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1999 Country Reports on Human Rights Practices

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TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In 1993 it elected Suleyman Demirel President for a 7-year term. After April parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahceli, and former Prime Minister Mesut Yilmaz's Motherland Party (ANAP) formed a new Government in June with Ecevit as Prime Minister. The military exercises substantial, but indirect, influence over government policy and actions--and politics--in the belief that it is the constitutional protector of the State. The Government generally respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for legislative changes to strengthen its independence.

For over 15 years, the Government has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal originally was the formation of a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in five southeastern provinces that faced substantial PKK terrorist violence. The Parliament in November lifted the state of emergency in Siirt province. The level of violence decreased substantially compared with the previous year. The state of emergency region's governor has authority over the provincial governors in the five provinces, and six adjacent ones including Siirt, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. The state of emergency decree was renewed in five provinces (Diyarbakir, Hakkari, Sirnak, Tunceli, and Van) for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (gendarmerie) carry out this function in the countryside. The armed forces, in support of the police and particularly the Jandarma, carry out operations against the PKK in the state of emergency region, thereby serving an internal security

function. These operations declined in number as the terrorist threat ebbed. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams," other TNP personnel, village guards, and Jandarma committed serious human rights abuses.

The Government passed a series of long-awaited economic structural and fiscal reforms. These developments bolstered the Government's launch of a 3-year disinflationary program designed to rectify income disparities. The export-oriented market economy contracted during the year, due to the disinflationary program, the aftermath of the Russian financial crisis of 1998, a slump in tourism revenues, and the impact of the August 17 earthquake. A slight recovery was apparent by year's end. Trade in manufactured goods, predominantly oriented toward the European Union, remained resilient overall. Textiles, iron, and steel continued to lead exports, but electronics, autos, and processed foods featured more prominently. The Government made substantial progress toward international pipeline agreements to ship Caspian Basin oil and gas to world markets through the Caucasus and Turkey. Inflation was slightly higher than in 1998, and income disparities between the top and bottom population segments grew. Corruption in public procurement continued to be a focus of public attention.

Serious human rights abuses continued; however, the Ecevit Government adopted measures designed to improve human rights and some officials participated in a broad public debate on democracy and human rights. Extrajudicial killings continued, including deaths due to excessive force and deaths in detention due to torture. There were few reports of mystery killings and disappearances of political activists; however, the authorities failed to adequately investigate past disappearances. Torture, beatings, and other abuses by security forces remained widespread, at times resulting in deaths. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney and long detention periods for those held for political crimes are major factors in the commission of torture by police and other security forces. With the decrease in operations and detentions in the southeast, there were fewer reported cases of abuse; however, the proportion of cases in which abuse occurred remained at high levels.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. Investigations and trials of officials suspected of abuses continued to be protracted and inconclusive. Important cases dating back several years continued without resolution, including: Appeals in the cases of police officers charged with the 1996 death of journalist Metin Goktepe, 10 police officers from Manisa charged with torturing 16 persons in 1995, and action against police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996.

Prison conditions remained poor. In September armed clashes between prisoners and prison officials resulted in the killing of 10 prisoners. The police and Jandarma continued to use arbitrary arrest and detention. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSC's) reflect the legal structure, which protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated numerous publications and raided newspaper offices, encouraging self-censorship on reporting on the southeast. Security forces at times beat journalists. Police and the courts continued to limit freedom of expression by using restrictions in the 1982 Constitution and several laws, including the 1991 Anti-Terror Law (disseminating separatist propaganda), Article 159 of the Criminal Code (concerning insults to Parliament, the army, Republic, or judiciary), Article 160 (insulting the Turkish Republic), Article 169 (aiding an illegal organization), Article 312 (incitement to racial, ethnic or religious enmity), the Law to Protect Atatürk, and Article 16 of the Press Law. Parliament during the year passed two new laws, on combating criminal organizations and on prosecuting civil servants, that contain provisions allowing prosecutions for certain types of speech. Parliament in August also passed a law suspending for 3 years the sentences of writers and journalists convicted of crimes involving freedom of expression through the media. By the end of the year, at least 25 journalists, authors, or political party officials who had published articles were released, and as many as hundreds more had their trials halted. However, they are subject to reimprisonment if they commit a similar crime within a 3-year period. The Committee to Protect Journalists (CPJ) reported that at least 18 journalists nevertheless remained imprisoned at year's end compared with 25 in 1998. Human rights observers and some released writers criticized the suspension of sentences law because it did not apply to crimes committed through speech and because the conditions for the suspension amount to censorship.

Some members of the country's political elite, bureaucracy, military, and judiciary claim that the state is threatened by both "reactionaries" (Islamists) and "separatists" (Kurdish nationalists) and continued to call for concrete steps--many involving potential curbs on freedom of expression--to meet these threats. Prosecutors, courts, and the police continued to take actions against those accused of challenging the secular nature or unity of the state, generally on the basis of the constitutional restrictions on freedom of expression. Government pressure on the legal but pro-Kurdish People's Democracy Party (HADEP) continued. The authorities detained 47 HADEP members who led a hunger strike after PKK leader Abdullah Ocalan's November 1998 flight from Syria. Party leaders allege that many were tortured or beaten; all were released after several months' detention. HADEP politicians asserted that, especially before the April elections, they were the object of arbitrary arrests and harassment designed to hurt their election chances. Following the elections and a drop in PKK terrorist violence in the summer, government pressure on HADEP eased somewhat, although some HADEP officials still faced harassment, court cases, and hostility from some security officials. In December police raided HADEP party offices in seven provinces.

The National Security Council, a powerful, constitutionally mandated advisory body to the Government composed of equal numbers of senior military officers and civilian ministers, continued to urge the Government to offer no concessions in the fight against the perceived threat of radical Islam, described the armed forces as the constitutionally mandated "fist" protecting secularism, and accused Islamist media of extremism and undermining the State. However, following the killing of a prominent secular journalist in October, the military and political leadership resisted calls to crack down on Islamists. Istanbul mayor and prominent Islamist political leader Recep Tayyip Erdogan was released after serving 41/2 months of a 10-month sentence for a 1998 conviction on charges of promoting religious enmity and threatening the unity of the state. He is banned permanently from politics.

Both the HADEP and the Islamist Fazilet parties, whose predecessors had been closed, were the subjects of closure cases during the year for alleged anticonstitutional activities. Both cases were pending at year's end, and elected officials of both parties remained in office in full exercise of their functions. The moderate pro-Kurdish Democratic Mass Party (DKP) was closed in February. Amendments passed by Parliament in August make it more difficult to prove allegations of anticonstitutional activities and close political parties.

The state of emergency governor, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, use of its language in election campaigning, education, broadcasting, and in some cultural activities, such as weddings. Printed material in Kurdish is legal. However, the police continue to interfere with the distribution of some newspapers, and the governor of the emergency region banned some Kurdish-language newspapers in that mainly Kurdish-speaking area. Kurdish music recordings are widely available, but bans on certain songs and singers persist. Radio and television broadcasts in Kurdish are illegal and in practice rarely occur, with the exception of a station that is widely believed to be broadcast from a military base. Some radio stations, especially in the southeast, play Kurdish music. The Government's broadcast monitoring agency mostly tolerates this practice but has closed down some stations for playing politically oriented, banned Kurdish music.

The police and Jandarma continued to limit freedom of assembly and association. The police harassed, beat, abused, and detained a large number of demonstrators. For example the Saturday Mothers, who held weekly vigils in Istanbul for more than 3 years to protest the disappearances of their relatives, discontinued their gatherings in March in the face of ongoing police harassment, abuse, and detention of the group's members.

The Government continued to impose some restrictions on religious minorities and at times imposed some limits on freedom of movement. The Government continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir branch of the leading human rights nongovernmental organization (NGO), the Human Rights Association (HRA), remained closed; other NGO branches have been closed, temporarily or indefinitely, especially in the southeast. Former HRA president Akin Birdal was jailed in June on charges of inciting hatred and enmity in nonviolent statements he made about the Kurdish problem and torture, but in late September was released for 6 months on medical grounds. In December the Ankara State Security Court sentenced 10 persons, including a former Jandarma sergeant, and acquitted 6 others in the 1998 attempted murder of Birdal. There were some signs of a growing tolerance for human rights monitors, journalists, and lawyers: State Minister Irtemcelik and President Demirel met with NGO's, and the office of the HRA in Van reopened in October after being closed for 5 years.

Spousal abuse remains a serious problem, and discrimination against women persisted. Some abuse of children, discrimination against religious and ethnic minorities, and child labor remained serious problems. There are some restrictions on worker rights. Trafficking in women and girls to Turkey for the purpose of forced prostitution is a problem.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, located largely in the southeast, basic political, cultural,

and linguistic rights. Past cases of extrajudicial killings went unsolved, and the police and Jandarma tortured civilians. The state of emergency authority abridged freedom of expression and put pressure on HADEP. The number of villagers forcibly evacuated from their homes since the conflict began is estimated credibly to be approximately 560,000.

In February the Government captured PKK leader Abdullah Ocalan. In June he was tried in a State Security Court on the charge of treason through trying to separate part of the country from government control (i.e., sedition) and sentenced to death. His sentence was upheld in November, and the case is pending before the European Court of Human Rights. Human rights observers, including the U.N. High Commissioner for Human Rights (UNHCHR), raised several due process concerns in the Ocalan case, including his initial 9 to 10 days of incommunicado detention, the limited access of Ocalan's lawyers to private consultations with their client and to written material included in the prosecution's case, and the harassment and threats directed toward Ocalan's lawyers. After his capture and trial, Ocalan called for PKK members to leave Turkey and commit themselves to a peaceful resolution of the Kurdish problem.

The new Ecevit Government adopted a series of initiatives during the year designed to improve human rights conditions. They included: Removing military judges from the State Security Courts; increasing maximum, although not minimum, sentences for torture or for falsifying a medical record to hide torture; calling for prosecutors to make unscheduled inspections of detention sites; making it more difficult to close political parties; suspending for 3 years the sentences or court cases of dozens of journalists and writers, provided they do not commit a similar offense; imposing a time limit on supervisors to decide whether civil servants, including security forces, can be prosecuted; and allowing prosecutors to begin immediately collecting evidence of alleged abuse by security officials.

Senior judicial figures, the President, other politicians, and private citizens participated in a wide-ranging public debate on amending the 1982, postmilitary coup-era Constitution in order to allow greater individual liberties. Due to major developments in the fight against PKK terrorism, public discussion of options for dealing with the Kurdish problem became more vigorous than ever. In October the State Minister for Human Rights convened a broad roundtable discussion with NGO's, professional associations, and parliamentary bodies.

The State Minister for Human Rights, who is also the coordinator for the High Council for Human Rights, and the Minister of Justice led the Government's effort to implement legislative and administrative reforms. The armed forces continued to emphasize human rights in training for its officers and noncommissioned officers. Human rights groups attributed a general reduction in human rights violations by military personnel to this effort. Human rights education in primary schools is mandatory; it is an elective in high schools.

The PKK continued to commit abuses as part of its violent 15-year campaign against the Government and civilians, mostly Kurds. In the first half of the year, PKK terrorists committed random killings and attacks throughout Turkey to protest Ocalan's capture. Terrorist acts attributed to the PKK included a suicide bomb attack in Adana in July, which injured 17 persons, and an Istanbul department store bombing in March that killed 13 persons. Although there was a brief resurgence of PKK terrorist acts following the

June sentencing of PKK leader Ocalan to death, a lower rate of PKK terrorist acts was recorded during the summer and fall than in the previous year. In recent years military pressure significantly reduced the PKK's effectiveness, and some PKK members--though not all--are heeding Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey. Violence declined to the point where the public's freedom to travel at night is no longer restricted in parts of the southeast.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Credible reports of political and extrajudicial killings by government authorities continued, although accurate figures were unavailable. The Human Rights Foundation (HRF) Documentation Center reported a number of deaths of detainees under suspicious circumstances, many as an apparent result of torture. There were at least 12 deaths in detention during the year, according to human rights organizations and press reports. In March trade unionist Suleyman Yeter died while in custody at the Istanbul security directorate political police center. According to the HRF, the official autopsy report states that he died "because of pressure on the neck" and that there were bone fractures and bruises. Yeter was a plaintiff in an ongoing trial of eight police officers who allegedly had tortured and raped detainees in 1997. In August two Van police officers allegedly kicked a 14-year-old street vendor to death; the autopsy revealed swelling around the child's brain and liver consistent with battery. No court case has been opened against the officers. Other cases in which security forces apparently committed extrajudicial killings include the death of an alleged narcotics trafficker under suspicious circumstances while in detention in Istanbul in September; the death in March, allegedly from torture, of villager Salih Karaaslan, near Sirnak; the alleged torture death of Alpaslan Yelden in Izmir in July, for which a police inspector was suspended pending investigation (and another inspector who testified in the case had been under suspension for a previous torture violation); and the death of a 16-year-old ordinary male prisoner, whose relatives said had resisted rape by prison guards. More than a dozen civilians were shot to death either after not heeding a "stop warning" during arrest or commission of a crime or in accidental shootings by police, Jandarma, and in four cases by the military. More than 40 persons--mainly children or military personnel--were killed by mines in the southeast. The courts undertook investigations of most alleged extrajudicial killings; only a few yielded concrete results.

Human rights monitors credibly reported that government forces used excessive force, sometimes resulting in deaths, during some raids on criminals or alleged terrorist and militant safe houses. A house raid in August in Izmir left three persons dead. In October the police in Adana entered the wrong apartment during a raid and shot occupant Murat Bektas to death in front of his wife and son. The police were unable to substantiate their charge that the man was armed. In January the Constitutional Court annulled for a year part of the 1996 Provincial Authority law allowing security officers to "fire directly and without hesitation" at persons who ignore a warning to stop. The Court's judgment requires that a new provision be passed within a year.

In September Jandarma killed 10 prisoners and seriously injured many others in Ankara's

Central Prison during a clash following attempts by prison administrators to search and transfer some prisoners (see Section 1.c.).

In the 12 deaths in detention reported by human rights organizations and media reports during the year, 3 cases led to arrests or trials of police or other law enforcement personnel. The number of arrests and prosecutions in such cases remained low compared to the incidents of deaths in detention, and convictions remained rare. Punishments, when handed down, were generally minimal. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the problem of apparent security force impunity for such deaths.

In cases of extrajudicial killings by police, Jandarma or prison guards, at least 30 trials were begun during the year or continued from previous years, some relating to events back to 1991.

No investigation has been opened into the 1998 death in custody of 18-year-old HADEP member Hamit Cakar, who allegedly was beaten to death by Diyarbakir police during a raid on HADEP offices. An initial autopsy noted bruises on Cakar's body and blood in his lungs, consistent with battery. In January seven police officers charged in the 1998 death of an accused burglar in police custody in Gaziantep were released on bail and continue on active duty.

According to the Turkish National Police (TNP), no one is to be prosecuted in the case of the death in custody in 1997 of university student Burhanett Akdogu. According to the TNP, Akdogu committed suicide. Two State Security Court prosecutors agreed and found in June that there was no need for prosecution.

In May the Afyon Penal Court convicted six policemen and sentenced them to 7 1/2 years' imprisonment for "unintentional murder/manslaughter" in the case of journalist Metin Goktepe, who was killed in 1996. It acquitted five others. The Goktepe family appealed the verdict and is pursuing a civil court case. Before the final trial session, families and friends of Goktepe attempted an unauthorized march to the court. The police blocked the demonstration, and rocks were thrown at the police, who then used their batons to drive the crowds back to their buses. Several persons were hurt, including Goktepe's mother and three police officers. Goktepe, a correspondent for the left-wing newspaper, Evrensel, died from wounds inflicted while in detention in Istanbul in 1996. Police initially denied that he was detained, then later said that he died from a fall. Following large public demonstrations and parliamentary criticism over the circumstances of his death, an investigation led to the arrest of 48 officers. In 1997 the courts decided to try separately 11 of the police officers for premeditated murder; 5 were convicted of manslaughter in 1998, while the remaining 6 were acquitted. However, the Court of Appeals subsequently overturned both the convictions and the acquittals and sent the case back to the Afyon court. The other 37 officers, who were charged with excessive use of force in controlling the demonstration, were acquitted due to lack of evidence, because the court could not determine which police officers may have beaten detainees and which did not. The detainees have asked for an appeal, but no court date has been set.

The trial of 29 Jandarma soldiers and 36 antiterror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison

disturbance in Diyarbakir continued throughout the year. A separate case against prison officials exists; for this case, indictments (for excessive use of force) were based only on identifications by wounded prisoners of who injured them. Two-thirds of the indictments were dismissed, since the slain prisoners could not identify their own killers.

The trial continued of 20 police officers who used lethal force during 1995 incidents that led to the deaths of 19 people in Gazi, Istanbul; one police officer is under arrest in the case. The trial continued in Istanbul of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu. A suspect was arrested in 1998 for the 1993 killing of journalist Ugur Mumcu. The suspect's court case is proceeding. In the 1995 killing of Sinan Demirtas, one police officer was convicted and sentenced to 14 years' imprisonment and seven others were acquitted in November 1998. There were no developments in the 1994 killing of Faik Candan and the 1992 killing of Yucel Ozen.

In June six Aydin police officers, including the deputy security director and the antiterrorism department director, were convicted of torturing student Baki Erdogan to death in police custody in 1993, given 5 1/2-year sentences, and barred from public service for life. The ruling came during a retrial of the case, after an appellate court in December 1998 had overturned the original convictions.

In December the Istanbul Penal Court found five antiterror police guilty of the death of five persons during a 1993 raid on a coffee house. The court sentenced them to death but then used a variety of provisions of the Penal Code to reduce the sentence to 3 years, 10 months, and 20 days in prison.

The European Court of Human Rights in May found that Turkey had violated the right to life of an individual who was killed in a 1990 security force operation in Siirt province and that the state had failed to undertake an effective investigation of the case. In July the Court also found that Turkey had violated an individual's right to life and right to an effective remedy by failing to conduct an effective investigation into his 1993 murder but did not conclude that the man had been killed by security forces or with their connivance.

In the southeast, mystery killings, especially politically motivated killings in which the assailant's identity is unknown, decreased significantly since 1995 and remained at relatively low levels during 1999; exact statistics are unavailable. There were no reported mystery killings of high-profile, pro-Kurdish figures in the southeast, and few reported killings of pro-Kurdish politicians, journalists, or lawyers. The HRA reports a nationwide total of 212 unsolved killings, including killings for apolitical reasons or attributed to terrorism. In August two Sirnak village guards were found with multiple bullet wounds, cigarette burns, and broken necks and limbs. The victims' relatives said that the bodies were found in an area where security forces were operating and alleged that the two were killed on orders of the local Jandarma. In September a HADEP official in Adana was shot and killed by two unidentified assailants; while the motive was unclear, HADEP does not believe that there is a political connection. In October a prominent secular journalist was killed by a bomb in front of his home in Ankara, presumably by a terrorist organization.

The PKK continued to commit politically motivated killings, primarily in rural southeast Anatolia. Victims included soldiers, state officials such as Jandarma, state-paid paramilitary village guards and family members, young villagers who refused to be recruited, and PKK guerrillas-turned-informants. According to the Government, during

the year 220 security officials and 118 civilians died in terrorist incidents, and 961 PKK members were killed by security forces (see Section 1.g.). These figures show a decline from 1998, when 243 soldiers and Jandarma, 10 police officers, 114 village guards, and 132 civilians were killed.

The PKK has not murdered any teachers since 1996. Bomb attacks attributed to the PKK in the first half of the year took the lives of dozens of persons; one such attack occurred in a crowded shopping area in Istanbul in March and killed 13 civilians. Although there was a brief resurgence of PKK terrorist acts following the June sentencing of PKK leader Ocalan to death, a lower rate of PKK terrorist acts was recorded during the summer and fall than in the previous year.

Turkish Hizbullah, an Islamist terrorist group (not related to Lebanese Hizbullah), continued to target civilians in the southeast and may be responsible for many mystery killings, including prominent Islamist feminist Konca Kuris. The Government attributed 17 murders during the year to Hizbullah. Some human rights monitors in the southeast accused the Government of arming and supporting the group in the 1980's to target the PKK and its sympathizers. It now generally is believed that Hizbullah has operated autonomously since the mid-1990's.

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C) and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism. In June two DHKP-C militants were killed in a shoot-out with police while attempting to launch a rocket attack in Istanbul. One of the militants was identified as being responsible for previous attacks and several police deaths.

b. Disappearance

Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or law enforcement officials, are hard to confirm. However, the HRF notes that the number of such disappearances increased slightly to 36 in 1999, compared with 29 in 1998 and 66 in 1997. In September Aydin Esmer disappeared as he was returning to his home in Kulp, Diyarbakir province, from Kizilagac village in Mus province, according to Amnesty International (AI). AI noted that a military operation took place in the area the same day. Esmer had been detained and allegedly tortured at the Kulp Jandarma station several times since 1993. In November Omer Cinar disappeared after leaving his workplace in the Gunesli district of Istanbul; the authorities told his family that he was not in custody, according to Human Rights Watch (HRW).

There have been no developments in the 1998 disappearances from Izmir of editors Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal. Neither the 1997 disappearances of Ilyas Eren and 73-year-old Fikri Ozgen, allegedly taken into custody by plainclothes police, nor the 1996 case in which at least five bodies were found near Baharli, were resolved. However, according to the HRA, Burhan Aktas, who disappeared in 1997, was determined to be living in Germany.

The European Court of Human Rights in July ruled against Turkey in the case of Ahmet Cakici, who disappeared in 1993 after being taken into custody by security forces and tortured during an unacknowledged detention. The Court found that Turkey had violated Cakici's right to life, subjected him to torture, and deprived him of his rights to liberty and

to an effective remedy, the latter by failing to conduct an effective investigation.

In the face of persistent police harassment and abuse, the "Saturday Mothers" stopped meeting publicly in March (see Section 2.b.). The group, primarily women, had gathered for several years to protest the disappearance of their relatives.

The Government made efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. During the year 59 applications were filed seeking information on missing persons. Of these, seven persons were located, an additional two were determined to be in prison, and two were found dead. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the government office. AI criticizes the Bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards. The Ankara police operate a telephone number through which the public can obtain information about detainees, gun registration, and other police-related matters.

The U.N. Working Group on Enforced or Involuntary Disappearances, reporting on its September 1998 visit, noted that the total number of disappearance cases was relatively low, and had decreased since 1994. The report cautioned that its assessment did not exclude the possibility of security force involvement, and it urged the Government to improve the practices of its security forces. The report noted that most disappearances followed arrests in homes and detentions that were denied by authorities and that some disappearances occurred during raids conducted by Jandarma or village guards. The report recommended that the Government fully implement measures to address promptly allegations concerning disappearances, reduce the number of disappearances, and eliminate impunity. In particular it recommended amending regulations concerning pretrial and incommunicado detention in cases referred to the State Security Courts in order to ensure the right of all detainees to have prompt access to their families and lawyers.

The PKK has made a practice of kidnaping young men or threatening their families as part of its recruiting effort. These activities and abductions by PKK terrorists of local villagers and state officials were becoming less frequent as the PKK's capabilities in the southeast were reduced by ongoing government military pressure and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in Turkey.

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

The Constitution prohibits torture; however, the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and new government initiatives designed to address the problem, torture continues to be widespread.

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 at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by

police. The HRF estimates the number of credible applications for torture at its five national treatment centers to be approximately 700 in 1999, compared with 673 in 1998. They believe that these numbers underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile. Although the percentage of detainees subjected to torture remained about the same as in 1998, several advocates reported a reduction in the number of torture victims in the southeast during the year. They attribute the decrease to fewer detentions; reduced PKK violence, which has eased treatment by security officials; better-educated security officers; and increased concern about the problem from many sources. The reductions do not appear to be uniform throughout the region. Human rights monitors report no improvement in some provinces, while others note a decrease around cities but not in more rural areas of the province. All report that torture remains widespread in the southeast.

Human rights monitors report that because the arresting officer is responsible for interrogating the suspect, some officers may resort to torture to obtain a confession that would justify the arrest. They say that police who resort to such practices generally beat detainees for ordinary crimes who do not confess and stop if they cannot get a confession. However, when beatings of suspects detained under the Anti-Terror Law do not produce information and confessions, interrogators shift to electric shock, cold water from high-pressure hoses, and other methods. Observers say that security officials often use the torture of political detainees simply to express anger and to intimidate the detainees.

Human rights monitors say that security officials increasingly use methods that do not leave physical traces, such as beating with weighted bags instead of clubs or fists. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees often are touched, insulted, and threatened with rape. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing torture, being driven to the countryside for a mock execution, threats to detainees or their family members, and insults.

The U.N. Special Rapporteur for Torture conducted investigations at the invitation of the Government in late 1998. He reported that while torture was practiced systematically and on a widespread scale through the mid-1990's, there were "notable improvements" since 1997. These improvements were due in his opinion to shorter periods of incommunicado detention and less brutal torture methods used in some places, such as less use of falaka, electric shocks, and rape, possibly connected with shorter periods of detention in 1997 and 1998. However, he noted that torture and abuse still are practiced by law enforcement officials--pervasively in numerous places around the country--but that the Government

was committed to improving its record and bringing its law enforcement and administration of justice up to international standards. He found that long periods of incommunicado detention and a climate of impunity among law enforcement officials--two elements under the Government's control--continued to contribute to the use of torture.

Allegations of torture throughout the country continued during the year, but mostly in the southeast. In October Dr. Zeki Uzun, a gynecologist who volunteers with the HRF Izmir Treatment and Rehabilitation Center, was taken into custody during a raid on his private clinic by antiterror police. Uzun allegedly was subjected to beatings, near suffocation, death threats, and other methods of torture during his 6 days in custody. Although the Medical Association provided an alternative medical report establishing that torture was inflicted on Uzun, the official medical report provided after his detention stated that he was not subjected to torture. According to the HRF, the official medical report was given to Uzun without a medical examination. Uzun is accused of supporting and providing treatment to members of terrorist organizations. In public statements, the HRF and the Izmir Chamber of Doctors asserted that Uzun's reports documenting torture were the reason for his arrest and torture. They also said that the police inspected and took patient records from his office.

In October nine persons, two under the age of 18, were detained for "distributing aid material without permission" in the region devastated by the recent earthquake and allegedly tortured. In June many of approximately 50 villagers detained by Jandarma in Kahraman Maras province said that they were tortured, severely beaten, forced to eat human excrement, suspended by their arms tied behind their backs, and sprayed with pressurized water, according to AI. Charges were filed against 32 of the villagers for supporting the PKK and 1 was charged with PKK membership; 17 were released. In Sirnak 27 persons stated that they were tortured in July while detained after house raids; the doctor who substantiated their claims allegedly was threatened by Jandarma to give a report of "good health", even though some of the detainees had broken arms. Cevat Soysal, a high-ranking member of the PKK, was captured in July in Moldova. He claimed that he was subjected to electric shock, forced to lie naked on ice, sprayed with cold pressurized water, and deprived of sleep when brought to Turkey; he is seeking redress at the European Court of Human Rights. HADEP official Mazaffer Cinar was interrogated in incommunicado detention for 8 days at Siirt police headquarters on suspicion of supporting the PKK. According to HRW, he said that he was beaten, his testicles were pulled, he was suspended by his arms, he was hosed with cold pressurized water, and his wife was threatened with rape. Filiz Celik, charged with being a member of the PKK, reportedly was tortured in detention while pregnant; in July her baby was born dead in an Istanbul prison. In August 22-year-old Medine Oncel jumped out of a window rather than be taken into detention again by the antiterror police; her family claims that she was severely beaten and sexually abused during her 10-day stay at a detention center in November 1998. Oncel, along with numerous members of HADEP, was detained for participating in a hunger strike in support of Ocalan.

Government officials admit that torture occurs, but deny that it is systematic. The Ecevit Government, which took office in June, made preventing acts of torture a priority. In August Parliament passed legislation lengthening sentences for those convicted of torture from 5 to a maximum of 8 years; however, the measure did not increase minimum sentences. The Government in August adopted a program of seminars by NGO's and

government institutions on human rights. The program targets all civil servants with law enforcement responsibilities, as well as social workers and primary and secondary school students. The Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT) and accepted unannounced visits by the CPT, most recently in February when it visited PKK leader Ocalan in prison.

Regulations on detention and arrest procedures introduced in October 1998 were supplemented by a June directive from Prime Minister Ecevit against torture, which reminded security forces of the new code and called for public prosecutors to make unscheduled inspections of places of detention. The Prime Minister asked for reports every 3 months on this process; these reports are not public. According to the Government, prosecutors have made more than a thousand visits to detention sites, resulting in investigations against 14 security officers and the opening of court cases against 6 of them. Provincial prosecutors began unannounced inspections of police stations in October. Although some provincial authorities said that the inspections uncovered no deficiencies, others admitted that they led to improvements in practices in some provinces. Some human rights observers question prosecutors' ability to influence police practices.

Private attorneys and human rights monitors report uneven implementation of 1997 reforms granting immediate access by attorneys to those arrested for common crimes and access after 4 days of detention for those detained under the Anti-Terror Law. No immediate access to an attorney is provided for under the law for persons whose cases fall under the jurisdiction of the State Security Courts, such as persons charged with drug trafficking, smuggling, and crimes under the Anti-Terror law. The lack of early access to an attorney is a major factor in the occurrence of torture by police and security forces.

State-employed doctors give all medical exams for detainees. The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release. However, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees assert that some medical examinations take place too long after the event to reveal any definitive evidence of torture. Lawyers contend that medical reports--their only basis for filing a claim of torture--are not placed regularly in prisoners' files.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. According to the Medical Association and other human rights observers, the presence of a security officer--at times the one allegedly responsible for torture--can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred. In one case during the year the courts accepted alternative medical reports from private doctors that contradicted official claims that torture did not occur.

New legislation passed in August increased the jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The heaviest penalties are for those who supply false reports for money. In practice there are few such prosecutions.

In June the Supreme Honor Board of the Medical Doctors Union suspended for a month the licenses of six doctors from the Tekirdag region near Istanbul after finding that they had falsified reports to conceal evidence of torture and allowed police officers to be present during examinations. In 1998 the nongovernmental Medical Association suspended the license of Dr. Nur Birgen, a government-employed forensic expert, for twice falsifying medical reports to hide evidence of torture. When another doctor appealed to Dr. Birgen's state employer to implement the suspension, the prosecutors opened a case against him for insulting Dr. Birgen. Dr. Cumhuri Akpınar was acquitted in December of charges, filed in January, that he aided an illegal armed organization by preparing exaggerated forensic reports. In March Dr. Eda Guven was acquitted of abuse of duty after issuing medical reports documenting injuries sustained by two detainees interrogated in 1997 by Jandarma in Aydin province; her acquittal was upheld by the Court of Appeals in May.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare. According to the U.N. Special Rapporteur for Torture, very few allegations lead to prosecution, and few prosecutions lead to conviction. He reported that in Istanbul, for example, from 1996 to 1998 the chief public prosecutor brought 245 cases of torture or mistreatment by security forces, which resulted in only 15 convictions, with the longest sentence being 3 years. Nationally, between 1995 and 1997, 313 police officers were prosecuted for torture; as of the end of 1998 there were no convictions, over half had been released, and the other cases were pending. Accused officers usually remain on duty pending a decision, which can take years.

According to the Government, judicial action taken during the year against police charged with torture or mistreatment resulted in 34 convictions, 164 acquittals, and 48 ongoing prosecutions. Administrative decisions determined that no trial was needed in 146 other cases and that no cases needed to be opened against 55 other officers accused of abuse. During the year 708 police also were given administrative punishments, such as suspensions, for torture or mistreatment. In addition 11 Jandarma were prosecuted during the year, resulting in 3 convictions, 6 acquittals, and 2 ongoing trials. During the past 5 years, two military personnel have been prosecuted for torture; one was acquitted, and the trial of the other individual continued.

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignore their claims of abuse during interrogation; prosecutors often belittle such claims or contend that detainees injure themselves to accuse falsely the security forces.

Legal, administrative, and bureaucratic barriers impede prosecutions and contribute to the low number of convictions for torture. The Government in December replaced an Ottoman-era civil servant prosecution law, which was widely viewed as an extrajudicial obstacle to prosecuting security officials for the abuse of power because it required prosecutors to obtain permission from special provincial administrative boards before initiating prosecutions against any public employee for actions while carrying out official duties. The boards were slow, dispersed accountability, and were perceived as not sufficiently transparent. The new law now authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials. It also establishes a 30-day deadline, with a possible 15-day extension, for a civil servant's

supervisor to decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). However, the new law still protects civil servants, including police or prison guards, from direct prosecution unless their superiors grant permission to investigate them. This provision has been widely criticized. Many jurists, including the Chief Justice of the Supreme Court of Appeals, and human rights observers said that the new law still falls short of the needed reform. The new law also allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on "enmity, hatred or slandering." This provision was used in December against a defense lawyer who stated that a medical record confirmed that security officials tortured his client (see Section 4).

Under the Criminal Procedures Law, prosecutors may 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. Finally, in the state of emergency regions, any lawsuit directed at government authorities must be approved by the state of emergency governor. Approval is rare.

In December the Iskenderun, Hatay, chief public prosecutor, citing lack of evidence, dropped charges against two Iskenderun antiterror police accused of sexually harassing, raping with a truncheon, and torturing two female high school students while they were in police custody in March. There were several medical reports issued in the highly publicized case, but only an informal medical assessment by two doctors indicated torture. The girls' attorneys said that they would appeal the decision.

In Elazig the public prosecutor decided against indicting 30 soldiers and warders for allegedly torturing a prisoner in 1998.

The appeal by police officers of their 1-year suspended sentences for torturing Songul Yildiz in 1997 continues in Istanbul. However, her conviction on charges of PKK membership was overturned by the Court of Appeals; the Istanbul SSC is retrying her case. In the case of Hatun Temizalp, who alleged in a State Security Court that she was tortured in detention in 1997, the TNP antiterror department said that administrative investigations of the police found no cause for bringing charges.

The Government provided additional information on the case of then 21/2-year-old Azat Tokmak, who the Istanbul Chamber of Doctors certified in April 1998 was tortured in 1996. The Fatih prosecutor's office, citing a medical report that found no indication of mistreatment when Azat was brought to an Istanbul nursery, decided in July 1998 that there was not sufficient evidence to pursue the case.

A case began in April against 12 policemen accused of torturing "peace train" detainees in 1997 (see Section 4).

The following torture cases remained unresolved. In June the Court of Appeals General Council overturned the second acquittal verdict of 10 policemen, including one police chief, charged with torturing 14 teenagers in Manisa in 1995; they based this decision on another Court of Appeals decision. The appellate court again found that the students had exhibited evidence of physical and psychological torture while under detention. In

November the Court of Appeals Chief Prosecutor turned down the police officers' application for a review of that judgment, and the Supreme Court sent the case back for retrial. The Manisa court in December held a preliminary hearing in the retrial, but postponed the main hearing until February 2000 in order to record the testimonies of the police officers, who remain on active duty. Responding to a written question from Parliament, the Interior Minister in the summer defended the police officers accused in the case and said that the investigation at the time showed that they were "flawless." At the same time, the students' own case continues in Izmir, after the Court of Appeals overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students originally were acquitted. The Medical Doctor's Union Central Council Supreme Honorary Board suspended 10 doctors from practicing for from 3 to 6 months, on the grounds that they had provided false medical reports on the Manisa victims.

In February the Court of Appeals overturned the conviction and life sentence of Gulderen Baran who, along with four other individuals, was arrested in 1995 in Istanbul on charges of membership in a terrorist organization. Baran sustained serious physical damage to her arms while in police custody, and four police officers subsequently were charged for mistreatment. Two police officers were sentenced in 1997 to 10 months in prison and a 2-month ban from public service. There were no known developments in the cases of the police officers.

There were no developments in the cases of Kelekci, Altinbas, Uzuner, and Kartal.

Police regularly harass, beat, and abuse demonstrators (see Section 2.b.). Police also harass, beat, and abuse journalists (see Section 2.a.).

Prison conditions remain poor. With some exceptions (i.e., for high-profile political prisoners, or those with gang connections) prisons remain plagued by overcrowding, underfunding, and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults sometimes are incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Prisons are run on the ward system. In some cases, prisoners with similar ideological views are incarcerated together and indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. Past efforts to introduce a restrictive cell system were criticized by prisoners, attorneys, and human rights groups alike, who view the ward system as a more humane form of incarceration.

In September Jandarma killed 10 prisoners and seriously injured many others in Ankara's Central Prison during a clash following attempts by the administration to search and transfer some prisoners from a ward run by Dev-Sol and TIKKO adherents. Prisoners throughout the country briefly protested, holding hostages and refusing to be counted. Human rights lawyers alleged that forensic reports show that prisoners were shot at close range. In December inmates and security forces violently clashed in Metris Prison in Istanbul, after Jandarma tried to search and transfer some members of the Islamic Great East Raiders Front to another prison. Throughout the year, many small-scale hunger strikes broke out to protest prison conditions and poor treatment by guards at many institutions.

Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial. The Parliament's Human Rights Commission completed a thorough review in 1998 of prison conditions throughout the country; however, before the report could be published the Commission's composition changed after the April elections. The Commission is reviewing its report, providing updated, comparative data, and plans to present it to Parliament.

The Government permits prison visits by international organizations, such as the European Committee to Prevent Torture and the U.N. Special Rapporteur on Torture, but only rarely allows such visits by members of local NGO's, except in their capacity as lawyers. It denied permission to some officials of foreign governments to visit prisons during the year.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice legal experts assert that the authorities do not always respect these provisions, and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access by an attorney. The lack of early access by an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's nearly automatic permission, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. The October 1998 regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of

state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour detention monitoring bureaus that are required to record detentions on computers, but AI reports an increase in unregistered detentions since 1997. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence. The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials.

On several occasions, the police beat and detained peaceful demonstrators (see Sections 1.c. and 2.b.). The police also beat and detained journalists (see Sections 1.c. and 2.a.) and members of political parties (see Section 3). During a September protest over prison conditions, officers beat the chair of Istanbul's HRA branch (see Section 4). Authorities detained 47 HADEP members who led a hunger strike after Ocalan's November 1998 flight from Syria. Twenty men were detained in October when they joined women in a peaceful protest over the rule banning head coverings at universities (see Section 2.c.). During the November summit of the Organization for Security and Cooperation in Europe (OSCE) in Istanbul, police detained for several hours at least five young children and held them in police headquarters in contravention of the law, which requires that all detained children be transferred immediately to the prosecutor's office.

The Government does not use forced external exile. It retains the authority to authorize internal exile (see Section 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various officials acknowledge the need for legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and National Security Council periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. Some observers assert that the composition of the High Council undermines the independence of the judiciary, despite the Constitutional provision for security of tenure, because the High Council effectively controls the career paths of judges through appointments, transfers, promotions, and other matters, and its decisions are not subject to review. Various

government and judicial officials during the year discussed the need to adopt legislative changes to strengthen the independence of the judiciary.

The judicial system is composed of general law courts, military courts, the State Security Courts (SSC's), and a Constitutional Court, the nation's highest court. The High Court of Appeals hears appeals for criminal cases, including SSC's, while the Council of State hears appeals of administrative cases or those between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers would be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft. The editor in chief of the radical Islamist newspaper Akit, Murat Balibey, who was sentenced in July 1998 by a military court to 14 months' imprisonment for "insulting the military" in a newspaper article, was released in September under the law allowing the suspension of sentences for journalists.

SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the state." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and section 312 of the Criminal Code. Human rights observers cite prosecutions of leaders of the political Islamic movement, nonviolent political leaders associated with the Kurdish issue, and persons who criticize the Government's practices as evidence that the SSC's often serve a primarily political purpose.

Until mid-1999, the SSC's were composed of panels of five members: Two civilian judges, one military judge, and two prosecutors. A 1998 ruling by the European Court of Human Rights found that the presence of a military justice on the SSC's was inconsistent with relevant European conventions. In June the Government amended the Constitution and passed legislation to replace the military judge with a civilian judge. These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the High Court of Appeals dealing with crimes against state security.

In February the Government brought PKK leader Abdullah Ocalan to Turkey to stand trial for treason, as the creator of a separatist terrorist organization responsible for over 30,000 deaths. He stood trial in a special sitting of the Ankara State Security Court on the secure prison island of Imrali. Ocalan was held in incommunicado detention for 9 to 10 days before the trial. His lawyers were not allowed adequate access to private consultations

with their client or to pertinent documents. They also complained that they were harassed and that police abused at least six of them after one court session, an allegation the police denied. The trial was the subject of unprecedented public attention, and foreign observers, including diplomats and some members of NGO's, were allowed to attend. Families of those killed by the PKK and their attorneys also attended. Ocalan was allowed to read uninterrupted and lengthy statements in his defense. In June Ocalan was sentenced to death. His sentence was upheld in November by the Court of Appeals, and the Court of Appeals chief prosecutor in December refused to reconsider it. Carrying out the death sentence still requires action and approval by the Justice Ministry, the Council of Ministers, Parliament, and the President. After the appellate court ruling in November, the European Court of Human Rights (ECHR) asked the Government to take all necessary steps to ensure that the death penalty is not carried out before the Court is able to complete its judicial processes; Ocalan's case is pending before the ECHR.

The trial of 25 Diyarbakir lawyers charged in 1993 and 1994 for aiding and abetting the PKK, and in a few cases with membership in a terrorist organization, continued at the Diyarbakir SSC. The defendants, 16 of whom complained of torture and mistreatment while held in incommunicado detention after their arrests, are free pending trial. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and for calling attention to human rights violations in the southeast.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts.

Defense lawyers do not have equal status with prosecutors. In State Security Courts and for other charges, such as insulting the President or "defaming Turkish citizenship," defense attorneys may be denied access to files that the state asserts deal with national intelligence or security matters. Attorneys defending controversial cases have been subject to spurious legal charges, such as accusations that they are couriers for clients who are alleged terrorists. Hasan Dogan, a respected Malatya attorney who frequently defends suspects in SSC cases, was acquitted in March of all 1997 charges by an informer that he was a member of the PKK or assisted the organization; however, the appeals court reversed his acquittal in December, and he awaits sentencing.

Prosecutors are charged with determining which law has been broken and objectively presenting the facts to the court. There is no jury system; a judge or a panel of judges decides all cases. Trials for political crimes or torture frequently last for months or years, with one or two hearings scheduled each month. Proceedings against security officials often are delayed because officers do not submit promptly statements or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations.

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. An Izmir Bar

Association study showed that in practice, only a tiny percentage of defendants have lawyers. Bar associations in large cities, such as Istanbul, have attorneys on call 24 hours a day. Costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities. Legal proceedings are conducted solely in Turkish with some interpreting available; however, some defendants whose native language is not Turkish may be disadvantaged seriously.

Turkey recognizes the jurisdiction of the European Court of Human Rights. In 1999 Turkey lost all 18 cases in which it was a party, most of which pertained to free expression crimes that occurred in the early 1990's, and was fined nearly \$3 million (1.69 trillion lira).

There is no reliable estimate of the number of political prisoners. The Government claims that alleged political prisoners are in fact security detainees, who were convicted of being members of, or assisting, the PKK or other terrorist organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected in practice outside the state of emergency region. If delay may cause harm to the case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels. A new law against gangs includes a provision allowing for wider legal wiretapping. The law states that a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor can grant permission. The wiretap can last only 3 months, with two possible extensions of 3 months each.

In the provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintains that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Six provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks in the southeast decreased.

With the diminution of PKK terrorism, the formerly widespread practice of evacuating villages to prevent their giving aid to the PKK decreased substantially, although some village evacuations continued (see Section 1.g.).

Some elements of society complain that a ban on the wearing of religious head coverings in government offices, other state-run facilities, and universities interfered with citizens' religious observance (see Sections 2.b. and 2.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians, mainly Kurds whom the PKK accuses of cooperating with the state. The police, the Jandarma, village guards, and the armed forces in turn have waged an intense campaign to suppress PKK terrorism, targeting active PKK units as well as persons they believe support or sympathize with the PKK. In the process, both government forces and PKK terrorists committed human rights abuses against each other and against noncombatants. According to President Demirel's year-end address, since 1984, 25,139 PKK members, 5,882 security force members, and 5,424 civilians lost their lives in the fighting.

In an effort to deny the PKK logistical support, the Jandarma during the year occasionally rationed food and other essentials in some rural areas in the emergency region. Security forces returned to evacuated villages and burned homes, to deny them to the PKK, and have shot livestock, burned forests and orchards, or denied villagers permission to harvest fields.

With the waning of PKK activity in the southeast, security forces evacuated fewer villages than in previous years. The Government's stated purposes for the evacuations were to protect civilians or prevent PKK guerrillas from obtaining logistical support from the inhabitants. Villagers and other observers alleged that the security forces evacuated them for refusing to participate in the paramilitary village guard program.

The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown. Human rights NGO's tend to attribute most rural-urban migration to evacuations, whereas some persons move to escape the violence or conflict-caused economic depression, or to pursue opportunities in western cities. Government statistics tend to minimize the number of persons who left against their will. Observers agree that 3,000 to 4,000 villages and hamlets have been depopulated. The Government reported that through 1999 the total number of those evacuated was 362,915 persons, from 3,236 villages and hamlets, of whom 26,481 have been resettled with government assistance in 176 villages and hamlets. Another 61,987 have applied to return. A figure given by a former Member of Parliament from the region--560,000--appears to be the most credible estimate of those forcibly evacuated. However, observers in the region estimate that the total number of displaced persons is approximately 800,000, and a few NGO's put the number as high as 2 million. A parliamentary committee investigated the situation in the southeast and concluded in 1998 that, among other things, the State was partly responsible for the displacements and that it had failed to adequately compensate villagers who had lost their homes and lands in the region. The European Court of Human Rights often ruled in favor of villagers who sued over forcible evacuations, and the Government continued to pay assessed damages. The major urban center of Diyarbakir has nearly tripled in size over 10 years, adding nearly 600,000 new residents. Regional officials report that flows of migrants nearly stopped during the year due to waning PKK activity in the countryside.

Government programs to deal with and compensate the forcibly evacuated villagers

remain inadequate, as is assistance to those who have resettled in urban areas. Many migrants continue to live in overcrowded, unhealthful conditions with little opportunity for employment. Local and provincial officials made some efforts to address the basic needs of migrants. In several provinces, officials provided looms for use by unemployed women. The Government then purchased the women's rugs for resale on the open market. The Government provides literacy, childcare, basic family health care, and vocational training classes for some displaced women.

The Government noted that some displaced persons chose to resettle in urban areas and are receiving assistance there. There is a government-funded "emergency support program" to expedite resettlement in the southeast. The funds are used for rebuilding houses and roads, as well as for animal husbandry and beekeeping programs.

Credible allegations were made that serious abuses by security forces during the course of operations against the PKK continued. The Government organizes, arms, and pays a civil defense force in the region known as the village guards. In principle local villagers' participation in this paramilitary militia is voluntary, but in practice they often have been caught between the two sides. If the villagers agree to serve, the PKK may target them and their villages. If the villagers refuse to participate, government security forces may forcibly evacuate their villages on security grounds or not allow them to return to their villages after evacuations. Village guards have a reputation for being the least trained and disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation have contributed to this problem. There were credible allegations of Jandarma protecting village guards from prosecution for various crimes. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses.

The Government's state of emergency, renewed in Diyarbakir, Hakkari, Sirnak, Tunceli, and Van provinces for 4 months in November, imposes stringent security measures in those five southeastern provinces. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree provides for doubling the sentences of those convicted of "cooperating with separatists." Informants and convicted persons who cooperate with the State may receive rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

In August Parliament passed legislation allowing members of terrorist organizations (and criminal gangs) to apply over a 6-month period for amnesty or reductions in sentences, as long as they provide useful information that helps lead to the dissolution of the organization. The number of persons who applied for the amnesty is estimated to be at least 500, most of whom already were in prison, although exact figures are not available. According to press reports, many of the applicants have obtained reductions in their sentences or release.

Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces, and as many as 80 to 100 in Diyarbakir. In the state of emergency region, 450 schools have been closed, although none were

closed during the year. Past PKK policies, such as murdering village teachers, exacerbated the situation (see Section 1.a.). Although the Government continues to build boarding schools in the region's larger towns, these new schools have not filled the gap. Despite a longstanding tradition of boarding schools in the rural areas of the country, some ethnic Kurdish leaders expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation.

Turkish ground forces with air support conducted several operations during the year in northern Iraq against the PKK. The Turkish Government maintained that it targeted only PKK fighters in northern Iraq and that it respected the right of civilians in these operations. The Kurdistan Democratic Party cooperated with the Turkish Government in shutting down PKK facilities in northern Iraq. Local observers in northern Iraq, including NGO and other foreign humanitarian workers, reported no incidents of collateral damage or civilian casualties from these operations.

The PKK suffered severe setbacks during the year, especially following the arrest, forced return to Turkey, and trial of its leader Abdullah Ocalan, and his subsequent death sentence. After his arrest and incarceration in February, the PKK carried out repeated suicide bomb attacks throughout the country; these included a suicide bomb attack in Adana in July, which injured 17 persons, and an Istanbul department store bombing that killed 13 persons. PKK attacks against civilians, military, and law enforcement personnel in the southeast continued but declined in number. There was a lower rate of PKK terrorist acts during the summer and fall than in the previous year. The PKK claimed that it was withdrawing from the conflict and would take a nonviolent path to political change. The evidence was not conclusive that a PKK withdrawal from Turkey had occurred; reports indicated that while some PKK members heeded Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey, others did not. The authorities disputed that a meaningful withdrawal was underway.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Constitution leaves open the possibility of restrictions to these freedoms on the basis of national security-related considerations, and the Criminal Code provides penalties for those who "insult the President, the Parliament, and the Army." Numerous other provisions in various laws restrict freedom of expression to one degree or another: Those most frequently employed include Article 8 of the Anti-Terror Law (disseminating separatist propaganda) and Article 312 of the Criminal Code (incitement to racial or ethnic enmity). In addition prosecutors rely on Article 159 of the Criminal Code (concerning insults to Parliament, the army, Republic, or judiciary), Article 60 (insulting the Turkish Republic), Article 169 (aiding an illegal terrorist organization), the law to protect Ataturk (no. 5816), and Article 16 of the Press Law to limit freedom of expression. The new law enacted to counter criminal organizations includes an article that permits the prosecution of journalists for "promoting" the activities of criminal organizations, and the new civil servant prosecution law includes an article allowing prosecutions against those who falsely accuse public employees based on "enmity, hatred or slandering." While prosecutors bring dozens of

such cases to court each year, judges dismiss many charges brought under these laws.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, are widely available. While overall readership of the local press is not large for a country of 65 million inhabitants, the newspaper business is extremely competitive.

Electronic media reach nearly every adult, and their influence, particularly that of television, is correspondingly great. According to the Government's Directorate General of Press and Information, in addition to the state-owned Turkish Radio and Television Corporation, there are 230 local, 15 regional, and 20 national private television stations, and 1,044 local, 108 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. Internet use is growing and faces no government restrictions; in fact, some banned newspapers can be accessed freely on the Internet. Government censorship of foreign periodicals is very rare.

In September the Government passed legislation suspending for 3 years the sentences of those convicted of freedom of expression crimes in the media, such as journalists, writers, and party officials who published articles. The Islamist opposition party Fazilet challenged the constitutionality of the law, because it did not apply to those who committed similar crimes through speech. Esber Yagmurdereli, for example, remained imprisoned because his conviction in 1998 was for a speech he gave at a 1991 HRA meeting. The law led to the release of over 25 persons, and the suspension of hundreds of trials. Charges are dropped if the journalist or writer does not commit the same crime again during the 3-year period; if a second offense is committed during this time, the suspension is revoked. Human rights advocates are concerned that the conditions for the suspension amount to censorship. Although the suspension of ongoing trials prevents new convictions, some journalists and writers objected to the fact that it also prevents possible acquittals, so they have no opportunity to clear their name or to fight bans imposed on their written work.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish. The High Board of Radio and Television (RTUK), created in 1994 to regulate private television and radio frequencies, monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures.

The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. Throughout the year, the RTUK penalized at least a dozen different television stations, usually by suspending their broadcasts for a day, for noncompliance with broadcast regulations. Channel 6, which criticized the Government's response to the devastating August 17 earthquake, was given a week's suspension on the grounds that its reports hurt confidence in, and fueled anger against, the State. This decision is under appeal, and the suspension had not yet occurred by year's end. RTUK decisions may be appealed to the provincial Administrative Court and then to the Council of State. The

RTUK suspended a comparable number of radio broadcasters, for periods ranging from 1 day to 1 year, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The radio station FOREKS was banned from broadcasting for 30 days for relaying a May British Broadcasting Corporation program on Kurdish issues. Reporters Sans Frontieres reported that 2,378 days of suspension were imposed on broadcasters during the year.

Despite the Government's restrictions, the media criticize government leaders and policies daily. Lively debates on human rights and government policies were stimulated by several events, including Constitutional Court President Sezer's call in March for lifting restrictions on freedom of expression, including on language rights; Appeal Court President Selcuk's observation in September that the Constitution enjoyed "almost zero" legitimacy and should be replaced; the implications of the February capture of Ocalan for resolving the Kurdish issue; the Government's response to the August earthquake; and the European Union's designation of Turkey as a candidate member in December. Nevertheless, persons who write or speak out on highly sensitive topics, such as the role of religion in politics and society, the role of the military, some Kurdish issues, or the PKK, risk prosecution.

Government Decree 430 gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, led to the self-censorship of news reporting on some issues. Some journalists say that there was less self-censorship by reporters and editors on sensitive issues than in the previous year, and the nature of debate on such issues as the Kurdish question and changing the Constitution appeared to support this assessment.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. For example Nadire Mater's well-received book based on interviews of soldiers who fought in the southeast was banned in June. In September the Government began a trial against Mater and her publisher on charges that they insulted the military with their book. Prosecutors closed numerous journals or suspended their operations during the year. For example the Istanbul SSC stopped the printing of Ozgur Gelecek for a month in June and confiscated an edition of the Islamist paper Akit for "provoking enmity and hatred against the state" in September. The police frequently raid offices of small leftist publications. The leftwing newspaper Evrensel was banned in January, and the pro-Kurdish Ozgur Bakis was banned in April, within the state of emergency region, although it was available elsewhere in the country and via the Internet. Distributors of Evrensel and Ozgur Bakis outside the state of emergency region claim regular harassment and the confiscation of their newspapers by the police. In April the governor of Siirt province closed the local weekly Guney for printing material offensive to the dignity of the State.

In a highly publicized ruling in May, the Istanbul State Security Court sentenced Cumhuriyet columnist Oral Calislar to 13 months in jail for disseminating separatist propaganda in a book he wrote based on previously published interviews of Ocalan and Kemal Burkey, head of the Socialist Party of Kurdistan. Calislar planned to appeal. His sentence was suspended under the September law suspending sentences.

Andrew Finkel, a contributor to several Western media outlets and a former columnist for Sabah, was charged in June with "insulting the military" for a 1998 article he wrote for Sabah. The charge stemmed from one line that contrasted the army with an "army of occupation." Finkel's trial was suspended under the September law; Finkel publicly objected to being deprived of the opportunity to clear his name.

An appellate court in December upheld the sentences against 9 persons, including some students, who in 1996 unfurled banners in Parliament saying, "No to Tuition." They were convicted of membership in an illegal organization and given sentences ranging from 10 months to 8 years.

Journalists, including those from mainstream and Western media, were harassed periodically and subjected to police abuse while covering stories, particularly in the southeast. In February in Diyarbakir eight motorcycle police officers beat a cameraman for the mainstream NTV television station until he was unconscious. The police beat the cameraman and one other journalist with gun butts and ran over them with motorcycles. Earlier in the month a correspondent for Reuters was expelled from Diyarbakir. In April police in Istanbul beat with rifle butts three reporters from the daily Star, who were covering street skirmishes. In June police in Mardin province briefly detained a Turkish correspondent for several western media outlets. In September several police officers hit a photojournalist with the daily Radikal who was covering a banned demonstration in Istanbul. During the November review conference of the OSCE in Istanbul, several journalists working at leftist or pro-Kurdish publications were detained either from the premises of their publications or as they left the conference. Some of them alleged mistreatment at the hands of police.

In December Hasan Guzel, head of the small Rebirth Party and an outspoken former Education Minister, began serving a 1-year sentence for inciting religious and ethnic enmity based on a controversial 1997 speech.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints. HADEP political candidates were not allowed to enter certain areas of the state of emergency region during the election campaign, nor allowed to use Kurdish music.

Abdurrahman Dilipak, a veteran columnist with the Islamist daily, Akit, faced multiple new charges during the year for articles criticizing the Government's policy, especially on religious head coverings and the alleged activities of a military group that reportedly monitors political Islam in Turkey.

Former Chairman of the HRA Akin Birdal, jailed in June for free expression crimes, was released in September from prison for 6 months on medical grounds but faces other charges related to previous speeches (see Section 4). Erol Yarar, former chairman of the Islamist Businessmen's Association of Independent Industrialists and Businessmen (MUSIAD), was convicted in April of promoting racial, ethnic, and religious enmity (Article 312 of the Penal Code) for a speech he made in October 1997. His 1-year sentence and fine were suspended for 5 years.

Imprisoned since 1993, author Ismail Besikci was released in September under the law suspending the sentences of journalists. His 79-year sentence on over 50 charges was

based on his articles on Kurdish issues. He faced at least 50 more similar charges, some of which may be subject to suspension.

Poet Yilmaz Odabasi, released from prison in September under the law suspending sentences, was sent back to prison in December for "insulting the court." During the hearing that led to his earlier imprisonment, he told the court "I am ashamed to be in the same era and country as you." Since that statement was not made in the media, he cannot benefit from the suspension of sentences law again.

Haluk Gerger served 10 months in prison in 1998 for an article published in the pro-Kurdish *Ozgur Gundem* and is now out of the country but faces imprisonment for two other convictions for similar articles. Can Yucel, sentenced to over 1 year's imprisonment for "insulting the President," died in September. Editorial cartoonist Dogan Guzel was sentenced to 16 months' imprisonment in 1998 for insulting the state and armed forces but was released in September under the law suspending sentences.

The 10-month sentences of Sanar Yurdatapan, a well-known musician and spokesman for freedom of expression, and two other members of a "peace working group," for insulting the military, were reversed by the Court of Appeals. Two other trials, based on articles Yurdatapan wrote about the military were suspended.

Istanbul Mayor Recep Tayyip Erdogan was released from prison in July after serving his 41/2-month sentence for a speech he made in 1997 that was deemed to have "incited ethnic, racial, and religious enmity," based on Article 312 of the Penal Code. His sentence, which was reduced from 10 months, includes a lifetime ban from politics.

Some HADEP members, including three religion experts, convicted of writing articles in a 1997 edition of the HADEP bulletin that incited "racial, ethnic, and religious enmity," were released under the law suspending sentences of journalists. Others remain in jail. Imprisoned former Democratic Party (DEP) Member of Parliament Leyla Zana's conviction on this charge was suspended under the same law, but she continues to serve a 15-year term for another conviction. Dozens of similar cases against former DEP Chairman Hatip Dicle (a fellow prisoner with Zana) for writing articles were suspended; however, he remains in prison serving terms for other convictions.

Former political science professor Yalcin Kucuk, arrested in 1998 when he returned from self-imposed exile, remains in jail on charges of belonging to an illegal organization; several cases against him continue. Many other convictions for crimes committed through publication were suspended under the September law, including the sentences of novelist Yasar Kemal, convicted in 1995, and 1,080 writers who supported him.

Dogu Perincek, chairman of the Workers' Party, served 11 months in prison on a sentence for illegal possession of classified state documents, assisting a terrorist organization, and possession of unlicensed firearms. By law he had to resign his political position as chair of the Labor Party but was reelected during the year. He now faces two other convictions, a 1-year imprisonment for a 1994 speech delivered at the HRA general convention and a fine for slandering former Prime Minister Tansu Ciller. In December a prosecutor dropped charges against Perincek for "assisting a terrorist organization."

Playwright Mehmet Vahi Yazar, who was sentenced in 1998 to 24 years in prison for

"insulting the military," was retried and his sentence was reduced to 11 years; the sentences of the four actors who performed his play were changed to 5 years, but they all were released in consideration of time served. The suspended sentence and fine imposed on a publisher and translator for Pencere Publishing who published a Turkish translation of a controversial German book were upheld. Journalist Ragip Duran was released in January after serving a sentence related to an article he wrote.

A total of 114 intellectuals and human rights activists were sentenced in April to a year in prison each, on charges of "separatist propaganda," for signing a 1993 declaration calling for a peaceful solution to the Kurdish conflict, according to the Anatolian and Reuters news agencies.

Kurdish-language cassettes and publications are available commercially, although the periodic banning of particular cassettes or singers continued. Human rights monitors reported isolated cases of police detention of singers and others at weddings where Kurdish music was played. The Economist magazine reported that police detained Ali Aktas, a popular Kurdish folk singer, in September after he sang Kurdish songs at a concert to benefit earthquake victims. He was interrogated for 10 hours at Diyarbakir police headquarters and accused of singing political songs, which he denied. The Kurdish-language weekly Azadiya Welate still is banned in the state of emergency region, and some 10 other publications were available only on an infrequent basis. Potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. Kurdish music is played on radio and television programs with certain restrictions. Which Kurdish songs can be played in the emergency zone and adjacent areas is regulated closely. The state of emergency regional governor frequently bans Kurdish recordings that may be played legally elsewhere in the country. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems. Kurdish music was banned from use in campaigning during the election period.

Pro-PKK MED-TV was banned in the United Kingdom after pro-Ocalan terrorist incidents in Europe. Its successor, MEDYA-TV, broadcasts in Kurdish from Europe and can be received via satellite dish in the southeast. Another station, Kurdistan-TV, is based in northern Iraq and also can be received via satellite in the southeast.

In July the European Court of Human Rights ruled on 13 cases dealing with freedom of expression cases in which the plaintiffs were jailed or fined for books, articles, or statements that they wrote or published on mainly Kurdish issues. The plaintiffs were convicted in those cases either for "inciting ethnic hatred" or "disseminating propaganda against the indivisibility of the state" or, in one case, for "revealing the identity of officials responsible for combating terrorism." The Court found that the Government violated the applicants' right to freedom of expression in 11 of these 13 cases; denied applicants in 9 cases the right to have their cases heard by an independent and impartial tribunal because of the presence of military judges on the State Security Courts; and in 1 case violated the prohibition against no punishment without law. In a separate ruling in September, the ECHR found that the government violated a publisher's freedom of expression in 1989 when it convicted him of "inciting ethnic hatred" by publishing the second edition of a book entitled, "A Testimony to Life--Diary of a Death Under Torture."

A group of Turkish and Kurdish academics, politicians, and intellectuals (TOSAV) continued to hold discussions on the situation of the Kurds and possible solutions to Turkey's problems. Despite minor police attention, TOSAV explored explicitly nonviolent solutions within a democratic context. The authorities completed an inconclusive investigation of TOSAV for potential "separatist" connections and in March confiscated TOSAV's publication entitled "Document of Mutual Understanding."

The Mesopotamian Cultural Center, a corporation established to promote Kurdish language and culture, continued limited operations despite a lack of official permission. Officials alleged that the organization is linked to the PKK. The group's centers in the southeast (Diyarbakir, Urfa, and Van) were shut down, while its centers elsewhere remained open but with very reduced activities.

Although the Kurdish Culture and Research Foundation (Kurt-Kav) remained open, it was not allowed to resume Kurdish-language classes and remained under close police attention. Its current projects include scholarships for students to study Kurdish in Sweden and return to teach Kurdish in Turkey.

Academic freedom otherwise generally is respected; however, there is believed to be some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. The authorities may deny permission if they believe that a gathering is likely to disrupt public order. Significant prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

In March the Saturday Mothers group decided to discontinue its weekly public gatherings in Istanbul due to police harassment and abuse. Since May 1995, the group, primarily women, held weekly vigils in which they read press announcements about relatives who inexplicably disappeared. Starting in August 1998 the police responded aggressively to each week's gathering by detaining and, on multiple occasions, beating participants. The group stated that such treatment continued through March. The police stated that the group demonstrated illegally for 3 years and that members of illegal organizations had infiltrated the gatherings (see Section 1.b.).

Demonstrations over the right to wear Islamic-style head coverings while studying at state universities turned violent in May at Malatya's Inonu University; over 50 persons, including several police officers, were injured. Charges of attempting to change the constitutional order by force were brought against 51 persons; the maximum penalty is death. Their trial and those of 24 others in connection with the incident began in June (also see Section 2.c.).

In March 2,474 participants in celebrations of the Kurdish holiday of Nevruz were detained in 11 provinces; the authorities announced ahead of time that most Nevruz celebrations would not be allowed. The HRA reported that approximately 200 persons were injured, including several police officers. In contrast to previous years, events on "World Peace Day" (September 1) were low-key and largely peaceful, with minimal police interference.

A week after the September killings of prisoners in Ankara prison, the police detained and beat a group trying to read a press statement in a public place in Istanbul. Among the detainees were the president of the HRF Istanbul branch and relatives of the dead prisoners. The next day, several dozen persons attempting to send telegrams to the President, Prime Minister, and Minister of Justice to protest the prison deaths were beaten and then detained briefly. Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center, and Günseli Kaya, who also works at the center, were among 68 persons being tried for "holding an unauthorized demonstration" for participating in the funeral procession of one of the prisoners killed in September. Ayan, Kaya, and 12 others were being held in detention pending their trials. Dr. Veli Lok, another representative of the Izmir HRF, made a statement in October that the purpose of the prosecutions of his colleagues might be to punish them for documenting torture and treating torture victims. He is being prosecuted under the Press Law for "disclosing opinions about the decisions of remand by the courts."

In October "Mothers for Peace" delegations coming from Diyarbakir, Istanbul, Izmir, and Antalya were stopped by the police outside Ankara and turned back, according to the HRF.

During the November OSCE summit in Istanbul, antiriot police beat, with truncheons and fists, and kicked 10 university students who attempted to read a press statement critical of the summit. One student told HRW that the beating grew worse on a minibus used to transport the detainees to the antiterror branch of the Besiktas police headquarters. The students are being prosecuted for holding an illegal demonstration. In a separate event during the summit, police forcibly dispersed a crowd that gathered to present a joint press statement prepared by human rights organizations and labor unions. Of 115 persons detained during the gathering and later released, 112 were charged with organizing and participating in an illegal demonstration.

Six school children, between the ages of 12 and 14, went on trial in December in Istanbul for holding an "unauthorized demonstration" in 1998. The children held a sign that said "We Want Teachers" during a rally after no teachers came to school that day and previous days. In December police using truncheons forcibly dispersed a demonstration organized in Diyarbakir to mark the 51st anniversary of the Universal Declaration of Human Rights. Two days later police in Istanbul, Konya, Kocaeli, Urfa, Erzurum, Kirikkale, Samsun, and Bursa disrupted a "human chain" demonstration and detained as many as 300 participants.

The Security Administration in November issued a directive calling on police to keep the use of force in dispersing demonstrations to a minimum.

The Constitution provides for freedom of association, but associations and foundations must submit their charters for government approval, a lengthy and cumbersome process. The European Court of Human Rights in December found that the Government violated the right to freedom of association of the former members of the Freedom and Democracy Party (OZDEP), which was dissolved in 1993 (see Section 3).

c. Freedom of Religion

The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas, and the Government

generally observed these provisions in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities.

The Government oversees religious facilities and education through its Directorate of Religious Affairs ("Diyanet"). Religious officials, including imams, are civil servants, and the operation of the country's more than 70,000 mosques is regulated by the Directorate of Religious Affairs. Religious minorities, established under the Lausanne Treaty in 1923, and their affiliated churches, monasteries, and religious schools are regulated by a separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu). The "Vakiflar," an institution dating back to the Ottoman Empire, approves the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages.

The population is about 99 percent Muslim, primarily Sunni. In addition to the country's Sunni majority, an estimated 12 million Alawis (an offshoot of Shi'a Islam) freely practice their faith and build "Cem Houses" (Alawi places of worship). Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis also charge that there is a Sunni bias in the Religious Affairs Directorate and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, some Sunni Islamic political activists charge that the secular state favors and is under the influence of the Alawis. The Government periodically allocates funds to the Alawi community as well as funding Sunni activities. However, there are no government-salaried Alawi religious leaders, in contrast to Sunni religious leaders.

The military and judiciary, with support from the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 3).

Tarikats (Sufi religious orders) and other mystical Sunni Islamic, quasi-religious, and social orders were banned in the 1920's but largely were tolerated until the 1997 call by the National Security Council for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. In January five members of the Aczimendi Brotherhood were convicted and imprisoned for criticizing the secular state and advocating the imposition of Shari'a law. However, despite the expressions of concern by official bodies such as the National Security Council, prominent political and social leaders remain associated with Tarikats.

Although the country is secular, religious and moral instruction in state primary and secondary schools is compulsory for Muslims. Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the 1923 Lausanne Treaty (Greek, Armenian, and Jewish) are exempted by law from Muslim religious instruction; they may hold their own classes. Syriac and other Christians whom the Government does not consider to be an official Lausanne Treaty minority are not exempted. Non-Muslim students who wish to attend such courses may do so with parental consent.

In accordance with a 1997 law, which made 8 years of secular education compulsory, new enrollments in the first 8 years of the Islamic imam-Hatip schools (in existence since

1950) were stopped, although children already in those classes were allowed to finish their grades. The imam-Hatip schools were very popular among conservative and Islamist Turks as an alternative to secular public education. Under the law, students may pursue study at imam-Hatip high schools upon completion of 8 years in the secular public schools. Students who complete primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran classes.

By law religious services may take place only in designated places of worship. Non-Muslim religious services often take place in nondesignated places of worship. The Roman Catholic Church in Ankara, for example, is confined to diplomatic property but has not sought property to construct a church recently.

Minority religions considered by the Government not to be recognized under the Lausanne Treaty may not acquire additional property for churches (beyond those predating the establishment of modern Turkey). Religions recognized by the Government under the Lausanne Treaty (Greek Orthodox, Armenian Christian, and Jewish) can regain lost property if there is a community need, but if they cannot maintain existing property, it may revert to the Vakiflar. Government authorities do not interfere in matters of doctrine pertaining to minority religions, nor do they restrict the publication or use of religious literature. While the Government does not recognize the ecumenical nature of the Greek Orthodox Patriarch, it acknowledges him as head of the Turkish Greek Orthodox community and does not interfere with his travels or other ecumenical activities.

Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to religious facilities. Restoration or construction may be carried out in buildings and monuments considered to be "ancient" only with authorization of the Regional Board on the Protection of Cultural and National Wealth.

In February 1998, the Syriac Christian community and government officials reached an understanding that the Syriacs could resume renovation of the Dayrul Umur monastery in Midyat in compliance with government standards for preservation of historical sites. Authorities had halted the renovation in 1997. In April the Syriac Christians received written government approval of their technical plans for the renovation, which was well under way at year's end.

Under the law, religious buildings that become "extinct" (because of prolonged absence of clergy or lay persons to staff local religious councils or for lack of adherents) revert to government possession. Some non-Muslim minorities, particularly the Greek Orthodox community and, to a lesser extent, the Jewish community, the Armenian Orthodox community, and the shrinking Syriac Christian community have lost the use of houses of worship and other facilities. During the year an Armenian Church in Hatay province was deemed by authorities to be no longer in community use and is to revert to the Vakiflar. If such minorities can demonstrate a renewed community need, they may apply legally to recover such properties. The authorities monitor the activities of Eastern Orthodox Churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently expressed interest in reopening the seminary on the Island on Halki in the Sea of Marmara. The seminary has been closed since 1971 when the state nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. However, coreligionists from outside the country have been permitted to assume leadership

positions.

There are no known estimates of the number and religious affiliation of foreign missionaries in the country. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, especially when such activities are deemed to have political overtones. No law explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. The police sometimes arrest proselytizers for disturbing the peace; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily. In September members of a group of Protestant worshipers in Izmir were detained and released without charges for leading an unlicensed church service in a private apartment; a similar incident occurred in Istanbul in October.

Some Turkish Christians state that they encounter harassment from authorities and society because they have converted to Christianity.

Several human rights monitors and members of the Islamist Virtue Party (Fazilet) complained that the Government increasingly enforced a 50-year-old ban on the wearing of religious head garments in government offices and other state-run facilities. Hundreds of women who wear head coverings have lost their jobs in the public sector as nurses and teachers. During the year 312 teachers, including 180 student teachers, lost their jobs for wearing head coverings. Women who wear head coverings also have been prohibited from registering for university courses since 1998, and 47 professors and university administrators were dismissed for wearing or supporting the wearing of head garments. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. Cases related to such dismissals are pending at the European Court of Human Rights.

Hundreds of persons were detained or arrested for organizing protests at the beginning of the school year against the prohibition against wearing head coverings. For example a May demonstration protesting Inonu University's ban on headscarves drew thousands of protesters and turned violent, resulting in more than 200 arrests; several police officers were injured. In June 75 defendants went on trial in the Malatya SSC for protesting Inonu University's ban on headscarves: 51 defendants, including 4 women, faced the death penalty on charges of attempting to change the constitutional order by force; 54 of the 75 defendants, including some who face the death penalty, are free pending the outcome of the trial. The charges stem from the May riots (see Section 2.b.).

The case of Merve Kavakci, a newly elected Member of Parliament from the Fazilet Party who sought unsuccessfully to be sworn in to Parliament on May 2 wearing an Islamist-style headscarf, highlighted the continuing dispute over the ban on religious-style clothing in official settings. Prime Minister Bulent Ecevit, President Demirel, and the National Security Council criticized her actions as a challenge to the secular State. The mainstream press was also critical, but the Islamist-oriented media defended her actions. The personal controversy over Kavakci's right to wear a headscarf in Parliament became largely moot after Kavakci was stripped of Turkish citizenship for failing to notify authorities that she had acquired a foreign nationality. She subsequently lost her parliamentary privileges, although not her elective office since Parliament did not vote to remove her. At year's end the case remained open to legal review, and the general issue of headscarves in Parliament

remains unresolved.

In May the Government filed an indictment seeking the closure of the Islamist Fazilet Party (see Section 3).

Although religious affiliation is listed on national identity cards, there is no official discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continues to improve in the southeast, security officials decreased use of roadblocks and vehicle and passenger searches.

In October the Government did not allow a group of demonstrators to enter Ankara (see Section 2.b.).

Although there has been no legal internal exile for 12 years, since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 14 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." During the year, the governor transferred civil servants who were seen as a threat to security, civil servants engaged in union activities, and doctors reporting torture. In October, for example, 37 members of the teachers' union Egitim-Sen in Batman province reportedly were deported from the province on orders of the governor. The union's members in southeastern provinces frequently are alleged to be involved in subversive activities. The national chairman of HADEP was prevented from entering the emergency region during the party's preelection campaign season, and some other HADEP officials were prevented from entering certain villages.

Turkey hosts an estimated 16 persons from Russia and 5 from the former Yugoslavia who are given residence permits on grounds of temporary refuge, with no resettlement provided by the Government. An additional estimated 1,671 persons from Bosnia-Herzegovina and 384 from Kosovo are granted a special temporary "guest" status. Because there are no visa requirements, thousands of Iranians remain in Turkey for extended periods.

When Turkey ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which has the force of domestic law, it exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted subsequently the geographic limit of its treaty obligation, since 1994 the Government grants temporary asylum to all those recognized as refugees. The government screens applicants for asylum and refers cases it considers bona fide to the U.N. High Commissioner for Refugees. If the UNHCR believes that a non-European asylum-seeker meets refugee criteria, the case is submitted to other countries for

resettlement. European refugees are given temporary residence permits, renewable until they achieve a permanent status.

Furthermore, the UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. There were 6,605 asylum seekers during the year; the authorities rejected the asylum applications of some 809 persons.

A regulation obliges asylum seekers to apply within 10 days (changed from 5 in early 1999) of arrival and submit proof of identity in order to be eligible. The time limit for registration in the Government's asylum program is implemented strictly and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. During the year, no refugees were returned to a country where they feared persecution, compared with 15 in 1998 and continuing a steady decline since 1995; the number of asylum seekers returned decreased from 49 in 1998 to 46, according to the UNHCR. The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." In 1998 the UNHCR considered that there were 83 refugees not registered with the Government; as of the end of 1999 there were approximately 80. The UNHCR and government authorities continue to work to resolve this problem and to find ways to allow such cases to qualify for the Government's asylum program.

If they comply with the asylum regulation's requirements, asylum seekers are registered by the government and processed for eligibility determination. Since 1997 administrative courts have ruled that failure to submit an asylum claim within a fixed time limit could not be a reason not to address the application or grant asylum. The UNHCR has no information on discrimination by the Government on the basis of nationality. The UNHCR maintains a branch office in Ankara and field offices in Istanbul, Silopi, Van, and Agri.

The mass influx of nearly 18,000 Kosovars during the year was deemed to come under the 1994 asylum regulation. The Government allowed Kosovars to enter the country freely and de facto has allowed them "first asylum"--to stay until they repatriate or resettle voluntarily. It established and operated a temporary refugee camp for about half of those who came. Almost all Kosovars left by the end of the year. The Government worked to prevent similar mass influxes from Iraq but allows some individuals and families to settle in or transit Turkey en route to permanent resettlement in Europe.

The UNHCR held inconclusive talks with the Government aimed at improving reception for refugees at the Iraqi border, to ensure that those who cross the border have access to the asylum process. Beginning in September 1998, approximately 50 to 60 officials received UNHCR-sponsored training in Antalya, Ankara, and Van, and some participants went on study trips to Canada and Spain. The UNHCR works with local partners such as the Turkish Red Crescent Society; the Association for Solidarity with Asylum Seekers and Migrants; and the Anatolian Development Foundation to integrate refugees into society.

Turkey continues to be a transit and departure point for illegal migrants and asylum seekers of various nationalities en route to Europe, who travel in small groups utilizing

land routes, boats and ships.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice. Turkey has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them minuscule), 5 of which are represented in Parliament. Parliament elects the President as head of state every 7 years or when the incumbent becomes incapacitated or dies.

In addition to these bodies, in accordance with the Constitution, the National Security Council (NSC), which includes both military and civilian government leaders, plays a significant role in shaping government policy.

The Government neither coerces nor forbids membership in any political organization; however, the Chief Public Prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The Chief Public Prosecutor opened cases to close two significant parties, Fazilet and HADEP, alleging that they were centers of illegal activities.

In January the Government filed a motion with the Constitutional Court to close HADEP. The Chief Public Prosecutor accused HADEP of threatening the unity of the Turkish State, saying that it was controlled by the PKK. The closure could lead to the banning of some HADEP leaders from politics. The case was pending before the Constitutional Court at year's end. In August Parliament amended the political parties law to establish a higher standard of proof in such closure cases.

Government pressure against HADEP continued. HADEP party officials claim that actions by the Government, in particular the state of emergency region governor, hindered HADEP rallies and activities in the period leading up to the April parliamentary elections and restricted HADEP's ability to reach its constituents. According to HADEP, the governor communicated his decision to cancel permission for a large rally in Diyarbakir 20 minutes before the rally was due to begin, leading to mass confusion and the detention of hundreds of supporters. HADEP's national chair was prevented from entering the mainly Kurdish state of emergency region during the election period, and some HADEP officials were barred from entering certain villages during that period (see also Section 2.d.). Following the elections and a drop in PKK terrorist violence in the summer, government pressure on HADEP eased somewhat: Some HADEP rallies were allowed to proceed without police interference, the HADEP national president was allowed to tour the southeast, HADEP mayors were allowed to perform their official duties without interference, and an Ankara State Security Court lifted restrictions on travel abroad against three HADEP mayors. However, some officials still faced harassment, court cases and hostility from some security officials. The year ended with police raids on HADEP offices in seven provinces. Some HADEP officials have been barred for years from international travel.

The military and judiciary, with support from the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as

a threat to the secular republic. In June the National Security Council urged the new Government to offer no concessions in the fight against the perceived threat of radical Islam. The chief of the armed forces General Staff in September made a public statement criticizing Islamist media portrayals of the armed forces as hostile to religion and describing the armed forces as the constitutionally mandated "fist" protecting secularism.

In May the Government filed an indictment seeking closure of the Islamist Fazilet Party for promoting antiseccular activity and for representing the ideologies of the banned Refah Party. The indictment also calls for banning Fazilet's leaders from politics for 5 years and stripping its Members of Parliament of their seats. The case was pending before the Constitutional Court at year's end.

Islamist leader Fetullah Gulen came under intense scrutiny and investigation for allegedly plotting to take over the Government after video recordings of a speech he gave were broadcast in June on television. Prominent Islamist political leader Recep Tayyip Erdogan, former mayor of Istanbul, was released from prison in July (see Section 2.a.), although he remains banned from politics for life. In March an Ankara SSC prosecutor filed charges against a group of Islamist politicians, many of whom were members of the Refah Party, which was banned in 1998. They were charged with attempting to impose a "religious order" in contravention of article 146.1 of the Penal Code (forcibly trying to change the constitutional order); the charges carry the death penalty. The case continued at year's end.

The Democratic Mass Party (DKP) was closed in February by the Constitutional Court on the grounds that its party program, which defends Kurdish rights, included provisions "against the indivisible integrity of the State." The case was brought by the Chief Public Prosecutor. Since the decision had not yet been published officially by year's end, party members were in legal limbo and could not form join another party.

The European Court of Human Rights in December found that the Government had violated the right to freedom of association of the former members of the Freedom and Democracy Party (OZDEP), which was dissolved in 1993, less than a year after it was founded, on the grounds that its program sought to undermine the territorial integrity and secular nature of the State (see Section 2.b.).

Reports continued of corruption and the abuse of power in the security forces, including ties with illegal organizations. The previous Yilmaz government publicly committed to investigate corruption; however, its failure to make tangible progress was criticized. Trials linked to these charges began in 1998, involving former Interior Minister Mehmet Agar and Member of Parliament Sedat Bucak, but were halted in April when both were elected to the new Parliament and gained automatic legal immunity (which had been lifted by the previous Parliament).

There are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically; however, women are underrepresented seriously in government and politics: there are only 22 women in the 550-seat Parliament. There are no female ministers in Prime Minister Ecevit's 35-member cabinet and no female governors.

There are no legal restrictions on political activity by minorities; however, some

minorities are underrepresented in government and politics.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The nongovernmental Human Rights Association has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the Human Rights Foundation, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO's include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, human rights centers at a number of universities, and Mazlum-Der, the Organization of Human Rights and Solidarity for Oppressed Peoples, which especially monitors Islamist issues.

The HRA's Diyarbakir branch remains closed for the third successive year. The HRA's Mardin branch was ordered closed for 3 months in January and the Gaziantep branch for 3 months in July. Its branches in Bursa, Sanliurfa and Van reopened, and the HRA also opened three new offices. Authorities indefinitely closed Mazlum-Der's Sanliurfa and Malatya branches in January and May, respectively. The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, remains closed.

Despite the outreach of key government officials to the NGO community, human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to be harassed, particularly by security officials, for their legitimate activities. The Government used detention, prosecution, intimidation, harassment, and formal closure orders against human rights monitors. In June police raided the headquarters, branch offices, homes, and offices of the leadership of Mazlum-Der. According to Mazlum-Der, the searches were carried out under an Interior Ministry search warrant on the grounds that the NGO "works against the republican regime." Its headquarters were searched again in August, and its bank accounts frozen, on the grounds that it was collecting aid illegally for earthquake victims.

The harassment of lawyers involved in political cases in the southeast remained at approximately the same level as in 1998, but was substantially lower than in the mid-1990s, primarily because of the increased number of attorneys willing to defend politically sensitive cases and greater mutual support within the profession. Harassment by the security apparatus is less frequent and the methods used are less extreme. Several defense lawyers have noted that some judges and prosecutors are playing a positive role in trying to protect attorneys from harassment. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, there were several cases in which attorneys were charged with various offenses (such as acting as couriers for members of illegal organizations or insulting government officials), detained, searched, or threatened. In Elazig a case was opened in December against an attorney after he publicly stated that a medical report showed that his client had been tortured by security officials. The case was opened under a provision of the new civil servants prosecution law, which prohibits making false accusations against public employees based on "enmity, hatred or slandering."

After review, in September the Diyarbakir SSC repeated its previous decision to convict Dr. Seyfettin Kizilkan, the former president of the southeast Chamber of Doctors and director of Diyarbakir's largest state hospital, for "assisting and sheltering an illegal organization" after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that the police planted the evidence; he remains free pending an appeal of the verdict. The case against Dr. Zeki Uzun, accused of aiding illegal organizations by providing medical reports and treatment, continued at year's end. Dr. Cumhuri Akpınar was acquitted in December on similar charges (see Section 1.c.).

Former HRA Chairman Akin Birdal was jailed in June on a conviction for inciting hatred and enmity in a 1996 public statement. In September, citing medical reasons stemming from injuries Birdal sustained during a May 1998 attempt on his life, the Government suspended Birdal's sentence for 6 months and released him for that period; however, Birdal faces many other charges. In February a Bursa penal court acquitted him of charges of "insulting the army" during a television appearance in 1997. In April the Court of Appeals upheld a guilty verdict against Birdal, but in December a prosecutor dropped charges against him for "assisting a terrorist organization." In a separate ruling in December, the Diyarbakir SCC acquitted Birdal and several other HRA officials for "disseminating separatist propaganda" in connection with speeches they made in 1996. The SSC prosecutor appealed the verdict. Birdal still is required to serve 10 months for two other confirmed convictions.

In December the Ankara SSC sentenced 10 persons and acquitted 6 others in the attempted murder of Birdal. A former Jandarma sergeant, the presumed ringleader, and one other man accused of ordering and organizing the attack both received 19-year sentences. The two men who fired at Birdal received sentences of 19 and 12 years respectively, and two others received 19- and 10-year sentences for establishing a gang (the "Turkish Vengeance Brigade") to commit the crime. Two more persons, who were convicted of weapons charges and gang activities, received sentences of 9 years and 20 months respectively, while two others received 10-month suspended sentences.

Police failed to protect HRA Chairman Husnu Ondul in November when he was attacked in his office by 30 to 40 members of a group known as the "Families of the Martyrs," mainly relatives of soldiers who died in the conflict with the PKK. Ondul called out to police officers waiting outside the offices for help, but the officers replied that they would need permission from their superiors to intervene. An officer posted inside the HRA offices (since the attack on Birdal) said he telephoned for help but could not do anything against such a large crowd.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993-94 with "aiding and abetting the PKK" and "membership in an illegal terror organization." No credible evidence has been presented in 6 years. Other allegations in the indictment include legal behavior such as filing a petition with the European Commission of Human Rights. Sixteen of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers are free pending trial. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast.

All seven members of the Diyarbakir branch of the HRA were acquitted in May of charges that they aided the PKK. The trial, which began in 1995, focused mainly on the publication of the booklet "Emergency Situation - 1992."

Legal proceedings against some of the organizers of the September 1997 "Musa Anter peace train" ended in 1998, when the organizers were acquitted. A case against 12 policemen accused of torturing peace train detainees began in April.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance in an effort to intimidate those they meet, although legitimate protection concerns were also an important consideration. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations, although officials representing foreign governments were denied permission for such visits.

The State Minister for Human Rights, as chair of the High Council for Human Rights, continued to investigate human rights abuses and to reach out to NGO and community leaders. The Council, composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries (along with representatives of the security forces), met regularly to review the human rights situation, advise the Government on steps for improvement, and draft appropriate legislation. In September State Minister for Human Rights Irtemcelik met with the head of the Human Rights Foundation and then organized a wider meeting in October with human rights groups, professional organizations, and the parliamentary bodies that make up the High Council.

President Demirel met in December with human rights monitors from the southeast.

Parliament established a Human Rights Commission in 1991 to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports. Most recently the Commission undertook a review of prison conditions in light of the September riots (see Section 1.c.). The U.N. Special Rapporteur for Torture visited the country in late 1998 (see Section 1.c.).

A report by the European Commission of Human Rights, released in September, held Turkey responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The Government of Turkey denied its responsibility. The report was to be referred to the European Court of Human Rights for a binding decision, a process that may take several years.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution proclaims Turkey to be a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

Women

Spousal abuse is serious and widespread. According to the Family Research Institute in the Prime Minister's Office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation making spousal abuse illegal, the Institute continues to note complaints of beatings, threats, economic pressure, and sexual violence. In a survey of 12 provinces, physical abuse reportedly occurred in roughly 30 percent of families. There are 9 shelters and 6 consultation centers for battered women; in addition, the Child Protection and Social Services Agency provides services to victims of domestic violence through its 19 social centers.

Spousal abuse, although now illegal, still is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. "Honor murders"--the killing by immediate family members of women who are suspected of being unchaste--continue in rural areas, and among recent immigrants to cities, but may have declined due to greater public, especially media, attention. However, laws still exist that reduce the sentence for killings that are "provoked," and because of further reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

The Government issued a new regulation in late 1998, prohibiting the traditional practice of "virginity testing," unless requested by a woman. The regulation appears to have led to a decrease in the practice but does not carry sanctions against the person conducting the testing.

Some laws still discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. Women's groups have lobbied to change the Civil Code provision that the husband is the legal head of household. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child: a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, her children the rest.

The literacy rate for women is 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women. Men must serve in the army, and if they do not know how to read they are taught upon entry. Particularly in urban areas,

women continue to improve their position, including in the professions, business, and the civil service; however, they continue to face discrimination to varying degrees. Women constitute nearly 50 percent of the work force but hold less than 10 percent of managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination required to become governors or subgovernors; several have been appointed subgovernors.

Independent women's groups and women's rights associations continue to increase in number, such as the Association to Support Women Candidates (Kader); "The Flying Broom" women's advocacy group; the Turkish Women's Union; and the Foundation for the Evaluation of Women's Labor. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities.

Children

The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family Issues oversees implementation of the Government's programs for children.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia, the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home (see Section 1.g.).

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention.

Children have suffered greatly from the cycle of violence in the southeast. The migration--forced or voluntary--of many families, past terrorism against teachers, and school closings in the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom (see Section 1.g.). The Government has built regional boarding schools to help combat this problem, but these are insufficient.

Instances of child beating and abuse are reported more frequently than in previous years, according to women's groups. The increase likely is attributable to greater public awareness of the problem.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People with Disabilities

Few laws exist regarding accessibility to buildings and public transportation. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

Religious Minorities

Jews and numerous Christian denominations freely practice their religions and report little discrimination in daily life. However, some incidents still occur, and extremist groups or individuals target minority communities from time to time. Isolated incidents of desecration of Jewish and Greek Orthodox cemeteries were reported. No arrests have been made in the case of the 1998 arson attack on the Orthodox Museum at Saint Therapon or the December 1997 bombing of the Orthodox Patriarchate in Istanbul.

No laws prohibit religious conversion. Nonetheless, individuals contemplating conversion often face family and community pressures, and proselytizing remains socially unacceptable. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation.

There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy and officers must be graduates.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of rising Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

National/Racial/Ethnic Minorities

The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many Members of Parliament and senior officials and professionals are Kurds; however, Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain, including a parliamentarian who listed "Kurdish" as one of his foreign languages, risk public censure, harassment, or prosecution.

Kurds who are long-term residents in industrialized cities in western Turkey were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

Since 1991 private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by a plethora of laws and even articles of the Constitution; these restrictions are invoked arbitrarily. Television and radio stations in the southeast occasionally play Kurdish music, although authorities have imposed restrictions on some songs. The State of Emergency regional governor frequently bans Kurdish recordings that may be played legally elsewhere in the country. Kurdish is widely spoken on the streets, especially in the largely Kurdish southeast, and Kurdish music recordings reportedly were widely available there despite some being banned. Materials dealing with Kurdish history, culture, and ethnic identity are available but continue to be subject to confiscation and prosecution under the "indivisible unity of the state" provisions of the Anti-Terror Law (see Section 2.a.). Such confiscations were rare during the year.

The Government circumscribes the activities of organizations such as the Mesopotamian Cultural Center (MKM), a corporation with branches in several cities that was established to promote Kurdish language and culture (see Section 2.a.). There is police pressure against their activities, especially in the southeast, and local officials monitor and often interrupt their cultural events. MKM branches report that they were prevented from selling Kurdish-language music cassettes and warned against organizing cultural events.

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

The Romani population is extremely small, and no incidents of public or government harassment directed against them were reported. Extremist groups or individuals target minority communities from time to time.

In October a pipe bomb exploded, causing damage to the Greek Minority High School in Istanbul.

Section 6 Worker Rights

a. The Right of Association

Workers, except police and military personnel, have the right to associate freely and form representative unions. This right encompasses civil servants, including schoolteachers.

The Constitution stipulates that no one shall be compelled to become or remain a member of, or withdraw from, a labor union. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the government and political parties. They must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court in 1998 banned the DISK-affiliated union in the leather sector, Deri-Is, because it violated this article in the Constitution and prohibited it from appealing to a higher court. It applied to the European Court of Human Rights for redress. The International Labor Organization (ILO) Committee on Freedom of Association has

stated that this provision is extremely prejudicial to the interests of the trade unions and has urged that it be repealed.

Just over 13 percent of the total civilian labor force (15 years of age and above) is unionized. The labor force numbers around 23 million, with approximately 46 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There are also 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests.

Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms. However, the Government may not dissolve a union summarily.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes among civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years in the 9 free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

From January through November there were 2 strikes in the public sector involving 67 workers at 3 job sites and 32 strikes in the private sector involving 3,216 workers at 53 job sites. During the same period there were also 4 lockouts in the private sector involving 931 workers.

Workers and civil servants throughout the country answered a call by the Labor Platform and held a general strike in August to protest the draft social security bill and the

constitutional amendment enabling international arbitration. Workers clashed with police when they tried to enter Ankara's main square. Some were injured slightly when police dispersed the crowd. A few workers were detained. Government officials criticized labor leaders for escalating tensions and accused them of misleading the public.

After several meetings of the Economic and Social Council (ESK) at which top union leaders and government representatives failed to reach an agreement on the proposed change to the national retirement age (from 43 to 60 for men and from 38 to 58 for women), trade unions staged peaceful demonstrations in major cities on July 6 to protest government draft legislation on social security. The legislation passed in September, amid widespread protests by labor leaders.

Textile firms avoided strike action by some 70,000 textile workers on January 12, when employers agreed to a 45 percent pay increase for the first half of 1999 and an additional 30 percent raise for the second half. However, 9,000 to 11,000 textile workers belonging to the DISK union struck for a day on January 12. The strike ended when DISK signed an agreement with employers containing the same wage increases.

Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries. Legislation providing the right to strike for civil servants was introduced in the last parliamentary session but was not adopted. Civil servants currently have the right to organize and engage in collective bargaining.

All defendants were acquitted in the trial, begun in 1996, against Turk-Is Chairmanship Council officials who were charged with violating the associations law when Turk-Is announced support for political parties during the 1995 election. No action has been taken in a second trial against Turk-Is officials charged with holding illegal demonstrations in 1995 to protest a deadlock in collective bargaining.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to Turkey, or to freedom of religion or belief. The International Confederation of Free Trade Unions (ICFTU), of which Turk-Is had been an affiliate for years, approved DISK as an affiliate in 1992; Hak-Is became a member in 1997.

b. The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus 1 of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This 10 percent barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor.

The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective

agreement.

The ILO has called on Turkey to rescind this 10 percent rule, stating that it violates ILO Convention 98, which Turkey ratified in 1952. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area and does not want the status quo upset. In 1994 the government informed the ILO Committee on the Application of Standards that the Ministry of Labor and Social Security proposed to remove the 10 percent numerical restriction and that it had communicated its proposal to the social partners. The ILO took note of the government's statement that it continued to study removal of this requirement despite objections from employer and worker organizations. However, since then the Government has taken no further action.

The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. The DISK trade union confederation reports that since January 1996 some 40,000 trade union members were fired.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in five provinces. A law enacted in 1984 provides for the establishment of free trade zones, which are intended to attract domestic and especially foreign investment and promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (2), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones. However, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration. Workers inside the zones are paid in foreign exchange rather than Turkish currency, giving them a hedge against inflation.

c. Prohibition of Forced or Compulsory Labor

The Constitution and statutes prohibit compulsory labor, including that performed by children, and the Government generally enforces these provisions in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. The Constitution also prohibits children from engaging in physically demanding jobs such as underground mining and from working at night. The Ministry of Labor effectively enforces these laws only in large-scale industrial and service sector enterprises.

Child labor is widespread. According to a September report published by the Ministry of Labor and Social Security, 8.5 percent of children between the ages of 6 and 14 years were engaged in some form of economic activity and 23.9 percent were engaged in domestic labor. Child labor is used most often in small-sized enterprises. According to official data, 87 percent of working children are employed by small-sized enterprises having 1 to 9 workers, 7 percent work in medium-size enterprises (10 to 24 workers), and 6 percent are employed by large-scale enterprises (more than 25 workers).

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan commits the Government to enact legislation to restrict further child labor and to adopt legislation to conform with relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions.

The Ministry of Labor, the ILO's International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor inspectors specifically in child labor issues. In 1996 the government and the ILO signed an agreement to extend the IPEC program until December 2001.

With the introduction in 1998 of the 8-year compulsory education program (previously, 5 years were compulsory), the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. Currently there are 318 centers located in 80 cities. These centers provide apprenticeship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy, and are therefore beyond the reach of the inspectorate.

The Constitution prohibits compulsory labor, including that performed by children, and the laws generally are enforced; however, trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent

years, it has done so annually. However, during the year there were two adjustments: The nominal minimum wage was increased in January by 30 percent and again in July by 20 percent, compared with an annual inflation rate of nearly 69 percent. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. The monthly gross minimum wage rates, which became effective in August, were approximately \$199 (93.06 million lira) for workers over age 16, and \$177 (79.56 million lira) for workers under 16.

The minimum wage does not provide a decent standard of living for a worker and family. It would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more. Workers covered by the Labor Law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 37.3 percent of total compensation.

The Labor Law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 a day for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover about 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. Law 1475 allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons

The Government deals with the problem of trafficking in persons through laws relating to prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, especially the immigration and organized crime authorities, enforce antitrafficking laws. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits enticement to prostitution; however, penalties are light (up to 2 year's imprisonment). A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. These laws are the only statutes relevant to trafficking in persons.

Turkey is a major destination and transit country for trafficking in women and girls for the purpose of forced prostitution. The International Organization for Migration (IOM) and domestic NGO's stated that most trafficked women in the country are from Albania, Bulgaria, Moldova, Romania, and Ukraine. Arrests (and in most cases, deportations) of nationals from Moldova, Romania, and Ukraine rose from 6,700 in 1998 to approximately 11,000 in 1999. In 1997 alone, the country deported 7,000 Romanian women. African and

Asian women use the country as a transit point to other countries in Europe.

Organized crime groups appear to be the primary trafficking organizations. The Ministry of the Interior's organized crime department is responsible for combating trafficking problems. According to NGO's, victims of trafficking remain without assistance and the trafficking cycle continues. Many women and girls come to the country believing that they have legitimate work as models, entertainers, governesses, or translators. In some cases, girls from Romanian orphanages have been kidnaped. One NGO reported in the fall of 1998 that there were three or four hotels in a single block in Istanbul where women were housed and allowed out only in a group under guard to go to work as prostitutes in private clubs. Other NGO's reported that some groups of women deported were robbed in Bulgaria and forced to work as prostitutes there. Some of the recruitment in source countries was done by former prostitutes, who appeared to the victims of trafficking to be recruiting for legitimate work.

Once in the country, the trafficked women and girls are in debt bondage to their traffickers, who are members of the Mafia (mainly Russian). Women who attempt to escape often are beaten, gang-raped, or killed. Since 1997 there has been more transit activity through the country to Western Europe, perhaps stemming from the fact that the Government banned casinos that year. The Government addressed this problem with laws relating to illegal migration and unregistered prostitution; registered prostitution is legal.

Reportedly there is almost no trafficking in Turkish women or girls. There were no reports of trafficking in children for the purpose of forced labor; legislation in this area addresses the issue (see Section 6.d.).

At year's end, there was little interagency cooperation in dealing with the problem of trafficking. According to a leading women's NGO, Ka-Der, representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, met in October to discuss the issue of trafficking. The group was not formalized and did not meet again.

The Government does not provide any formal protection, aid, or education to victims of trafficking. Since the women being trafficked are not usually from Turkey, preventive education is less applicable. The country has nine government-funded women's shelters for a population of 65 million people; there are no NGO-run women's shelters. The shelters are open to women regardless of citizenship.

In 1998 and 1999, teams from Ukraine and Moldova filmed educational documentaries designed to discourage women and girls from coming to Turkey. The IOM reports that the teams received extensive cooperation from the authorities, especially from the police, and filmed graphic stories about the situation of female trafficking victims.

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