Sirnak province, all were killed. The Government blamed the PKK, but an independent "Working Group for Peace" concluded that security forces were responsible.

Estimates of the total number of villagers forcibly evacuated from their homes since the conflict began vary widely: between 330,000 and 2 million. A credible estimate given by a former Member of Parliament from the region is around 560,000. Although the Government began a new resettlement program this year, its efforts to deal with and compensate the many internally displaced remained inadequate. As of October, 2,019 households with 15,314 people were resettled, according to government figures.

Human rights abuses were not limited to the southeast. Extrajudicial killings, including deaths in detention, from the excessive use of force, in safe house raids, and "mystery killings," continued to occur with disturbing frequency. Disappearances also continued. Torture remained widespread: Police and security forces often abused detainees and employed torture during periods of incommunicado detention and interrogation. Prolonged pretrial detention and lengthy trials continued to be problems.

In January journalist Metin Goktepe died from wounds he sustained while in police custody. Forty-eight police members were charged in his death; 14 of whom were dismissed from the force pending trial. In western Turkey, 10 police officers from the city of Manisa, including 2 superintendents, are being tried

for torturing 14 people, mostly teenagers accused of ties to a leftist terrorist organization. In Istanbul, five police officers have been indicted for torturing Gulderen Baran and four others whom they suspected of being members of a terrorist organization. Prison conditions remained poor. At least 12 prisoners died during nationwide hunger strikes between March and July. At Diyarbakir prison, 10 prisoners were beaten to death by security forces called in to quell a disturbance in September; a parliamentary commission investigated and recommended that 68 police and security personnel be tried for their role in the violence. They were charged with manslaughter.

Limits on freedom of expression remained another serious problem. For example, at various times 135 journalists were detained, 11 of whom were formally arrested. Seven were reportedly attacked and one kidnaped. Academics, students, Members of Parliament, and intellectuals also had their freedom of expression limited. The Government continued to use the 1991 Anti-Terror Law, with its broad and ambiguous definition of terrorism, to detain both alleged terrorists and others on the charge that their acts, words, or ideas constituted dissemination of separatist propaganda. A book titled "The Euphrates Flows Sadly," published by a Kurdish former Member of Parliament (M.P.) from Erzurum, Abdulmelik Firat, was confiscated as separatist propaganda on orders of the Istanbul State Security Court prosecutor. Prosecutors also used Article 312 of the Criminal Code (incitement to racial or ethnic enmity) with increasing frequency. The translator and publisher of a Human Rights Watch report on the conflict in the southeast are being charged under Article 159 of the Code (defaming the military). Kurdish-language broadcasts remained illegal, despite the fact that Kurdish music broadcasts are growing. Despite these developments, private channel television programs and print media expanded the limits of debate on human rights and other issues of freedom of speech and the press. The number of licensed media rose substantially, the number of banned publications declined considerably, and the number of persons charged or convicted under the Anti-Terror Law fell significantly.

Four pro-Kurdish former M.P.'s who were convicted in 1994 on charges of separatism, and whose sentences were overturned on appeal in 1995, were retried and found guilty in April on similar charges. In September their sentences were upheld on appeal. Like the other M.P.'s from the Democracy Party (DEP) who were earlier convicted of separatism, they plan to appeal to the European Commission of Human Rights. The Ankara State Security Court pressed charges against three other former DEP Parliamentarians this year, also for promoting separatism.

In September and October, the Government prosecuted 43 members of the Pro-Kurdish People's Democracy Party (HADEP), including party chairman Murat Bozlak, based on an incident at the party's June 23 convention in Ankara, during which the Turkish flag was torn down and replaced by a PKK banner. The accused face minimum sentences ranging between 12 and 22 1/2 years, and the party itself may be declared illegal (as were two of its predecessors). Of the 43 defendants, 16 remain in custody; by year's end, the trial had not yet concluded.

Officials of various government agencies continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. In May Mustafa Cinkilic, a representative of the Adana branch of the Human Rights Foundation (HRF), and Dr. Tufan Kose, who operated a center for the treatment of victims of torture, were charged with operating an unlawful health center. Human rights monitors alleged that the prosecution of Cinkilic and Kose was a government attempt to harass the HRF. There were several hearings during the year, and the case is set to resume in February 1997. In May Seyfettin Kizilkan, president of the Diyarbakir Medical Chamber, was arrested on the grounds that he had PKK ties. He was sentenced in June to a 3-year prison term by the Diyarbakir State Security Court but remains free pending the outcome of his appeal.

Prosecutions of police or security officers for killings and torture increased somewhat. However, the climate of impunity reflected in the relatively small number of convictions probably remains the single

largest obstacle to reducing these troubling human rights abuses. The lack of early access to an attorney by those detained is also a major factor in the use of torture by police and security forces.

The Government expanded human rights training for the police and military. The military improved the training of its officers and noncommissioned officers, which human rights nongovernmental organizations (NGO's) reported led to a reduction in human rights violations. Human rights education in primary schools is mandatory; it is an elective in high schools. The Refah/DYP coalition Government initially abolished the position of State Minister for Human Rights, but recreated it in November, appointing Lutfu Esengun to the position and providing him with more personnel and resources than his predecessors. Some discrimination against women persists. Spousal abuse and child labor remain problems.

PKK terrorists murdered noncombatants, targeting village officials, teachers, and other perceived representatives of the State and committed random murders in their effort to intimidate the populace. The PKK brutally murdered seven primary school teachers in predominantly Kurdish areas and often targeted civilians in an effort to prevent them from collaborating with security forces or to coerce them into assisting the insurgents. The PKK was also responsible for at least 23 disappearances.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

While accurate figures on the number of political and extrajudicial killings were unavailable, credible reports of such violations by government authorities continued. The Human Rights Foundation of Turkey, a respected nongovernmental organization, reported in its documentation center announcements a number of deaths under suspicious circumstances while in official custody, some as an apparent result of torture.

In January Metin Goktepe, a correspondent for Evrensel newspaper, died from wounds inflicted while in detention in Istanbul. Goktepe was detained by the police as he covered the funeral of a prisoner who died during a disturbance at Istanbul's Umraniye prison. Police initially denied that he had been detained, then later said that he died from a fall. Following large public demonstrations and a parliamentary outcry over the circumstances of his death, an investigation led to the arrest of 48 police officers, including 3 senior officers and a deputy commissioner. Some of these officers alleged that they were themselves tortured during interrogation. Fourteen of the accused were dismissed from the police force in October, and the case against all of the accused continued at year's end. The remaining police were suspended. (Some officers returned to work briefly, but due to public reaction they were again suspended.) In January a policeman shot and killed Cetin Karakoyun while the 14-year-old was in custody in Magazalar. Authorities are obliged by law to investigate all deaths in custody. However, the number of serious prosecutions of security force members, while increasing, remained low.

The Human Rights Association (HRA) and other human rights (NGO's) recorded several mystery killings, in which the assailant's identity was unknown, many with the alleged complicity of security forces. Most of the reports pertain to the southeast where some of the victims were leaders or prominent members of the Kurdish community, local politicians, or members of the HADEP. The 1995 recommendations of a Parliamentary Committee, designed to purge "illegal formations" within the State which the Committee said committed some mystery killings, were not implemented.

In November a fatal car crash occurred involving: Abdallah Catli, a rightwing militant wanted by Interpol on charges of murdering seven Labor Party members in 1980; Huseyin Kocadag, former Istanbul deputy police chief; Gonca Uz, a former beauty queen; and Sedat Bucak (the only survivor), an ethnic Kurdish M.P. and clan leader with an important stake in the Government's village guard program. The incident resurrected serious concerns about corruption and the abuse of power in the security forces. It also led to the resignation of the Interior Minister, Mehmet Agar, who had been linked to the victims of the accident. A parliamentary committee was formed to investigate reputed links among politicians, police officials, and organized crime bosses.

There was an increase in the number of reports of deaths attributable to government authorities due to excessive use of force. According to Amnesty International, four prisoners died from beatings received in January in Umraniye prison. The Parliamentary Human Rights Commission concluded after an investigation that security forces killed 10 prisoners with truncheon blows to the back of the head while quelling a disturbance in Diyarbakir on September 24. A total of 37 people, including prison officers, were wounded (see Section 1.c.). The Commission recommended that 68 police and security personnel be tried for their role in the violence, and in January 1997 they were charged with manslaughter. Several NGO's have credibly reported that government forces used excessive force during some raids on alleged terrorist safe houses. Police killed three protestors during violent May Day demonstrations in Istanbul (see Section 2.b.).

Following an investigation, six of eight police officers originally accused have been charged in the case of Sinan Demirtas, who died in 1995 while in police custody. The 1995 death of journalist Safyettin Tepe in custody was ruled a suicide. In April the Bitlis prosecutor transferred the case to the provincial administrative board to determine if any further investigation into the conduct of police officers who had detained Tepe was warranted. The 1994 death in detention of Can Demirag was also ruled a suicide. Turkish authorities have in the past frequently claimed that deaths in custody were suicides. The case of police officer Abdullah Bozkurt, charged with the 1994 murder of Vedat Han Gulsenoglu, continues; Bozkurt has been reassigned from Istanbul to Van while his case is being prosecuted. The 1994 investigation into the murder of Diyarbakir tradesman Serif Avsar revealed that he was killed by six village guards, some of whom were his relatives. One defendant confessed that Avsar was killed as the result of a family vendetta. The case in absentia continues concerning the death in detention in 1993 of Vakkas Dost; policeman Nurettin Ozturk, the accused murderer, is still at large. The trial of the 11 police officers in the 1992 Basalak case continues.

The following cases remain unresolved: the 1992 case of Yucel Ozen, the 1994 murder of HEP party official Faik Candan, and the 1993 murder of journalist Ugur Mumcu.

A law under which terrorists who surrendered were eligible for lighter sentences was not renewed, but the Government continues to encourage their surrender. The courts also are more lenient with such terrorists. The Government asserts that it treats surrendered PKK members well and that only PKK coercion and propaganda--claiming that the Government kills all surrendered terrorists--has prevented an increase in the number surrendering.

The PKK continued to commit political and extrajudicial killings, primarily in rural southeast Anatolia. Political killings perpetrated by the PKK have in the past included those of state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid paramilitary village guards and their family members, young villagers who refused to be recruited, and PKK guerrillas-turned-informants. According to government figures, for the first 10 months of 1996 the PKK killed 447 people in several operations, including at least 109 unarmed civilians, and wounded 900 other people. This total included 7 schoolteachers, bringing the total number of teachers killed by the PKK over the last 12 years to 153. The PKK also destroyed 70 primary and middle schools. This year the PKK began a new campaign of

suicide bombings by women, who had usually been drugged or coerced in other ways.

Turkish Hizbullah, an Islamist Turkish terrorist group (not related to Lebanese Hizbullah), also targeted civilians in the southeast, committing at least eight gruesome murders and injuring several other people in Diyarbakir. Four trials continued against 89 Hizbullah members charged with a total of 113 murders. The Foreign Ministry states that a case has been opened against Hizbullah for the 1993 murder of DEP parliamentarian Mehmet Sincar; human rights groups consider the case a mystery killing.

#### b. Disappearance

Accurate statistics on disappearances of those previously under detention are hard to confirm; nonetheless, HRA figures indicate that such disappearances appear to have declined from a total of 221 in 1995 to 194 in 1996. Some persons disappeared after witnesses reported that security forces or law enforcement officials took them into custody. On September 16, at least five bodies were found on the outskirts of the village of Baharli, near Diyarbakir. Some of the victims had reportedly been in police custody earlier in September. The disappearances and deaths are under investigation; as yet no one has been formally charged.

For nearly a year, mothers who claim that their children have disappeared have gathered weekly in a square in Istanbul to ask for their return. In July police broke up one of these demonstrations, temporarily detaining at least 25 people and hitting others with truncheons, according to eyewitnesses. During the remainder of the year, the demonstrations took place unimpeded.

This year the Ministry of Interior created a missing persons bureau, which operates 24 hours a day. It has investigated disappearances reported by the HRA for 1995 and the first 5 months of 1996 and found that of 187 reported disappearances, 39 persons had since been found, 3 were fugitives from justice, 2 were killed by illegal groups, 82 who were allegedly in police custody had never been detained and were not being sought, 58 had been jailed for crimes, and 3 were active in terrorist groups.

The Government, human rights organizations, and the media report that the PKK routinely kidnaps young men or threatens their families as part of its recruiting effort. PKK terrorists continued their abductions of local villagers, teachers, journalists, and officials in the southeast. According to the Government, the PKK abducted 23 people through October, and killed at least 4 of them.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the Constitution's ban on torture, the Government's cooperation with unscheduled foreign inspection teams, and public pledges by successive governments to end torture, it continued to be widespread. The HRF's torture rehabilitation centers in Ankara, Izmir, Istanbul, and Adana reported that they accepted a total of 354 credible applications for treatment in the first 6 months of 1996. A total of 713 applications were received in 1995. Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture during periods of incommunicado detention in police stations and Jandarma headquarters before they are brought before a court. Government officials admit that torture occurs. Although they deny that torture is systematic, they explain its occurrence by stating that it is closely tied to the State's fight against terrorism. The Government's draft legislation before Parliament includes provisions for reducing lengthy prearrest/pretrial detention periods cited by human rights monitors as providing occasions for torture; by year's end this legislation had not been passed into law.

Many cases of torture, however, occur in western Turkey, outside the zone of conflict. For example, 10

police officers, including 2 superintendents from Manisa (western Turkey) are being tried for allegedly torturing a group of 14 teenagers whom they suspected of belonging to a leftist terrorist organization. The December 1995 incident came to light through the intervention of a Manisa M.P. Widespread press coverage led to public outrage. The police officials' trial is set to resume in February 1997. Meanwhile the separate trials of the 15 alleged victims ended in January 1997. Five of the students were sentenced to 12 1/2 years' imprisonment, one student was sentenced to 3 years, 9 months, and four students to 4 1/2 years. The other five were acquitted. Lawyers have announced that they will appeal the convictions. The timing of the police and teenagers' trials precluded consideration that the teenagers' confessions may have been based on torture. Amnesty International published a report in November citing the Manisa case, and other alleged incidents of torture of children. In Istanbul, five police officers from the antiterror department were indicted in criminal court. The police are accused of torturing Gulderen Baran and four other detainees during an interrogation about their alleged membership in a terrorist organization.

Private attorneys reported neither better treatment of those charged under the Anti-Terror Law nor an overall decrease in the incidence of torture in 1996. In 1996 women again charged that sexual abuses occurred while under detention by security officials. In the 1995 case of Leman Celikslan, who alleged that she was sexually abused by antiterror police, no evidence of rape was found, and the investigation was dropped, according to the HRF. In February she was found guilty of being a member of the PKK and sentenced to prison.

The 1992 Criminal Trials Procedure Law (CMUK) facilitates faster attorney access to those arrested for common crimes; however, the CMUK's provisions for immediate attorney access do not apply to those detained under the Anti-Terror Law or for other "security" crimes. The CMUK's allowable maximum prearrestment detention periods exceed Council of Europe maximums.

Human rights observers report that because the arresting officer is also responsible for interrogating the suspect, some officers may resort to torture to obtain a confession that would justify the arrest. Commonly employed methods of torture alleged by the HRF's torture treatment centers include: high-pressure cold water hoses, electric shocks, beating on the soles of the feet, beating of the genitalia, hanging by the arms, blindfolding, sleep deprivation, deprivation of clothing, systematic beatings, and vaginal and anal rape with truncheons and, in some instances, gun barrels. Other forms of torture were sexual abuse, submersion in cold water, use of truncheons, hanging sandbags on detainees' necks, forcing detainees to stand on one foot, releasing drops of water on their heads, and withholding food.

The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release. However, former detainees assert that some medical examinations took place too long after the event to reveal any definitive findings of torture. According to a 1996 report by the Physicians for Human Rights (PHR) based on interviews with 39 torture survivors, a survey of 60 physicians who officially examine detainees, and a review of more than 150 official medical reports on detainees, law enforcement officers frequently coerce physicians, through the use of violence and intimidation, not to report evidence of torture. Members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in intimidation of both the detainee and the physician. Physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting physical findings but not drawing reasonable medical inferences that torture occurred. Sixty percent of the physicians surveyed believed that "nearly everyone who is detained is tortured." The report also found that doctors and other healthcare professionals in the state of emergency region have been killed, tortured, imprisoned, internally exiled, and legally sanctioned in the course of their professional duties.

The Government attempted to deal with the problem doctors face in reporting evidence of torture by

making improvements in medical examination procedures during the year. The Ministry of Health added some reporting requirements designed to increase accountability. A Ministry of Health circular from July requires "health station doctors" to examine detainees every 48 hours in areas where forensic doctors are not available. This requirement was adopted to promote independent and objective exams. While there is no information about the implementation and impact of this regulation, the Turkish Medical Doctors' Union noted that practices in 1996 were "more positive" than in the past. Ministry of Health efforts to disseminate information on forensic medicine were generally successful; however, according to the Medical Doctors' Union, not all the new monitoring practices were in place, especially in the southeast.

Credible sources in the human rights and legal communities estimate that judicial authorities investigate very few of the formal complaints involving torture and prosecute only a fraction of those. Security personnel accused of violating human rights are held to a different standard than other citizens. The Anti-Terror Law provides that officials accused of torture or other mistreatment may continue to work while under investigation and, if convicted, may only be suspended. Special provincial administrative boards rather than regular courts decide whether to prosecute such cases. Suspects' legal fees are paid by their employing agencies. Under the state of emergency, any lawsuit directed at government authorities must be approved by the state of emergency governor. Approval is rare. These constraints contribute to the paucity of convictions for torture.

Under the Administrative Adjudication Law, an administrative investigation into an alleged torture case is conducted to determine if there is enough evidence to bring a law enforcement officer to trial. Under the CMUK, prosecutors are empowered to initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges.

In the first 9 months of 1996, seven complaints of torture or mistreatment were filed with the Parliamentary Human Rights Commission. This was a decrease from 1995 when 23 cases were filed during the same period. In each of the seven cases, the Commission wrote to the offices of the public prosecutor where the alleged incidents occurred. As prosecutors were not required to complete their investigations within strict deadlines, by year's end no further developments had occurred. There were no additional developments in the case of Baki Erdogan.

The Government accepted numerous unannounced visits by the Council of Europe's Committee for the Prevention of Torture (CPT) and is in regular dialog with the CPT. In December the CPT issued a very tough report about torture. The report acknowledged that progress had been made since 1992, but said that "although much of the legal framework necessary to combat torture is in place...in practice these measures are being ignored." The Government agreed that CPT reports on Turkey may be made public.

In December the European Court of Human Rights ruled against Turkey in the case of Zeki Aksoy. Specifically, the Court ruled that Aksoy had been tortured, detained for too long a time without being brought before a judge, and that he had not been provided with an effective remedy for his complaint of torture. The Court ordered Turkey to pay compensation, legal costs, and expenses. Aksoy did not live to hear the verdict, since he was murdered by unknown assailants in April 1994, reportedly after being threatened