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Country of Origin Information Centre

Report of fact-finding mission to

Turkey

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Table of Contents

Annexes

Introduction

In order to keep Norwegian caseworkers informed on the developments in the countries of origin, the Country of Origin Information Centre regularly compiles and analyses a wide variety of sources. In addition, fact-sheets are produced, dealing with issues that are most likely to arise in the asylum determination process. Such information is systematized in a database and made available to caseworkers in order to assist in the determination of applications.

Fact-finding missions constitute an important element in the work of collecting country of origin information. The missions strengthen our general competence on the relevant countries of origin, they help us to enlarge our network and they give us an update on the most recent developments. Furthermore, fact-finding missions can specifically focus on what caseworkers define as crucial for their work.

Common themes of asylum claims presented by Turkish nationals in Norway have included problems related to police arrest, ill-treatment and torture. The mission to Turkey aimed at learning more about how to verify such claims and about what kind of documents an applicant can be expected to present in the determination process.

Most Turkish citizens applying for asylum in Norway – the majority of them being ethnic Kurds – either origin from Southeast Turkey or from the Konya-region. Many of the issues raised are related to problems arising from different types of pro-Kurdish activities. We have also seen applications of relatives to PKK/Konra-Gel-members who claim to have been subjected to harassment or persecution because of this relation. Problems related to the village guard-system is a recurring issue in the procedures as well. Norwegian caseworkers have further witnessed increasing numbers of women claiming a lack of protection in cases of domestic violence. Some of these women feared to become subject of honour-crimes and applied for protection in Norway.

These topics made up the mission's agenda. In the course of its preparation, the programme was drafted in cooperation with both Norwegian caseworkers and experts from other countries. During the mission, all topics were discussed in detail with representatives of international and local NGOs, representatives of embassies in Turkey, lawyers, party representatives, scientists, state-officials, politicians and other individuals.

In addition to the specific issues mentioned above, the general development in Turkey has been on the agenda during all meetings. The information and opinions given by the sources consulted are reflected in the more general first three chapters, giving a background-picture to the other, more specific information presented later on in the report.

Methodology

All individuals and organisations referred to in this report were advised as to the purpose of the mission and the majority consented to information they provided to be used in a public report. However, some persons requested not to be directly quoted in this report and one individual objected to being referred to at all. In cases where the source requested anonymity but accepted the information provided to be used in the report, the information has been included whilst the reference to the source is been presented in a way that protects the identity of the individuals concerned.

Each chapter starts with a review of the sources that were consulted on the respective topic. The list (with the exception mentioned above) of the sources consulted is to be found in annex A. Unless otherwise indicated, all statements within a chapter are to be attributed to the sources mentioned at the beginning. In chapters were no source is specified it may be assumed that the source remains the same as in the preceding chapter.

The human rights situation in Turkey has been described in a large number of reports, which must be taken into consideration when processing asylum claims from Turkish citizens. The report in hand is not a comprehensive country-information paper. It rather deals with a selected number of circumstances relevant to the processing of asylum applications submitted by Turkish citizens. The meaning of the report is to reflect as accurately as possible what the mission was told in the course of the meetings. It is therefore inevitable that the report contains a number of seemingly contradictory statements.

The reader of this report will not find any personal views or conclusions drawn by the author. Only in some cases (e.g. when the individual could not recall the number or name of a specific law) information was added at a later stage. Some chapters include, however, information from written sources, provided to the author as additional information during the meetings. These sources, where used, are appropriately attributed in the report.

Inevitably, there will be occasions throughout the report when information could be covered in more than one paragraph. However, to avoid repetition, this information will usually appear in detail only once – if required with a cross-reference.

1. A country in change – human rights in Turkey

Turkey has undergone some remarkable changes in recent years. The first of two constitutional reforms[1] (17 October 2001) was followed by a new Civil Code (1 January 2002) and by a series of eight so-called harmonisation-packages, designed to adjust Turkish legislation to European standards. These harmonisation-packages contain amendments to both old and new legislation. They include – *inter alia* – important changes in the police law, the press law, in the anti-terror law and, last but not least, the abolishment of the capital punishment. In June 2004 the Grand National Assembly passed law 5190 abolishing the State Security Courts and transferring most of their competencies to so-called Regional Serious Felony Courts.

Four month later, a new Penal Code was passed, the first major overhaul of the Turkish Penal Code in 78 years. On the 4 December 2004 the Grand National Assembly passed a reformed Code of Criminal Procedure and nine days later a new Law on the Penal System was adopted. With the exception of some articles these three laws will enter into force in April 2005. In order to ensure proper implementation of these laws, the government issued a string of regulations, decrees and circulars to the respective law enforcement bodies. Furthermore, several bodies were established, tasked with the supervision of the implementation work: A Reform Monitoring Group started functioning under the chairmanship of the Deputy Prime Minister responsible for Human Rights, a Human Rights Violations Investigation and Assessment Centre was established within the Gendarmerie as well as a so-called Human Rights Investigation Office within the Ministry of Interior.

Everybody I talked to during the mission agreed that the government has demonstrated a determination to improve the human rights situation. Since the AKP (*Adalet ve Kalkınma Partisi*/Justice and Development Party) took office in 2002, the government has speeded up the reform-process initiated by its predecessor. There was a broad consensus among the sources consulted that the scale of the legislative reforms was impressive and unprecedented in later Turkish history. However, legislative reform has not been concluded yet. Diplomatic sources pointed at the fact that some important laws – among them the Law on Associations (which was vetoed by the president) – have not yet entered into force. Another crucial law, the new Code on Criminal Procedure, was still under discussion at that time.[2] However, the government appeared to be determined to introduce the draft to the legislative procedure before years end.

Diplomatic sources stressed that the Draft Code of Criminal Procedure – as well as some by-laws – contained important improvements. In the past, many unmeritorious cases and/or inadequately prepared files came to trial, leading to unnecessary workload of the courts. In the future, prosecutors and judges will be given greater discretion to withdraw unmeritorious cases. These

1 The other constitutional reform was adopted in May 2004.
2 The Code of Criminal Procedure was passed 4 December 2004.

and other changes are expected to contribute to reduce the large backlog the judicial system is currently faced with.

Representatives of the Human Rights Foundation of Turkey (HRFT) were, however, reluctant to give to much credit to the AKP-government stressing that the first harmonisation-packages had been introduced into the legislative process by the government of the former prime-minister Bülent Ecevit. In an overall judgement, however, the representatives of the HRFT conceded that there were a number of encouraging signals indicating that the state is willing to improve its human rights record.

1.1. The State and NGOs

Regarding the relation between the "state" and the Civil Society, diplomatic sources stressed that Human Rights Groups had been consulted under the drafting, which indicated a new and positive attitude of the government. Levent Kutlu from the HRFT-office in Ankara, however, did not want to attach to much importance to this fact. "They know that it looks nice, if they have our faces on the picture". The involvement of Human Rights Groups should rather be termed as "window-dressing" than as a form of serious consultations.

According to Mr. Selahattin Demirtaş the head of the Human Rights Association (HRA) in Diyarbakır, the relation between the state authorities in the province of Diyarbakır and the local HRA-branch had become more "relaxed" in recent years. Much of the credit for this should be given to the new province-governor who appeared to be more open-minded and willing to support democratic reforms. The local head of the police and the Public Prosecutor, however, appeared to be more "old-fashioned" and reluctant to implement the new laws and regulations.

Mr. Demirtaş emphasized further that he had witnessed many cases in which state-officials interpreted the new laws in a restrictive way, in an attempt to prosecute people for actions that should not be punished in a democratic society. Both NGOs and lawyers continue to be subjected to judicial harassment – however, acquittal-rates seem to be much higher than in the past. Mr. Demirtaş mentioned that the Public Prosecutor in Diyarbakır had filed numerous charges against him with 60 cases still pending at the time we were talking. Some of these charges were based on the Law on Meetings and Demonstrations (No. 2911) and on the Law on Associations (No. 2908), the latter containing provisions restricting NGOs' cooperation with organisations outside Turkey. Although this law (and its crucial article 43) was amended in August 2002, the state prosecutor still has the option to file charges against NGOs dealing with foreign institutions – and appears to have done so in various cases.

1.2. The implementation of the harmonization laws

Although there was a broad consensus that the legislative reforms pointed in the right direction, most of the people I talked to agreed that the more difficult part of the democratic reforms is still to come, namely the implementation of the reforms. Mr. Demirtaş supported this viewpoint. However, he stressed that the mere existence of the harmonization-packages and the repeatedly expressed determination of the government to improve its human rights record had contributed to noticeable improvements. The "technical" implementation was difficult to evaluate at this early stage, not least because the process was very complex, comprising many laws, regulations, actors and regions. At this point he referred to the situation in the province of Diyarbakır with a reform-oriented governor on the one side and a repressive head of police on the other. Such constellations should also be taken into consideration before evaluating the degree of law-implementation on any level.

Diplomatic sources in Ankara shared this point of view, pointing at the fact that the implementation of the new laws was different in each province and every city. According to them, the implementation of laws depends highly on the persons on the ground, which necessarily leads to uneven results at different places. However, the general trend has been positive in recent years, not least because of the rising awareness in the population and in the police – the former becoming increasingly aware of its rights through public campaigns the latter being better trained on human-rights issues.

Professor Dr. Şeref Ünal, who was minister of state in the Ministry of Justice when the first harmonisation-packages were introduced to the National Assembly, stressed that one could not expect an even law-implementation by state prosecutors or by the courts. The independence of the judges would make it even more likely that the new laws were interpreted unevenly making it difficult to foresee the immediate effects of legislative reforms. Therefore Professor Ünal warned against overestimating the importance and immediate effects of the new laws and regulations. According to him the most important – and controversial – reforms have been the abolition of the capital punishment and of the State Security Courts.

Professor Ünal stressed that the abolition of the State Security Courts (and of the Chief Public Prosecutor for State Security Courts) and the subsequent changes in the Code of Criminal Procedure were to be seen as crucial steps towards a modern judiciary. All the files and many judges from the former State Security Courts have been transferred to the so-called Regional Serious Felony Courts, which – according to Ünal – now have to deal with offences against the security of the state. The rules of procedure applied by the Regional Serious Felony Courts are identical to those applied by the other Serious Felony Courts.

While representatives of the Human Rights Foundation in Ankara told me that the Regional Serious Felony Courts should be seen as a mere continuation of the former State Security Courts, claiming that they exclusively consist of former State Security Judges, Professor Ünal emphasized

that there has been a number of changes. He told me that the High Council of Judges and Prosecutors had transferred some former State Security Court-judges to other courts and that some new judges had been allocated to the new courts.[3] According to Professor Ünal, the abolishment of the State Security Courts and the subsequent reforms of the Code of Criminal Procedure prove the genuine will of the ministry to open a new chapter in dealing with crimes against state security.

Although representatives of the Human Rights Foundation (HRFT) emphasized the importance of the new Penal Code, they claimed that it still contained a number of restrictive regulations. According to the HRFT, Article 306 in the revised Penal Code can be applied to pursue citizens who demand the withdrawal of Turkish forces from Cyprus or declare that the Armenian genocide actually took place during the First World War.

They mentioned further that several articles (e.g. articles 10 and 17) in the Law on Demonstrations had been amended. The number of reasons, which can be applied to ban a demonstration (referred to in article 17 of that law), has been reduced as well as the period of notice to register a demonstration with the authorities (article 10). However, according to the Human Rights Foundation, even the amended Law on Demonstrations could be used to continue the old restrictive policy of banning critical demonstrations for political reasons. Like before, demonstrations against NATO or for the release of Abdullah Öcalan are banned „automatically". In most cases, the ban is handed down only hours before the planned start of the event, making it impossible to comply with the decision since most demonstrators are already present. According to the Human Rights Foundation this praxis frequently leads to punishment for conducting an illegal demonstration – both of the organisers and ordinary participants.

Where crucial articles had been removed or amended, public prosecutors and judges would look for and find other reasons to punish people who express oppositional views, according to the HRFT. Both the Penal Code and the Anti-Terror Law were still used to prosecute and convict persons who exercise their freedom of expression. After the amendment of articles 159 (insulting the state and the state institutions) and 169 (adding and abetting criminal organisations) in the Penal Code, state prosecutors have started to apply article 312 (incitement to racial, ethnic or religious enmity) in order to charge people who express their views. One example I was given to underline this was a decision handed down by the Court of Cassation (*Yargitay*) in Ankara. The *Yargitay* had reversed a decision by the former State Security Court in Diyarbakır, which had applied article 169 for sentencing a person who had demanded the release of Abdullah Öcalan. (More detailed information about this can be found in chapter 5.2.).

3 The list of judges is published on http://www.pgm.adalet.gov.tr/gorev.htm.

1.3. Torture and Ill-treatment

Most of the people I talked to agreed that there has been a reduction in the extent and severity of torture in Turkey. Diplomatic sources claimed that the government deserved much of the credit for these achievements. Its repeatedly declared intention to pursue a „zero-tolerance policy" against torture was followed up by a number of important legislative amendments. Several sources attributed special importance to the fact that sentences for torture and ill-treatment can no longer be suspended or converted into fines. Equal importance was attached to the abolishment of the requirement to obtain permission from superiors to open investigations against policemen (and other public officials). According to diplomatic sources in Ankara, most of the legislative framework required, to combat torture and ill-treatment is now on place. This had paved the way for and contributed to a marked improvement in Turkeys human rights record in general and especially when it comes to torture and ill-treatment.

While the overall picture induces optimism, serious problems remain in the daily praxis. Both when it comes to the uneven level of implementation of the anti-torture measures as well as to the use of torture as such. Levent Kutlu – who explicitly referred to the situation in the provinces where the Human Rights Foundation maintains its Treatment and Rehabilitation Centres[4] – told me that HRFT is still concerned with the use of torture in these provinces. He said that the situation was still worrying in Izmir, Adana and Istanbul, whereas it had improved in Diyarbakır and Ankara.

The Konya-based sources I asked about the human rights situation in the province of Konya, told me that the situation in the province has improved markedly in recent years. Mehmet Özcelik, member of the board of the HRA-branch in Konya was not aware of any torture case (in Konya) since summer 2004. The last case he could remember dated back to April 2004 when a Kurd was arrested in the city of Konya and severely beaten by the police. Özcelik told me that this person was released the day after, without being examined by a doctor (as required by law).

According to diplomatic sources in Ankara, torture is more likely to happen where the Gendarmerie (*Jandarma*) is in charge of police duties (outside the cities). In most of the urban areas (i.e. the polices' area of responsibility), however the internal monitoring system implemented by the Ministry of Interior (including impromptu visits at police stations and detention facilities), seems to work better, apparently leading to a reduction in the number of torture cases at police-stations.

The monitoring of detention-facilities, however, may also have led to an ***increasing*** number of people complaining about ill-treatment or torture ***outside*** police-stations. Several sources mentioned cases where suspects were picked up for questioning by plain-clothed police officers,

4 The HRFT's Treatment and Rehabilitation Centres are located in Ankara, Istanbul, Izmir, Adana and Diyarbakır

driving around in unmarked police cars and questioning people at deserted places. According to the Human Rights Foundation in Ankara the danger of being tortured appears to be much higher in such cases of "unofficial detention" than in regular police-custody.

Understandably, it is difficult to quantify the number of torture cases – both in official and "unofficial" detention. However, the increasing number of people complaining about torture by security forces could to some extend be explained by the rising awareness on the issue. „In the old days, it was considered normal to be beaten by the police. Today, the people think different." (one Ankara-based diplomat).

The people I talked to in the Human Rights Foundation's office in Ankara had a similar assessment. Levent Kutlu, who has been in charge of interviewing and assisting torture-victims for ten years, pointed at the fact that many individuals were reluctant to talk about what they had experienced in detention. Many feel ashamed of what has happened (especially in cases of sexual abuse). Others have been (or feel) threatened by the perpetrators. „Ordinary" criminals – being less aware of their rights – consider it „normal" to be beaten up by the police and would not mention the abuse if not asked. Due to these circumstances Mr. Kutlu assumed that there was a considerable underreporting on torture and ill-treatment in Turkey. He further emphasized that the recorded improvements in the treatment of detainees mainly applies to „political cases", not to „ordinary criminals".

This last remark was confirmed by Şehnaz Turan, head of TOHAV (*Toplum ve Hukuk Araştırmaları Vakfı* – Foundation for Society and Legal Studies). According to Mr. Turan, the number of torture-cases had been reduced in recent years (he referred to the Istanbul-province). He assumed that this was mainly due to an improvement in the situation of the „political cases". The situation for „ordinary criminals", however, was reported to be more or less unchanged. Like Kutlu, Turan assumed that the number of undetected cases was still high.

The people I talked to in the province of Diyarbakır had observed a similar trend. Mr. Sezgin Tanrıkulu, head of the Diyarbakır Bar Association, told me that the number of torture-cases has decreased in recent years. In October 2004 there were about 25 cases pending, dealing with complaints against torture and ill-treatment by Police- or Gendarmerie-officers. However, there were "quite a lot" of unreported cases, according to Mr. Tanrıkulu. Law-enforcement-officers would often cover-up torture-cases by threatening and intimidating victims. Tanrıkulu told me that some of the individuals, who had reported torture-cases to the authorities, had been charged with obstruction of the police. This was confirmed both by Mr. Turan and Mr. Kutlu. The latter told me that the police and *jandarma* routinely threaten victims of torture by charging them with "violent" obstruction of state organs in case they complain after release. Any injury suffered during detention could then be explained as a result of "self-defence" against the violent detainee. Mr. Turan, who is a lawyer, told me about one of his clients, a functionary of the teachers union Eğitim Sen, who had been warned not to talk about his treatment during his meeting with Turan: "Your lawyer will go soon, but you will stay here…"

The overall trend, however, was described as positive in terms of ***physical*** torture and ill-treatment. Most sources consulted agreed that there were fewer cases, in which "traditional" methods such as electric shocks or *falaka* were used. On the other hand, the NGOs I talked to claimed that there was a continuous use of less detectable methods of torture and ill-treatment. They specifically referred to the use of ***psychological*** torture (detainees stripped naked and/or sexually harassed, being subjected to mock executions or other threats as well as being prevented from sleeping, eating or going to the toilet). Mr. Kutlu and Mr. Demirtaş both made the assumption that these methods are being used because they are less likely to be discovered during the prescribed medical examination of the detainee.

Another lawyer, Mr. Süleyman İslambay from Konya, showed me an example of such a medical examination report (*adli muayenesi* or *adli tip rappor*[5]), which usually confirms that the persons examined do not have any visible signs of ill-treatment. Mr. İslambay told me that these examinations were quite superficial and usually conducted with law enforcement officials present.[6] As far as he could observe (he has clients from the province of Konya), medical examinations are usually carried out during detention and either before arraignment or release – as required by the law. According to Mr. Kutlu medical investigations are only carried out by state-employed doctors, very few of them being forensic specialists and thus qualified to detect signs of torture. This statement was corroborated by Mr. Turan, who added that every medical examination was to be paid for by the detainee himself (6 million TL/about 3,5 Euro per case).

5 A sample of such a medical examination report is to be found in the COI-database (Landdatabase) of the Norwegian the Country of Origin Information Centre (for the time-being only accessible for Norwegian caseworkers).

6 According to the Regulation on Apprehension and Detention, which was amended in January 2004, the medical examination of detainees must now be conducted without the presence of security personal unless requested by the examining doctor. Further, medical examination reports must not be copied to law enforcement officers.

2. Southeast Turkey

The following paragraph reflects the viewpoints presented by the sources consulted regarding the recent changes in the human rights situation in Southeast Turkey. It refers to what I was told during my meetings with Mr. Sezgin Tanrıkulu (Bar Association Diyarbakır), Mr. Selahattin Demirtaş (Human Rigths Association, branch-office Diyarbakır), Mr. Celahettin Birtane (head of DEHAP Diyarbakır), Mr. Levent Kutlu (HRFT Ankara) and diplomatic sources in Ankara.

2.1. The conflict-level after the end of the cease-fire

All interviewees agreed that the general level of conflict had been decreasing in recent years. In that respect the lifting of the state of emergency in Diyarbakır and Şirnak (30 November 2002) was seen as crucial, having a positive psychological impact on the whole region. Since 2002, there were clear signs of de-escalation and the number of human rights violations – committed both by security forces and by Kurdish rebels – had decreased.

The head of DEHAP in the province of Diyarbakır, Mr. Celahettin Birtane stated that this positive development was mainly due to the constructive approach taken by the PKK/Konra-Gel, which had kept a five-year cease-fire. In May 2004, however, the organisation had announced that it would end the cease-fire. Mr. Birtane claimed that the government was responsible for the increased tensions and hostilities, which have been observed since the summer of 2004. He blamed the authorities for having failed to grant greater political and cultural rights to the Turkish Kurds and stated that the security forces had used the cease-fire in order to hunt down PKK/Konra-Gel activists, instead of negotiating for a political solution. According to Mr. Birtane, the PKK/Konra-Gel was forced to end the cease-fire in order to defend itself. He demanded a comprehensive amnesty for all Kurdish militants and requested an abolishment of the village guard system. A refusal to do so might lead to a deterioration of the security-situation.

In this connection, Mr. Birtane mentioned that the Gendarmerie recently (October 2004) had burned down a forest in the province of Tunceli, which seems to be a focal point for PKK/Konra-Gel-attacks on security forces (and vice-versa). Such actions would lead to fear and frustration within the local population, possibly strengthen the irreconcilable, militant elements within the PKK/Konra-Gel and make it easier to recruit new activists.

According to diplomatic sources in Ankara the conflict has escalated again since the summer 2004 – after having been at a relatively low intensity in 2002 and 2003. Without giving detailed numbers, they stated that many militant Kurdish activists had been killed by security forces since the end of the truce. Several incidents – e.g. the burning of a forest in Tunceli – indicate that the security forces are determined to take a harder stance in the conflict. To underline this assumption, the same source mentioned that security forces had stopped a whole neighbourhood in Mardınkapı (a part of the city of Diyarbakır) from leaving their homes for several days in July 2004. A

delegation from the Diyarbakır Bar Assossiation was prevented from entering the area. The action followed an exchange of fire between members of the HPG (*Hezen Parastina Gel* – Peoples Defence Forces) and security-forces in the vicinity to the neighbourhood but it was probably meant to intimidate the local population rather than to prevent militants from escaping. Despite demands made by Human Rights Groups, the incident had not been investigated by the authorities yet.

The forced evacuation of the village Iliçak in the district of Beytüssebap (Şırnak province) in July 2004 was mentioned as a further example for the alleged tougher policy by the security forces. According to the HRA, several villagers had been arrested after a mine explosion and „quite a high number" of inhabitants had been forced to leave their homes without being offered adequate housing. After a three-year long period without forced evictions, this incident was seen as another worrying sign of re-escalation. Also Levent Kutlu from HRFT-branch in Ankara claimed that his organisation had observed an increase in human rights violations (mentioning abductions and ill-treatment by security forces) since the PKK/Konra-Gel had declared an end to the cease-fire. Both the PKK/Konra-Gel and the security forces were to blame for this.

Despite the increase in hostilities and human rights abuses since the summer of 2004, nobody I talked to expected a return to all-out conflict, but rather to a low-intensity warfare.

2.2. Recruitment to the PKK/Konra-Gel/HPG

In recent years, the Kurdish rebel movement has regrouped several times, labelling under different names. In 2002 it renamed itself into KADEK (Kurdistan Freedom and Democray Congress/*Kurdistan Özgürlük ve Demokrasi Kongresi*) and in the following year it changed its name to Kongra-Gel (Kurdistan Peoples Congress). Many sources I talked to about the organisation, referred to it just as "PKK", not distinguishing between the mentioned labels, internal factions or its political or military wing. In this report, the organisation is termed as PKK/Konra-Gel unless explicit reference to the organisations so-called armed forces (HPG) was made.

Mr. Tanrıkulu from the Bar association in Diyarbakır, told me that the PKK/Konra-Gel still recruits supporters and militants in Turkey. Both pro- Kurdish associations and media, such as the Kurdish daily *Özgür Gündem* (which I saw openly sold in the streets of Diyarbakır) and the TV-station Roj-TV (currently broadcasting from Copenhagen) play a crucial role in the recruitment-process, according to Mr. Tanrıkulu.

According to Mr. Tanrıkulu there were cases of forced recruitment to the PKK/Konra-Gel during the 1990s, but not in the last five years. Mr. Demirtaş told me that he had heard of persons being compelled to support the PKK/Konra-Gel (supply with food, smuggling of weapons and so forth). He could, however, not recall any specific cases. Neither was he aware of any cases, where

individuals had been forcibly recruited to the PKK/Konra-Gel or to its armed forces HPG. Due to the organisation's conspiratorial character, Mr. Tanrıkulu doubted that any such claims of forced recruitment to the PKK/Konra-Gel were trustworthy.

Mr. Kutlu (HRFT), agreed that forced recruitment to the organisations military units appeared to be unlikely, but added that young men could be forced to support the PKK/Konra-Gel in other ways. However, such a claim would be impossible to verify in the process of asylum determination, since the applicant would not be able to provide any hard evidence. According to Kutlu it is "unthinkable" that a person compelled to join the PKK/Konra-Gel would dare to ask the Gendarmerie or Police for help. "Nobody would believe him". According to Mr. Demirtaş and Mr. Kutlu, the only way for a caseworker to deal with claims of forced support or recruitment is to assess the context and plausibility of the story as such.

3. Kurdish organisations and Kurdish migration in Konya (province)

In recent years persons from the province of Konya have made up a relatively high proportion of the total number of Turkish citizens, seeking asylum in Norway. Therefore Norwegian Immigration authorities have a special interest in learning more about the situation in this province. This goes for most of the topics on the mission's general agenda. This chapter only contains the "Konya-specific" information on how the state authorities deal with the Kurdish organisations in the province (3.1) and it reflects what I was told about the motivation of potential migrants to leave the province and seek asylum abroad (3.2). Information concerning other topics of interest (Human rights, violence against women and so forth) is referred to in the respective chapters.

During my stay in the province of Konya I talked to – among others – representatives of DEHAP (Mr. Süleyman İslambay), of the local Human Rights Association (Mehmet Özcelik) and to the vice-president of the local chamber of commerce (Mustafa Kabakcı). Four other sources consulted in Konya requested anonymity. The following two paragraphs reflect the information I was given during these meetings. Unless otherwise indicated, the province of Konya is referred to as "Konya", while the city of Konya is referred to as "Konya-city".

3.1. Activities of Kurdish organisations in Konya

None of the sources consulted in Konya was aware of any activities of illegal Kurdish organisations in the province in recent years. Everybody seemed to be rather surprised when I raised the question and both state and NGO representatives claimed that neither the PKK/Konra-Gel nor any of its successor-organisation operated in Konya at all.

Among the legal bodies claiming to represent Kurdish interests, DEHAP seems to be by far the most relevant organisation in the province. According to Mr. Süleyman İslambay, member of the board and former chairman of DEHAP (and its now defunct predecessor HADEP), the party entertains three subdivisions on district-level, one in Kulu, one in Cihanbeyli and one in Konya-city. In the other districts, the party appears to have very few members or supporters.

In 2004, the Konya-branch of the HRA has received fewer complaints of DEHAP-followers than in the years before. HRA's Mehmet Özcelik assumed that this might be due to a "softer" approach from the authorities. Unlike in former years, security forces do not "automatically" break up pro-Kurdish demonstrations any more. The number of cases in which demonstrators are beaten or arbitrarily detained have also been declining in recent years, according to Özcelik. However, security-forces are visibly present during any demonstration (or celebrations such as the Kurdish New-year – *Nevroz*) launched by DEHAP, taking pictures of participants. Furthermore, the authorities appear to apply the regulations of the demonstration law in a much more restrictive way, compared to how other political parties are treated.

Mr. İslambay confirmed these allegations and gave two examples: While other political parties do not seem to have any problems in staging demonstrations in the centre of the city, DEHAP is frequently referred to places at the outskirts of Konya-city for their manifestations. Even though DEHAP-demonstrations are not banned as frequently as before, the restrictions put onto the organisers seem to be discriminating and impede the party's political activities. Mr. İslambay also mentioned that members of the party's women's organisation at one time had been prevented from taking part in a demonstration in Ankara. The police had stopped the busses heading for Ankara at Konya's city boarders and claimed that the busses were not licensed to commute outside the city and therefore had to return. At the same time a large number of busses carrying supporters of the governing party AKP passed the same check-point without even being stopped by the police. İslambay claimed that this kind of discrimination (he termed it as "administrative harassment") happens frequently, seriously impeding his party's political work.

3.2. Migration out of Konya

Representatives of the state and the deputy head of the chamber of commerce in Konya described the economic situation and unemployment-rates in Konya as being comparable to those of the neighbouring provinces. A lot of the industrial production (metal industries, production of textiles, leather, footwear and so forth) is concentrated in and around Konya-city. With the exception of some industrial "islands" (such as the city of Seydişehir, where Turkeys largest aluminium production plant is located) the other districts are mainly characterized by agriculture, food-production and tourism.

The district of Cihanbeyli (along with Beyşehir "producing" the bulk of asylum seekers from the province) is located about 100 km to the North of Konya-city. The district has a total population of less than 80,000 individuals and governs a total of 41 villages and towns. According to the deputy-head of the chamber of commerce and several other sources, Cihanbeyli is a relatively prosperous district. The villages to the west of the district centre are mostly inhabited by ethnic Kurds who own most of the agriculturally productive land in the district. The Kurdish-inhabited villages were described as the most prosperous in the district, receiving the bulk of its income from agricultural production and money-transfers from relatives in Western Europe.

The migratory pattern in both the district and the province seems to be dual: The pourer migrants (mainly ethnic Turks, but also Tartars and Tadzhiks) move to the outskirts (*Gecekondus*[7]) of the larger Turkish cities (mainly Ankara) whereas the better off migrants make their way to Western Europe.

The same sources told me that the migration from Konya is mainly economically motivated, being continuously stimulated by "successful migrants" who regularly return to their villages in the summer time for holidays. Moreover, strong ties with friends and relatives abroad are maintained through e-mail and telephone.

A state-representative who was born and raised in the district of Cihanbeyli claimed that the close family-relations lead to a certain pattern of migration whereby all migrants from one village tend to move to the same place, whether it was a *Gecekondu* inside Turkey or a destination abroad. The village Tavşancalı for example was referred to as the "Swedish village", Göymenler as the "Norwegian village" and so forth. The same source told me that the migratory strategy of those aiming to move to Western Europe has been changing in recent years. Due to what potential migrants perceive as a more restrictive Asylum-policy in Western countries (compared to the 1990s), potential migrants consider it to be more advisable to either apply for a working permit or for family reunification.

7 *Gecekondu* is the term for the impoverished squatter housings on the outskirts of the cities, means "huts built in one night".

Much of what I had heard in Konya-city and in Beyşehir was confirmed on my way back to Ankara, driving through a string of villages in the west of Cihanbeyli-city. The "Kurdish villages" appeared to be more prosperous than the villages inhabited by Turks or Tatars. Talking to people in some of the so-called "Kurdish villages", I was told that they found it difficult to get "a good life" in their home village and mentioned migration to Western Europe as one option to improve their situation. One person, who had refugee status in Austria and was visiting with his relatives at that time, told me: "I did not want to wait for the EU to come to Turkey. So I had to go to the EU." Nobody I talked to in theses villages mentioned political problems or problems with the Gendarmerie as an issue.

4. Detention and arrest: Routines and procedures – access to legal counsel – different types of documents – falsification of documents

The following chapters reflect the information on problems related to detention and arrest which I was given by four attorneys (Mr. Süleyman İslambay, Mr. Sezgin Tanrıkulu, Mr. Selahattin Demirtaş and Mr. Şehnaz Turan) and representatives of Human rights organisations. The first sub-chapter (4.1) summarises their answers and comments on problems related to the execution of detention and arrest, while the following fife sub-chapters (4.2 – 4.6) reflect what I was told on the issuing of different types of documents by law-enforcement authorities and about the problem of fake documents. All information given below refers to the issue of ***formal*** detention, not to the "unofficial detentions" mentioned in the first chapter.

4.1. Problems concerning detention/access to legal counsel

4.1.1. Access to legal counsel

Under the regulations on detention procedures all detainees are entitled to immediate access to a lawyer and to meet with a lawyer at any time. Some sources reported, however, that many detainees do not exercise these rights, either because they were not informed of these rights or because they feared making demands would antagonise the security personal. At the same time, the authorities still do not always respect these provisions. However, all sources I talked to (with the exeption of the head of TOHAV in Istanbul, Şehnaz Turan), confirmed that access to a lawyer has been improving in recent years.

The head of TOHAV, Turan, said that there was a „visible political will" to impose the provisions regarding detainees' rights in the whole country. However, he could not confirm that these efforts had "trickled down to the level where things happen", as he put it. To underline this, he claimed that only three percent of the detained persons in Istanbul – according to research conducted by

TOHAV – had full and unimpeded access to their lawyer in the ***detention period*** in 2003. He added that this number only covers the „non-political“ cases. Mr. Turan further claimed that the Istanbul police used an outdated detention-form *(Yakalama Tutanağı)* where the policeman himself (and not the detainee) has to mark with a cross whether access to a lawyer is required or not. When the detainee is younger than 18, he or she would automatically retain a lawyer.

4.1.2. Detention period and medical examination of the detainees

The head of the Diyarbakır Bar Association, Sezgin Tanrıkulu (who explicitly referred to the situation in the province of Diyarbakır), was aware of "some cases", where the maximum period for which a suspect may be detained in police custody for questioning prior to formal arrest (24 hours[8]) had been exceeded. But he stated that the observance of these provisions had improved.

However, in some cases where the maximum detention period had been exceeded, the Bar Association had information that detention-records had been manipulated by the authorities. Like other attorneys in Konya and Istanbul, Mr. Tanrıkulu pointed out that the regulations on detention procedures were unevenly implemented throughout the country.

The same appears to be the case for the prescribed **medical examination** of any detainee, referred to in the first chapter of this report (1.3.). While the provisions relating to the medical examination are observed "to a certain extent" (Süleyman İslambay) in most police-stations, they are ignored in others.

4.1.3. Rising awareness of detainees' rights

Mr. Tanrıkulu informed me that the Diyarbakır Bar Association had started an information campaign designed to rise awareness of the rights of detainees. In the course of this campaign, the public had been informed about the new detention-rules by posters, brochures and leaflets[9]. The next step was to consist of instruction courses for the *Muhtars* (head of village or district) from the city of Diyarbakır (40 persons) and from the 90 so-called central villages of the province. The campaign was to be completed by the end of January 2005 through instruction courses for the *Muhtars* in all districts (*ilce*) of Diyarbakır. Tanrıkulu stressed that the campaign was supported by the province`s new governor, adding that some of the training courses had been conducted at the premises of the governor.

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8 According to the Turkish Code of Criminal Procedure (CMUK) the maximum detention period for persons charged with individual crimes was 24 hours, whereas persons charged with collective crimes could be held for 48 hours.

9 A picture of such a leaflet is to be found in the COI-database (Landdatabase) of the Norwegian the Country of Origin Information Centre (for the time-being only accessible for Norwegian caseworkers).

4.2. Documentary evidence for detention

According to the Turkish Code of Criminal Procedure (CMUK) law enforcement authorities are required both to keep detention records and to issue documentary evidence on the case to the suspect. According to Mr. Turan, these are the most commonly used documents in that respect[10]:

Yakalama Tutanağı – a form confirming the detention of the suspect.

İçişleri Bakanığıı Şüpheli ve Sanık Hakları Formu – a conformation that the detainee has been cautioned about his rights.

Üst Arama Tutanağı – a form documenting a body check, if carried out.

Teşhis Tutanağı – a form documenting the identification of the suspect.

Serbest Bırakama Tutanağı – a confirmation on the release of the detainee.

Adlı muayenesi or *adlı tip rappor* – medical examination report.

All lawyers I asked about this issue, agreed that one could not take for granted that law enforcement authorities really issue these documents to the (released) suspect – although required by regulations on detention and arrest procedures. Many detainees would not demand their issuance, mostly because they do not know their rights or because they do not dare to ask. In many such cases the police would refrain from issuing the documents.

In exceptional cases, law enforcement officials can get the records declared classified by a judge, if state secrets or state security are concerned. However, documentary evidence on the detention itself (*Yakalama Tutanağı)* must not be withheld at any case and has to be given to the person. Several lawyers told me that they expected this possibility of reservation to be abolished with the new Code of Criminal Procedure.

If required at a later stage, documentary evidence related to the case can be accessed by the detainees' lawyer, with the exception mentioned above. The attorney has to apply for these documents in writing, and the request has to be filed at the prosecutor's office (not at the police station). According to Mr. Tanrıkulu, the lawyer is entitled to inspect the records, again with the exception mentioned above. Mr. İslambay, Mr. Tanrıkulu and Mr. Turan told me that police and

10 A sample of each of these forms is to be found in the COI-database (Landdatabase) of the Norwegian the Country of Origin Information Centre (for the time-being only accessible for Norwegian caseworkers).

gendarmerie „usually“ follow the procedure (required by the law) to keep detention books and to inform the state prosecutor on detentions. All lawyers confirmed that every asylum seeker claiming (***formal***) detention should be able to produce documentary evidence on his or her case.

4.3. Police report - *Fezleke*

According to Mr. İslambay, law enforcement authorities are required to report to the Public Prosecutor on each case-inquiry. This report – *Fezleke* – contains all information available on the case, such as the type of the crime, names of witnesses, victims, suspects, date of the crime and so on. Mr. İslambay told me that it was „easily possible“ to verify the authenticity of a *Fezleke*. Each authentic *Fezleke* must carry a case-number, which can be double-checked with the subject index at the Prosecutors office. According to Mr. İslambay, the attorney is entitled to receive a copy of the documents from the Prosecutors Office and would thus have access to this subject index if verification was required. He himself had been given a copy of a *Fezleke* – whenever required by a client. Also persons who claim to have been arrested and charged by the police could get a copy of the police report through his or her attorney afterwards. (After having said this, Mr. İslambay showed me the files of his cases, containing – among many other documents – the *Fezlekes* to these cases and he gave me one copy.[11]

To my question on whether a *Fezleke* possibly could prove that a person is wanted, or whether it contains names of searched suspects, Mr. İslambay answered in the negative. In most cases a *Fezleke* would not give any indication of wanted persons. Also the list of wanted persons would be kept off the public and no law-enforcement body would ever give any documentary confirmation on whether a person is searched, according to Mr. İslambay.

4.4. Summons

A person claiming to have been summoned to criminal proceedings or to commencement of sentence should be able to give documentary evidence of that. Mr. İslambay mentioned three types of documents:

A summon to a criminal proceeding (*Davetiye*), for the accused as well as the witnesses, is sent by mail to the address at which the person in question is registered.

A summon to commencement of sentence (*Davetname*) is also sent by mail to the person in question. The *Davetname* must contain information about the sentence and the commencement-

11 A sample of a *Fezleke* is to be found in the COI-database (Landdatabase) of the Norwegian Country of Origin Information Centre (for the time-being only accessible for Norwegian caseworkers).

date (of the prison-term). It also gives a deadline as to when the convicted has to show up for execution of the sentence.

If the person does meet the deadline, an enforcement order (*Yakalama Müzekkeresi*) will be issued by the prosecutors office. Unlike the *Davetiye* and *Devetname*, the *Yakalama Müzekkeresi* will not be mailed or given to the convict.

Finally, Mr. İslambay mentioned summons to a police-interrogation. In minor cases the person could be summoned by telephone, in person or by the *Muhtar*. In more serious cases, however, the accused would always be brought forward by law-enforcement officials.

4.5. Warrants

Both Mr. İslambay and Mr. Turan claimed that persons on the run could not get access to en (authentic) warrant. He or she (or the attorney) would get a copy of the document at the earliest after detention.

As for other documents, there are also different forms of warrants in use. However, each warrant follows the pattern of what is called „Form No. 29“ (*Örnek* 29) and must contain information about the person of the accused (name, address and so forth), the crime he/she is charged with and a case-number. Each warrant has to be signed by a judge. For the time being, both the old form of the warrant (*Tevkif Müzekkeresi)* and the newer one (*Tutuklama Müzekkeresi*) are in use.[12]

4.6. The problem of falsified documents

The Norwegian Directorate of Immigration has repeatedly been presented so-called documents „proving“ that an asylum-seeker was wanted by the Turkish authorities. Some of these documents were – according to the applicant – issued either by the Gendarmerie/Police or by the Ministry of Justice. All lawyers I asked about this invalidated the possible authenticity of such documents. Neither law enforcement authorities nor any other Turkish official were entitled to issue such a confirmation. Neither detention-orders, nor warrants were handed out to the suspect or any other third person before the suspect was detained.

12 While I was staying in Turkey, the Parliamentary Justice Commission prepared some amendments to the Arrests section of the Penal Executions Procedures Law. Along with some other changes, the package adopted by the commission suggested the abolishment of warrant, issued in absentia. In the future, warrants should only be issued after detention of the accused. Also, no decision of arrest will be made for crimes necessitating only fines and not requiring a prison term of more than two years. During the interview with the lawyers, however, they referred exclusively to the currently valid rules.

Both Mr. İslambay and Mr. Demirtaş claimed, however, that it was widely known that such (and other) „documents“ could be attained through bribery. Tanrıkulu and Demirtaş mentioned that two court ushers from the former State Security Court in Diyarbakır had been arrested in the summer of 2004 and had been charged with corruption for selling fake documents. Such cases could be found all over the country and the two officials from Diyarbakır where only the tip of the iceberg.

Demirtaş and İslambay further mentioned that the problem of corruption was widespread and that this also applied to lawyers. One person working at a lawyers' office told me that they repeatedly had declined requests to produce fake documentary evidence, „sufficient“ for asylum applications. One lawyer stated that he had repeatedly rejected offers from Turkish citizens already staying in Western Europe, who offered him between 5,000 and 10,000 Euro for a complete „asylum-file“. The same lawyer told me that it was considered „easy“ to get fake documents in Turkey and assumed that „most of the documents presented to European Migration authorities are fake“.

One lawyer stressed that it might prove difficult and unreliable to judge documents only by the looks of it since different types of forms (or only letters) may be used at different prosecutors offices (e.g. *Fezlekes*). Only a lawyer could conduct a reliable verification, since he/she could compare the document's contents (such as case-numbers) with the respective registries.

Another lawyer told me that he had verified several documents for European Immigration authorities and that most of these documents had proved to be falsified. He had further noticed that most of these documents (some of them being „warrants“) referred to article 169 in the (old) Turkish Criminal Code. According to him, this article does not play an important role any more and it rarely leads to punishment: „You can send the persons with article 169 back to Turkey, nothing will happen to them.“

However, persons who are wanted for activities sanctioned by articles 125 and 168 in the Penal Code might still face severe problems after return, according to Demirtaş. He stressed that some of these persons really might be in need of protection and he suggested that documentation on such cases should be carefully verified.

5. How do the authorities deal with pro-Kurdish activists?

The following chapter reflects what I was told about the authorities' dealings with party-officials, members and sympathizers of the DEHAP. It refers explicitly to the situation in the province of Diyarbakır but it also contains some general comments on the respective situation countrywide. The second sub-chapter reflects what I was told on how the authorities react on marginal activities for illegal pro-Kurdish organisations. Both chapters are mainly based on information given by Mr. Celahettin Birtane (head of the DEHAP in the province of Diyarbakır), diplomatic sources in Ankara, representatives of the Human Rights Foundation and by the former state secretary in the Ministry of Justice, Professor Dr. Şeref Ünal.

5.1. The attitude of the authorities towards DEHAP and its members

The Head of DEHAP in the province of Diyarbakır, Mr. Celalettin Birtane, claimed that members and officials of DEHAP and its predecessor HADEP (which was banned in March 2003) had been subject to regular harassment by security officials in recent years. The scope of harassment ranged from verbal threats, arbitrary detention and arrest to different forms of criminal and judicial persecution. Even villagers whom the authorities suspected of being sympathetic to HADEP/DEHAP had been harassed by the Gendarmerie, according to Birtane. He added that many DEHAP offices had been raided and party-officials and ordinary members being detained in recent years. He claimed that this had happened both in Diyarbakır and other provinces in the Southeast.

Mr. Birtane pointed out that the attitude of the authorities against his party had become "more relaxed" in 2004. (He made it clear that he only referred to the situation in the province of Diyarbakır and that he could not comment on the situation in other parts of South-Eastern Turkey.) He described the harassment by the authorities as less brutal and as more subtle. Instead of raiding party-offices and detaining officials, the authorities would rather erect administrative obstacles and delay or reject permissions for public activities. During demonstrations or other high-profile visits, security forces are visibly present, videotaping guests and demonstrators. A recent visit by the DEHAP-chairman from Ankara was visibly observed and recorded by the security-forces. This type of intimidation and "administrative harassment" was described to be the predominant state-strategy against the DEHAP in Diyarbakır.

Regarding the treatment of party-members in the province of Diyarbakır, Birtane stated that neither officials nor ordinary members were prosecuted at that time (referring to 2004) only for supporting the party. However, the situation in other provinces in the Southeast and as well as in other parts of the country might be different.

This last remark was confirmed by representatives of HRFT, stating that the behaviour of local security forces were quite unpredictable. While the situation in Diyarbakır could be described as

calm for the time being, the police in Izmir had arbitrarily detained 140 party-sympathizers, who had demanded the release of (PKK-head) Öcalan during a demonstration. Such things could happen everywhere in Turkey and the police would distinguish between party officials, affiliates or sympathizers when intervening in a demonstration.

While intervening in public party activities, security forces do still use force, for example in order to disperse demonstrations. Persons who are arrested on such occasions might face trials, usually for "supporting an illegal organisation", "inciting separatism", or for violations of the Law on Meetings and Demonstrations. The Human Rights Foundation stated that people who wish to exercise their right to express their dissent in a peaceful way still risk being harassed, beaten or facing criminal prosecution.

5.2. The attitude of the authorities towards persons engaged in marginal activities for illegal Kurdish organisations

According to diplomatic sources in Ankara the security forces' actions against persons suspected of taking part in marginal activities for illegal organisations is quite unpredictable. Handing out of leaflets could trigger detention, Ill-treatment and criminal persecution one day, and go without any sanctions the next day. Although regional differences seem to play a role, it would be difficult to see a pattern as to how security-forces would sanction a certain behaviour in a certain city or area.

Professor Şeref Ünal, former state secretary at the Ministry of Justice gave a similar reply when I asked him to comment on the administration of justice in such proceedings. He stated that case law in cases of marginal activities (handing-out of leaflets, spreading of propaganda and so forth) varied extremely. A person being found in possession of PKK/Konra-Gel pamphlets might be acquitted by one court while another court could sentence him to two or three years in prison. Interestingly enough, the former state secretary termed this administration of justice as „arbitrary".

The Human Rights Foundation reported that several persons had recently been arrested for handing-out PKK/Konra-Gel-leaflets. Before the amendment of paragraph 169 of the Criminal Code (support for illegal organisations) this paragraph was frequently applied in such proceedings. Now, some state prosecutors would tend to apply paragraph 168 (membership of an illegal organisation). However, most of the accused in such proceedings are acquitted, according to the Human Rights Foundation.

I was further informed about a principle judgement of the Court of Cassations (*Yargitay*) in Ankara, which might indicate a new line for state-prosecutors and judges in cases of marginal activities of illegal organisations. In September 2004, the court of cassation repealed a judgement of the (former) State Security Court of Diyarbakır who had sentenced a person to a prison-sentence of 45 months for having demanded the release of Abdullah Öcalan during the DEHAP election campaign in March 2003. In this case the State Security Court had applied article 169 of

the Penal Code. In its judgement, the Court of Cassation decided that article 169 could not be applied any more in such cases after it had been amended in August 2003. It imposed the newly established Regional Serious Felony Court to apply article 312 of the Penal Code (incitement to racial hatred) instead. This judgement, establishing a new principle, is expected to have an important impact on similar cases in the future.

6. The attitude of the authorities towards relatives of persons engaged in illegal organisations

To the question on whether persons who are suspected of having one or more family members in the PKK/Konra-Gel might face persecution, I got few and mostly vague answers. Most sources were aware of cases in which relatives of PKK/Konra-Gel-members had been harassed or persecuted, however, only Mr. Tanrıkulu could recall a recent example. In July 2004, two alleged members of the HPG were killed by security-forces in Diyarbakır and some days later, the brother of one of the killed (Adıl Denk) was arrested. Mr. Tanrıkulu claimed that this person was still kept in arresst although no evidence had been presented by the state-prosecutor. Two relatives of the other killed militant (Mehmet Sait Özgün) had been arrested without evidence as well, according to Mr. Tanrıkulu.

Both Mr. Tanrıkulu and the head of DEHAP in Diyarbakır, Mr. Birtane stated that such arrests happened „sometimes“ along with other forms of harassment as well, such as repeated questioning by the police, intimidation, verbal assaults, beating, detention and arrest. The level of harassment would often depend on the degree of kinship and on the rank of the respective relative in the PKK/Konra-Gel. However, it was difficult to detect a pattern on how relatives of PKK/Konra-Gel-militants are dealt with, it depends on the circumstances and on the law-enforcement officials in charge. Any person having a relative within the PKK/Konra-Gel should expect some attention from the authorities without becoming automatically subject to harassment or persecution. Harassment solely on the grounds of being a relative to a suspected criminal, could not be ruled out.

7. Problems related to the Village Guards-system

7.1. The village guards: task, location and number

The Village Guard-system, which was established in 1985 after the state of emergency was declared in South Eastern Turkey, is still in force.[13] Its main task is to support the Gendarmerie and the Army in their fight against the Kurdish rebels.

According to diplomatic sources the bulk of the village guards (*köy korucusu*) is presently located in the provinces of Van, Bingöl, Siirt, Hakkari and Şirnak. During the Iraq-war in 2003, some Village-Guards were relocated to the border in order to prevent PKK/Konra-Gel-militants from entering Turkey. The same source estimated that the number of village guards currently is at about 60,000.

Mr. Selahattin Demirtaş, head of Human Rights Association in Diyarbakır, told me that the number of village guards had decreased from about 150,000 in the year 2000 to 56,000 in 2004. The head of DEHAP in the province of Diyarbakır, Birtane, estimated that the present number of village guards was about 50,000. According to the newspaper *Yeni Şafak*[14] the Turkish General Staff numbered the total village guard force at 87,296. However, in contrast to the sources consulted during my trip, the General Staff distinguished between 28,754 so-called volunteer village guards *(gönüllü korucular)* and 58,542 "temporary" Village Guards (*gecici köy korucular*). Assuming that the sources mentioned referred to "temporary" village guards, their guess would be in line with the official figures given by the General Staff.

7.2. Recruitment to the Village Guards-system

Mr. Celahettin Birtane, head of DEHAP in Diyarbakır province, was the only source consulted who claimed that the authorities still recruit village guards, although in much smaller numbers than it was the case before the year 2000. He told me that the authorities had recently recruited some village guards in the provinces Hakkari and Şırnak. None of the other sources could confirm that recruitment to the Village Guard-force is still going on.

Neither could any of the persons I talked to confirm that any cases of ***forced*** recruitment had occurred in recent years. However, all sources consulted claimed that forced recruitment had been practiced before the end of the state of emergency, and in particular in the 1990's. Mr. Birtane told

13 The legal basis for the Village Guard-system in the Southeast was given in law No. 3175, dated 26.3.1985, which was amended in 1990 by law No. 3612. In contrast to law No. 442, dated 1924, the newer law only refers to so-called "temporary" village guards (*gecici köy korucular*), and not to other types of village guards.

14 Yeni Şafak 20 7 2004.

me that he personally knew cases of forced recruitment from his home-village close to the city of Diyarbakır. The other sources did not give any concrete examples of that kind.

Discussing the issue of forced recruitment, we distinguished between recruitment of whole tribes (*Aşiret*) and individuals. In case an *Aşiret* (e.g. the head of the *Aşiret*) had refused to join the force, the ordinary reaction of the Gendarmerie was described as burning down the village and evicting the tribe. According to diplomatic sources such severe assaults were common practice under the rule of Prime-minister Tansu Çiller and her hard-line interior-minister Mehmet Agar (1995 – 1996), but occurred under other governments as well, however, not in recent years.

In case an individual refused to abide by the order of the head of his *Aşiret* to become a village guard, he would usually be considered a traitor and expelled from the village. The persons I talked to in the Human Rights Foundation were not aware of any case, where objecting to recruitment had lead to ***legal*** sanctions. They emphasized, however, that the eviction as such was to be considered a severe punishment. The only option for the evicted was described as leaving the home-region and settling in a *Gecekondu* at the outskirts of a city.

A diplomatic source claimed that village guards who left their duty without permission, still had to expect punishment. However, neither this source, nor any other of the consulted sources had any particular information as to the nature of these sanctions.

7.3. The Village Guards-systems impact on the return of IDPs

Since the Mid-nineties, several governments have launched projects to assist the return of IDPs to the Southeast. The concept of so-called central villages was followed by the "Return to Village Programme" and by the "Return to Village and Rehabilitation Project". According to TOHAV, mostly Village Guards profit from this governmental support while returns of ordinary IDPs continue to be slow.

According to diplomatic sources and to the head of TOHAV, Mr. Turan, the village guard system seems to be one of the main obstacles to a successful and comprehensive return of IDPs. Many village guards had been involved in the original displacement and some are now occupying properties from which the villagers had been forcibly evacuated. In order to defend their illegally gained homes against the legitimate owners, many village guards are willing to use violence, which has led to several incidents. Mr. Turan mentioned two examples, one of these being the village of Nurettin (located in the province of Muş), in which village guards had attacked returnees with machine guns and killed three of them. The other incident he mentioned happened in June 2004, with five villagers being killed in the village of Akpazar (province of Ağrı). Diplomatic sources confirmed that further violent assaults had taken place, and claimed that many village guards were extremely violent due to psychological problems/stress disorder.

For most of the IDPs, the only way to re-obtain their properties is to ask the authorities for help. However, according to Mr. Turan, the government is still lacking the genuine political will to support return and to confront the village guards. In this context, he mentioned the case of Magara, a village located in the province of Şırnak. This (Yezide-) village was evacuated in 1993 and later occupied by village guards. The rightful owners tried to regain their properties and appealed to the interior ministry in order to get help. As they did not get a positive reply they applied to the local court to remove the village guards from their homes. When their lawyer tried to visit the place in September 2004, she was turned back by security-forces.

On the other side, however, I heard of some cases where the rightful owners finally could regain their properties – with the help of the authorities. In September 2004, the Gendarmerie evicted village guards from Sarıköy, a village in the province of Şırnak. According to Mr. Turan, some progress has also been made in the Medyat-region. He claimed, however, that this was achieved mainly due to international pressure and not because of a genuine political will on the part of the government.

Most sources informed me about further assaults on returnees, leaving me with the impression that IDP's only in exceptional cases could return to their villages without being confronted with problems. Mr. Turan added that the return to villages in the vicinity of urban areas was easier, while return to rural areas far from the cities seemed to be much more difficult. In these isolated areas, the village guards would control "everything", with other security forces being absent or taking the side of the village guards. Mr. Turan concluded: "The fact that there have been relatively few armed assaults against returnees is mainly due to the low number of people who dare to return, not because of the village guards being so kind."

8. Forced marriages – violence against girls and women – protection

The following chapter is based on information provided by women's rights activists, representatives of NGOs and lawyers. Although some reference is made to a report[15]on the issue, the chapter exclusively mirrors the viewpoints expressed by the sources consulted.

8.1. Forced marriages

Forced marriages seem to be frequent in Turkey. However, none of the sources consulted was able to provide comprehensive statistical data as to the extent of forced marriages. Although a lot of research is done on the issue, reliable statistics appear to be limited, and much of the information gathered during the respective meetings is based on the individual knowledge and assessments.

According to Ms. Pınar İlkaracan, the head of WWHR (Women for Women's Human Rights) **forced** marriages[16] are still common in Turkey. It should be considered to be the violent form of the frequently applied **arranged** marriages with *berdel*[17] and *besik kertmesi*[18] being its most common forms. The issue of **arranged** marriages, however, was not further discussed during the meetings.

The group most likely to be subjected to a forced marriage, appear to be young girls, who either live in rural areas or in settlements (*Gecekondus*) where traditional cultural habits are likely to be followed. Girls with no or incomplete primary education are more likely to become affected than girls with higher or even university education, according to Ms. İlkaracan.

Like the women's NGOs consulted, a state official stated that cases of forced marriages occur all over the country, but are most likely to take place in Eastern-Anatolia. He informed me that the Ministry for Religious Affairs (*Diyanet*) had supported some women's NGOs in their efforts to agitate against forced marriages. This claim was later confirmed by Ms. Nebahat Akkoç, the head of the NGO Ka-Mer (Ka-Mer is the acronym for *Kadın Merkezi* – Womens' Center). During

15 WWHR (Women for Women`s Human Rights) – New Ways, The new legal status of Women in Turkey, Istanbul 2002.

16 In its report on violence against women in Turkey Amnesty International uses the following definition of "forced marriages" (in contrast to arranged marriages): Forced marriage is … "any marriage conducted without the valid consent of both parties and may involve coercion, mental abuse, emotional blackmail, and intense family or social pressure. In the most extreme cases, it may also involve physical violence, abuse, abduction, detention, and murder of the individual concerned." Amnesty International. 2 June 2004. Turkey: Women Confronting Family Violence (AI Index: EUR 44/013/2004). (http://web.amnesty.org/library/index/engeur440132004) Accessed 21 December 2004.

17 *Berdel* describes the deal closed between the heads of two families, leading to the exchange of girls to be married in order to avoid marriage expenses.

18 *Beşik kertmesi* (betrothed while still in the cradle), expression for the barter of newborn daughters for later marriage.

Friday-prayers and by way of handing out leaflets, the *Diyanet* and its representatives try to impart to the population that forced marriages are considered to be a sin. The official stressed that cultural traditions and the poor economic situation of many families, rather than "religion" as such, were to be blamed for the existence of forced marriage. To corroborate this statement, he claimed that there were relatively few cases of forced marriage in the province of Konya (which is considered to be Turkeys religious heartland) while the phenomena is more widespread in the poorer Black-Sea-provinces and in Eastern-Anatolia.

8.2. Violence against women

According to Ms. Nebahat Akkoç and the other women's rights activists consulted, violence against women is endemic all over Turkey and not limited to "backward" parts such as Eastern Anatolia. It appears, however, that the problem is especially grave in traditional areas, where tribal customs still play an important role in every day life. Ms. Zülal Erdoğan and Ms. Remziye Tanrıkulu from the Diyarbakır Bar Association supported this view and pointed out that there are more cases in conservative, Kurdish families in the Southeast and among migrants from the Southeast living on the outskirts of the metropolitan areas.

Another region where spousal abuse seems to be widespread – both in terms of the number and severity – is the Black Sea-coast. In areas with a predominantly Alevi population, however, violence against women appears to be relatively rare (especially the number of very serious cases and honour crimes). In contrast to the Black Sea-region and Eastern Anatolia, "honour crimes" are almost non-existent in the Alevi-dominated areas, according to Ms. Akkoç, Ms. Erdoğan and Ms. Tanrıkulu.

All sources consulted on the issue considered the recent changes in both the Civil Code[19] and in the Penal Code[20] to be crucial steps in the campaign to further equality between women and men and to eliminate the use of violence against women. Among other regulations, Article 159 of the Civil Code (stating that women needed their husbands' consent to work outside the home) and Article 438 of the Criminal Code (providing for a reduction in the punishment for rapists under certain conditions) have both been abolished. Under the new Penal Code, sexual assault in marriage will qualify as a criminal offence. Furthermore, virginity testing will be prohibited unless formally authorised by a judge or a prosecutor. Some women's activists, however, were critical of the fact that virginity testing still could be conducted without the consent of the woman.

The representatives of women's organisations and NGOs pointed out that the legal domain were not the only field of lobby-work for women's rights groups, stressing the importance of

19 The new Civil Code came into effect on January 1, 2002. It abolishes – *inter alia* – the supremacy of men and establishes equality of men and women in the family.

20 The new Penal Code was approved by the Turkish National Assembly in September 2004 and will come into effect on April 2005.

campaigning in the socio-cultural domain, as well. Cenk Soyer from Amnesty International in Istanbul informed me that several NGO's have recently started an anti-violence project aiming at male football supporters. The project is supported by the clubs Istanbul Spor and Altay Spor, using half-time to promote anti-violence actions.

The anti-violence campaign was also joined by the Diyarbakır-branch of the worker's union DISK. The Unions negotiators have included some "anti-violence-regulations" in the wage settlement for its communal workers in a district of Diyarbakır. According to the new collective agreement, women who are beaten by their husband and report this to the authorities are entitled to receive 50 percent of the husband's salary. Furthermore, workers who refuse to send their daughters to school (which seems to be a serious concern in many Kurdish areas) would loose their right to receive education-grants.

8.2.1. Marital rape

Marital rape appears to be underreported with a relatively small percentage of the actual abuses being reported to the authorities or to NGOs. According to Ms Cânân Arın, an Istanbul based women's rights lawyer, only few cases (in which marital rape was combined with other forms of violence) reported to the police lead to legal persecution and punishment of the perpetrator.

Until recently, there has not been any legislation specifically addressing the issue of marital rape. Article 416 of the (old) Penal Code only foresaw third persons (e.g. not relatives) as perpetrators of this crime (carries three to five years in prison). Article 417 provided for a 50 percent increase in the punishment for rape if the offender was a blood relative. The new Penal Code (coming into effect in April 2005) includes marital rape as an offence, however it remains to be seen whether the definition of what is to be considered rape continues to be as restrictive as it has been under the traditional administration of justice.

8.2.2. Honour killings

Like other forms of violence against women, honour killings happen in all parts of the country. They appear to be more frequent in the Black-Sea Region and in Kurdish inhabited areas in the Southeast, where tribal customs play an important role in everyday life. From the sunni-dominated areas of central-Anatolia (such as Konya) however, fewer cases are reported. In those parts of Turkey, which are mainly inhabited by (both Kurdish and Turkish) Alevis, honour crimes appear to be extremely rare, almost none-existent, according to Ms. Nebahat Akkoç and Ms. Pınar İlkaracan. Just like other kinds of violence within the family, no comprehensive recording or statistical monitoring is conducted as to the prevalence of honour killings. Most of the NGO's representatives I talked to, estimated that the number of unreported or undetected cases was significantly higher than the official numbers. Honour killings are often hushed up and some

women who have apparently committed suicide have in fact been killed or even forced to kill themselves by their family.

According to Ms. İlkaracan every girl or women suspected of having transgressed the limits of sexual behaviour as imposed by traditions can become a victim of an honour killing. The definition of such limits varies greatly. In some traditional areas in Southeast Anatolia, even talking to a boy or coming home too late at night could be considered to constitute a severe violation of the family's honour and thus lead to an honour killing. More "common" motives, however, are engagement in a pre-marital relationship or extra-marital affairs. According to Ms. İlkaracan, most victims of honour crimes are young girls.

According to Ms. Zülal Erdoğan and Ms. Remziye Tanrıkulu, women, who have managed to escape the execution of an honour killing could never feel safe. To corroborate this statement, they gave me two examples: The first case referred to a woman from Adana, who had escaped her family's threats and had started a new live at another place. However, she was tracked down by her family after 15 years and killed by her brother. As another example Ms. Erdoğan and Ms. Tanrıkulu mentioned the case of a young girl with an illegitimate child. The girl had approached the Diyarbakır Bar Association for help and was subsequently evacuated to Bursa (Western Turkey) – after having been protected by the Diyarbakır police for some days. Later, the girl contacted her family by telephone and was told that everything was forgiven. Upon her return home, however, the girl's brother killed her on the spot.

8.2.2.1. Honour killings committed by persons below the age of criminal responsibility

Ms. Erdoğan and Ms. Tanrıkulu pointed at the fact that families who plan to kill a girl usually pick a male minor from the family to commit the murder. In such cases the perpetrator – being below the age of full criminal responsibility – cannot be charged or is granted a reduction in his sentence. If the perpetrator is younger than 11 years, he will not be charged at all. If he is younger than 15 years, the proceedings will be conducted at a Juvenile Court (*Genclik Mahkemesi*[21]) where the maximum sentence is seven years in prison. Proceedings against perpetrators between the age of 14 and 18 would be conducted at ordinary penal courts. However, any offender below the age of criminal responsibility would get a remission of one third of the sentence prescribed in the Penal Code.

21 A new Law on Juvenile Courts was passed in January 2004. It provides for the establishment of Juvenile Courts in all municipalities with a population exceeding 100,000 persons.

8.2.2.2. Remission granted in cases of Honour killings?

According to WWHR there have not been any specific references to honour killings in the Turkish Penal Code. However, it appears to have been common praxis for many years to grant a reduction in the prison sentence in cases were a woman had been killed after having brought "dishonour" upon the family. In many cases, article 462 of the Penal Code has been applied. This article allowed for a reduction in the punishment when the murder was committed by a relative and when the victim had been caught immediately before or during an extra-marital sexual relationship. According to article 462 the sentence could be reduced from a life sentence to four to eight years in prison, or from the death penalty to five to ten years in prison. Ms. Erdoğan and Ms. Tanrıkulu confirmed that remission was frequently conceded if the victim was caught *in flagrante delicto* and if the crime was committed under the effect of emotion. In many such cases, the minimum sentence of four years in prison was handed down. However, even before the amendment of article 462 (see below), an increasing number of judges had not applied the article 462 and refused to grant remission in cases of honour killings. In July 2003, the Grand National Assembly revoked article 462. Thus the option to reduce sentences under the conditions mentioned above was abolished.

8.3. Assistance and protection for victims of domestic violence

8.3.1. The Law on the Protection of the Family

In January 1998, the Grand National Assembly ratified the "Law on the Protection of the Family (No. 4320, in this text referred to as "Protection Law"). This Protection Law was designed to protect women who suffer from domestic violence. According to Ms. Arın, the most important provisions of the law are as follows:

In cases of domestic violence, a request can be filed directly with the public prosecutor for a protection order against the offender.

The victim of violence does not have to file this request in person. This can be done by a family member, by a friend or by a neighbour.

There is no need to go to the police or to police stations. The request is filed directly with the office of the public prosecutor.

Such an application does not automatically lead to prosecution of the offender. It is considered a complaint and a request for protection.

Upon receiving the application, the judge immediately issues a protection order that removes the offender from the woman's vicinity (the home, workplace, etc) for a period of up to six months. The offender is banned from approaching the woman's vicinity.

Ms. Arın pointed to the fact that – according to today's administration of justice – *only women who live under the same roof as the offender are protected by these regulations*. Ms. Arın furthermore claimed that the Protection law does not have any immediate penal implications for the offender. However, in case the spouse does not abide by the order (which most frequently requires him to stay away from the woman's vicinity and not to cause her or her children distress) he shall be liable to arrest and confinement. According to the Protection law, the Public Prosecutor can file a suit against the spouse who does not abide by the order. The offender can be sentenced to a prison sentence of three to six months. However, such prosecution of violent spouses does not seem to be the general rule. According to Ms. Arın the Protection Law has not been adequate and security forces often fail to seriously investigate the women's complaints. Punishment of perpetrators appears to be rare and rather symbolical.

8.3.2. Attitude of the police and legal assistance to victims of domestic violence

Violence within the family is widely considered a private matter, and addressing third persons or the authorities for help does not seem to be an appropriate solution for most of the women affected. This goes mainly for women with low formal education, living in traditional, sunni-muslim dominated areas while women with a more "modern" background would be less reluctant to report abuse to the police. Ms. Akkoç told me that the police often have been reluctant to intervene in such domestic disputes and if addressed, they mostly advised women to return to their husbands.

However, all women's activists I talked to told me that the Human Rights-training of the police-officers had contributed to changing some traditional attitudes. Both Ka-Mer and other NGOs have contributed to programs aiming at qualifying police officers from Diyarbakır to deal with cases of domestic violence. Ms. Akkoç assumed that more women subjected to abuse would now dare to report to the police. She told me that these women could – "more than before" – expect law-enforcement officials to deal with such cases professionally. However, the overall picture was described as unsatisfactory and some police officers would still refer the victims back to their family.

In cases, in which the woman feels afraid of becoming victim of an honour killing, it appears to be far from sure that she can count on police protection. According to Ms. İlkaracan, only women who can furnish proof of being threatened by their husbands can apply for police protection. However, in many cases that is only in theory. Ms. İlkaracan stressed that the police does not even have written guidelines on the protection of women in danger of honour killings, whereas guidelines for dealing with cases of domestic violence exist – at least on paper.

According to Ms. Akkoc and the representatives of the Diyarbakır Bar Association (who exclusively referred to the province of Diyarbakır), women in need of protection could either address an NGO or the Bar Association if they were reluctant to ask the authorities for help. The Bar Association would provide legal advise, given free of charge in accordance with law No. 4320 (see chapter 8.3.1).

Where perpetrators are brought to justice, they are rarely punished, according to the Diyarbakır Bar Association. If a sentence was passed, violent husbands were generally only prohibited from entering the family's house for some days. However, in cases where he violated the decision, police would rarely intervene. In most cases it would be the woman who had to leave the house – and not the perpetrator. The representatives of the Diyarbakır Bar Association told me that this applied for the province of Diyarbakır as well as for the provinces of Van, Bingöl and Batman where local Bar Associations monitored the situation.

8.3.3. Ka-Mer – a Women's NGO in Southeast Turkey

According to Nebahat Akkoç, Ka-Mer is the first women-organisation in Southeast Turkey that directly addresses domestic violence as a socio-cultural rather than a private issue. Ka-Mer was established in 1997 in Diyarbakır to support abused women. It offers its services free of charge to all women, regardless of religion, age or ethnicity. Since then, the organisation's goals have been expanded and can be subsumed under the following four headings:

Emergency Response: Ka-Mer has opened an emergency help line for women victims of violence (0412 - 228 10 53 or 0412 - 224 23 19). According to the nature of the request and the type of threat, Ka-Mer provides immediate psychological, social or legal support for the victims. If a woman is perceived to be in immediate danger, Ka-Mer helps to find a safe place (mostly in a shelter).

Awareness programmes: After the dissipation of the immediate threat, Ka-Mer provides a group awareness program for the woman. It aims at providing a safe-outlet for victims to talk about their past traumatic experiences. Furthermore, Ka-Mer provides a supportive educational environment for the women affected.

Providing paid work opportunities for victims of violence: Ka-Mer has several restaurants (in Diyarbakır and recently established in Bingöl and Batman) whose main purpose is to provide paid-work opportunities for female victims of violence. Women contribute 15 percent of their earnings to Ka-Mer as long as they work in one of these restaurants. They are expected to discontinue their contribution as soon as they find an outside job.

Kindergarten: The first Ka-Mer-kindergarten was established in Diyarbakır. It was meant to be a safe place where women could bring their children while they participated in Ka-Mer's awareness programs. Recently, additional kindergartens have been established in Kiziltepe, Batman, Şırnak, Bingöl and Hakkari. For the time being these kindergartens are open to the victim's children as well as to other local children. Like the restaurants, the kindergartens provide job opportunities for victimized women.

According to Ms. Akkoç, Ka-Mer maintains good relations with the local authorities and to the police. Ka-Mer even contributes to training programs, designed to enable policemen to deal with cases of domestic violence. More recently, there have been cases in which women have been referred to Ka-Mer by the local police. However, Ms. Akkoç stressed that this was only the case in Diyarbakır, whereas much more remains to be done in other parts of Turkey.

8.3.4. Shelters

8.3.4.1. Number and infrastructure of state-owned shelters in Turkey

According to Ms. Akkoç, there are currently nine state-owned shelters in Turkey; none of these shelters are located in Southeast Turkey. In order to protect the women living in these shelters, the locations' addresses are supposed to be kept secret. One of the sources consulted (Gülsün Talat from the Istanbul-based women's NGO *Mor Catı*[22]) however, told me in which cities those state-driven shelters were located: In Istanbul, Izmir, Ankara, Antalya, Samsun, Eskişehir, Bursa, Denizli and in Izmit.

The capacity of these shelters appears to be extremely limited. According to Ms. Akkoç their average capacity is at about 10 – 20 places. Only women who could prove that they were threatened with an honour killing would be accepted at these shelters. This statement was disputed by Ms. Talat, who pointed out that "severe cases of domestic violence" would be accepted in the shelters as well. She mentioned that it could be problematic to draw a line between honour killings and severe forms of domestic violence since the latter equally could result in the woman's death.

The local representative of the Social Services Agency (Il Sosyal Hizmetler Müdürlüğü) decides whether a woman is to be given access to a shelter. Women in need of protection could either directly address the agency or turn to the police, the provincial or local administration or to a NGO, which would refer her to the competent body. According to Ms İlkaracan, there is no central and publicly known emergency-number for women in need of protection.

22 *Mor Catı* (purple roof) is an Istanbul-located NGO, which until 1999 provided accommodation to victimised women. Due to lack of funding, Mor Catı currently only serves as a point of contact for women in need, providing help to access shelters and/or legal aid.

According to several sources the maximum time to stay in such a shelter is six month. If necessary, the shelters would accommodate the woman's children as well. Where this was not possible, children were put into a state child-home (which also lies under the Social Services Agency).

According to Ms. Talat, there is **no police-protection** for women accommodated at state shelters. She mentioned, however, that watchmen (*Bekçi*) would be present at least during the nights.

Ms. Akkoç said that the Grand National Assembly in July 2004 had passed a Law on Municipalities and Metropolitan Municipalities, which provides for a transfer of the responsibility for the state shelters to the respective local authorities (*Büyük Sehir Belediyesi* and *Belediye*). According to this law, municipalities with a population exceeding 50,000 persons will be obliged to establish and keep shelters for both women and their children.

8.3.4.2. Municipal shelters

According to Gülsün Talat, there are currently three communal shelters in Turkey. Two are located in Istanbul, one in Izmir.

The shelter in Istanbul-Küçükçekmece can accommodate 16 women and "some" children.
The shelter in Istanbul-Kadıköy has – according to Ms. Talat – fife places for women and can also accommodate "some" children.
The third communal shelter is located in Izmir, has 20 places, and some accommodation for children.

According to Ms. Talat, the shelter in Küçükçekmece is easy to find, and no really "serious" cases (e.g. women threatened by honour killing) were accommodated there.

Ms Talat stressed that the capacity of these three shelters was far below the number of places needed. Both shelters in Istanbul were overcrowded and the maximum time set to stay there was three month. Exceptions were only made in extremely severe cases. Ms. Talat could not give any further information as to the situation in the Izmir-shelter, since she had not visited the shelter yet.

According to Ms. Talat the municipal shelters are "to some extent" guarded by unarmed guardians (*Bekçi*) who are paid by the community, however, police-protection was not provided.

Annex A

List of individuals and organisations consulted

Akkoc, Nebahat, Ka-Mer, Diyarbakır.

Arın, Cânân, Istanbul Bar Association.

Demirtaş, Selahattin, Head of IHD Diyarbakır.

Erdoğan, Zülal, Diyarbakır Bar Association.

İlkkaracan, Pınar, Women for Women's Human Rights, Istanbul

İslambay, Süleyman, former head of HADEP and DEHAP in Konya.

Kabakcı, Mustafa, Chamber of commerce, Konya.

Kutlu, Levent, HRFT, Ankara.

Özcelik, Mehmet, HRA Konya.

Cenk Soyer, Amnesty International Istanbul.

Talat, Gülsün, NGO "Mor Catı", Istanbul

Tanrıkulu, Remziye, Diyarbakır Bar Association.

Tanrıkulu, Sezgin, Diyarbakır Bar Association.

Turan, Şehnaz, TOHAV, Istanbul.

Ünal (Professor), Şeref, Faculty of Law, Ufuk University, Ankara.

Alongside these persons, nine individuals, who requested anonymity, were consulted.

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Annex C

Glossary of abbreviations and acronyms used in the report

AKP	Adalet ve Kalkınma Partisi/Justice and Development Party
DEP	Democrasi Partisi (Party of Democracy)
DISK	Devrimci Isci Senikalari Konfederasyonu (Confederation of Turkish Progressive Workers Trade Unions)
HADEP	Halkin Demokrasi Partisi/People's Democracy Party
PKK	Partiya Karkeren Kurdistan/Kurdistan Workers' Party
HRA	Human Rights Association
HRFT	Human Rights Foundation of Turkey
Ka-Mer	Kadın Merkezi (Womens' Center)
KADEK	Kurdistan Özgürlük ve Demokrasi Kongresi (Kurdistan Freedom and Democray Congress)
Konra-Gel	Konra Gele Kurdistan (Peoples Congress of Kurdistan)
HEP	Halkın Emek Partisi (People's Labour Party)
HPG	Hezen Parastina Gel (Peoples Defence Forces)
NGO	Non Governmental Organisation
CMUK	Ceza Muhakemeleri Usulü Kanunu (Code of Criminal Procedure)
TCK	Türk Ceza Kanunu (Turkish Criminal Code)
TOHAV	Toplum ve Hukuk Araştırmaları Vakfı (Foundation for Society and Legal Studies)
WWHR	Women for Women's Human Rights

Annex D

Glossary of Turkish Terms used in this report

Adlı muayenesi/Adlı tip rappor – medical examination report
Aşiret – Kurdish tribe
Bekçi – watchman
Berdel – early marriage
Besik kertmesi – a form of arranged marriage, see footnotes 14 and 15)
Belediye – municipality
Büyük Şehir Belediyesi – metropolitan Municipality
Davetiye – summon to a criminal proceeding
Davetname – summon to commencement of sentence
Diyanet – Ministry for Religious Affairs
Eğitim Sen – Teacher's Union
Falaka – beating on the sole of the feet
Fezleke – Police report
Geçici köy korucular – Temporary Village Guards
Genclik Mahkemesi – Juvenile Court
Gönüllü korucular – Village Guards
Il Sosyal Hizmetler Müdürlüğü – (Provincial) Social Services Agency
Ilce – district
Jandarma – Gendarmerie
Mor Catı – Purple roof, an Istanbul-located women's NGO
Muhtar – head of village or district
Nevroz – Kurdish New-year
Tevkif Müzekkeresi – warrant (old version)
Tutuklama Müzekkeresi – warrant (new version)
Yakalama Müzekkeresi – enforcement order
Yargitay – Court of Cassation