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IHF Focus:

Freedom of expression and the media; freedom of association; peaceful assembly; the rule of law; fair trial and detainees' rights; torture, ill-treatment, "disappearances" and extrajudicial executions; conditions in prisons; religious tolerance; protection of ethnic minorities; human rights defenders

Throughout 1998 Turkey was governed by a minority coalition government led by the Motherland Party (ANAP) under Mesut Yilmaz. As soon as Yilmaz had taken office, he designated 1998 as the "year of the law," promising to change Turkish legislation, especially the penal code, to counteract illegal formations in the state security forces that have often been associated with serious human rights abuses, and to address deep flaws in the rule of law.¹

In April a trial concerning the so-called Susurluk case opened.² Two members of parliament, Mehmet Agar, former head of the security department and former minister of justice and of internal affairs, and Sedat Bucak, a parliamentarian and wealthy landowner and a local head of "village guards³ in the southeast, were accused of involvement in the case. The indictment against Agar and witnesses' testimonies suggested that he was at least aware of, if he had not authorized, the illegal activities of these so-called "gangs."⁴

In a positive development, human rights – particularly torture – became a persistent issue in domestic political debate. A governmental High Coordination Committee for Human Rights, consisting of under- secretaries of relevant ministries and working under a state minister, initiated legal changes regarding the problem of impunity as well as the freedom of expression and promoted improvements in the training of police officers, but parliament did not discuss these proposals. A parliamentary inquiry committee on human rights toured the country with the aim of preparing a report on compliance with human rights under detention in Turkey.⁵

Despite formal improvements, human rights organizations received numerous reports of torture, extrajudicial killings and deaths as a result of torture, "disappearances," forcefully evacuated and burnt down villages, questionable police raids, closures of NGO, political parties and editorial offices, confiscated and banned publications, and individuals imprisoned on account of their opinions.

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Freedom of Expression and the Media

Generally, the press in Turkey was free, but certain laws⁶ limiting freedom of expression continued to be enforced arbitrarily, thus severely jeopardizing this right. These laws were often directed against criticism of the state policy concerning the role of Islam, the Kurdish or other minority, the nature of the state, or the role of the security courts. Non-violent demonstrators, writers, and journalists were arrested, and several books and publications were banned, newspapers and journals were closed, and journalists were denied access to the conflict zone in southeastern Turkey and northern Iraq. Especially pro-Islamic, pro-Kurdish, or leftist writers faced harassment by the police and criminal prosecution. They were prosecuted for activities which enjoyed impunity if carried out by the right-wing groups.⁷ As result, many government critics were ostensibly charged with "terrorism", "separatism" or "acts against the state." The prosecution of members of the pro-Kurdish Democracy Party (DEP), and, more recently, officers of the People's Labor Party (HADEP) were a prime example of that.⁸

The government of Prime Minister Yilmaz submitted a bill to parliament in order to amend several articles of the Turkish penal code restricting free expression, as well as article 8 of the Anti-Terror Law prohibiting separatist propaganda. However, the bill did not pass because of the opposition by the military and some politicians. Moreover, in practice, even highly regarded columnists working for mainstream publications, who in the past had been allowed to touch upon many topics that were taboos for other journalists, were prosecuted in 1998.⁹

- On 23 September the court of appeal confirmed the 10-month prison sentence that the Islamist mayor of Istanbul, Recep Tayyip Erdogan, had been convicted for his statements on the role of religion in society. He had repeated a passage from the renowned Turkish poet Mehmet Akif who wrote the lyrics of the Turkish national anthem.¹⁰

- The January 1997 publication of the bulletin of the pro-Kurdish HADEP triggered trials against the publishers and many of the authors. In September 1998 the Ankara State Security Court sentenced HADEP Deputy Chairperson Mehmet Satan and two other HADEP officials to 16 months in prison and a fine for "disseminating separatist propaganda." Leyla Zana, former deputy for the now closed down DEP, and nine other authors were sentenced to two years in prison and a fine for "inciting people to

enmity through citing ethnic or racial differences."¹¹

- On 1 June the blind lawyer and human rights activist Esber Yagmurdereli was arrested and sent to prison after he had refused to undergo a medical examination, which very likely would have saved him from prison on health grounds. He rejected the examination as a protest for the amendments to the relevant legislation and because he did not want to have special treatment due to his physical disability. Yagmurdereli served a prison term in 1978-1991, was then pardoned on the condition that he would not violate any laws, but sentenced again to 10 months in prison - plus the remaining 16 years from his original term - for a speech he had made citing human rights abuses against the Kurdish community. He had been imprisoned in October 1997 but freed in the following month on health grounds.¹²

- A trial was pending against writer and journalist Oral Calislar and publisher Muzaffer Erdogan because of Calislar's book "Öcalan ve Burkay la Kürt Sorunu" (The Kurdish Problem: Interviews with Öcalan and Burkay) on charges of "separatist propaganda" (article 8 of the Anti-Terror Law) because of the quotations of his interviews.¹³ Calislar and three other journalists of the mainstream newspaper Cumhuriyet were also charged with criticizing the court decision of the "Manisa trial."¹⁴ He was accused of "commenting against a court decision by making statements on the verdict, which has not become decisive."¹⁵

Some three hundred issues of leftist, pro-Kurdish, or pro-Islamic publications were confiscated, equipment and archive material seized or destroyed and numerous journals were closed down. The government often invoked the Anti-Terror Law to punish the political expression of Kurdish identity. Journalist working for such publications were often arrested and harassed.

- Ülkede Gündem, a pro Kurdish newspaper, was closed by a court order for 302 days between July 1997 and October 1998. Its editor-in-chief was sentenced to a total of 15 years and eight months in prison and fined approximately 40 billion Turkish Lira (US\$12,000), its owner was fined 60 billion Turkish Lira (US\$8,000). Its columnists, reporters, vendors and administrative staff were detained and arrested. The daily had been censored by the Istanbul State Security Court since June. A total of 108 stories, 55 articles, 9 photographs and 11 advertisements were denied publication in four and a half months.¹⁶ On 20 November the police raided several offices of the newspaper after an Ankara State Security Court decision had upheld a one-month closure, whereby staff members and journalists were detained and many books and tapes seized. In some offices also the archives were reportedly

destroyed.¹⁷

In the state of emergency region the distribution of certain newspapers, especially the pro-Kurdish *Ülkede Gündem* and the leftist *Emek*, were generally banned, and journalists were hindered from gathering information.

The Supreme Radio and Television Board (RTÜK), formed in 1994 with a broad and vague mandate to regulate television and radio closed several national television channels such as Kanal D, Show TV, Kanal 21, and Metro TV of Diyarbakir for several days citing grounds such as "the use of foul language," "insults to individuals and institutions," and "instigation of separatist propaganda." Many RTÜK decisions continued to be enforced even after they had been overturned by courts.¹⁸ Local governors banned radio stations on the grounds that they did not broadcast official or security statements or for airing songs in the Kurdish language in the state of emergency region. A prime example of this was Radio Karacadag in Urfa.¹⁹

Freedom of Association

In January the Supreme Constitutional Court banned the pro-Islam Welfare Party in a verdict based primarily on critical statements by the party's leaders and members, who were banned from political activities for the next five years.

The Chief Prosecution Office of the Supreme Court demanded from the Freedom and Solidarity Party (ÖDP) to dissolve its Elazig Provincial Organization, because of songs sung in Kurdish during a celebration on 24 October, based on Article 81 of the Law on Political Parties. According to this article, "political parties are not entitled to use any language other than Turkish."²⁰

The pro-Kurdish HADEP faced intense surveillance and harassment by the security forces. Particularly towards the end of 1998, several HADEP offices were raided and mass arrests of party administrators and members were carried out. Many were ill-treated and tortured. In Mus, HADEP's provincial office was burnt down. HADEP members responded with a hunger strike, as a reaction to which hundreds of HADEP members were detained and HADEP branches were closed. Judicial proceedings were launched against HADEP chairperson Murat Bozlak and 47 executive members on charges of "separatism through publication" and "acting as the political branch of the PKK." ²¹

In January 1999, three months prior to the parliamentary elections, the Chief Prosecutor's Office of the Supreme Court initiated judicial proceedings demanding the closure of the HADEP, claiming that there were organic ties between the HADEP and the PKK, and that the HADEP was under the control of the PKK.²² Four former parliamentarians from the banned Democracy Party (DEP), a predecessor of HADEP, remained in prison.

Peaceful Assembly

Police brutally broke up demonstrations in several cases. In March police in Ankara used pressurized water, fog bombs, and truncheons to disperse a demonstration of civil servants. Some eighty demonstrators needed medical treatment for respiratory problems and bruises. The Turkish Physicians' Union protested the security forces' use of "fog bombs containing chemicals that are extremely harmful on the human body."²³

- Starting in August, the vigils of the "Saturday Mothers," i.e. relatives of missing people who hold weekly protests in front of the Galatasaray High School in Istanbul, were obstructed by massive police actions. The police used tear gas, water cannons and barricades, and detained hundreds of people.

Prosecutors typically asked for prison sentences between one and three years for violations of the Law on Meetings and Demonstrations.

The Rule of Law

Despite vigorous debates on the issue, laws continued to be applied arbitrarily and in violation of human rights. A Council of Europe report stated that the military and the police forces had a nearly untouchable position. They continued to exert influence over politics in a manner largely incompatible with the standards of democratic states. The National Security Council played a central role also in matters beyond security, such as economy, foreign policy, education, human rights and religion.²⁴ Moreover, the military continued to exert pressure on the political process, in particular on political Islam, which the chief of staff described in March as the "number one enemy of the principles of modern Turkey."

State of Emergency

The state of emergency, promulgated in 1987, remained in force in five provinces in southeastern Turkey - Diyarbakir, Hakkari, Siirt, Tunceli, and Van. Also, in five neighboring provinces (Mardyn, Batman, Bytlys, Byngöl and Sirnak) that had been previously under emergency rule, the situation remained virtually unchanged because they were under the jurisdiction of the Diyarbakir-based "Super-Prefect" and thus faced the same conditions as the state of emergency provinces. In addition, as clashes extended especially to Sivas, Erzurum and Agri in eastern Anatolia, the emergency measures were extended to these provinces. Similar measures have also been used in parts of the Black Sea region, namely in Ordu and Tokat, as well as in the eastern Mediterranean since 1997.²⁵

The state of emergency vested the Council of Ministers with the power to pass decrees that had the force of law, and the powers of the executive authorities - including the security forces, the police and the army - were extended considerably. Most of the blatant and systematic violations of human rights in Turkey, like torture, arbitrary arrests, extrajudicial executions and enforced disappearances, took place in these provinces.

The Village Guards

An accompanying feature of emergency rule was the village guard system, set up in 1986 by the Turkish government in order to combat the terrorist activities of the PKK. Its membership was estimated at around 50,000. The village guards were recruited from villages inhabited by certain Kurdish clans, were armed and paid by the government, and operated under the direct command of the military forces. In theory, becoming a village guard was voluntary, but in practice the refusal to join was followed by brutal, often collective, reprisals by the security forces, including extrajudicial executions.²⁶ In addition, more than 3,000 settlements were evacuated and the displaced persons ended up to live in shanty towns around big cities. They were also a target for police harassment. Their return was conditioned on the "voluntary" joining of the "village guard system." Those who refused to cooperate with the village guards faced, for example, food embargoes, particularly in the Tunceli province. ²⁷

The village guards were often accused of having committed serious human rights violation, including murder, kidnapping, rape, assaulting civilians at roadblocks, looting, and trafficking in drugs. In two cases the European Court of Human Rights found Turkish security forces guilty of burning houses in order to force the evacuation of villages, which refused to join the village guard system.²⁸

Another major problem were the State Security Courts (see below).

Fair Trial and Detainees' Rights

In June the European Court of Human Rights ruled that the system of State Security Courts in Turkey violated article 6(1) of the ECHR regarding the right to fair trial.²⁹ The State Security Courts dealt with cases prosecuted under the Anti-Terror Law and the crimes against the "identity of the state," and its members, both judges and prosecutors, were military staff.

The 1997 reductions of the maximum terms of police detention from 30 days to 10 days in the state of emergency area, and from 14 to seven days in the rest of the country were not executed. The same applied to the decision to allow individuals indicted under the jurisdiction of the State Security Courts access to a lawyer after four days of detention. These detainees had previously been denied all contact with lawyers. The Contemporary Lawyers' Association (CHD) started boycotting the State Security Courts in September because the courts operated on the basis of police investigations virtually no participation of lawyers.³⁰

The lawyers were normally prevented from attending the pre-trial investigation sessions until the first court session. They sometimes learned about the indictment from the newspapers. The press covered court cases mainly from the police's and the prosecutor's point of view. ³¹

According to Yucel Sayman, chairman of the Istanbul Bar Association, police either completely failed to fulfill their responsibility to inform detainees about their right to access to a lawyer, or this was done only immediately prior to the release of a detainee.³² The practice of delayed registration of detainees was also widespread and facilitated torture.

Torture, "Disappearances" and Extrajudicial Killings

Torture and ill-treatment continued to be widespread and systematic in Turkish police and gendarmerie stations. The factors contributing to that were long detention periods in police custody, the holding of detainees incommunicado with virtually no access to a lawyer, medical doctor and family members, the difficulty or impossibility

of having the consequences of torture and ill-treatment confirmed by medical professionals, and the fact that few police officers were held responsible for abuses.

Most victims were pre-trial detainees, others, for example, officials or members of pro-Kurdish or leftist parties, or journalists and newspaper vendors working for newspapers deemed disloyal to the government. Also minors were tortured. They continued to be tried by the State Security Courts, which meant that these minors were in the hands of the anti-terror police and held in high security prisons for political prisoners without any special protection.³³ Anti-terror police units were notorious for routinely practicing torture and ill-treatment.

In the southeastern region, where the major part of the Kurdish minority lived, the risk of "disappearances" or killings by unidentified persons still continued. Most of the victims were affiliated to the political opposition or were suspected supporters of the PKK. Also, outside the southeastern territories, security forces resorted to killing of, for example, demonstrators. While authorities attributed many abuses to the Islamic Hizbollah, civilians increasingly suspected that Hizbollah supporters were mainly among the victims. ³⁴

- On 23 August Turgay and Cihat Metin, 12 and 14 years old, respectively, were killed by a special military team officers while they were grazing cattle in the vicinity of the village of Günece (Mesudiye, Ordu). The officers claimed that the children had been killed because the soldiers had believed them to be militants. Later the two officers were arrested for having "killed people as a result of negligence and carelessness" but were released. ³⁵

- In November, Hamit Cakar (18), who was arrested during the hunger strike staged at the People's Democracy Party (HADEP) Diyarbakir Provincial Organization office, died of torture. The autopsy report issued by the Forensic Medicine Institute claimed that Hamit Cakar had died of a heart attack. However, his family stated that there were marks of blows and fractures on the victim's head. ³⁶

In a repeated nominal effort to fight torture, Prime Minister Yilmaz sent out a circular to ministries calling for stricter enforcement of measures to prevent torture and ill-treatment in police custody.³⁷

The Parliamentary Commission on Human Rights that carried out inspections at police stations and prisons in eastern and southeastern parts of Turkey stated that they had found hidden interrogation rooms containing torture tools such as

equipment for giving electric shocks and pipes used for suspending victims. The Commission also found that the police had lists of "wanted" people, whose names they had received from victims interrogated under duress.³⁸

On 1 October the Regulation on Apprehension, Detention and Release Procedures, dealing inter alia with the prevention of torture, entered into force. It contained a number of measures, such as training and education for police officers, the distribution of rules for correct interrogation and the texts of the related conventions in police stations, medical checks before and after interrogation and investigation and punishment in cases of torture.³⁹ However, as of this writing, the practices had not changed.⁴⁰

Accountability

Despite high-level condemnations of torture and promised reforms, the police and security personnel continued to enjoy wide impunity for their acts. In past years, the number of people prosecuted on torture charges had increased, but prosecutors were still reluctant to investigate torture claims or postponed the necessary interrogations in 1998. Civil servants could be prosecuted only with the permission of Provincial Administrative Boards, and such decisions were frequently taken in an arbitrary manner, particularly in the emergency regions. In the rare cases in which the perpetrators were prosecuted, they were not arrested, did not have to appear at court hearings, and could continue working at their jobs. Legal proceedings in torture cases dragged out and the burden of proof lay with the victims. Medical evidence was difficult to get as medical certificates were often issued by doctors without experience in torture cases. Under the Anti-Terror Law, anti-terror police could not be held in custody if charged. The police officers' legal fees were paid for by the state and those few who were convicted were faced only with mild sentences.

- An important case dating back to 1996 was the trial of police officers charged with killing journalist Metin Göktepe. Witnesses stated that 15 police officers had brutally beaten Göktepe to death at a sports center in Istanbul. Eleven police officers were charged. In 1997 Prime Minister Mesut Yılmaz and President Suleyman Demirel had to intervene to ensure that "the administration collaborate with the judiciary."⁴¹ One of the police officers, Seydi Battak Köse, confessed that Göktepe had been beaten to death by him and his colleagues, but withdrew his statement later on.⁴² On 19 March 1998 five police officers were each sentenced to seven and a half years in prison. The six others were acquitted by the court. The court reduced the sentences from the planned 12 years because of the good behavior of the defendants during the

proceedings and because "it could not be established for certain whether the defendants acted with the intention of killing deliberately."⁴³ In July the Supreme Court quashed the previous judgment citing "inadequate investigation", and on 20 August 1998 a retrial opened. On 11 December the Crown Court of Afyon Heavy Penal Court decided to temporarily release the five police officers on the basis of the right to be tried within a reasonable term.⁴⁴ The trial continued as of this writing.

Yet, most cases of serious abuse by law enforcement officials went unpunished and even medical doctors faced pressure if they issued certificates on injuries inflicted by torture.

- In November Metin Yurtsever, detained by police for his participation in a hunger strike at HADEP Kocaeli office, died as a result of torture, certified by a medical doctor. But police officers tore the certificate and demanded another one: it stated that Metin Yurtsever had died because of arterial occlusion.⁴⁵

On 10 March physician Eda Güven, who was in charge of a state health center in Incirliova (Aydin district), faced judicial proceedings for "abusing her authority and violating the civil servants' code." She had asked gendarmes to leave the examination room as she wanted to talk in private to a detainee, who had marks of torture on his face. The detainee then told her that the gendarmes had threatened to ill-treat him and other detainees if they said anything about having been beaten. The court acquitted Güven due to "insufficient evidence."⁴⁶ In September four members of the security forces involved in Güven's case were themselves charged with attempting to manipulate the results of a medical examination. They were ultimately convicted and sentenced to pay a small fine.⁴⁷

Conditions in Prisons

Prisons remained poorly administered and underfunded, which led to conflicts as prisoners demanded improved conditions and political control detention facilities. A parliamentary human rights commission launched investigations at four southeastern prisons, at the Istanbul Women and Juvenile Prison, at several detention centers and at police prisons. The commission reported in April that inmates were tortured by various methods, including being hung up by the feet, beating the soles of prisoners' feet, and the use of pressurized water and electric shocks. Commission members themselves reported seeing evidence of torture on prisoners and in detention rooms. They described finding tools, such as manual electric generators, wooden sticks,

metal pipes and truck tires, that had initially been hidden from them. The investigating parliamentarians described the conditions at the Juvenile Prison as "atrocious." There an undercover journalist from the mainstream media had witnessed seven or eight guards beating a child during regular visiting hours.⁴⁸

Medical care was totally insufficient and few measures were taken against hepatitis-B, tuberculosis and other infectious diseases. Hygienic conditions were deplorable: prisoners were often allowed to use – contaminated - water only 10-15 minutes a day.⁴⁹ Many prisoners were ill-treated during transportation to medical treatment. At least five died of insufficient medical treatment and dozens should have been released to receive proper treatment.⁵⁰

On 25 June Halil Gice died in Adana prison as a result of bleeding in the stomach. His relatives said that they had not been allowed to see him for two months and he had not received medical treatment even though the prison administration knew he was sick.⁵¹

Religious Tolerance

Although the 1982 constitution guarantees freedom of religion, this right was violated.⁵²

About 99 percent of the approximately 60 million Turks was Muslim, the rest primarily Christians and Jews. About 80 percent of Turkish Muslims belonged to the Sunni majority, along with the Alevi and some other Shia groups. The Jews, the Greek Orthodox and the Armenian Christians had an official minority status, which granted them the right to manage their own schools.⁵³

Turkey's secular state model prohibited the interference of religion in politics, but it did not contain a general principle of religious neutrality, equivalent to the separation of church and state in many western countries. It gave the state the authority to control religion: the Islamic imams (prayer leaders) and hatips (preachers) were appointed, paid and supervised by the Religious Affairs Administration, which also controlled the Islamic schools.

The Alevis and Other Islamic Minorities

The Alevis were considered heretical by the Sunni majority for its "syncretic doctrines incorporating shamanistic beliefs and some Christian traditions of Asia Minor."⁵⁴

They have been persecuted since the beginning of the Ottoman Empire. From time to time, intolerance has erupted in violent outbreaks. For example in 1993, 37 people were burned to death in Sivas while attending an Alevi arts festival. It appeared that there was a lack of will or ability on part of the Turkish authorities to protect the Alevis from harassment by Sunni extremists.⁵⁵

Islamists critical of the government were subject to sanctions:

- In February 128 members of the Aczmendi group were sentenced to terms ranging from twenty months to six years of imprisonment for "insulting Ataturk and disobeying the security forces." They had originally been arrested in 1996 for not following the regulations of the "modern dress reform" of Ataturk.

- During the 1998 fall school semester, universities refused to register female students who wore traditional Muslim head scarves.

Syrian Orthodox Christians

There were up to 18,000 Syrian Orthodox Christians living in Turkey, their number having decreased dramatically in the last 50 years. Fearing stigmatization, the Syrians have never advocated official recognition as a non-Muslim minority in Turkey. In the Tur Abdin region, where the majority of the Syrians live, the practice of kidnapping young Syrian girls and forcing them to marry Muslim boys still existed in 1998.

The freedom of the Syrians to worship was violated in that their church was not allowed to accept priests of foreign origin. Recently, Turkish authorities ordered that the four Syrian Orthodox monasteries were not allowed pupils to stay there.⁵⁶

Armenian Christians

The Armenian Apostolic Church was the largest Christian Church, with about 70,000 members, most of whom lived in Istanbul. Armenians had the right to manage their own schools, but children who lived far away from Armenian schools were prohibited by the Turkish authorities from traveling to these school on either a daily or a weekly basis. In addition, Turkish authorities have tried to dissolve the lay Advisory Council of the Armenian Church, which plays an important role in the management of the church, claiming that this council was not in accordance with the secular character of the Turkish state.⁵⁷

Greek Orthodox Christians

The number of Greek Orthodox Christians was estimated by the Patriarchate at around 2,500. The Ecumenical Patriarchate has not been allowed to use the adjective "ecumenical" because this allegedly expresses political aspirations as a connotation. The Turkish government has not allowed the minority to build new churches. The right to publish Greek Orthodox books has been very restricted. Educational church institutions at the university level were prohibited in 1971.⁵⁸

Protection of Ethnic Minorities

The Kurdish Minority⁵⁹

At a press conference in July 1997, the chairman of the Parliamentary Committee on Migration confirmed that in the framework of the fight against terrorism, 364,742 inhabitants of 3,185 villages and hamlets had been forcefully evacuated between 1990 and that date.⁶⁰

Attempts by the Turkish authorities to establish and operate new regional schools had often failed because of the reluctance of ethnic Turkish teachers to work in the southeastern regions. More than 100 teachers had been killed, others injured, and schools had been closed. More than 100,000 students had not been able to attend school. It was unthinkable for the Turkish authorities to allow the opening of Kurdish-language schools.

- Kemal Bal, chairperson of the Egitim Sen Trade Union (Trade Union of Education, Science and Culture Laborers), and eight former members of its Central Executive Board faced trial on charges of "disseminating separatist propaganda" (article 8 of the Anti-Terror Law). They had published an article about the "Right to Education in One's Mother Tongue" in a book that reported the results of the Democratic Education Congress, held by Egitim Sen in February 1998. In December 1997, they had been sentenced to 16 months in prison and a fine in connection with posters that defended education in one's mother tongue.⁶¹ In the new trial that opened at Ankara State Security Court No. 2 on 31 December 1998, the prosecutor demanded sentences between one and three years in prison.⁶²

It was also illegal to publicly play Kurdish music, to disseminate, for example, Kurdish-language grammars and other items linked to Kurdish culture.

Human Rights Defenders

Human rights defenders continued to face harassment and direct physical attacks. In its report "Anti-Terror Struggle and Human Rights", published in January 1999, the General Staff Chief Office claimed that human rights organizations in Turkey were not "impartial" and "objective". It also implied that the Human Rights Association (HRA) was "working as the brain trust of the PKK."⁶³

On 12 May 1998 two assailants shot and seriously injured Akyn Birdal, chairman of the HRA, while he was working in his office in Ankara, following false media reports that Birdal was a PKK supporter and took orders from it.⁶⁴ Later two members of the "Turkish Revenge Brigade" (TIT) were arrested for the attack. The police were authorized to tap phones of HRA executives and staff members, whom they suspected of involvement in the assassination attempt. On 3 August the trial against the two alleged perpetrators opened.

On 28 July Birdal was sentenced to a prison term of one year plus a fine for a speech he had made at the "Meeting for Peace," held by the Ankara Democracy Platform on the occasion of the World Peace Day on 1 September 1996. He was charged with "explicitly inciting people to hostility by recognizing differences based on class, race and religion" (article 312.2 of the penal code). He had said that the consequences of the failure to solve the Kurdish question were reflected in every aspect of life in Turkey.⁶⁵ On 16 December the Adana State Security Court sentenced Birdal to one year in prison for "disseminating separatist propaganda" (article 8 of the Anti-Terror Law) in his speech in Mersin on World Peace Day on 1 September 1995.⁶⁶ He was hindered from leaving Turkey.⁶⁷

Numerous other HRA members were arrested, harassed, and prosecuted; their offices were raided and closed, e.g. in Balikesir, Bursa, Diyarbakir, and Mardin.

The Human Rights Foundation of Turkey (HRFT) was another target. On 7 June its newly opened treatment and rehabilitation center for torture survivors in Diyarbakir was closed by authorities who cited procedural irregularities in the HRFT's application to open that center. The office was re-opened on 29 July. The governor of the emergency region referred to the closure of the center in a TV program saying that the HRFT "undermined the state's dignity by holding an internal ceremony for the opening the center." The Turkish embassy in Denmark justified the closure by

alleging that the HRFT "made a show of force" in Diyarbakir. The HRFT center provides medical and psychological aid to torture survivors and their relatives and collects information about the use of torture. In addition, the media often only covered the accusations of the police or the prosecutor when reporting on.68

FOOTNOTES:

1. Human Rights Watch World Report 1999, Europe and Central Asia Division.
2. The Susurluk scandal was named after the town where a car crash in November 1996 for the first time showed the close connection between the state, organized crime and killings of political dissidents. In the car were a wanted right-wing hitman turned secret agent, a police chief and a Turkish Kurd politician. The Susurluk report was the first confirmation by a senior Turkish official of long-standing allegations of the existence of state-sponsored death-squads; since 1991, more than 1,500 Kurdish nationalists, journalists, politicians and business people have been murdered in "unsolved criminal cases".
3. See the Village Guards.
4. Human Rights Watch World Report 1999. Europe and Central Asia Division.
5. Report on the "Honouring of Obligations and Commitments by Turkey," prepared by András Bársony and Walter Schwimmer for the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Doc. 8300, 15 January 1999.
6. For legal provisions restricting freedom of expression, see the "List of Turkish Laws Violating Free Expression, Translated Excerpts From Laws and Decrees," Human Rights Watch, <http://www.hrw.org/hrw/press98/feb/fe-turk.htm>.
7. The Human Rights Foundation of Turkey (HRFT), 28 April 1999.
8. HRFT, 20 February 1998.
9. Human Rights Watch World Report 1999, Europe and Central Asia Division; HRFT, 28 April 1999.
10. HRFF, 28 April 1999.
11. HRFT, 18 September 1998.
12. IFEX, <http://www.ifex.org/alert/00003231.html>. Original source: Writers in Prison Committee, International PEN, 5 June 1998.
13. HRFT, 11 December 1998 and 28 April 1999.
14. See Torture, Ill-Treatment and Misconduct by Law Enforcement Officials.
15. HRFT, 4 December 1998.
16. HRFT, 22 October 1998.
17. HRFT, 23 November 1998.

18. Human Rights Watch World Report 1999, Europe and Central Asia Division.
19. HRFT, 28 April 1999.
20. HRFT, 7 December 1998.
21. HRFT, 5 November 1998.
22. HRFT, 1 February 1999.
23. Human Rights Watch World Report 1999, Europe and Central Asia Division.
24. Report on the "Honouring of Obligations and Commitments by Turkey", prepared by András Bársony and Walter Schwimmer for the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Doc. 8300, 15 January 1999.
25. HRFT, 28 April 1998.
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