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# Issue Paper TURKEY THE SITUATION OF THE KURDS February 1996

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## **MAP**

See original.

## **GLOSSARY**

### ANAP

The Motherland Party (Anavatan Partisi)

### CHP

Republican People's Party (Cumhuriyet Halk Partisi)

### DEP

The Democracy Party (Demokrasi Partisi)

### DYP

True Path Party (Dogru Yol Partisi)

### GNA

Grand National Assembly

### HADEP

People's Democratic Party (Halkin Demokrasi Partisi)

### HEP

People's Labour Party (Halkin Emek Partisi)

### IAHRK

International Association for Human Rights in Kurdistan

### KDP

Kurdish Democratic Party of Iraq

### KUK

National Liberation of Kurdistan (Kurdistan - Ulusal - Kurtulusculari)

### MHP

Nationalist Action Party (Milliyetçi Hareket Partisi)

PKK

Kurdistan Workers' Party (Partiya Karkaren-i Kurdistan)

PPKK

Kurdish Vanguard Workers Party (Partiya Pêşenga Karkerên Kurdistan)

PUK

Patriotic Union of Kurdistan

RP

The Welfare Party (Refah Partisi)

SHP

Social Democratic People's Party (Sosyal Demokrat Halkçi Parti)

SPTK

Socialist Party of Turkish Kurdistan (Partiya Sosyaliste Kurdistanê Turkiye)

YDH

New Democracy Movement (Yeni Demokrasi Hareket)

## 1. INTRODUCTION

Turkey is home to approximately 10 to 12 million Kurds<sup>[1]</sup>, who live primarily in the southeastern regions of the country, near the Syrian, Iraqi and Iranian borders (MRG 1991, 9; *Third World Quarterly* 1992, 475; Gunter 1990, 6). Turkish security forces and the leading Kurdish resistance group, the Kurdistan Workers' Party (PKK), have been engaged in a conflict since 1984. By 1995 this conflict had claimed the lives of as many as 20,000 guerillas, soldiers, police and civilians and displaced some three million Kurds (AFP 18 Sept. 1995; *ibid.* 17 Sept. 1995; *Freedom Review* May-June 1995, 33-34; *Der Spiegel* 9 Jan. 1995).

Before the death of Turkish President Turgut Özal in April 1993, there was, according to some researchers, reason to be optimistic about the future of the Kurds in Turkey (McDowall May 1994, 2-3; *Middle East Report* July-Aug. 1994b, 14; Bulloch and Morris 1992, 166; MEI 14 Apr. 1995a, 20). In the early 1990s President Özal relaxed restrictions imposed upon the nation's Kurds, appeared willing to hold talks with the PKK and "freely admitted the existence of a Kurdish problem" (McDowall May 1994, 3; MEI 12 May 1995a, 19; *The Guardian* 23 Mar. 1995). Özal repealed Law 2932 in April 1991, thus permitting the Kurdish language to be spoken; later the same year he permitted Kurdish language publications and broadcasts (McDowall May 1994, 2; Mango 1994, 47-48). Some critics argue that this liberalization phase was simply a ploy to appease the west, that Özal "saw a chance to improve his country's image in America and the west" (Bulloch and Morris 1992, 167).

Any notion of dialogue or compromise was abandoned after Özal's death (McDowall May 1994, 3; *Middle East Report* July-Aug. 1995b, 14; MEI 12 May 1995a, 19). President Demirel and Prime Minister Çiller were, according to Kurdish affairs specialist David McDowall, not interested in dialogue and a renewal of fighting ensued between the government and PKK forces (McDowall May 1994, 3; MEI 12 May 1995a, 19). In 1993 Prime Minister Çiller "gave ... what amounted to a carte blanche to crush the [PKK] movement" to the Turkish military (*Current History* Jan. 1995, 8; HRWH Oct. 1994, 9) and Amnesty International reports that the "second half of 1993 and first months of 1994 saw a dramatic increase in detentions and prosecutions of lawyers, human rights activists, political activists, trade unionists, academics, writers, publishers and journalists" (AI June 1994, 1; see also LCHR July 1994 365-66; PR Newswire 1 June 1995; *The Irish Times* 5 May 1995). Human Rights Watch stated in December 1994 that the conflict had reached new levels of violence, adding that over half of the deaths that had occurred since 1984 had come in the last two years (HRWH Dec. 1994 229).

This report will focus on the human rights situation of the Kurds in Turkey since the escalation in the PKK-Turkish government conflict in 1993 and 1994, paying particular attention to developments in late 1994 and 1995.

### NOTE

[1] For further background information on the demography, language and religion of the Kurdish populations of Turkey, Iraq and Iran,

please see Response to Information Request ZZZ22068.E, available at the regional documentation centres. [\[back\]](#)

## 2. BACKGROUND

### 2.1 Geopolitical Factors

Following the First World War geographical Kurdistan was divided up among five separate states: Turkey, Iraq, Iran, Syria and the Soviet Union (*Encyclopaedia of Islam* 1993, 439-49; FIDH Jan. 1995, 5; Van Bruinessen 1992, 11). The formation of European-style nation states effectively fragmented the Kurdish population, "accentuat[ing] regional differences and promot[ing] discontinuities in the Kurdish language, culture, and political aspirations" (Esman and Rabinovich 1988, 237). Furthermore, the partitioning of Kurdistan contributed to "a lack of cooperation and common goals among the various Kurdish communities" (ibid.). This factor, combined with Kurdish tribalism<sup>[2]</sup> and the concept of "regionally-based power" (*Middle East Report* July-Aug. 1994a, 23) is particularly evident in Iraqi Kurdistan where the Kurdish Democratic Party of Iraq (KDP) and the Patriotic Union of Kurdistan (PUK) became involved in a "potentially suicidal civil war" in May 1994, two years after Iraqi Kurdistan gained a form of autonomy in northern Iraq (ibid. 7, 3).

There has been a distinct lack of cooperation between Kurdish groups and communities in the separate nation states (Gunter 1992, 109). While the PKK has upon occasion received cooperation or assistance from Iraqi-based Kurdish Groups (ibid. 109-112; ibid. 1990, 73, 88), the KDP, in particular, has provided intelligence to Ankara detrimental to the PKK (Mango 1994, 43; MEI 14 Apr. 1995b, 7; ibid. 22 Sept. 1995a; Bulloch and Morris 1992, 47-48). The PKK has in the past allegedly received assistance from Baghdad in return for providing information on the KDP (ibid.; Gunter 1990, 101; ibid. 1992, 113). As a result, the Kurds of Iraq and Turkey remain largely divided as both Ankara and Baghdad successfully play the Kurds off against each other (ibid.; see also *Middle East Report* July-Aug. 1994a, 3; *Middle Eastern Studies* 1994, 989; MEI 22 Sept. 1995a).

Despite the divisions, the Kurds of Turkey, Syria and Iraq do share a common Ottoman history and it needs to be stressed that "all these communities interact" (*Middle Eastern Studies* 1994, 989). It is difficult to examine the Kurds in any one country without considering aspects of Kurdish tribalism and geography and appreciating the role played by Kurds in neighbouring states (ibid.).

### 2.2 Political Structure

The Republic of Turkey is a parliamentary democracy; the most recent constitution, of 7 November 1982, originally provided for a 400-member Grand National Assembly (GNA) (*Europa* 1994 1994, 2956). The number of seats in the GNA was increased to 450 in 1987 and to 550 in July 1995 (*Political Handbook of the World: 1994-1995* 1995, 889; *The Economist* 29 July 1995, 37; DPA 23 July 1995). GNA members are elected for five-year terms through a system of proportional representation (*Political Handbook of the World: 1994-1995* 1995, 889; *Countries of the World and Their Leaders Yearbook* 1994 1994, 1294; *Europa* 1994 1994, 2956; *Keesing's Annual Reference Survey* 1994, R125). The President is elected by the GNA for a seven-year term and is limited to one term in power (ibid.; *Political Handbook of the World: 1994-1995* 1995, 889). The President appoints senior members of the judiciary as well as the prime minister, who administers the government (ibid.; *Europa* 1994 1994, 2950). The Turkish President also has the power to dissolve the GNA, call elections and declare a state of emergency (ibid.; *Political Handbook of the World: 1994-1995* 1995, 889).

A coalition government comprised of the True Path Party (DYP) and the Social Democratic People's Party (SHP) came to power in November 1991 (*L'État du monde* 1995 1995, 185; Reuters 1 Nov. 1995; *People in Power* Mar. 1995, 188). The People's Republican Party (CHP) assimilated the SHP in February 1995 (*People in Power* Mar. 1995, 188; see also Xinhua 22 Sept. 1995). In June 1993 Tansu Çiller, leader of the DYP, became Turkey's first female prime minister (*People in Power* Mar. 1995, 188; *L'État du monde* 1995 1995, 185). The President of Turkey in 1995 was Süleyman Demirel, who was appointed president shortly after the death of President Özal in April 1993 (*People in Power* Mar. 1995, 188; *Political Handbook of the World: 1994-1995* 1995, 889; *L'État du monde* 1995 1995, 185).

Deniz Baykal, leader of the CHP, pulled out of the coalition government on 20 September 1995, in part to protest government austerity measures and the slow movement of democratic reforms (*The New York Times* 21 Sept. 1995, A15; *The Christian Science Monitor* 20 Oct. 1995, 6; *The Economist* 23 Sept. 1995, 46; *Los Angeles Times* 21 Sept. 1995). Prime Minister Çiller rapidly formed a new minority government, which failed an October confidence vote in parliament (*The Economist* 21 Oct. 1995, 54; Reuters 1 Nov. 1995). In late October, however, a renewed coalition was formed with the CHP (Anatolia News Agency 31 Oct. 1995; AP 31 Oct. 1995b). According to the *Christian Science Monitor* Çiller "made concessions to her former coalition partner that will speed up democratic reforms needed for a customs union agreement with the European Union" (*Christian Science Monitor* 20 Oct. 1995, 6). General elections are scheduled for December 1995 (*ibid.*; *The Economist* 21 Oct. 1995, 54; Reuters 1 Nov. 1995).

The 1982 constitution stipulates that political parties<sup>[3]</sup> may be formed provided "they are not ethnic or class-based, linked to trade unions, or committed to communism, fascism or religious fundamentalism" (*Political Handbook of the World: 1994-1995* 1995, 889). Article 68 of the constitution states that "the statutes and programmes of political parties shall not be in conflict with the indivisible integrity of the state" (Flanz Aug. 1994, 30; see also Gunter 1990, 45). Article 78 of the Turkish Political Parties Act states that political parties "cannot aim or pursue activities ... to create discrimination on the basis of language, race, colour, religion or sect, and to establish a State order based on these notions and views," while article 82 maintains that "political parties cannot aim to or pursue activities of regionalism or racism" (United Nations 1991, 156).

In 1995 major Turkish political parties included the governing coalition of the DYP and the CHP; the Motherland Party (ANAP); the Welfare Party (RP); and the Nationalist Action Party (MHP) (*Political Handbook of the World: 1994-1995* 1995, 892; *L'État du monde 1995* 1995, 185; *Keesing's Annual Reference Supplement* 1994, R126).

In 1990 several members of parliament, formerly of the SHP, formed Turkey's first Kurdish political party, the People's Labour Party (HEP) (*Dialogue* Nov. 1994, 2; *Political Handbook of the World: 1994-1995* 1995, 893; *Middle East Report* July-Aug. 1994b, 15). According to one source, some HEP deputies "saw themselves as close to the PKK, while others were more traditional social democrats and nationalists" (*ibid.*). In September 1992, however, the founding members of HEP were indicted for "separatist propaganda" and in July 1993 the party was banned by the Constitutional Court (*ibid.*; *Political Handbook of the World: 1994-1995* 1995, 893). The Democracy Party (DEP) was immediately formed to replace HEP (*ibid.*; *Freedom Review* May-June 1995, 33-34; *Middle East Report* July-Aug. 1994b, 15).

In 1994 eight pro-Kurdish MPs had their immunity stripped and, under Section 125 of the Turkish Penal Code, were charged with promoting separatism through collaboration with the PKK (*The Middle East* Mar. 1995, 6; HRW Dec. 1994, 229; *Country Reports 1994* 1995, 993; see also MEI 18 Mar. 1994, 12). Seven of the eight MPs were members of DEP, the other was an independent (*Country Reports 1994* 1995, 993; HRW Dec. 1994, 229). DEP was banned by the Constitutional Court in June 1994 (*Freedom Review* May-June 1995, 33; *Political Handbook of the World: 1994-1995* 1995, 893). In December 1994 five of the MPs were given fifteen year prison sentences by the State Security Court prosecutor, another was sentenced to seven and a half years while two others were given three and a half year sentences (*Country Reports 1994* 1995, 993; *Middle East Times* 18-24 Dec. 1994, 3; *The Middle East* Mar. 1995, 6); the chief prosecutor had been seeking the death penalty (*ibid.*; *ibid.* Oct. 1994, 20). One MP sentenced to fifteen years imprisonment "said her only crime was that of seeking to represent the people who elected her to office" (*ibid.* Mar. 1995, 6). The People's Democratic Party (HADEP) was immediately established as a successor to the DEP (*Current History* Jan. 1995, 8; HRW Dec. 1994, 229).

The Islamist Welfare Party (RP) has benefited from a trend of increased Kurdish support in 1994 and 1995, perhaps due in part to the banning of pro-Kurdish parties (*Jane's* 1 Apr. 1995; *Dialogue* Nov. 1994, 2; MEI 12 May 1995a, 19). The RP received almost twenty per cent of votes in March 1994 local elections, including a large Kurdish vote<sup>[4]</sup> (*ibid.*; *Freedom Review* May-June 1995, 35; *Jane's* 1 Apr. 1995; *L'État du monde 1995* 1995, 188). In late 1994 the leader of the RP, Necmettin Erbakan, "harshly criticized the government's Kurdish policy

and blamed it for the misery of Kurds in the southeast" (*Jane's* 1 Apr. 1995).

The New Democracy Movement (YDH) was registered as a political party in December 1994 and is led by a 38 year-old Turkish millionaire, Cem Boyner (*Swiss Review of World Affairs* Apr. 1995, 29; *The Middle East* Oct. 1995, 18; *Jane's* 1 Apr. 1995). Boyner contends that the Kurdish problem is in essence a Turkish problem, precipitated by the government's resistance to concede "basic cultural and linguistic rights to Kurds" (*ibid.*). The YDH has promised Kurds far-reaching liberal reforms and Boyner is reported to have "said the Kurds should no longer be regarded as a minority but as a people whose culture is officially recognized on a par with the Turkish culture" (*Swiss Review of World Affairs* Apr. 1995, 29; see also *The Middle East* Oct. 1995, 18).

A Kurdish "parliament-in-exile" was established in The Hague on 26 March 1995 (*The Middle East* June 1995, 12). The parliament, inaugurated on 12 April, is composed of 65 members who were elected by delegates representing Kurdish populations worldwide and intended to represent all Kurds (*ibid.* 11-12; AFP 13 Apr. 1995; *ibid.* 23 June 1995; *Financial Times* 13 Apr. 1995; AP 11 Apr. 1995; APS Diplomatic Recorder 22 Apr. 1995). Several members of the parliament are former parliamentarians from the Turkish DEP party (*The Middle East* June 1995, 11; AP 11 Apr. 1995; *Financial Times* 13 Apr. 1995), and some reports suggest that the parliament-in-exile is influenced or even "dominated" by the PKK (*The Middle East* June 1995, 12; AFP 13 Apr. 1995). The Turkish government has declared the parliament-in-exile "null and void" (AP 11 Apr. 1995; see also AFP 13 Apr. 1995).

### 2.3 State of Emergency

Ten provinces in Turkish Kurdistan have been under emergency rule since July 1987, while three neighbouring provinces were "put under the executive power of the 'Super-Prefect' in Diyarbakir under the conditions of the State of Emergency" (IAHRK 1993, 2; HRWH Oct. 1994, 8; *Country Reports 1994* 1995, 993). The governor of regions under a state of emergency has "certain quasi-martial law powers, including restrictions on the press and removal from the area of persons whose activities are deemed hostile to public order" (*ibid.*). In addition, police and gendarmerie have the right to hold prisoners incommunicado for up to 30 days (AI Dec. 1994, 24; *ibid.* Feb. 1994a, 10; LCHR July 1994, 365; Muller and Otty 26 Jan. 1995, 25).

On 9 April 1990 the Turkish Council of Ministers issued Decree 413, giving the governor of the ten provinces under emergency rule numerous new powers (Entessar 1992, 107-08; Gunter 1992, 99; HW Sept. 1990, 13-18). The governor is permitted to

censor the press by banning, confiscating and heavily fining publications that 'wrongly represent incidents occurring in a region which is under a state of emergency, disturbing its readers with distorted news stories or commentaries, causing anxiety among people in the region and obstructing security forces in the performance of their jobs'; ... exile to other parts of Turkey people who 'act against the state', the relocation sites to be chosen by the Ministry of the Interior; ... evacuate villages 'for security reasons' without prior notice; and transfer 'harmful' state employees (*ibid.*; Entessar 1992, 107-08).

Decree 413 legalized several other "restrictive measures", and, according to one source, "the governor general became unaccountable for his actions" (*ibid.*). Helsinki Watch corroborates this statement stating that "[the governor's] actions may not be challenged in court; Article 148 of the constitution forbids review by the Constitutional Court of decrees passed on the basis of state of emergency laws" (HW Sept. 1990, 14). Amnesty International has protested Turkey's use of emergency rule in the southeast stating that "a state of emergency should be an extension of the rule of law, not an abrogation of it". (AI Feb. 1994a, 3).

The state of emergency in the ten southeastern provinces was extended on 27 June 1995 (Xinhua 27 June 1995) and again on 28 October 1995 (AP 31 Oct. 1995a), despite assurances from Prime Minister Çiller in April 1995 of the "orderly phase out of the state of emergency in the south east provinces of Turkey" (IPS 26 Apr. 1995; AP 11 Apr. 1995). On 31 October 1995 Prime Minister Çiller reiterated her commitment to lifting emergency rule in the southeast "if she ... [is] reelected" in the December 1995 elections (AP 1 Nov. 1995; *The Reuter*

*European Business Report* 1 Nov. 1995).

## NOTES

[2] For more information on Kurdish tribalism please see Response to Information Request ZZZ22068.E, available at the regional documentation centres. [\[back\]](#)

[3] All political parties were banned in Turkey from October 1981 until May 1983, a result of the 1980 military coup (*Europa World Year Book 1994* 1994, 2957). After 1983 "new political parties were allowed to form, but their participation in [elections] ... was subject to strict rules" (ibid.). In July 1992 less stringent regulations on the formation of political parties were adopted and a number of parties were formed (ibid.; *Political Handbook of the World: 1994-1995* 1995, 892). [\[back\]](#)

[4] Please see Response to Information Request TUR22069.E of 16 October 1995 for information on the relationship between Alevi Kurds and Islamists. [\[back\]](#)

## 3. LEGAL CONTEXT

### 3.1 *The Constitution*

The 1982 constitution provides for basic human rights safeguards (*Countries of the World and Their Leaders Yearbook 1994* 1994, 1294). Article 10 states that "all individuals are equal without any discriminations before the law" while article 12 maintains that "everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable" (Flanz Aug. 1994, 6; United Nations 1991, 153; *Censorship News* 9 Sept. 1992, 9). According to article 13, however, those rights and freedoms "may be restricted by law, ... with the aim of safeguarding the ... integrity of the state ... national sovereignty, the Republic, national security, public order, general peace, the public interest [and] public morals" (Flanz Aug. 1994, 7; *Censorship News* 9 Sept. 1992, 9). Article 14 continues, stating that sanctions against anyone who "violate[s] these prohibitions, and those who incite and provoke others ... shall be determined by law" (Flanz Aug. 1994, 7; *Censorship News* 9 Sept. 1992, 9).

A democratization package designed to expand democratic rights and devolve the power of Turkey's centralized government was initiated in 1994 by Prime Minister Tansu Çiller's governing coalition, along with elements of the Motherland Party (*The Economist* 29 July 1995, 37; AI 22 May 1995; *Country Reports 1994* 1995, 1003; *Middle East Times* 16-22 July 1995a, 5; AFP 23 July 1995). Due to parliamentary opposition and the "stony resistance" of hardliners, however, Prime Minister Ciller was forced to abandon the package, which included over 20 amendments to Turkey's constitution, on 6 July 1995 (*International Herald Tribune* 18 July 1995; AFP 10 July 1995; ibid. 21 July 1995). Conservative members of the DYP and the ANAP along with members of the RP (Refah) were instrumental in the failure of the package to pass through parliament (*Middle East Times* 16-22 July 1995a, 5; Reuters 6 July 1995).

During a night session of parliament two weeks later, however, a number of the proposed amendments were passed as 360 deputies of 392 present voted in favour of the democratization of the constitution (AFP 23 July 1995; ibid. 26 July 1995; *The Economist* 29 July 1995, 37). *The Economist* reports that 15 amendments were passed (ibid.); Deutsche Presse Agentur reports 14 (DPA 23 July 1995) and AFP states that 17 were adopted (AFP 23 July 1995). Some of the amendments that were passed included

scrapping the [constitutional] preamble to the part declaring the military take-over of September 12, 1990 [sic] to be illegal; a toning down of Article 33 restricting the right of an association to engage in political activities; ... greater political participation for students and teachers (Article 68) (*European Report* 26 July 1995; see also DPA 23 July 1995; *The Economist* 29 July 1995, 37; AFP 24 July 1995).

Amnesty International expressed its disappointment with the amendments, stating that "the government's recent constitutional changes do not address Turkey's fundamental human rights problems" (AFP 26 July 1995; Xinhua 27 July 1995; UPI 26 July 1995). Amnesty International contends that in order to curtail torture, disappearances and imprisonment the Turkish government must abolish or reform Article 8 of the Anti-Terror Law (see section 3.2.1), provide access to lawyers and family members to all detainees and reduce the maximum

amount of time an accused can spend in police custody (ibid.). Representatives of the European Parliament and other critics of the Turkish government, including the Kurdistan Parliament in Exile, described the constitutional amendments as "superficial" and "not satisfactory", contending that the "amendments did little to improve the country's democratic standing" (IPS 24 July 1995b; DPA 16 Sept. 1995; *European Report* 27 Sept. 1995; *Kurdish News* Sept. 1995, 1-2).

### **3.2 The Penal Code and the Anti-Terror Law**

The Turkish Penal Code was revised in September 1971 (*World Encyclopedia of Police Forces and Penal Systems* 1989, 387; Entessar 1992, 91). The Penal Code continues to criminalize anyone who insults or "vilifies" the President, the nation or the authorities (*Censorship News* 9 Sept. 1992, 9; *Country Reports 1994* 1995, 1001; HW Aug. 1993, 4-5). According to *Censorship News*, article 312 of the Penal Code, which prohibits "praising a crime", restricts freedom of expression "where the 'crime' would not be recognized as such in international law, such as expressing the belief that Kurdistan should be a separate state" (*Censorship News* 9 Sept. 1992, 10). In 1991 three articles of the penal code which allegedly "legitimized prosecution based on 'separatism'" and criminalized the promotion of communism, Muslim fundamentalism and Kurdish separatism, were repealed by the Turkish parliament (HW Aug. 1993, 4; *Country Reports 1991* 1992, 1247; AI June 1994, 1; HRW Dec. 1994, 230). The April 1991 Anti-Terror Law replaced the articles (*Censorship News* 9 Sept. 1992, 10; *Country Reports 1991* 1992, 1247; see also HW Aug. 1993, 4).

The Anti-Terror Law contains what *Country Reports 1994* calls "a broad and ambiguous definition of terrorism" which has resulted in the detention of "alleged terrorists and a broad range of people on the charge that their acts, words, or ideas promote separatism and 'threaten the indivisible unity of the State'" (*Country Report 1994* 1995, 993; *The Reuter European Community Report* 10 July 1995; see also IAHRK 1993, 28-29). The Anti-Terror Law defines terrorism as

any kind of action conducted by one or several persons belonging to an organization with the aim of changing the characteristics of the Republic as defined by the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation, endangering the existence of the Turkish State and Republic, weakening or destroying or seizing the authority of the State, eliminating fundamental rights or freedoms, or damaging the internal or external security of the State, public order or general health by any one method of pressure, force and violence, terror, intimidation, oppression or threat (*Censorship News* 9 Sept. 1992, 10; see also HW Aug. 1993, 4).

According to a report in *Censorship News*, The term "pressure" includes the reporting or writing of ideas (*Censorship News* 9 Sept. 1992, 10).

Individuals accused under the Anti-Terror Law can be held without access to their lawyers or family for up to 30 days in areas under emergency rule and for 15 days in other regions of the country (AI Feb. 1995a, 19; ibid. Feb. 1994a, 10; see also LCHR July 1994, 365; Muller and Otty 26 Jan. 1995, 25-27), and are tried in the state security courts (*Country Reports 1994* 1995, 999; HRW June 1993, 238). According to government statistics, 1,277 people were tried under the Anti-Terror Law in 1994 and over 8,000 people were imprisoned "for terrorist crimes" (*Country Reports 1994* 1995, 999). An August 1995 article reports that since the inception of the Anti-Terror Law, 3,000 people have been tried in state security courts and 161 have been convicted and sentenced (IPS 24 Aug. 1995).

The right of a detainee to access to a lawyer is assured under Article 136 of the Code of Criminal Procedures (HW Mar. 1993, 40). However, critics argue that access to an attorney is rarely conceded (ibid.; AI Feb. 1994a, 10-11; HRW June 1993, 239; Muller and Otty 26 Jan. 1995, 27). In late 1992 revisions were introduced to the Criminal Procedure Law which reportedly improved access to lawyers for individuals charged with common or "ordinary" crimes (HRW June 1993, 239; *Country Reports 1994* 1995, 994; Muller and Otty 26 Jan. 1995, 27). The revisions do not apply to individuals charged with political crimes under the Anti-Terror Law or within areas under

emergency rule (*Country Reports 1994 1995*, 994; AI Feb. 1994a, 10-11; HRW June 1993, 239; Parliamentary Human Rights Group 30 May 1995, 16).

### **3.2.1 Article 8 and Freedom of Expression**

Article 8 of the Anti-Terror Law has most frequently targeted writers, journalists, pro-Kurdish politicians and intellectuals (*Censorship News* 9 Sept. 1992, 11). It states that:

Written and oral propaganda and assemblies, meetings and demonstrations with the aim of damaging the indivisible unity of the State of the Republic of Turkey, the nation and its territories, are prohibited, regardless of the method, intention and ideas thereof (AI June 1994, 1; see also HRW Dec. 1994, 230; *Country Reports 1994 1995*, 993; FIDH 13-20 July 1995, 2).

Article 8 has generated significant criticism as it targets individuals who "have employed no weapon more offensive than a pen" (AI June 1994, 1; *Country Reports 1994 1995*, 993). Freedom of expression has suffered in Turkey as writers, publishers, journalists, musicians, students and politicians who voice concern or encourage debate over the Kurdish issue are regularly punished with two to five years' imprisonment in addition to heavy fines (HRW Dec. 1994, 230; FIDH 13-20 July 1995, 2-3; AI June 1994, 1; *Country Reports 1994 1995*, 1001; *Middle East Times* 16-22 July 1995a, 5; *The Ottawa Citizen* 20 May 1995).

Between 1992 and early 1994, 250 employees of the Istanbul-based, pro-Kurdish newspaper *Özgür Gündem* (Free Agenda) were arrested, while six of the paper's journalists and twelve other individuals "connected" with the paper were killed (*Index on Censorship* July-Aug. 1994, 77; AI June 1994, 4). In April 1994 the government shut down *Özgür Gündem*, accusing it of publishing "separatist propaganda" (HRW Dec. 1994, 230; AI June 1994, 4; *Country Reports 1994 1995*, 1003; *La Lettre de Reporters sans frontières* May 1995, 7). Thirteen members of *Özgür Gündem* staff were arrested in December 1993 and put on trial in June 1994, charged with either being PKK members or providing assistance to PKK members (HRW Dec. 1994, 230; AI June 1994, 4). At least two employees of the newspaper allege that they were tortured and beaten while being held at the Istanbul Police Headquarters (ibid.; see also *The Irish Times* 5 May 1995). A second pro-Kurdish paper, *Özgür Ülke*, was forced to close in February 1995, and in mid-August 1995 editions of *Yeni Politika* were seized because the paper "closely resembles and continues the line of the banned papers *Özgür Gündem* and *Özgür Ülke*" (AFP 16 Aug. 1995; *La Lettre de Reporters sans frontières* Sept. 1995a, 3; ibid. May 1995, 7).

A former mayor of Diyarbakir, Mehdi Zana, accused under Article 8 of "spreading 'separatist propaganda'" (AI June 1994, 7; *Index on Censorship* July-Aug. 1994, 79) began a four-year prison sentence in May 1994; Zana had provided testimony concerning the plight of Kurds in Turkey to the Human Rights Sub-Committee of the European Parliament (AI June 1994, 7; *Country Reports 1994 1995*, 1002; see also *World Press Review* July 1995, 13-15).

On 12 July 1995, Yasar Kemal, Turkey's best known novelist, lost his appeal "for a high court review of the anti-terror law used to prosecute the writer" (AP 12 July 1995). The 75-year old Kemal faces up to five years in prison for an article he wrote about the Kurdish situation in the German magazine *Der Spiegel* in January 1995 (ibid.; *The Ottawa Citizen* 20 May 1995; Reuters 12 May 1995; IPS 9 Feb. 1995).

Human Rights Watch reports that as many as fifty per cent of all cases before the state security courts are accused under Article 8 (HRW Dec. 1994, 230; see also *Country Reports 1994 1995*, 999) and separate reports indicate that some 120 to 174 people were serving time in jail in mid-1995 under the article (*International Herald Tribune* 18 July 1995; DPA 10 May 1995; AP 29 Apr. 1995; *The New York Times* 29 Oct. 1995a; see also *Middle East Times* 9-15 July 1995, 4). Government sources indicate that during the first nine months of 1994, Article 8 had prompted the seizure of some 407 newspapers, 490 periodicals and 35 books (*Country Reports 1994 1995*, 1002).

The *Swiss Review of World Affairs* maintains that, due to the danger of travelling and working in the southeast, coupled with attempts by pro-government and pro-PKK parties to manipulate Turkish and foreign

journalists, "independent, nonpartisan reports from the conflict zone are virtually unattainable" (Swiss Review of World Affairs Dec. 1994, 21). The same report details examples of government intimidation of foreign correspondents and asserts that foreign journalists have experienced a restriction of their freedom of movement within Turkey (ibid.; AI Sept. 1995b, 3).

An August 1995 Writers in Prison Committee (WiPC) report states that "violations of freedom of expression occurs in almost every country, but leading the table is Turkey where so far more than 100 writers and journalists have been assaulted, disappeared, imprisoned or killed" (IPS 13 Aug. 1995; AP 15 Mar. 1995; see also *Index on Censorship* July/Aug. 1994, 77-80; *La Lettre de Reporters sans frontières* Feb. 1995, 24). Turkey jailed 74 journalists in 1994 (*Bangor Daily News* 3 May 1995; AP 15 Mar. 1995) while an IPS report indicates that as of August 1995, as many as 116 journalists were in prison under the Anti-Terror Law (IPS 24 Aug. 1995). *La Lettre de Reporters sans frontières*, however, reports eight imprisoned journalists as of 21 August 1995 (*La Lettre de Reporters sans frontières* Sept. 1995b, 23).

On 24 August 1995 a state security court prosecutor raised the issue of the constitutionality of Article 8 during opening statements of the trial of some fifty Turkish writers, artists and actors charged under the article (IPS 24 Aug. 1995). The state prosecutor admitted that the Anti-Terror Law violates the Turkish constitution and concluded that "'Article 8, in its present form, contradicts the essence of basic principles of our laws,' and to pursue a case under this law would undermine the judicial system. 'Therefore it (this law) should be brought before the Constitutional Court and be abolished'" (ibid.). Upon the completion of the case the court's judge will render a decision as to whether Article 8 should be examined by the Constitutional Court (ibid.). Changing Article 8 would require a simple parliamentary majority (*The Economist* 29 July 1995, 37). Prime Minister Ciller had tried to abolish Article 8 in April 1995, but was blocked by conservative members of her own party (AP 29 Apr. 1995; see also *The Economist* 29 July 1995).

On 27 October 1995 the Turkish Parliament voted to alter the 1991 Anti-Terror Law, "paving the way for the release of intellectuals, lawyers and politicians convicted for publicly demanding greater rights for ... Kurds" (*The Globe and Mail* 28 Oct. 1995, A10; see also *The New York Times* 29 Oct. 1995b, 20). The parliamentary changes, advanced by Prime Minister Çiller, "reduce maximum jail terms to three years from five, [make] it possible to commute jail terms to fines, and require prosecutors to prove that a defendant's remarks were intended to undermine the unitary Turkish state" (ibid.). A new provision added to the law, however, permits the temporary closure of radio and television stations whose programmes are deemed to be separatist (ibid.).

### 3.3 The Judiciary

The constitution provides for an independent judiciary (Flanz Aug. 1994, 6; *Countries of the World and Their Leaders Yearbook 1994* 1994, 1294), and according to *Country Reports 1994* "in practice, the courts generally act independently of the executive" (Country Reports 1994 1995, 999). Another report claims, however, that the independence of the judiciary is threatened by the influence of the military in Turkey's court structure (Muller and Otty 26 Jan. 1995, 13).

The court system is composed of judicial, military, administrative and security courts (*Europa 1994* 1994, 2959; Muller and Otty 26 Jan. 1995, 13). Verdicts issued by the courts may be appealed to at least eight inter-related Superior Courts (ibid.). The Court of Cassation is the court of final appeal in Turkey (*Political Handbook of the World: 1994-1995* 1995, 889). Other judicial bodies include the Council of State, a Constitutional Court, Courts of State Security along with a series of military courts (ibid.; see also *Europa 1994* 1994, 2959).

The 1982 constitution permitted the establishment of state security courts "to deal with offenses against the integrity of the state" (*Countries of the World and Their Leaders Yearbook 1994* 1994, 1294). The courts are empowered to try individuals accused of terrorism, drug smuggling and membership in illegal organizations (*Country Reports 1994* 1995, 998). Security court verdicts may only be appealed to a "specialized department of the High Court of Appeals dealing with crimes against state security" (ibid.). One 1995 report, published by the Kurdistan Human Rights Project, Medico International and The Bar of England and Wales Human Rights

Committee, maintains that the state security courts have

usurped the function of the traditional courts in all cases classified as political and/or terrorist in nature. Their jurisdiction is all pervasive. They have the power to determine issues of fundamental importance to human and civil rights, including the right to freedom of expression, movement and association. Their origins, purpose, composition and procedural rules have undermined the principles of judicial independence and the rule of law (Muller and Otty 26 Jan. 1995, 13).

## 4. THE PKK AND TURKISH SECURITY FORCES

### 4.1 *The Partiya Karkaren-i Kurdistan (PKK)*

The late 1960s and 1970s witnessed a re-surfacing of Kurdish nationalism and the "radicalization of Kurdish political parties" (Entessar 1992, 91; *Third World Quarterly* 1992, 488). It was in this environment that, according to a Minority Rights Group report, some of the most significant, and most radical, Kurdish groups developed in Turkey (MRG Sept. 1991, 20). While the PKK, or the Kurdish Workers Party, is, according to some observers, the foremost party to emerge from this era (*Middle Eastern Studies* 1994, 988; Gunter 1990, 57; MEI 14 Apr. 1995a, 20) other smaller groups have also played a role in Turkish Kurdistan including: the Kurdish Vanguard Workers Party (PPKK), the National Liberation of Kurdistan (KUK), Rizgari, Ala Rizgari, Kawa and the Socialist Party of Turkish Kurdistan (SPTK) (Gunter 1990, 64-67; More 1984, 182-200). Both Michael Gunter's *The Kurds in Turkey* and Christiane More's *Les Kurdes aujourd'hui* provide detailed analyses of all the parties listed, and others. Also see Response to Information Request Numbers TUR20300.E and TUR18939.E for further information about the SPTK.

The PKK has a reputation of being the "most violent, radical and successful Kurdish movement to emerge in Turkey in many years" (Gunter 1990, 57; *Middle Eastern Studies* 1994, 988; *Third World Quarterly* Oct. 1989, 94). Originally called the Ankara Democratic Patriotic Association for Higher Education, the PKK was founded in 1974<sup>[5]</sup> when eleven university students met in Ankara to "demand the recognition of Kurdish culture and language by Turkish authorities" (ibid.; *Middle Eastern Studies* Oct. 1994, 988; Bulloch and Morris 1992, 183; Gunter 1990, 57). The group was founded and, in 1995, continued to be led, by Abdullah "Apo" Öcalan (MRG Sept. 1991, 20; *Middle East Times* 6-12 Aug. 1995, 5; *The Irish Times* 29 Mar. 1995).

The PKK is separated into two groups (Jane's 1 Apr. 1995; Gunter 1990, 76-78). The People's Liberation Army of Kurdistan (ARGK) represents the active guerilla army of the PKK, while the Kurdistan National Liberation Front (ERNK) is the PKK's "political front abroad but also includes urban cadres, recruiters and part-time fighters within Turkey" (Jane's 1 Apr. 1995; *Middle East Times* 6-12 Aug. 1995, 5). According to *Jane's Intelligence Review*:

while the ERNK and ARGK each has its own command structure, there is movement of personnel between the two groups: an ERNK member can easily take to the mountains to become a guerrilla or can recruit ARGK fighters, while an ARGK fighter can be sent to Europe to work in an ERNK front organization (Jane's 1 Apr. 1995; see also Gunter 1990, 76-78).

According to late 1994 and 1995 estimates, the PKK has 10,000 to 30,000 active guerilla fighters (*Freedom Review* May-June 1995, 34; Jane's 1 Apr. 1995; *Middle East Report* July-Aug. 1994b, 14). In 1995 PKK guerillas operated from secret mountain camps in Turkey and northern Iraq (Jane's 1 Apr. 1995) and reportedly from bases across the Iranian border (*Middle East Times* 25 June-1 July 1995, 3; Reuters 20 June 1995). *Jane's Intelligence Review* reports several PKK "staging areas" in Turkey's Munzur, Gabar, Tendurek, Cudi, Agri and Tunceli regions (Jane's 1 Apr. 1995).

The PKK's original agenda stipulated that the group was a "national democratic revolutionary movement based on an alliance of workers, peasants and intellectuals, and aiming at destroying 'colonialism' and creating 'a democratic and united Kurdistan' which would eventually be based on Marxist-Leninist principles" (*Middle Eastern Studies* Oct. 1994, 988; see also More 1984, 187-89; *Third World Quarterly* Oct. 1989, 94). 1995 reports indicate,

however, that the group has been moving away from both Marxism and separatist demands (*Kurdish News* June 1995, 1-2; *Jane's* 1 Apr. 1995). Öcalan has stated that the PKK would consider a federalist alternative to separation (*ibid.*; *The Irish Times* 29 Mar. 1995; *Kurdish News* June 1995, 2).

Several articles contend that the government's methods of combatting the PKK have produced significant anti-government sentiment, which in turn has resulted in the PKK "increasingly ... gain[ing] legitimacy and support even among Kurds who disagree with its violent methods" (*Freedom Review* May-June 1995, 35; IPS 21 Aug. 1995; COMPASS 18 Sept. 1995; MEI 12 May 1995a, 19). In addition, the PKK continues to enjoy support from peasants and the Kurdish working class (*Middle East Report* July-Aug. 1994a, 7; *Third World Quarterly* 1992, 488). Dr. Martin Van Bruinessen, a social anthropologist and a fellow of the Kurdish Institute in Paris, is quoted as saying that PKK "members were drawn almost exclusively from the lowest social classes—the uprooted, half-educated village and small-town youth who knew what it felt like to be oppressed and who wanted action, not ideological sophistication" (Gunter 1990, 58). He also suggests that Öcalan's group offers the oppressed "'a simple and appropriate theory, and lots of opportunities for action, heroism and martyrdom'" (*ibid.*).

Several sources report that the PKK has also received support and backing from various neighbouring countries (*Middle Eastern Studies* Oct. 1994, 988-89; *Third World Quarterly* 1992, 489; Bulloch and Morris 1992, 183-84; *Conflict Quarterly* Spring 1991, 9). In the spring 1991 edition of *Conflict Quarterly*, an article by Michael Gunter entitled "Transnational Sources of Support for the Kurdish Insurgency in Turkey" provides a detailed analysis of foreign support of the PKK. The author maintains that "Syria has given the PKK by far the most covert support, while Iraq at least has made the most attempts to cooperate with the Turks, even giving Turkey *carte blanche* to pursue the PKK into northern Iraq ... . Iran's role in this matter has fallen somewhere in between these two extremes" (*ibid.*). A 1994 report states, however, that most of the PKK's support has come from within Kurdistan and from the Kurdish diaspora worldwide (*Middle East Report* July-Aug. 1994a, 7).

## 4.2 Turkish Security Forces

PKK activities increased in the late 1980s and were met with force by the Turkish military and special security forces (MRG 1991, 199). Over 15,000, and perhaps as many as 20,000, people have been killed between 1984 and 1995 as a result of the conflict between the PKK and Turkish security forces (*The Straits Times* 22 Mar. 1995; Reuters 16 May 1995; *International Herald Tribune* 18 July 1995; AFP 18 Sept. 1995).

The three main Turkish organizations active in combatting the PKK in southeastern Turkey are the special teams, the village guards and the gendarmerie (IAHRK 1993, 3; AI Feb. 1995a, 8; HW Sept. 1990, 7). Late 1994 reports estimate the number of village guards as being between 34,000 and 50,000 (HRWH Oct. 1994, 8; AI Feb. 1994b, 56; *Turkish Daily News* 29 Apr. 1995). There were approximately 60,000 gendarmes active in 1994 (AI Feb. 1994b, 56) and 15,000-20,000 special team members operating in 1995 (*Jane's* 1 Apr. 1995). A November 1994 *Middle East Times* article reports, however, that the Turkish government has 200,000-300,000 troops and special teams active in southeastern regions of the country (*Middle East Times* 27 Nov.-3 Dec. 1994, 4; see also *Der Spiegel* 9 Jan. 1995; MEI 14 Apr. 1995a, 20; Parliamentary Human Rights Group 30 May 1994, 3).

The gendarmes are military personnel performing police duties, largely in rural areas (AI Feb. 1995a, 8; HRWH Oct. 1994, 12; *World Encyclopedia of Police Forces and Penal Systems* 1989, 386). Like the national police, the gendarmes are administered by the Minister of Interior (*ibid.*, 385-86; HRWH Oct. 1994, 12). The *World Encyclopedia of Police Forces and Penal Systems* notes that the gendarmerie "retains its military character" (*World Encyclopedia of Police Forces and Penal Systems* 1989, 386); a separate report refers to the high level of militarization within the gendarmes and concludes "many doubt its subordination to the Ministry of the Interior" (HRWH Oct. 1994, 12n37).

The special teams (Ozel Tim in Turkish) are also under the control of the Ministry of the Interior and are "trained to combat rebellion" through mountain ambushes and swift attacks (IAHRK 1993, 4; IPS 24 July 1995a; HRWH Oct. 1994, 26; AI Feb. 1995a, 8; *Jane's* 1 Apr. 1995). Some special team members reportedly speak Kurdish, dress in Kurdish costume and, unlike regular soldiers, are permitted to grow their beard and hair long (AI

Feb. 1994b, 57; see also *Jane's* 1 Apr. 1995).

### 4.2.1 *The Village Guards*

In April 1985 two articles were added to the Village Law that permitted the temporary creation of village guards in provinces under emergency rule (HRWH Oct. 1994, 25). The village guard system was implemented during the summer of 1985 (*ibid.*; Gunter 1990, 77). Another report indicates that the village guards were not established until 1986 (IAHRK 1993, 6). Recruited from Kurdish villages, the guards allegedly receive a salary of one hundred and fifty dollars a month and are equipped with uniforms, guns and radios (*International Herald Tribune* 18 July 1995; AI Feb. 1995a, 8; *ibid.* Feb. 1994b, 56-7). While the village guards were originally established with the mandate of protecting their own villages, they have been "deployed as a paramilitary force to participate in operations against other villages, carry out identification checks on roads, and other duties" (*ibid.* Feb. 1995a, 8; IAHRK 1993, 6).

While ostensibly free to do as they wish, villagers are in reality faced with a catch-22 situation: either join the village guards and become targets of PKK attacks or refuse to join and be "subject to reprisals by the security forces or village guards from neighbouring villages" (AI Feb. 1995a, 8; HW Sept. 1990, 19; HRWH Oct. 1994, 10; *International Herald Tribune* 18 July 1995; *Der Spiegel* 9 Jan. 1995). According to one report, certain Kurdish tribes participate in the village guard system more willingly than others; particularly the Jirki, Gevdan, Mamguan, Giravi, and Goran tribes of Hakkari and Sirnak provinces (*Jane's* 1 Apr. 1995).

Both Human Rights Watch and Amnesty International have reported that security forces have committed abuses while pressuring villagers to join the village guards (HRWH Oct. 1994, 15-16; AI Feb. 1995a, 8-9). Quoting a resident of Ciftlibahce, Human Rights Watch recounted the following:

'Soldiers would always come to our village and threaten us to become village guards. If you don't become village guards, we will burn the village'. ... Later that year, in November 1993, security forces came back to the village and burned about one-quarter of the houses and told the rest of the villagers to leave. ... during the next week everyone in the village left ... [but] one of the villagers ... was late in leaving his home on November 27, 1993, and was shot by soldiers and detained. He was taken to Diyarbakir for forty days, and is now believed held in Hazro. [His] family has no official information (HRWH Oct. 1994, 15-16).

Thousands of Kurdish villagers have fled their homes in order to avoid service with the village guards; those remaining have often been forced to leave their villages by fellow-villagers who belong to the village guards (HRWH Oct. 1994, 10, 15; *International Herald Tribune* 18 July 1995).

### 4.3 *The Hizbullah*

Another group active in southeastern Turkey are the Hizbullah (AI Feb. 1994a, 3). The Hizbullah are an independent group made up of "various armed Islamic fundamentalist groups, not related to the Lebanese organization of the same name" (*ibid.* 3n4). The Kurdish Hizbullah reportedly recruits its members from the southeast (IAHRK 1993, 4) and was

established in Batman in 1987 ... the movement is committed to the establishment of a fundamentalist Islamic state in Turkey. *Hizbullah* is divided between two wings - *Ilim* and *Menzil* ... . Many political killings have been attributed to the *Ilim* group, but ... the group [is believed by some] to be acting in collusion with the security forces (AI Feb. 1995a, 14n6).

#### NOTE

[5] According to sources, the foundation of the PKK can be traced to a Dev-Genc (Revolutionary Youth) meeting in Ankara in 1974 (Gunter 1990, 57; RIAS Oct. 1993, np). Dev-Genc is a "radical student organisation" that was established in the late 1960s (*Revolutionary and Dissident Movements* 1991, 346; RIAS Oct. 1993, np; Gunter 1990, 30). Dev-Genc reportedly became "a clearinghouse for leftist revolutionaries of almost every persuasion.... Splintering in time led to the even more extremist Dev-Yol

(Revolutionary Way) and Dev-Sol (Revolutionary Left) groups" (ibid.; *Political Handbook of the World 1994-1995* 1994, 893). Several sources allude to "operational links" (*Revolutionary and Dissident Movements* 1991, 346; Reuters 16 Oct. 1991) and mutual support between the PKK and Dev-Sol (ibid.; ibid. 17 June 1994; *The Guardian* 29 Apr. 1994; Gunter 1990, 87). Quoting an article published in *Briefing*, an independent Turkish weekly, Gunter asserts that Dev-Sol was the first Turkish leftist group to sign a protocol agreeing "" to cooperate with and support the PKK both in Turkey and abroad"" (ibid.). This agreement reportedly provided each group with new opportunities: "Dev Sol would be able to send some of its members to rural areas either for training or to be hidden, while the PKK would be able to obtain safe houses and other facilities in the urban areas" (ibid.). *Revolutionary and Dissident Movements* states that "in some cases where serving and retired officers of the security forces were gunned down in cities (including Istanbul and Ankara), Dev-Sol ... has been accused of working on behalf of the PKK" (*Revolutionary and Dissident Movements* 1991, 349). [\[back\]](#)

## 5. REPORTED ABUSES

### 5.1 The PKK

At its national conference in March 1994, PKK officials announced an escalation in its conflict with the Turkish government, adding that: "all economic, political, military, social and cultural organizations, institutions, formations—and those who serve in them—have become [PKK] targets. The entire country has become a battlefield" (HRWH Oct. 1994, 22). The conflict between the PKK and Turkish security forces, which began on 15 August 1984 when the PKK launched its first major attack from Iraqi territory, has spread throughout Turkey, although it remains concentrated in the southeast (*Freedom Review* May-June 1995, 34; *Middle Eastern Studies* Oct. 1994, 988-89; Entessar 1992, 98; Bulloch and Morris 1992, 187; Gunter 1990, 74). While most PKK attacks continue to occur in the southeast, the group "still seems able to ... plant bombs throughout Turkey," particularly in tourist areas (*Jane's* 1 Apr. 1995; HRWH Oct. 1994, 22; DOS 24 Aug. 1995). A 1995 US Department of State travel advisory for Turkey notes that local bus routes in Western cities such as Ankara are frequent targets of PKK attacks (ibid.).

Turkish officials suspect the PKK are responsible for bombings in Izmir and Istanbul in August and September 1995 (Reuters 17 Sept. 1995). Two people were killed during August bombings in Istanbul and four died after a bomb exploded at a cafe popular with Turkish soldiers in Izmir (ibid.).

Groups most at risk from PKK attacks, kidnapping and reprisals, apart from Turkish soldiers and militia, include anyone who cooperates with the state or represents the state, tourists in southeastern Turkey and Turkish journalists working in southeast Turkey (HRWH Oct. 1994, 22; HW Mar. 1993, 11-13; *Country Reports 1994 1995*, 1003; DOS 24 Aug. 1995; McDowall May 1994, 3). Within these groups, village guards are particularly at risk, as well as teachers and former PKK-activists who "collaborate with the state" (HW Mar. 1993, 11-13; HRWH Oct. 1994, 22; *Country Reports 1994 1995*, 995). Twenty teachers were murdered by the PKK in 1994 (ibid.; see also *The Economist* 17 Dec. 1994, 52), fourteen in September and October alone (HRWH Oct. 1994, 22; *Jane's* 1 Apr. 1995).

The PKK reportedly "routinely commits such abuses as summary executions, hostage-taking, indiscriminate fire, and destruction of civilian property in an attempt to force the civilian populations to comply with its wishes" (HRWH Oct. 1994, 22). Amnesty International reports that the PKK kills prisoners and civilians "almost every day" (AI Feb. 1995a, 10). The same report indicates that the PKK was responsible for the deaths of over 200 prisoners and civilians in 1993, and "at least 167 such victims during the first 10 months of 1994" (ibid.).

The PKK regularly carry out attacks against village guards, often executing the guards, their wives and children (HRWH Oct. 1994, 22; HW Sept. 1990, 19; Gunter 1990, 81-82; AI Feb. 1995a, 1). Gunter states that after the establishment of the village guards, the guards "and their families simply began to draw PKK fire and get themselves killed" (Gunter 1990, 81). The Turkish government has stated that "'in a way, what has happened is that the state has singled out its supporters in rural settlements making them an easy target and identifying them for the terrorists'" (ibid.).

### 5.2 Security Forces

Turkish security forces have been accused by human rights groups of numerous human rights violations,

including torture, sexual abuse, extrajudicial executions, forcible eviction, the burning of villages, arbitrary detention, and excessive force (*Country Reports 1994 1995*, 993-96; AI Feb. 1995a, 1,3; HRWH Oct. 1994, 3, 10; AI June 1994, 1; LCHR July 1994, 363). One report states that the special teams are "extremely abusive of human rights. All the villagers ... [fear] the 'Ozel Tim' more than any of the other security forces" (HRWH Oct. 1994, 26). Turkish security forces target "not only hardened PKK guerrillas, but any Kurd suspected of supporting or even sympathizing with the PKK's aims" (UNHCR Sept. 1994, 3). Some reports indicate that security forces "have difficulty in distinguishing insurgents from non-combatants. The effort to make this distinction may have been abandoned" (AI Feb. 1994a, 2; COMPASS 18 Sept. 1995). During reprisals for PKK attacks in the southeast, security forces "[fire] at random with small arms, mortars and even cannons from armoured vehicles" on residential areas (AI Feb. 1994a, 2).

There are reports that torture of individuals held in detention in police stations or gendarmeries is common, allegedly in order "to extract confessions, to elicit names of other members of illegal organizations, to intimidate detainees into becoming police informants, and as informal punishment for assumed support of illegal organizations" (AI Feb. 1995a, 18; *ibid.* 1995, 291; *Country Reports 1994 1995*, 996; IAHRK 1993, 22-24; HRW Dec. 1994, 243; *The Ottawa Citizen* 20 May 1995). Political and criminal detainees are particularly at risk of torture, especially in the southeast and major western cities including Istanbul, Ankara, Izmir and Adana (AI 1995, 291; *ibid.* Feb. 1995a, 18; IAHRK 1992, 22-23; *Record* Feb. 1995, 10; Parliamentary Human Rights Group 30 May 1994, 16). One report notes that prisoners are "routinely tortured ... throughout the country" (*ibid.*). Torture is also used by gendarmes during raids on rural villages and as a method of forcing villagers into the village guard system (see section 4.2.1) (AI Feb. 1995a, 1, 18; see also IAHRK 1993, 26-27).

The European Committee for the Prevention of Torture (ECPT) has described the use of torture in Turkey as being "widespread" (AI Feb. 1995a, 19) while the UN Committee for the Prevention of Torture states that "the use of torture in Turkish police stations was 'systematic'" (*ibid.*; see also LCHR July 1994, 364-65). A September 1995 Amnesty International report maintains that this "widespread" and "systematic" use of torture in Turkey "has persisted unaltered since the beginning of 1995" (AI Sept. 1995b 6). Common torture methods reportedly employed by Turkish security forces include

high-pressure cold water hoses, electric shocks, beating on the soles of the feet, beating of the genitalia, hanging by the arms, blindfolding, sleep deprivation, deprivation of clothing, systematic beatings, and vaginal and anal rape with truncheons and, in some instances, gun barrels (*Country Reports 1994 1995*, 996; see also AI Feb. 1995a, 19; HRW Dec. 1994, 232).

Government authorities are reportedly responsible for extrajudicial killings and political murders, particularly for deaths of detainees in custody, deaths of suspected criminals in house raids and deaths of individuals who refuse to join the village guard (*Country Reports 1994 1995*, 994; AI Feb. 1994a, 4; *ibid.* Feb. 1994b, 55-56). According to Amnesty International the number of deaths in custody totalled 31 in 1994, the highest figure since 1982 (AI Feb. 1995b, 43). Principal victims of extrajudicial killings and "mystery killings", of which the government is also suspected, include "suspected PKK sympathizers, HADEP and DEP organizers, journalists especially of pro-Kurdish publications, and trade union activists" (HRW Dec. 1994, 231) as well as "prominent members of the Kurdish community, physicians, human rights monitors, [and] local politicians" (*Country Reports 1994 1995*, 994). Over 100 members and officials of HADEP and DEP were killed between 1992 and early 1995 (AI Feb. 1995a, 14).

At least 33 extrajudicial killings committed in 1994 are believed to be the work of government security forces (*Country Reports 1994 1995*, 994). Other reports indicate that over 300 "mystery killings" or deaths whereby the victim is assassinated or murdered by unknown assailants, occurred in 1994, most in the "south and southeast of the country" (*ibid.*; AI Feb. 1995a, 14; see also LCHR July 1994, 364). While critics charge that security forces were involved in many of the mystery killings the government blames many of the "mystery killings" on the Hizbullah; by July 1994 almost fifty Hizbullah members had been arrested and charged with over thirty killings (*Country Reports 1994 1995*, 994; HRW Dec. 1994, 232; see also AI Feb. 1995a, 14).

Since 1991 there has been a growing trend of "disappearances" in Turkey, and in 1994 over fifty people

were reported to have been "disappeared" (AI Feb. 1995a, 10; *ibid.* Feb. 1995b, 43). According to *The Ottawa Citizen*, in March 1995 alone "40 people disappeared while in police custody" (*The Ottawa Citizen* 20 May 1995). Most "disappearance" cases occur after the victim has been taken into custody by security forces (AI Feb. 1995a, 10; *Country Reports 1994 1995*, 995). Disappearances occur most frequently in the southeast, but a February 1995 Amnesty International report claims that there has been an increase of cases in major western cities, such as Istanbul and Ankara (AI Feb. 1995b, 43). HADEP supporters, journalists, PKK sympathizers and Kurdish civilians "with no history of political activity" are the most common victims of "disappearances" (*ibid.* Feb. 1995a, 10; HRW Dec. 1994, 231).

A September 1995 Amnesty International report notes that disappearances are still occurring in Turkey, and indicates that the families of "disappeared" individuals are also in danger of harassment, ill-treatment, beatings, detention and imprisonment (AI Sept. 1995a 1). According to the report several family members of disappeared individuals were subjected to "repeated detention and police brutality" during the summer of 1995 (*ibid.*, 2). The relatives were usually detained or harassed while protesting or campaigning for information about a "disappeared" relation (*ibid.*, 1, 4-5).

A separate September 1995 Amnesty International document reports the announcement, by the General Director of Police, that a detention monitoring unit would be established as of 1 August 1995 "to track detained persons" (AI Sept. 1995b 5). According to the same report Detention Monitoring Offices are at the moment only operating in part of the country. In Diyarbakir, for example, no Detention Monitoring Office has yet been established. In Ankara, however, a Monitoring Office has been set up with a public telephone number and staff. A lawyer who applied to the office on several occasions in August to track people lost in police detention told Amnesty International that the staff at the office "try to be helpful, but unfortunately they seem to be denied information by other branches of the police force—the Anti-Terror Branch in particular" (*ibid.*).

During an August 1995 press conference, a spokesperson for the Turkish Human Rights Association announced that in July 1995 alone, 23 people had been tortured by police, 19 persons had disappeared after their July arrests, 14 were killed while in detention, a total of 1,572 people were arrested and 117 charged and 30 publications were banned or suspended (AFP 22 Aug. 1995). Amnesty International reports that "in the first eight months [of 1995] there were at least 19 'disappearances', at least six deaths in custody as a result of torture, and more than 80 political killings" (AI Sept. 1995b, 1).

Turkish security forces are also accused of evacuating and burning down or "torching" Kurdish villages in order to "starve the PKK of local support" (IPS 26 Apr. 1995; *Country Reports 1994 1995*, 1000; AI Feb. 1995a, 6; AFP 17 Sept. 1995; *Le Monde diplomatique* Mar. 1995, 18-19; *The Guardian* 23 Mar. 1995). As many as 2,000 Kurdish villages, hamlets and residential areas of larger cities had been either evacuated, burned or destroyed by early 1995 (IPS 26 Apr. 1995; AI Feb. 1995a, 6; *Freedom Review* May-June 1995; Parliamentary Human Rights Group 30 May 1994, 9-10; *Le Monde diplomatique* Mar. 1995, 18). Turkish authorities deny that they have a "scorched earth policy against PKK terror" (*The Guardian* 23 Mar. 1995; *Middle East Times* 27 Nov.-3 Dec. 1994, 4). In late 1994, however, Turkey's human rights minister labelled the destruction of Kurdish villages "state terrorism". He was immediately forced to recant his statement (*Freedom Review* May-June 1995, 34-35; *Jane's* 1 Apr. 1995). The burning of villages continued into 1995—in March 1995 security forces burnt down at least 19 rural Kurdish villages (*The Guardian* 23 Mar. 1995; *The Ottawa Citizen* 20 May 1995). Dozens of villages in the Tunceli region were reportedly forcibly evacuated and burned in late 1994 (AI Feb. 1995b, 43).

The practice of destroying villages, coupled with the effects of the war, has contributed to the massive relocation of Kurds to other areas of southeast Turkey or to western Turkey (HW Dec. 1992, 52; *Le Monde diplomatique* Mar. 1995, 18-19; IAHRK 1993, 54; Mango 1994, 45; HRWH Oct. 1994, 10; *Der Spiegel* 9 Jan. 1995). By early 1995 over two million Kurds in the southeast had been displaced (*Freedom Review* May-June 1995, 34; *Jane's* 1 Apr. 1995; IPS 21 July 1995; *Der Spiegel* 9 Jan. 1995). See section 7.2 for further information on the displacement of Kurds.

## 6. IMPUNITY OF SECURITY FORCES

The Turkish government has been criticized for a lack of accountability on the part of security forces; human rights activists contend that accusations of disappearances, extrajudicial killings, murder and torture are rarely investigated and individuals responsible are seldom prosecuted (HRW Dec. 1994, 232; *Country Reports 1994 1995*, 993). Despite the fact that Turkish law requires an investigation into all deaths in custody, "prosecutions of security force members for such deaths are rare" (ibid. 994). According to Amnesty International "rather than confront the fact of these [human rights] violations and take steps to end them, the Turkish Government is choosing to deny that they are taking place at all" (AI Feb. 1995a, 1). Critics contend that the government's policy of denial has contributed to an "atmosphere of impunity" among security forces, especially in the southeastern regions of the country (ibid. 8 Feb. 1995, 1-2; ibid. Feb. 1994b, 63; *Country Reports 1994 1995*, 993; *The Guardian* 23 Mar. 1995; *The Economist* 6 May 1995, 50; *Freedom Review* May-June 1995, 33).

A 1995 report states that

... although any suspect who experiences torture at the hands of the authorities is at liberty to apply to the judicial prosecutor to bring proceedings against any state official so accused, there has not been a single successful prosecution within the emergency regions of South East Turkey in the last year. In practice, it appears that the atmosphere of intimidation and distrust has made these avenues impossible to follow (Muller and Otty 26 Jan. 1995, 5).

Under provisions of the Emergency Powers legislation, no security force member may be taken to court on accusation of manslaughter, theft, rape, assault, wounding or torture, without the authorization or approval of the governor's office (AI Feb. 1994b, 63; ibid. Feb. 1994a, 11; *Country Reports 1994 1995*, 996). In regards to allegations of torture, *Country Reports 1994* states that "approval is rare" (ibid.). Although Turkish law states that all non-political murders and killings by security forces must be investigated by the provincial Chief Public Prosecutor and political killings by State Security Court Prosecutors, Amnesty International indicated in early 1994 that "prosecutors, and to some extent courts, have shown extreme reluctance to investigate or prosecute members of the security forces for any actions they may commit while on duty—indeed such prosecutions are almost unknown in the area under emergency legislation" (AI Feb. 1994b, 63). Villagers living within the area of emergency rule reportedly feel that "there is no civil authority to which they can appeal. ... The mayor and deputy mayor readily admit they have no power. The government-appointed administrator has not been open to complaints about security forces abuses" (*Middle East Report* July-Aug. 1994c, 18).

Outside of the provinces under emergency rule the Anti-Terror Law permits government representatives accused of "torture or other mistreatment" to continue working while they are being investigated "and, if convicted, [they] may only be suspended" (*Country Reports 1994 1995*, 996). In these situations, "special provincial administrative boards", not regular courts, decide whether the accused need be prosecuted (ibid.). A September 1995 Amnesty International report, while acknowledging that prosecution of security force members in the southeastern provinces is rare, claims that "throughout the rest of Turkey, since the beginning of 1995 there has been a slight improvement in public prosecutors' readiness to initiate legal proceedings" (AI Sept. 1995b, 2).

## 7. INTERNAL FLIGHT ALTERNATIVES AND KURDS IN WESTERN TURKEY

### 7.1 Travel Restrictions

According to *Country Reports 1994* all Turkish citizens "generally" have the freedom to travel freely within Turkey and internationally (*Country Reports 1994 1995*, 1005). The constitution stipulates that freedom of residence may be restricted "for the purpose of preventing offences, ... and protecting public property" (Flanz 1994, 11). Freedom of movement may be restricted "for the purpose of investigation and prosecution of an offence, and prevention of offences" (ibid.). The freedom to leave the country may be restricted "on account of the national economic situation, civic obligations, or criminal investigation or prosecution" (ibid.; *Country Reports 1994 1995*, 1005). A report prepared by the Kurdistan Informations-Zentrum in Cologne, Germany, states,

however, that the Turkish Passport Law Number 2682, Article 221 prevents many Kurds from acquiring passports. The article stipulates that "persons who are forbidden by court order from travelling abroad, or persons whom the Interior Ministry have denied permission for foreign travel on security grounds, may not have passports or travel documents" (Kurdistan Informations-Zentrum Aug. 1995, 11). In her book *Into Kurdistan: Frontiers Under Fire* Sheri Laizer recounts the story of a Kurdish singer who "had not been allowed [a passport] ... since his days as a revolutionary folk singer in the mid-1970s" (Laizer 1991, 67-68).

Travel in southeastern parts of the country may be restricted at times for security reasons (*Country Reports 1994 1995*, 1005). "Roadblocks, set up by both Turkish security forces and the PKK, can seriously impede travel" (ibid.). The United States Department of State travel advisory suggests that travel in eastern provinces is hazardous, noting that "while most [PKK terrorist] attacks have been at night, day-time attacks are increasingly frequent" (DOS 24 Aug. 1995).

David McDowall notes that travel may be restricted in the "areas of the counter-insurgency war, i.e. Tunceli eastwards", but contends that, in his understanding, outside of this area one may travel freely, noting that it is not necessary to register with police (McDowall 3 Oct. 1995). McDowall qualifies this statement, however, by stating that "the police force is large ... many people get stopped, questioned and possibly roughed up simply because they have attracted police attention in some way" (ibid.).

## **7.2 Situation of Displaced Kurds**

As many as 3.5 million Kurds from southeast Turkey have been displaced since 1984, primarily to escape the fighting and destruction of villages, but also due to economic factors (*Jane's* 1 Apr. 1995; *Turkish Daily News* 12 July 1995; *Le Monde diplomatique* Mar. 1995, 19; HRWH Oct. 1994, 10; *Freedom Review* May-June 1995, 34; *Der Spiegel* 9 Jan. 1995). While some of the displaced have moved to large cities within Kurdistan such as Diyarbakir, many have settled in major western cities such as Istanbul, Mersin, Antalya, Ankara, Izmir and Adana (ibid.; *Jane's* 1 Apr. 1995; *Turkish Daily News* 12 July 1995; *Le Monde diplomatique* Mar. 1995, 19; HRWH Oct. 1994, 10; *Freedom Review* May-June 1995, 34). Some 12,000-20,000 displaced Turkish Kurds have fled to Northern Iraq (HRWH Oct. 1994, 8; *Swiss Review of World Affairs* Dec. 1994, 22; *Le Monde diplomatique* Mar. 1995, 19; *The Santa Barbara Independent* 10 Aug. 1995, 25).

The population of certain southeastern cities, such as Diyarbakir, Siirt, Tunceli and Cizre, has doubled or tripled with the arrival of displaced Kurds (HRWH Oct. 1994, 10; *Swiss Review of World Affairs* Dec. 1994, 22; *Freedom Review* Jan.-Feb. 1995, 37). The mayor of Siirt maintains that most dramatic spurt in population occurred in 1993 and 1994; in Tunceli the population rose from 24,000 to 40,000 in one year (ibid.; IPS 21 Aug. 1995; *Middle East Report* July-Aug. 1994c, 18; *Der Spiegel* 9 Jan. 1995, 17). An August 1995 article states that "in every part of Kurdistan, the refugees were triggering a crisis in social services, housing, and employment" (*The Santa Barbara Independent* 10 Aug. 1995, 23).

According to 1994 information, the population of Adana, a city in western Turkey, has grown from 900,000 to 1.5 million (HRWH Oct. 1994, 10). A 1995 report "based on a comparative analysis of the 1990 population census, the 1991 general elections and 1994 local polls held through Turkey" states that some 3,458,000 people have emigrated from southeastern Turkey to large cities in the west (*Turkish Daily News* 12 July 1995). Istanbul, Izmir and Ankara have received the most migrants, with Istanbul alone accommodating 1,442,000 new immigrants (ibid.). Most of the recent Kurdish migrants reportedly live in sub-urban shanty-towns known as *gecekondus* (night-built), where they are susceptible to PKK propaganda (*The Christian Science Monitor* 3 Apr. 1995, 29; *Journal de Genève et Gazette de Lausanne* 17 Mar. 1995, 61). *Country Reports 1994* reports an increase in tensions between Kurds and Turks in western cities "which have witnessed a large influx of Kurds fleeing the violence in the southeast" (Country Reports 1995, 1008).

*Jane's Intelligence Review* maintains that traditionally "many assimilated Kurds rose to positions of power and prestige [in western Turkey]" (*Jane's* 1 Apr. 1995). "Scores" of Kurds have served in the Turkish parliament; observers note that there are currently Kurdish lawyers, journalists and other professionals enjoying successful

careers in Western Turkey (*Middle East Report* July-Aug. 1994b, 15; Laizer 1991, 72; *Country Reports 1994 1995*, 1008). "There is a price to pay, however: it is usually the loss of Kurdish identity" (Laizer 1991, 72). A 1995 *Jane's Intelligence Review* article asserts, however, that "rural Kurds migrating to western Turkey to escape the fighting have begun to face discrimination" (*Jane's* 1 Apr. 1995). *Country Reports 1994* states that the new wave of Kurdish migrants "bring with them their Kurdish culture and village identity; many simply are not prepared for urban life" (*Country Reports 1994 1995*, 1008).

While some displaced Kurds residing in western cities work as day labourers in construction or as vendors, others reportedly face unemployment, homelessness, poverty and discrimination (HRWH Oct. 1994, 10; *Swiss Review of World Affairs* Dec. 1994, 22; *Der Spiegel* 9 Jan. 1995, 17; see also IPS 21 Aug. 1995; IAHRK 1993, 58; *Le Monde diplomatique* Mar. 1995, 19).

According to the IAHRK, Kurds living in many western Turkish cities are in danger; the association's 1993 report details three incidents whereby entire groups of Kurds were physically attacked and injured by angry mobs and local towns people (IAHRK 1993, 58).

Kurds are no longer safe even in the large cities in the western part of the country, to which they have fled as a result of the forced evacuations or state repression. In view of the political developments in the Kurdish areas, anti-Kurdish propaganda in the Turkish media, and statements made by official representatives of the state, the attacks have greatly increased (IAHRK 1993, 58).

David McDowall quotes the Netherlands Kurdistan Society as stating that

Everywhere these displaced people are subject to police harassment and pressure to leave; none of the cities is eager to accommodate more unemployed and unemployable people; moreover the newcomers are routinely suspected of PKK sympathies. The prospects for rapid integration, economic and cultural, of these displaced Kurds in western cities are not promising (McDowall 3 Oct. 1995).

Two sources draw correlations between a rise in PKK bombings in western cities and tourist sites and an increase in police harassment of Kurds and inter-ethnic tensions in western Turkey (McDowall May 1994, 3; *Country Reports 1994 1995*, 1008). This phenomena has been accompanied by a polarization of society between Kurds and Turks (McDowall May 1994, 3). The polarization is characterized by "Kurdish workers being threatened, Turkish farmers being intimidated not to employ seasonal Kurdish labour, refusals to let accommodation to Kurds [and] anti-Kurdish demonstrations" (*ibid.*; see also *Journal de Genève et Gazette de Lausanne* 17 Mar. 1995, 61). *Country Reports 1994* maintains that the tension in western Turkish cities has made it difficult "for some otherwise qualified new migrants to find work in the western cities" (*Country Reports 1994 1995*, 1008).

Many displaced Kurds living in shanty towns around Diyarbakir and western cities were reportedly not permitted to vote in the March 1994 local elections (Parliamentary Human Rights Group 30 May 1994, 9; *Turkish Daily News* 12 July 1995). According to one source, displaced Kurds do not have the right to vote outside their own province "because of the regulations in force" (*ibid.*; *Le Monde diplomatique* Mar. 1995, 19). "At least 1.5 million people who have immigrated to Istanbul cannot vote simply because they are not registered in the voter lists. This problem has reached serious dimensions in other big cities like Adana, Ankara, Bursa, Diyarbakir, Izmir and Gaziantep" (*Turkish Daily News* 12 July 1995).

According to one report Turkish authorities are attempting to alleviate the housing problem in the city of Tunceli, in the southeast, by initiating a prefabricated housing project designed to house 150 families (IPS 21 Aug. 1995). However, the same report indicates that those who wish to move into the new homes must first "sign papers saying that it was not the security forces who burnt down their home" (*ibid.*).

For further information on internal flight alternatives for Kurds in Turkey see Response to Information Request TUR15543.E of 22 October 1993.

## 8. FURTHER CONSIDERATIONS

On 12 March 1995 "anonymous gunmen" killed two or three Alevis<sup>[6]</sup> and injured fifteen during a shooting spree at four Alevi-owned coffee and bakery shops in Istanbul (*Keesing's Mar. 1995*, 40474; MEI 17 Mar. 1995, 15; *The Economist* 18 Mar. 1995, 49). The following day between fourteen and twenty people were killed when police opened fire on an angry Alevi crowd protesting the previous day's events (*ibid.*; MEI 17 Mar. 1995, 15; *Keesing's Mar. 1995*, 40474). The Alevi demonstrators had reportedly hurled petrol bombs at police and chanted anti-fascist and anti-fundamentalist slogans (*ibid.*). The demonstrations later spread to other Turkish cities, including Ankara and Izmir (*The Economist* 18 Mar. 1995, 49; MEI 31 Mar. 1995a, 13). Alevi demonstrations and riots continued for three days (*ibid.*), and at least four more people were killed on 15 March during clashes with police in Istanbul (*Keesing's Mar. 1995*, 40474). Turkish authorities charged nine members of the fundamentalist group, The Great Eastern Islamic Raiders Front, on 16 March with the "coffee house murders" (*ibid.*). This group "had claimed responsibility for the ... murders", but some Alevis claimed that elements of the Turkish security forces were responsible for the killings (*ibid.*). Reports indicate that some Alevis who participated in the demonstrations were later imprisoned as a result of their involvement (MEI 31 Mar. 1995a, 13; IPS 23 May 1995). At least one of the detained Alevis, Hasan Ocak, a Kurd, died while in custody, and his body "bore torture marks" (*ibid.*). Turkish authorities deny that Ocak was ever detained, despite the fact that several witnesses report seeing his arrest on 21 March 1995 (*ibid.*).

On 20 March 1995 Turkey sent 35,000 troops into Kurdish-controlled regions of northern Iraq in order to eliminate PKK bases and strongholds in the area; as many as 3,000 PKK members were reportedly based in the region before the invasion (*Turkish Daily News* 29 Apr. 1995; *Keesing's Mar. 1995*, 40473; *Le Monde diplomatique* May 1995, 3; Reuters 20 June 1995; IPS 26 Apr. 1995; *The Economist* 25 Mar. 1995, 58; *The Middle East Apr. 1995*, 7). The Turks, who claimed that the troops would only remain in Iraq until their mission is completed (*ibid.*), specifically intended to "push 40 km into Iraq, along a 220 km front, destroying some 12 camps in the mountainous and sparsely population region" (*Keesing's Mar. 1995*, 40473; see also IPS 26 Apr. 1995; *The Economist* 25 Mar. 1995, 55; MEI 31 Mar. 1995b, 3). Casualty reports vary with PKK officials stating that 1,047 Turkish soldiers were killed compared to a loss of only 45 PKK members (IPS 26 Apr. 1995.; *Keesing's Apr. 1995*, 40522) while Turkish statistics contend that 464 PKK members were killed and only 56 Turkish soldiers (*ibid.*; IPS 26 Apr. 1995; see also AFP 18 Sept. 1995).

By 4 May 1995 all 35,000 Turkish troops had withdrawn from northern Iraq (*Keesing's May 1995*, 40563; MEI 12 May 1995b, 12), two days after President Demirel suggested that the Turkish-Iraqi border should be adjusted "in a bid to stop rebel Kurds infiltrating into Turkey from the mountains of northern Iraq" (*Middle East Times* 7-13 May 1995, 3; *Mideast Mirror* 4 May 1995, 14; *ibid.* 10 May 1995, 17). The effectiveness of the operation remained in question and President Demirel acknowledged that the PKK rebels would "quickly return to their old bases" (*Keesing's May 1995*, 40563; *The Economist* 6 May 1995, 50; *The Middle East Apr. 1995*, 7). Most PKK members in Iraq were reportedly forewarned of the operation, and many either moved further inland or crossed the borders into Iran or Syria (*The Middle East Apr. 1995*, 7; see also MEI 14 Apr. 1995b, 7).

In June 1995 Turkish officials announced that many PKK members who had been driven from their Iraqi camps in March and April had regrouped across the Iranian border (*Middle East Times* 25 June-1 July 1995, 3; Reuters 20 June 1995). The Turks report that eight PKK camps have been established along the Iranian-Turkish border, a claim that Iran denies (*Middle East Times* 25 June-1 July 1995, 3). Despite the Iranian denial, Reuters states that "Iran has backed a Turkish plan for joint military action against Kurdish rebels on their common border, but stopped short of letting Turkish troops enter its territory" (Reuters 20 June 1995).

Turkey reportedly entered northern Iraq again, on 5 July 1995, apparently without informing the Iraqi Kurds (*Middle East Times* 16-22 July 1995b, 5). The same report states that the incursion was undertaken "in self-defense against the [PKK] terrorists" (*ibid.*). Four civilian Iraqi Kurds were reportedly killed during the incursion which ended when Turkish troops pulled out on 12 July 1995 (*ibid.*; MEI 22 Sept. 1995b).

## 8.1 December 1995 Election Results

Turkey's 24 December 1995 elections saw the RP, or Refah, become the first Islamist party to win a general election in Turkey's 72-year history as a secular state (*The New York Times* 26 Dec. 1995, A5; *Libération* 26 Dec. 1995, 2). The win was not decisive, however, as Refah secured only 21.32 per cent of the vote or 158 seats in the 550-member GNA, not enough to form a majority government (*ibid.*; *The European* 28 Dec. 1995-3 Jan. 1996a, 1; *The Globe and Mail* 29 Dec. 1995, A7; *The New York Times* 27 Dec. 1995, A6). The DYP, Prime Minister Çiller's party, came in second place, obtaining 135 seats and 19.2 per cent of the popular vote, while the ANAP, led by Mesut Yilmaz, finished third, receiving 132 seats and 19.6 per cent of the vote (*Libération* 26 Dec. 1995, 2; *The European* 28 Dec. 1995-3 Jan. 1996b, 10). Because of a Turkish law that requires a minimum ten per cent showing in the national vote in order to secure seats in the GNA, seven of the twelve parties that contested the elections, including the pro-Kurdish HADEP, will have no representatives in parliament (*The New York Times* 26 Dec. 1995, A5; *The Ottawa Citizen* 3 Jan. 1996, A9; *Libération* 25 Dec. 1995, 8; see also *Mideast Mirror* 15 Dec. 1995, 13).

Following the elections, Prime Minister Çiller and ANAP leader Mesut Yilmaz, reportedly long-time bitter rivals, began negotiations to form a coalition government that would effectively frustrate any Refah attempts to form a government of their own (*The European* 28 Dec. 1995-3 Jan. 1996a, 1; *The New York Times* 27 Dec. 1995, A6; *ibid.* 26 Dec. 1995, A5; *The Ottawa Citizen* 3 Jan. 1996, A9). Any ANAP-DYP coalition would likely involve one of the other parties that succeeded in winning GNA seats: the Democratic Left Party (DFP), led by Bulent Ecevit, won 14.65 per cent of the vote and 75 seats, while the CHP, led by Deniz Baykal, obtained 10.71 per cent and 50 seats in the GNA (*Libération* 26 Dec. 1995, 2; *The Globe and Mail* 29 Dec. 1995, A7; *ibid.* 2 Jan. 1996, A8; *The European* 28 Dec. 1995-3 Jan. 1996a, 1).

The elections marked the first time a pro-Kurdish party competed independently in Turkish general elections<sup>[7]</sup> (*Libération* 25 Dec. 1995, 8; *Mideast Mirror* 15 Dec. 1995, 17). On 25 December 1995 *Libération* reported that HADEP's real challenge would be in the western cities of Istanbul, Ankara, Izmir and Adana, where most of Turkey's Kurds now live (*Libération* 25 Dec. 1995, 8). According to *The Globe and Mail* the HADEP received 40 per cent of the vote in Kurdish regions of the country (*The Globe and Mail* 2 Jan. 1996, A8). In major western cities, however, the party reportedly performed poorly due to "the failure of hundreds of thousands of Kurdish migrants in cities like Istanbul and Ankara to register" (*ibid.*; *Libération* 26 Dec. 1995, 2).

*For further information and updates, please consult the REFINFO database and sources available at Immigration and Refugee Board Regional Documentation Centres.*

### NOTES

[6] Alevi or Alawites are a Shi'i religious minority who number approximately ten to eighteen million in Turkey (*Günlük Mar.* 1994, 2; *MEI* 17 Mar. 1995, 15; *McDowall* 3 Oct. 1995; *Le Point* 18 Mar. 1995, 21). *McDowall* estimates that there are approximately three million Kurdish Alevi in Turkey (*McDowall* 3 Oct. 1995). See David *McDowall's Briefing Note Regarding the Current Status of Alevi Kurds*, available at regional documentation centres, and Responses to Information Requests TUR22069.E and TUR20153.F for more information on the Alevi Kurds. [\[back\]](#)

[7] HEPDEP members ran in the 1991 election on the slate of the SHP (*Mideast Mirror* 15 Dec. 1995, 17). [\[back\]](#)

### NOTES ON SELECTED SOURCES

#### The England and Wales Bar Human Rights Committee:

The England and Wales Bar Human Rights Committee "is an independent body primarily concerned with the protection of the rights of advocates and judges around the world. It is also concerned with defending the rule of law and internationally recognised legal standards concerning the right to a fair trial."

#### Gunter, Michael M:

Michael Gunter is a professor of political science at Tennessee Technological University in Cookeville, Tennessee. Professor Gunter has written extensively on the situation of Kurds in Turkey and Iraq.

### **International Association for Human Rights in Kurdistan (IAHRK):**

Based in Bremen, Germany, the IAHRK is a group dedicated to advocating for the recognition of human rights of the Kurdish people. The group condemns human rights violations and sets itself the task of "attaining the cessation of human-rights violations through international structures". IAHRK reports are based on the group's own research, newspapers reports and information from various human rights organizations.

### **Kurdish News:**

The *Kurdish News* is a monthly newsletter produced by the Kurdistan Committee of Canada in Ottawa, Ontario. This newsletter attempts to fulfil the mandate of the KCC by disseminating information about Kurds to a Canadian audience.

### **The Kurdistan Human Rights Project:**

The Kurdistan Human Rights Project is an independent, non-political group based in London. The project "is committed to the protection of human rights of all persons within Kurdistan, irrespective of race."

### **Kurdistan Informations-Zentrum:**

The Kurdistan Informations-Zentrum is a non-governmental research organization committed to promoting an awareness of the situation of Kurds in Kurdistan. Based in Cologne, Germany, the group has links with organizations such as the Kurdistan Committee of Canada (KCC) and the American Kurdish Information Network (AKIN). These groups endeavour to collect, translate and disseminate information about Kurds. In August 1995 the Kurdistan Informations-Zentrum published a book entitled *Spurensuch. Ergebnisse der Fact-Finding Missions nach Kurdistan. Newroz 1995*. This book deals in part with the legal status of Kurds in Turkey and is based on the evaluation of several fact-finding missions to Turkish Kurdistan in March 1995, coupled with studies carried out by Kurdish legal experts.

### **McDowall, David:**

David McDowall is an independent specialist in Kurdish and Middle Eastern Affairs. Based in Surrey, UK, Mr. McDowall has written extensively on the Kurds and Palestinians, including several reports for the London-based Minority Rights Group. His book entitled *A Modern History of the Kurds* was published in late 1995 by I.B. Tauris.

### **Medico International:**

Medico International, based in Frankfurt, Germany, provides immediate medical aid in war zones around the world. The group states that it "struggles for human rights and intervenes when people are exposed to state repression and does public relations work which is more than the mere dissemination of information."

### **The Parliamentary Human Rights Group:**

The Parliamentary Human Rights Group is an independent forum in the British Parliament concerned with the defence of international human rights. Its members come from both the House of Commons and the House of Lords. The group describes one of its main objectives "to increase awareness in Parliament and in Britain, and abroad generally, of human rights abuses whenever they occur."

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