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1. SCOPE OF THE DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

2. GEOGRAPHY

2.1 Turkey covers an area of 780,000 square kilometres (301,000 square miles), with an estimated population in year 2000 of 65.3 million. It is a passage land between Europe and Asia, boasting land frontiers with Greece, Bulgaria, Armenia, Georgia, the Nakhichevan autonomous enclave of Azerbaijan, Iran, Iraq and Syria. The west, the richest and most densely populated part of Turkey, looks towards the Aegean and Mediterranean Seas and is very conscious of its links with Europe. However, in culture, racial origins and ways of life, there are frequent reminders of Turkey's geographical situation primarily as a part of Asia. The only official language is Turkish, which is a member of the Altaic family (i.e. not Indo-European). As an agglutinative language, Turkish frequently adds on suffix after suffix, thus producing words which may be the equivalent of a whole phrase or sentence in English. Several Indo-European languages are spoken, including Kurdish (the Kurmanji and Zaza dialects). More than 99% of the Turkish people are Muslims, although Turkey is a secular state. [1][4]

ECONOMY

2.2 Turkey has suffered from unstable economic conditions for much of the last twenty years. Since the early 1980s the previously centrally planned economy has been gradually liberalised. There have been periods of rapid growth interspersed with sudden, mostly short-lived crises, against a background of high inflation (usually in the range of 50-100% annually). Inflation has damaged the public's trust in the local currency, causing interest rates to rise. As a result of high interest rates, as well as the increasing borrowing requirement of the public sector, the public sector debt stock has risen sharply in recent

years. In order to roll-over the debt stock, the government has had to borrow at very high interest rates. This vicious circle has also contributed to distortions in income distribution, helped create a banking sector based largely on trading in government securities, and deterred foreign investment. Some parts of the private sector have been dynamic (the active "unregistered" economy has also contributed to growth). However, structural problems have held back Turkey's development. [82]

2.3 In the light of these economic problems the current government began a three year US\$4 billion Standby Agreement programme with IMF financing in January 2000. The primary objective was to reduce inflation to single-digit levels. The main tool of the programme was a "crawling peg" exchange rate policy, under which the rate of devaluation of the Turkish lira (TL) against a foreign currency basket was pre-announced. The initial results of the programme included a sudden fall in interest rates, which led to a sharp increase in domestic demand and a huge rise in imports, stemming from the appreciation of the TL in real terms under the exchange rate policy. Considerable progress was made in reducing inflation, which fell from 63% to 33% during 2000. But delays in the implementation of structural reforms, endemic problems in the banking sector, and the widening foreign trade deficit all contributed to a financial crisis at the end of November 2000. The IMF moved quickly to bail Turkey out with a US\$7.5 billion Supplementary Reserve Facility in December 2000. Despite relative stability in the markets in January 2001, the TL came under pressure again in February. A further crisis was triggered by a political disagreement between President Sezer and Prime Minister Ecevit on 19 February. This led to the TL being allowed to float on 22 February, and to the end of the Standby Agreement in its original form. [82]

2.4 In order to restore confidence in the financial markets, the Government appointed Kemal Derviş, a Turkish Vice President of the World Bank, as the State Minister responsible for the economy. Mr Derviş prepared a new economic programme and restarted negotiations with the IMF. On 15 May the IMF Board approved a new economic programme, and agreed additional financial assistance for Turkey of US \$8 billion. Subject to subsequent IMF reviews, Turkey was expected to receive about US\$15 billion in total from the IMF and World Bank in 2001. The main purpose of the programme is to sustain financial stability in the short term in order to enable the Treasury to roll-over its huge debt stock. It will also tackle the structural problems of the banking sector by restructuring debt-ridden state-owned banks and forcing the closure of former private sector banks which have been taken over by the Government. [82]

2.5 Economic contraction of around 3.5% and inflation in excess of 50% were anticipated in 2001, but the IMF and the Turkish Government jointly predicted that growth would resume in 2002-03 at an annual rate of 5%-6%, and that inflation would be brought down to 20% in 2002 and to 15% in 2003. [1]

2.6 The Financial Times has noted that a Byzantine bureaucracy and a reputation for corruption have won Turkey the dubious privilege of being ranked the fourth least transparent economy in the world - after China, Russia and Indonesia. PricewaterhouseCoopers measures the impact of the level of transparency on investment, and finds that Turkey's opacity figure of 74 (with 0 representing complete transparency, and 100 complete opacity) is very high. Turkey is understood to have a very large black economy that underpins the real economy. The comment has been made that only a small proportion of Turkish businesses (e.g. those linked to international companies) appear to operate fully above board and to pay all taxes. [82] President Sezer has stated that corruption is one of the most serious problems affecting Turkey, and has given his support to the fight against corruption. [76]

3. HISTORY

See also "The Kurds" (chapter 5) for Kurdish history.

3.1 Turkey was formerly part of an empire ruled by a Sultan, with its capital in Istanbul and his territories stretching from the Persian Gulf to Morocco, including most Arab regions and much of south-eastern Europe. However, following the collapse of the Ottoman Empire after the First World War, the National Assembly declared Turkey a Republic and elected Mustafa Kemal (later known as **Atatürk**, "Father Turk") President in October 1923. [1]

3.2 Modern Turkey is largely the creation of that one man, Atatürk. His achievement was to salvage the Turkish state from the wreckage of the Ottoman Empire and to define it as a modern secular nation. The omnipresent public statues and portraits in Turkey are not merely symbols of the personality cult that has been built around him; they reflect the widely held conviction that without him Turkey in its present form simply would not exist. Atatürk vigorously pursued a radical campaign of far-reaching reform and modernisation, including the secularisation of the state, the abolition of Islamic courts, the emancipation of women, the adoption of Roman script, and the encouragement of European culture and technology. He died in 1938, and was succeeded as President by Ismet İnönü who, after World War II, took steps to liberalise Atatürk's autocratic regime. In 1950 the newly founded Democratic Party, led by Adnan Menderes, won Turkey's first free election. However, the Menderes government was overthrown by a military coup in May 1960 on the grounds that it had betrayed Atatürk's principle of secularism, and Menderes was subsequently executed. A new constitution was adopted in October 1961 and this lasted until March 1971 when widespread unrest caused the armed forces to demand and obtain the resignation of the government led by Süleyman Demirel. The return to democracy in 1973 coincided with the oil crisis, which hit Turkey hard. In July 1974 Turkey invaded Cyprus and occupied the northern third of the island. In Turkey several inconclusive elections in the 1970s resulted in a series of unstable coalitions which attempted to govern in circumstances of pressing economic difficulties and rising political violence between right and left-wing groups. This violence came to a climax in December 1978 in the south eastern part of Karamanmara⁹ when 100 people were killed and 1,000 injured during three days of rioting and violence. The government responded by imposing martial law in thirteen provinces. [1]

3.3 On 12 September 1980 the armed forces, led by General Kenan Evren, Chief of the General Staff, seized power in a bloodless coup. The coup leaders formed a five-man National Security Council. Martial law was declared throughout the country and the new government succeeded in reducing the level of political violence and in restoring law and order, but at the expense of compromising or suspending many democratic freedoms. A new Constitution was adopted in 1982. The 1983 General Election was won by the Motherland Party (ANAP) and its leader Turgut Özal was accordingly appointed Prime Minister. [1]

3.4 Four years after the 12 September 1980 coup, which crushed the activities of urban insurgents and fundamentalists, Turkey faced a different threat from a similar source - rural insurgency, initially concentrated in the south east region along the borders with Iran, Iraq and Syria. Almost all the rural insurgent groups had their origins in the student groups based in the cities, one particular case in point being Abdullah Öcalan's PKK (Kurdistan Workers' Party). The separatist activities soon spread to the cities. [1]

3.5 In December 1985 a case brought before the Human Rights Commission of the Council of Europe by five European countries, alleging that Turkey had violated the European

Convention for the Protection of Human Rights and Fundamental Freedoms, was settled out of court. Turkey agreed to rescind all martial law decrees within 18 months, to introduce an amnesty for political prisoners, and to allow independent observers from the Council of Europe to monitor progress. In 1987 all martial law decrees in Turkey were repealed. [1]

3.6 In July 1987, ten provinces in the southeast were placed under **emergency rule** due to an increased level of fighting; these were Van, Bitlis, Tunceli, Diyarbakir, Siirt, Bingol, Batman, Hakkâri, ^airnak, Mardin. [9(b)] The **state of emergency** was lifted in Mardin in November 1996, in Batman, Bingol and Bitlis in October 1997, in Siirt in November 1999, and in Van in July 2000. [5(f)][11(g)][11(h)][30(rr)] It continues in Diyarbakir, Hakkâri, ^airnak, and Tunceli provinces. The state of emergency region's governor has authority over the provincial governors in the four provinces, and seven adjacent ones including Van, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. Only limited judicial review of the state of emergency governor's administrative decisions is permitted. [5(i)]

3.7 November 1987 saw the re-appearance in Parliament of the moderate left-wing Social Democratic Party (SHP) and the conservative True Path Party (DYP), led by the former Prime Minister, Suleyman Demirel. Özal became President on 31 October 1989 and appointed Yildirim Akbulut, his successor, as Prime Minister. [1]

3.8 ANAP's popularity declined during 1990 and 1991 and there were a number of ministerial resignations. The general election of 20 October 1991 was won by the veteran politician and Prime Minister, Suleyman Demirel, and the DYP. Having failed to win an absolute majority he was obliged to seek a coalition with the SHP, which had itself emerged from the election in third place behind ANAP. [1]

3.9 Controversial and outspoken Özal modernised the Turkish economy and raised Turkey's international status. After Özal died from a heart-attack in April 1993, Demirel was elected as President. Mrs Tansu Çiller, previously Economics Minister, was elected Chairman of the DYP in place of Demirel in early June, and became Turkey's first woman Prime Minister. [1]

3.10 In foreign affairs Çiller sought the creation of a United Nations peace-keeping force in Azerbaijan and a role for Turkey in the UN effort in the former Yugoslavia. In July 1994 around 1,455 Turkish troops were deployed in Bosnia and Herzegovina, but well away from Serb lines. In October 1993 Turkey reluctantly agreed to the extension of UN sanctions against Iraq, but continued to advocate a removal of the embargo. [1]

3.11 In September 1995 Deniz Baykal was elected leader of the Republican People's Party (CHP) at its first convention following unification with the SHP. Within two weeks the coalition collapsed after Mrs Çiller resigned in the aftermath of severe economic difficulties. [1][4(a)]

3.12 The general election was held on 24 December 1995. It left three parties - Refah (pro-Islamic Welfare Party), DYP and ANAP - with vote shares on or around 20%. Over two months of discussions followed as the leaders of these three parties in turn tried to reach agreement on the terms for a coalition government. On 6 March 1996, ANAP and DYP announced formation of a minority coalition. But the traditional tensions between the two centre-right coalition parties, made worse by the intense antagonism between their respective leaders, effectively resulted in a paralysed government by late April. The coalition ended on 6 June. [1][4(a)]

3.13 President Demirel invited Necmettin Erbakan, as leader of the largest party (Refah), to try to form a government. Talks with the DYP resulted in the formation of a Refah/DYP majority coalition in July 1996. Professor Erbakan was Turkey's first Islamist Prime Minister; Mrs Çiller was Deputy Prime Minister and Foreign Minister, and was due to take over the premiership in mid-1998. Refah and DYP shared the Ministerial portfolios. [1][4(a)]

3.14 On 28 February 1997 the National Security Council (NSC) produced a list of action points, which were subsequently agreed by Erbakan. The measures were designed to maintain Turkey's secularist state and western orientation. On 26 April the NSC reinforced their message. The focus of fiercest argument was the NSC's decision that compulsory education be extended by three years, and that scores of "Imam Hatip" religious training schools should as a result be closed. Meanwhile, the coalition was also damaged by a series of scandals following a car crash in Susurluk in November 1996 which revealed links between the Government, hit squads and organised crime. [4(a)]

3.15 Eventually, following a series of defections from Mrs Çiller's DYP, and another grilling by the NSC, Erbakan announced his resignation. On 20 June the President invited Mesut Yilmaz, leader of the main opposition ANAP (Motherland Party), to form a government. [4(a)]

3.16 The Yilmaz coalition with the DSP (Democratic Left Party) was never on secure ground. Yilmaz's government was forced to resign after losing a vote of confidence in Parliament on 25 November 1998 over allegations of corruption in the sale of the state owned Türkbank. [4(a)][23(m)][43(b)] On 2 December 1998 President Demirel appointed Bülent Ecevit [leader of the DSP (Democratic Left Party)] Prime Minister designate and asked him to form a government. Ecevit failed to form a government and handed the mandate back a few weeks later. [53(a)] Demirel next chose Yalim Erez, the trade minister, to form a government, but he was also unsuccessful, returning the mandate in early January. [40(f)] Bülent Ecevit then returned and created a minority government of the DSP with the support of the DYP and ANAP. The government won a vote of confidence on 17 January 1999 and governed until the elections in April 1999. [11(j)][11(k)]

3.17 The ten year old state of emergency in the provinces of Batman, Bingöl and Bitlis, was lifted on 2 October 1997 when the ANAP-led coalition government proposal was approved by the Turkish Parliament. An improvement in the security situation was cited as the reason for the lifting of the state of emergency. Earlier, in September 1997, the then Prime Minister Mesut Yilmaz and his Deputy Bülent Ecevit visited the southeast and pledged development for the region. Meeting in Siirt for the first time in 16 months, the GAP (Southeastern Anatolia Project) high council under the chairmanship of the Prime Minister approved various measures that would provide incentives for reviving and strengthening the economy in eastern and southeastern provinces. These measures included the building of a university in Siirt. [11(g)] [11(h)] [60]

3.18 Refah (Welfare Party), an Islamist party and a partner in the previous coalition government, was closed by a Constitutional Court ruling on 16 January 1998. The case against Refah was that it had become the focal point of anti-secular activity. Most former members of Refah, including some 100 former Refah Assembly deputies, joined a new Islamist grouping, Fazilet (Virtue Party), which was formed in December 1997 by Ismail Alptekin and which became the largest party in parliament. [1][43] In October 1998, an appeals court upheld a State Security Court decision to sentence the Refah Party's Mayor of Istanbul, Tayyip Erdogan, to 10 months in prison for reading a religious poem at a rally in December 1997. The sentence also prevented Erdogan from holding an elective office for at least two years. Erdogan had been seen as a future leader of Turkey's Islamic movement. [5(e)][27][28(b)][36]

3.19 The Virtue Party contested the April 1999 national and local elections, and, while not doing as well as anticipated, still polled 15% of the vote (see below). However, at the opening session of parliament a Virtue Party deputy, Merve Kavakci, tried to wear a headscarf, contrary to the code of conduct for public servants. Even some Virtue deputies viewed this as an unwise and unnecessarily confrontational act. Kavakci was subsequently stripped of her Turkish citizenship for applying for US citizenship without permission from the Turkish government, and did not take her seat in parliament. Kavakci's actions became part of the evidence quoted by the Chief State Prosecutor in June 1999 when he applied to the Constitutional Court to have the Virtue Party banned on the basis that it was anti-secular and merely a continuation of the banned Refah Party. The Constitutional Court's decision, announced on 22 June 2001, was to ban Virtue. [30(oo)][63(i)] (See "Freedom of religion" and "Freedom of assembly and association" (chapter 5) for further details on Virtue and the headscarf issue).

3.20 An assassination attempt was made against Akin Birdal, the president of the Human Rights Association (IHD) on 12 May 1998. He survived being shot six times in the chest and leg. The shooting came after the media reported accusations by a captured PKK commander linking him to the outlawed terrorist organisation. [12(g)] [28(c)][40(c)] In December 1999 the Ankara State Security Court sentenced 10 people and acquitted six others for the attempted murder of Birdal. A former Jandarma sergeant, the presumed ringleader, and one other man accused of ordering and organising the attack both received 19 year sentences. The two men who fired at Birdal received sentences of 19 and 12 years respectively, and two others received 19 and 10 year sentences for establishing a gang (the "Turkish Vengeance Brigade") to commit the crime. [5(f)][29] In October 1998, an appeals court upheld a one-year jail sentence for Birdal, who had been charged with "openly inciting public enmity and hatred" by making a distinction between Turkish people and Kurdish people in a 1996 speech. His sentence was confirmed by the General Council of the Appeal Court. He was imprisoned on 3 June 1999, to serve 10 months and 3 days. He was released in September 1999 on medical grounds, but on 28 March 2000 he was sent back to prison in Ankara for the remaining six months of his sentence after a State medical institute rejected a report that he was unfit to spend more time in jail. As a legal consequence of his imprisonment he resigned as both leader and member of the IHD. [5(e)][5(f)][62(a)] In another case against Birdal the Court of Appeals annulled a one year sentence passed against him centred around a speech he made in 1995. However, the Adana State Security Court re-adopted the one year imprisonment verdict in December 1998. [12(g)]

3.21 Following heightened military tension between Syria and Turkey, there was a meeting of Turkish and Syrian officials in late October 1998, and an agreement was signed under which Syria would not allow the PKK to operate on its territory. The PKK's leader, Abdullah Öcalan, was forced to leave Syria. Following his expulsion he unsuccessfully attempted to claim asylum in several European countries before being apprehended in Kenya and flown to Turkey. Öcalan initially sought, after his expulsion, to distance himself from the actions of the PKK, while a power struggle was reported to replace him as leader of the PKK. [1][21(b)][46(d)][55(a)][59]

3.22 The forcible return of Abdullah Öcalan to Turkey in mid-February 1999 was marked by public protests by his supporters across Europe and isolated protests in Turkey, many of which became violent. The unrest initially led to another round of arrests of HADEP members and a series of bombings by the PKK across Turkey. A celebration of the Kurdish New Year in the Gazi district of Istanbul ended in violence after a large group opened banners and began shouting slogans. Four police officers and one demonstrator were shot when the police tried to intervene. 725 people were detained. [40(g)][30(gg)]

3.23 Following the arrest of Öcalan a small chairmanship council began running the PKK, although Öcalan was confirmed as leader despite his detention. [46(d)][59(a)] At the start of March 1999 divergent views were expressed by the political and military wings of the PKK, with the former announcing that actions would take place in a democratic framework while the latter called for "total war" and an escalation of military actions. [46(e)][46(f)][65(a)] However, throughout June 1999 the PKK began to fall in line behind the calls for peace which Öcalan had made during his trial which began on 30 April 1999. [11(s)] The PKK's manifesto would henceforth be to work towards a peaceful and democratic solution to the "Kurdish problem", although "active defensive positions" would be maintained. In mid-July 1999 the ARGK (military wing of the PKK) announced that guerrilla actions would halt until further orders were received. [62(c)][62(d)]

3.24 Öcalan was convicted of treason and on 29 June 1999 sentenced to death. [11(t)] His lawyers have appealed to the European Court of Human Rights. [30(cc)][30(ff)] On 2 August 1999 Öcalan, through his lawyers, made a statement calling on the PKK to "end the armed struggle as of 1 September 1999, and withdraw its forces outside the borders for the sake of peace". [30(ee)] Two days later the PKK presidential council answered his appeal and confirmed that PKK combatants would indeed cease operations against Turkey. The statement was supported the following day by the People's Liberation Army of Kurdistan (ARGK), the armed wing of the PKK, which confirmed that it would abide by Öcalan's decision, although it claimed the right to fight in self-defence if attacked. [63(b)] The armed conflict between the Government and the PKK effectively came to an end in 1999, and only a few clashes between the Turkish army and dissident PKK groups were reported. In October 2000 the Turkish Armed Forces announced that they had successfully completed their struggle against the PKK; the struggle had reduced to a level which could be taken over by the police and the Jandarma. The PKK was almost completely inactive during 2000, and in 2001 there were, according to the military, only about 45 armed clashes. [5(i)][11(m)][12(q)][19][21(b)][40(g)][46(d)][55(a)][59]

3.25 On 12 January 2000 the Turkish government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. Analysts argued that the decision underlined the Government's determination to push forward with its plans to join the EU, and to pursue its economic and political and political objectives, and that it was ready to defy public sentiment to achieve them. In a written statement from prison, Öcalan said that the decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that the PKK's war for a Kurdish state was a "historic mistake". The PKK Presidential Council confirmed that they would pursue only democratic means to further their political objectives. [63(e)]

3.26 On the 23 April 1999 the British Independent Television Commission served a notice on the satellite channel Med-TV, widely regarded as a mouthpiece of the PKK, revoking its licence. The revocation followed broadcasts which included inflammatory statements encouraging acts of violence in Turkey and elsewhere. [30(hh)] Med-TV's broadcasts were suspended in March pending the ITC ruling. It appears that, pre-empting the ban, Med-TV secured satellite access as another channel, on which name it now broadcasts. [30(ii)]

3.27 In December 1998 the Turkish Interior Minister expressed the view that terrorist incidents in eastern and south-eastern Anatolia had dropped to a minimum. [11(m)] Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP (pro-Kurdish People's Democracy Party) members went on hunger strike in sympathy with the PKK leader. Others held demonstrations that had not received prior approval from the authorities during which some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of

detainees at the end of November as 3,064, including its leader, Murat Bozlak. Most were reportedly freed after a brief detention, but one 18 year old party member died in police custody, allegedly from beatings during interrogation. HADEP leaders said that many of their party members were beaten and tortured during the crackdown. [5(e)] Following the hunger strikes in support of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment requested prison terms between four and half years to seven and a half years. [11(o)] On 29 January 1999 the Chief Prosecutor of High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an "organic relationship" between HADEP and the PKK. Despite two legal challenges HADEP was permitted to take part in the April 1999 elections. [46(c)][54(c)] In mid-July 1999 Murat Bozlak and 16 other HADEP officials were released. [64(a)]

3.28 HADEP failed to gain enough votes in the April 1999 elections (10% national threshold) to return any representatives to parliament, but won control of several municipalities in the south east, including Diyarbakir. [63(a)][88(b)] The HADEP Mayor elected for Lice was removed from office following a decision of the High Election Council on the grounds that he was involved in an incident involving injuries in 1989 and was subsequently banned from public service. The Mayor said that the decision was illegal as he had previously applied to the prosecutor and had his criminal record cancelled. [62(b)]

3.29 The **general and municipal elections** were held on **18 April 1999** and were contested by a wide range of parties. [30(aa)] The Democratic Left Party (DSP) won the largest share of the vote (22%), followed by the Nationalist Action Party (MHP) with 18%, the Virtue Party (FP) with 15%, the Motherland Party (ANAP) with 13% and the True Path Party (DYP) with 12%. [63(a)]

Party	Number of votes	%age of total	Parliamentary seats
ANAP	4,122,929	13.2	86
BAG	270,265	0.87	-
BBP	456,353	1.46	-
BP	78,922	0.25	-
CHP	2,716,094	8.71	-
DEPAR	37,376	0.12	-
DBP	24,419	0.08	-
DP	92,093	0.30	-
DTP	179,871	0.58	-
DSP	6,919,670	22.19	136
DYP	3,745,417	12.01	85
EMEP	51,756	0.17	-
FP	4,805,381	15.41	110
HADEP	1,482,196	4.76	-
IP	57,607	0.18	-
LDP	127,174	0.41	-
MP	79,370	0.25	-
MHP	5,606,583	17.98	130
ODP	248,553	0.80	-
SIP	37,680	0.12	-
YDP	44,787	0.14	-

Number of valid votes - 31,184,496. [41(b)]

In late May a coalition government of the DSP, ANAP and MHP, with the DSP's Bülent

Ecevit as Prime Minister, was approved by President Demirel. Cabinet posts were split between the parties. Although ANAP entered the government, its leader, Mesut Yilmaz, did not initially take up a position in the cabinet. In July 2000 he joined the Cabinet as Deputy Prime Minister, and assumed responsibility for EU affairs. [63(f)]

3.30 In May 2000 Parliament elected as the new President of Turkey Ahmet Necdet Sezer, the respected chief of Turkey's Constitutional Court. He is the first President in Turkey's history who is neither an active politician nor a senior military official. Many Turks saw as a breath of fresh air his reputation for personal integrity, his distance from the country's much despised political parties, and his deeply ingrained respect for the rule of law. One commentator observed "(He) is a man of law who will not allow violations of the law or tolerate corruption." In 1999 Mr Sezer criticised Turkey's constitution for restricting democratic freedoms. He also argued that legal decisions in the south-eastern provinces still under emergency rule should be open to appeal. [1][54(d)]

3.31 Tension between President Sezer and Prime Minister Ecevit came to a head on 19 February 2001 at the monthly meeting of the National Security Council, from which Mr Ecevit walked out after the President had accused him of protecting ministers against whom corruption allegations had been made. A massive flight of capital, and stock market slump, resulted, and the Turkish Government was forced to float the Turkish lira, which was effectively devalued by a third. Consequential price increases of a third or more triggered protest demonstrations in Ankara and other cities, notably by civil servants. [63(h)] One observer said "What the Prime Minister did is, I think, inexcusable. He must have known the markets were nervous". Another commentator thundered "You tell me, for God's sake. Is this the way to rule Turkey?". [44(b)]

3.32 In June 2001 the Constitutional Court reached a decision in a case launched in May 1999, and banned the Virtue Party (Fazilet) for undermining Turkey's secular order. The decision fell short of the expected mass expulsions of party members from Parliament. The judges voted to expel only two Virtue deputies, and most of the 100 remaining deputies joined two new successor parties - the Felicity Party (Saadet Partisi) and the Justice and Development Party (Adalet ve Kalkinma Partisi). The banning of Virtue was opposed by most legislators, including Prime Minister Ecevit, who contended that dissolution of Virtue would contribute to greater political instability at a time of financial crisis. [63(i)] Recai Kutan said that the Felicity Party would seek to protect religious rights, but would not challenge the secular basis of the Turkish state..

3.33 Turkey is recognised as a key member of NATO, on account of its strategic position in Europe, of its having the second largest army in NATO, and because it is the only NATO member of the Organisation of the Islamic Conference. [1]

3.34 In December 1999 Turkey was given official status as a candidate for European Union membership. This was hailed by the Turkish media as a historic step, and the Greek Prime Minister said that it marked "a historic shift towards peace, security and development in our region". The candidacy offer went a long way towards meeting Turkey's demand to be treated on equal terms with other applicants, although there was a careful formulation in the Helsinki conclusions in order to make the offer acceptable to Greece. The Helsinki conclusions called for a settlement to the divided island of Cyprus, but made it clear that Turkey could not block Cyprus's joining the EU if it remained split between Turkish and Greek communities. On the political and economic programme which Turkey would have to adopt as an EU candidate, the EU leaders made specific mention of the need for Turkey to improve its record on human rights. [63(d)]

3.35 In March 2001 the Turkish Government published its "National Programme for the

Adoption of the Acquis", which set out the steps which are planned to enable Turkey to meet the criteria for membership of the EU. The Programme will entail the Turkish Parliament's enacting 89 new laws, and agreeing changes to 94 existing laws by 2004. These changes are in a wide variety of areas: freedom of thought and expression, freedom of association and peaceful assembly, combating torture, pre-trial detention, strengthening opportunities to seek redress for human rights violations, training of law enforcement personnel and civil servants on human rights, improving the functioning and effectiveness of the judiciary, banning of capital punishment, detention conditions, cultural, life and individual freedoms, mitigating regional differences to increase citizens' economic, social and cultural capabilities, freedoms of thought, religion and conscience, harmonisation of the Constitution and other relevant legislation with EU political criteria, and lifting the state of emergency. [82(d)]

3.36 On 3 October 2001 Turkey completed its biggest legislative overhaul in two decades, when Parliament approved a package of 34 amendments to the Constitution designed to pave the way for EU membership. The amendments, ranging from easing restrictions on using the Kurdish language, reducing maximum detention periods for suspects before they are charged, and making it harder to ban political parties, to reshaping the powerful National Security Council to give more weight to civilian politicians, are the first major shake-up of Turkey's Constitution since it was drafted after the 1980 military coup. Implementation in many cases required changes, which were already in the pipeline, to the Penal Code, or other pieces of enabling legislation whose imminence varies. The reforms sparked excitement in Turkey, and the "Hürriyet" newspaper enthused "The new Turk will not be searched, will not be wire-tapped, will not disappear, (and) will be open to speak freely and to criticise." One EU official said "This is the most important development we have been able to report on in years and we would be saddened if it were not registered as such by the EU as a whole, especially the European Parliament." On 6 February 2002 the Turkish Parliament adopted Law No. 4744 (the so-called "Mini-Democracy Package") to adjust some Turkish laws to these constitutional amendments. While welcoming some elements of the law, Amnesty International expressed concern that the Turkish Government had not introduced sufficient safeguards for freedom of expression, and effective measures against the persistence of torture in custody. [12(r)] [44(c)] [54(e)]

3.37 The European Commission's November 2001 "Regular Report on Turkey's Progress Towards Accession" welcomed the Turkish Parliament's constitutional amendments of 3 October 2001 as a significant step towards strengthening guarantees in the field of human rights and fundamental freedoms and limiting capital punishment. It observed that the amendments narrowed the ground for limiting such fundamental freedoms as the freedom of expression and dissemination of thought, freedom of the press and freedom of association. Attention now turned to the effective implementation of these important changes. It noted that the Turkish Government was finalising a package of new draft legislation that was aimed at implementing a number of constitutional amendments, in particular with respect to freedom of expression and thought. [76]

3.38 The Commission's report recorded that, despite these changes, a number of restrictions on the exercise of fundamental freedoms remained. The extent to which individuals in Turkey would enjoy real improvement in the exercise of fundamental freedoms would depend on the details of implementing legislation, and the practical application of the law. It was encouraging that a general principle of proportionality had been introduced, and that the stated general aim of reform was effectively to bring to the forefront respect for human rights and the rule of law. [76]

3.39 The Commission went on to say that the reforms related to economic, social and cultural rights contained a number of positive elements. The provisions (Articles 26 and 28

of the Constitution) forbidding the use of languages prohibited by law had now been abolished. This could pave the way for the use of languages other than Turkish and is a positive development. Existing restrictive legislation and practices would need to be modified in order to implement this constitutional reform, as the Turkish authorities have recognised. There had been no improvement in the real enjoyment of cultural rights for all Turks, irrespective of their ethnic origin. A number of substantial prison reform had been adopted, and reform of the judicial system had begun. [76]

3.40 The Commission concluded that the basic features of a democratic system existed in Turkey, but a number of fundamental issues, such as civilian control over the military, remained to be effectively addressed. Despite a number of constitutional, legislative and administrative changes, the actual human rights situation as it affected individuals in Turkey needed improvement. Though it was beginning to make progress in some areas, Turkey did not meet the Copenhagen political criteria for accession ("stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities"). The Commission encouraged Turkey to intensify and accelerate the process of reform to ensure that human rights and fundamental freedoms were fully protected in law and practice, for all citizens, throughout the country. Fuller use should be made of the enhanced political dialogue, to stimulate further progress on key issues, such as human rights, Cyprus and the peaceful settlement of border disputes, which were priorities of the Accession partnerships. [76]

4. STATE STRUCTURES

THE CONSTITUTION

4.1 In October 1981 the National Security Council (NSC), which took power in September 1980, announced the formation of a Consultative Assembly to draft a new constitution, replacing that of 1961. The Assembly consisted of 40 members appointed directly by the NSC and 120 members chosen by the NSC from candidates put forward by the governors of the then 67 provinces; all former politicians were excluded. The draft Constitution was approved by the Assembly in September 1982 and by a national referendum in November. The Constitution provides citizens with the right to change their government peacefully, and this is observed in practice. Legislative power is vested in the unicameral Grand National Assembly (Parliament), which is elected by universal adult suffrage for a five year term. Executive power is vested in the President, who is elected by the Grand National Assembly for a seven year term and is empowered to appoint a Prime Minister and senior members of the judiciary, the Central Bank and broadcasting organisations, to dissolve the National Assembly, and to declare a state of emergency entailing rule by decree. Strict controls on the powers of trade unions, the press and political parties were also included. In 1987 the number of deputies in the National Assembly was increased from 400 to 450, and in July 1995 was further increased to 550. [1]

POLITICAL SYSTEM

4.2 Turkey is a constitutional republic with a multi-party Parliament (the Grand National Assembly), which elects the President. After the April 1999 general election, Bülent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahçeli, and former Prime Minister Mesut Yılmaz's Motherland Party (ANAP) formed a Government with Mr Ecevit as Prime Minister. In May 2000 Parliament elected Ahmet Necdet Sezer as President for a seven year term. One of Parliament's main tasks is to enact legislation by debating, amending and passing bills. Once adopted, a law has to be signed by the

President within a fortnight. The President is entitled to refer back to Parliament a law submitted to him. If Parliament again approves the law in unchanged form, the President must sign it. Such a case did arise in December 2000 over the controversial Amnesty Law. [2(a)]

4.3 The Council of Ministers (consisting of the Prime Minister, departmental ministers and some 15 state ministers) has had some of Parliament's legislative powers delegated to it. The peculiarity of those powers in Turkey is that in this way the Government can amend or repeal existing laws by means of a "decree having force of law" (Kanun Hükmünde Kararname, often abbreviated to KHK). Those decrees do ultimately have to be signed by the President. On some occasions in 2000 (for example, with a provision for large-scale dismissal of pro-Islamic civil servants), President Sezer referred such a KHK back to the Government, without signing it, stating that the matter in question should be dealt with by Parliament in a proper law. [2(a)]

4.4 The military exercises substantial, but indirect, influence over government policy and actions and politics in the belief (shared, according to the opinion polls, by much of the population) that it is the constitutional protector of the State. The Government neither coerces nor forbids membership in any political organisation, although the Constitutional Court may close down political parties for unconstitutional activities. In January 1998 the Islamist Refah Party was banned, and in June 2001 its successor, Fazilet (the Virtue Party), was banned. Pro-Kurdish parties have also been banned in the past. [1][5(h)][6][18(i)]

4.5 On three occasions - 1960, 1971 and 1980 - Turkish military leaders have intervened to uphold the principles on which the Constitution is based, and to preserve internal law and order. On each occasion the armed forces emphasised their commitment to democratic principles and Turkey soon returned to civilian rule. But, in accordance with the Constitution, all important foreign policy and national security questions are still discussed by the **National Security Council** (Milli Güvenlik Kurulu, often abbreviated to MGK), a very powerful body which was until October 2001 made up equally of military (the five most senior military officers) and civilians (the President, the Prime Minister, and three other Ministers). The former very broad wording of Article 118 of the Constitution empowered the NSC to extend its advisory role to almost all affairs of state. In practice, the NSC made very extensive use of its legal scope, and thus had a say in almost all issues which arose. From the wording arose the practice that, when the Council of Ministers first met after a NSC meeting, Government members considered the subjects discussed at that meeting. It has also been normal practice for the NSC's opinions to be endorsed in full by the Government. Where a vote in Parliament is required on an issue, the NSC's opinion has almost always resulted in the passing of an appropriate motion. [1][2(a)] In October 2001 constitutional amendments increased the number of civilian members in the NSC to nine, while the number of military representatives remained at five. In addition, the new text of Article 118 of the Constitution puts emphasis on the advisory nature of the NSC, stressing that its role is limited to recommendations. The Government is now required to "evaluate" them instead of giving them "priority consideration". The effect of this constitutional amendment will need to be monitored. [44(c)][76]

4.6 Civilian governments have never directly tried to challenge the recommendations emanating from the monthly National Security Council meetings. Writers have noted that the military apparently have never considered that one reason why politicians have become so irresponsible is that military commanders, like overbearing parents, have refused to allow them ultimate responsibility for their actions. Huseyin Kivrikoglu is not a name with which any but the keenest observers of Turkish politics will be familiar. But, as chief of the general staff, in charge of the armed forces of 609,700 (including 528,000 conscripts) and paramilitary forces of 220,200 (including 218,000 Jandarma), he is one of the most

powerful men in Turkey. [1][81]

4.7 Para 3.14 records the NSC's action in 1997.

4.8 The military is reported to enjoy widespread support as guarantors of Turkey's secular, western-oriented society, and it is the institution most trusted by the Turk in the street. But two authors have made the point that the military is blind to its one great weakness. It is an institution as ideologically trained and puritanical as the Islamic Revolutionary Guards in Iran. The only difference is that in the case of the Turkish military the ideology is a fierce secularism that is identified exclusively with what it calls democracy. As the then chief of general staff said to a reporter in 1996, "If you lose Atatürk and his principles, you will lose the country, the regime, democracy, in short everything. That's why you have to hold tighter to them than ever." [28(a)][81]

4.9 In addition to political power, the military authorities also wield considerable economic power. In the 1960s it created the Armed Forces Mutual Assistance Fund (OYAK), one of the largest investment companies in Turkey. OYAK is active in the automobile, petroleum, insurance, food processing, construction and import - export sectors. [1]

LOCAL GOVERNMENT

4.10 Reforms to local government implemented in 1984 allow local authorities to levy taxes and to borrow. Local administration consists of two levels with central appointed civil service administrators and locally elected mayors. Each province has an appointed "vali" or provincial governor who is in control of security matters. Provinces are divided into "ilce" or sub-provincial districts and each has a centrally appointed "kaymakam" or sub-provincial governor working to the governor. Mayors, who are selected in local elections, are responsible for the provision of basic services or utilities such as water, sewage disposal, electricity and transport. These responsibilities are limited and mayors are subordinate to, and can be overruled by, the local governor who has far wider powers. Cities and towns have a municipal mayor in overall charge of the whole city or town, and also have mayors responsible for smaller sub-areas. Villages will fall under the jurisdiction of the nearest municipality. Reforms agreed in July 1995 included the transfer of more power to the provinces but these have still to be implemented. Villages and each ward in a town or city will have an elected muhtar (headman). The muhtar acts as an intermediary between the population and the authorities, being the sole keeper of address records. The only official document that a muhtar can issue is thus a residence certificate (ikametgâh ilmühaberi). In theory, anyone taking up residence in or leaving a particular neighbourhood is supposed to report this to the local muhtar. In practice, that is often not done, with the muhtar not being approached until a need arises for a certificate of residence somewhere. [2(a)][5(f)]

4.11 In the local elections of April 1999 HADEP won the municipalities of the major centres of Diyarbakir, Ađri, Batman, Bingöl, Hakkâri, Siirt and Van, as well as some 20 districts and nine towns. Source [88(b)] has more detail on this.

NÜFUS CARD/ IDENTITY CARD

4.12 Each sub-provincial district has a population registry, also known as the population office, ultimately coming under the Ministry of the Interior, where all the district's inhabitants are supposed to be registered. In practice, many people are entered in the population register for their place of birth or even their parents' place of birth. Since 28 October 2000 each citizen has had is/her own single, nationally registered, unalterable eleven-digit identity number. Population registers do not include details of addresses. Limited records of addresses are kept by village or neighbourhood heads. [2(a)]

4.13 The population registry also has responsibility for issue of identity cards (nüfus cüzdanı). This is the only valid domestic identity document, and everyone is required to carry it at all times. Births have to be registered to the population registry for the place of birth without delay, so that a nüfus card can be issued straight away. [2(a)]

4.14 The nüfus card is blue for men and pink/orange/yellow for women. It is covered with plastic laminate, and is 9.5 cm. long by 7 cm. wide. The card states the holder's date of birth, place of birth, father's and mother's names, religion and marital status. The card also states where the holder is registered in the population register. The card does not need to bear a passport-sized photo until the holder is 15 years old. From the age of 15, the holder has to have the card renewed every 10 years. In the event of marriage, divorce or transfer to the population register for another locality, a new card has to be applied for, although in practice (particular in the case of transfer to another population register) this is not always done. There is a proposal for a new, credit-card-format identity document, to include the personal identity number introduced in October 2000. [2(a)] [7(h)]

THE JUDICIARY

4.15 Until the foundation of the Turkish Republic, a large part of the Turkish civil law - the laws affecting the family, inheritance, property, obligations, etc - was based on the Koran, and this holy law was administered by special religious (Shari'a) courts. The legal reform of 1926 was not only a process of secularization, but also a radical change of the legal system. The Swiss Civil Code and the Code of Obligation, the Italian Penal Code and the Neuchâtel Code of Civil Procedure were adopted and modified to fit Turkish customs and traditions. According to Turkish law, the power of the judiciary is exercised by judicial (criminal), military and administrative courts. These courts render their verdicts in the first instance, while superior courts examine the verdict for subsequent rulings. The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches. [1][5(i)][23(f)] However, Amnesty International has expressed concerns over the make up of the ruling body of the judiciary, the Supreme Council of Judges and Prosecutors, which appoints, transfers, promotes, disciplines and dismisses judges. The Council is chaired by the Minister of Justice, a Ministry of Justice Under-Secretary and five judges selected by the President, thereby failing to separate the judiciary from the executive. Decisions of the Council are not open to judicial review. Discussion within the Turkish government about possible changes to the Supreme Council suggests that the government is aware that it is not satisfactory. [12(j)] Problems with the legal system relating to the investigation of torture allegations are covered in chapter 5 ("Human Rights: Overview"). The legal system is reported not to discriminate against minorities. However, as legal proceedings are conducted solely in Turkish with some interpreting available, some defendants whose native language is not Turkish may be seriously disadvantaged. [5(i)]

Criminal Courts

4.16 Criminal courts of original jurisdiction are Justice of the Peace Courts (Sulh Ceza Mahkemeleri), Courts of General Criminal Jurisdiction (or Courts of First Instance) (Asliye Ceza Mahkemeleri), and Aggravated Felony Courts (Ağır Ceza Mahkemeleri). Justice of the Peace Courts and Courts of General Criminal Jurisdiction have one judge, and generally speaking they are located in the capitals of sub-provinces (ilçe). Aggravated Felony Courts are composed of three judges, one of whom is the head, and are located in the provincial capitals (il). [78(a)]

Military Courts

4.17 These have responsibility over military personnel but additionally have jurisdiction over civilians in areas of martial law. It should also be noted that Turkish law still allows civilians to be tried in military courts under military law for offences against military institutions. [1]

Supreme Court of Appeals or Court of Cessation (Yargıtay)

4.18 The court of last instance for reviewing the decisions and verdicts rendered by lower courts. It has original and final jurisdiction in specific cases defined by law (trials of some high-ranking civil servants such as governors or ambassadors etc.). Members are elected by the Supreme Council of Judges and Prosecutors. [1][78(a)]

State Security Courts

4.19 Article 143 of the Constitution provides for the establishment of State Security Courts (Devlet Güvenlik Mahkemesi), to deal with "offences against the indivisible integrity of the State with its territory and nation, the free democratic order, or against the Republic whose characteristics are defined in the Constitution, and offenses directly involving the internal and external security of the state." [9(b)] State Security Courts predominantly handle cases under the Anti-Terror Law and Section 312 of the Turkish Criminal/Penal Code (incitement to racial or ethnic enmity). [5(h)] They also deal with prosecutions under Articles 125-139, 146-157, 161, 168, 169, 171, 172, 174 of the Penal Code. [9(b)] Annex E is a summary of political criminal law.

4.20 State Security Courts began to operate in May 1984, under Law No.2845 of 1983. They had previously been established in 1973 after the 1971 military coup, but in 1976 they were declared unconstitutional by the Constitutional Court. There are eighteen security court panels in eight different cities. Each panel, which presides over the hearings of a State Security Court, consists of three civilian judges and two prosecutors; until June 1999 there were two civilian judges and one military judge rather than three civilian judges. [1][5(f)][9(b)]

4.21 A heavy caseload means that State Security Court trials can last years. Hearings may be closed and testimony gathered during police interrogation in the absence of legal counsel may be admitted. [5(i)][9(b)] No immediate access to a lawyer is provided under the law for persons whose cases fall under the jurisdiction of the State Security Courts. In March 1997, parliament passed legislation which allowed access to a lawyer after four days for those charged under the Anti-Terror Law. Implementation was reported to have been uneven. [5(h)] Independent commentators concur that lack of early access to a lawyer by those detained is of great importance in allowing torture to be inflicted. The regulation to reduce periods spent in incommunicado detention was not universally complied with. Lawyers in Batman and Diyarbakir reported that access to suspects was still difficult. There was concern that some police were falsifying the date of detention to record a briefer period of detention than was actually the case in order to suggest compliance with the new law. However, Amnesty International has suggested that the reduction in incommunicado detention times may be having some effect. [5(e)][12(f)][13][34(d)] Under Law No. 4744, adopted by the Turkish Parliament on 6 February 2002, the four day incommunicado detention period for security detainees has been reduced to 48 hours. [12(r)]

4.22 The European Court of Human Rights ruled, in a twelve votes to eight verdict in October 1998 in the case of *Incal v Turkey* (41/1997/825/1031), that the presence of a military justice on the SSCs was inconsistent with relevant European conventions. While the Government continues to comply with the Court's decisions, including payment of all fines and penalties, some attorneys working on human rights issues announced that they would boycott SSC trials. At the end of November 1998 the Justice Minister called for

structural changes in the SSCs, stating that it would be harmful for Turkey if the SSCs were not changed and that many cases heard in the European Court of Human Rights would result against Turkey. [5(e)][27(e)] In June 1999 a constitutional amendment was passed by the Turkish parliament removing military judges from the State Security Courts. The military judge who was sitting on the trial of Abdullah Öcalan at the time was replaced by a civilian judge who had been observing the proceedings. [5(f)]

European Court of Human Rights

See paragraphs 5.168 - 5.169.

Criminal law, and maximum periods of detention in police custody

See "Legal Rights/ Detention" paras 4.54 ff.

MILITARY SERVICE

(See also "Treatment of returned asylum seekers" section (paras 5.80ff))

4.23 The armed forces, which regard themselves as the guardians of the principles of Atatürk, play an important role within Turkish society, and are held in high regard by a large section of the population. In a survey in March 2001 in which the population was asked to give marks to various public bodies, the army scored 7 and the President (an office which has risen enormously in public esteem since Sezer took over) scored 7.9, while the government and political parties scored 1.9 and 1.8 respectively. The army's popularity stems partly from the fact that public opinion is convinced that it is more or less immune from the corruption which is widespread in Turkey. The performance of military service is regarded by a large part of the population as a rite of passage "to become a man". There are parents who will not allow their daughters to marry someone who has not yet performed his military service, and companies often prefer to employ someone who has discharged his military obligations. [2(b)]

4.24 In August 2000 the armed forces totalled 609,700 people (including an estimated 528,000 conscripts). The size of the army was 495,000 men, the navy 54,600 men, and the air force 60,100 men. Paramilitary forces totalled 220,200 (218,000 Jandarma, 2,200 coast guard). [1]

4.25 Every male Turk is obliged under the Military Act No.1111 to carry out military service. The obligation commences on 1 January of the year in which he becomes 19 years old, and ends on 1 January of the year in which he reaches the age of 40. (The Turkish way of counting age differs from that in western Europe, and this accounts for the fact that the Military Act refers to the 20th and 41st years). The length of military service is 18 months. [25][26][48(a)]

4.26 Persons of call-up age are not usually issued with passports, and cannot have passports renewed. In a small number of cases, and with the consent of the military authorities, a passport with a short period of validity is issued. The entry "yapmıptır" (done) or "yapmamıptır" (not done) in the passport indicates whether the holder has completed military service or not. [2(b)]

4.27 The Dutch Ministry of Foreign Affairs "Turkey / military service" report (July 2001) [2(b)] has detailed and carefully researched information on military service.

4.28 In November 1999 the Government, in a bid to boost revenues after the August

earthquake, adopted a proposal allowing men to **shorten their compulsory military service** in return for a cash payment. The law allowed men born before 1 January 1973 to perform just 32 days of military service in return for around US\$8000. Men over 40 years old were able to pay some US\$10,500 to avoid the call-up altogether. [63(c)] Applications had to be made by 4 May 2000, and upwards of 70,000 men applied. [2(b)]

4.29 A number of provisions allow people liable to military service to **defer their service**, principally for educational reasons. In accordance with Article 35c of the Military Act No. 1111, military service for those attending a school in Turkey or abroad is deferred until the end of the year in which they reach 29. Under Article 35e, the military service of university graduates who attend a post graduate programme is deferred until the end of the year in which they reach the age of 33. Furthermore, for those post-graduate students who studies in local or foreign post-graduate programmes are proved to be an innovation or development in the respective field of study, military service is postponed to the end of the year in which they reach the age of 36. [25]

4.30 In cases where the number of those eligible for military service exceeds the needs of the armed forces, certain university-educated professional groups such as doctors and teachers have the option of completing their service by exercising their profession in the service of a government body. However, they do first have to complete basic training of one month and ten days. [2(b)]

4.31 As regards **evasion of military service**, Turkish law distinguishes between evasion of registration/examination (sakli/yoklama kaçakçılığı), evasion of enlistment (bakaya) and desertion (fırar). [2(b)]

4.32 The **penalties for evasion** of military service (draft evasion or desertion from the army in peacetime) are set out in Article 63 of the Turkish Military Penal Code. There is a sliding scale of imprisonment:

- A person who reports within 7 days is sentenced to one month's imprisonment
- A person who is arrested within 7 days is sentenced to three months' imprisonment
- A person who reports voluntarily within three months is sentenced to three months' to a year's imprisonment
- A person who is arrested within three months is sentenced to four months' to a year and a half's imprisonment
- A person who reports voluntarily after three months is sentenced to four months' to two years' imprisonment
- A person arrested after three months is sentenced to six months' to three years' heavy imprisonment. (Heavy imprisonment involves a more restrictive regime, with one-tenth of the sentence being in solitary confinement. Article 13 of the Turkish Penal Code refers).

The Dutch Ministry of Foreign Affairs reports that military judges in general impose minimum sentences. The sentences for desertion are higher than those for evasion of registration/examination or enlistment. As a general rule, normal prison sentences of less than one year can be commuted into a fine. In an individual case the judge determines in his judgment whether or not the prison sentence will be commuted into a fine. Prison sentences for evasion of registration/examination or enlistment or for desertion are generally commuted into fines which must be paid after the end of military service. Heavy prison sentences handed down for evasion lasting longer than three months without giving oneself up may not, however, be commuted into fines. Under Article 47 of the Military Law Code, suspended sentences may not be imposed for evasion of registration/examination or enlistment or for desertion. Any sentence which may be passed does not imply a

dispensation from further military service. It may therefore happen that repeat offenders are sentenced again because of a further attempt to evade military service. In the case of repeat offences it is less likely that a fine will be imposed. Ethnic origin plays no role in determining the sentence for evasion of military service. [2(b)] [26(a)][26(c)][48(a)]

4.33 The enforcement of final judgments in cases relating to evasion of military service (including desertion) takes place in military prisons if the sentence is six months or less and in normal prisons if the sentence is more than six months. As a rule, the sentence is first enforced and then the conscript completes (the remainder of) his military service. In the case of desertion enforcement of the judgment may be deferred at the suggestion of the officers of the relevant military division until after military service has been completed. [2(b)]

4.34 A 1997 report by the German Federal Agency for the Recognition of Foreign Refugees stated "In practice in Turkish military jurisdiction it is apparent that the courts regularly aim at the minimum penalties and impose fines (commuted low custodial sentences). The military courts, despite the situation in the southeast of Turkey, obviously see no reason for punishing non-entry to military service more severely than before." [48(a)]

4.35 The right to **conscientious objection** or to perform alternative service does not exist in Turkey, despite Turkish membership of various international fora which expressly recognise this right. Persons refusing to perform military service on grounds of conscience are therefore viewed as routine cases of evasion of military service and punished accordingly. From the legal viewpoint, a conscientious objector may fall into any of the categories of evasion (para 4.31 above). A conscientious objector who attracts media attention or publishes articles calling on people to refuse to serve faces additional punishment on the grounds of "alienating the people from the armed forces" (Article 155 of the Penal Code). While there have so far been a few convictions involving both members of the public and servicemen, there have also been acquittals and cases which were not prosecuted. For example, on 15 May 1999 at the Istanbul office of the Human Rights Association three people read out and signed a press statement calling on people to refuse to perform military service, but on 5 December 2000 the military criminal court acquitted them because their actions did not constitute the offence referred to in Article 155. Three people who on 15 May 2000 stated before the press that they were refusing to perform military service were not prosecuted. A spokesman for Izmir Anti-War Association (ISKD) stated that this might have been due to the fact that the authorities wanted as far as possible to avoid attracting public attention to the issue of refusal to perform military service on grounds of conscientious objection. [2(b)]

4.36 Since 1995 organised associations of military service objectors have been in existence. The two most important are Izmir Anti-War Association (Izmir Savap Karpitlari Derneği)(ISKD) and Istanbul Antimilitarist Initiative (Istanbul Antimilitarist Inisiyatifi)(IAMI). The associations have a few dozen members. The secretary of ISKD is Turkey's best-known military service objector, Osman Murat Ülke. [2(b)]

4.37 According to Article 25ç of Turkish Nationality Law No. 403, passed in February 1964, those liable for military service can have their **Turkish nationality withdrawn**, if they reside abroad and do not comply with a due demand - published in the Turkish Official Gazette (Resmi Gazete) - to return to Turkey for the purpose of performing their military service without valid grounds for exemption within three months. This occurs by means of a cabinet decision; the names of those whose citizenship has been removed are published in the Turkish Official Gazette. [31][48(a)][41(a)] This process may take up to several years. The Turkish Embassy advises that those who have lost their citizenship as a result of failing to perform their military service may apply to the Turkish authorities for their citizenship to be restored. Their application is accepted on the condition that they complete their military

service. [41(a)] Information published in the Official Gazette in the past shows that, over the years, thousands of Turks have lost their nationality. When there has been a loss of nationality no further criminal prosecution takes place for evasion of military service. As the individual concerned is no longer a Turkish national, he is regarded as a foreigner, and no longer subject to the military service obligation. [2(b)]

4.38 Para 5.86 of the section entitled "Treatment of returned asylum seekers" of this assessment deals with the treatment on arrival back in Turkey of **returning draft evaders**.

4.39 Every conscript's unit for **posting after his basic training** is determined by computer by the Directorate for the Recruitment of Conscripts in the Ministry of Defence. The place of subsequent posting depends on the basic training undergone, the place of registration and possible criminal record. As a rule, conscripts are posted to units that have the specialisation for which they were trained. It has been a long-standing rule for conscripts to be posted preferably to units outside the region (sometimes only outside the province) where they are registered, although this practice has gradually lost significance in recent years on account of, inter alia, internal migration. In the period leading up to the ceasefire at the end of 1999, during which time the conflict between the PKK and the Turkish armed forces was waged with full intensity, extra care was taken, in addition to applying the above rule, to ensure that conscripts from provinces in south-eastern Turkey were not posted to units in that region on account of the fairly general uncertainty felt in the Turkish armed forces regarding their loyalty. The cessation of the armed struggle at the end of 1999 meant that this practice, which was aimed at preventing persons from the south-east from being posted to units in that region, has been gradually abandoned. [2(b)]

4.40 A criminal record plays a role in the place of subsequent posting to the extent that a person with such a record is not usually deployed in sensitive posts e.g. a person convicted of theft is very unlikely to be placed in a unit responsible for managing an arms depot. Spokesmen for the Human Rights Association and various military sources say that they do not believe that a record of past criminal offences, whether or not of a political nature, results in an extra-harsh posting by way of additional punishment. [2(b)]

4.41 As armed confrontations in south-eastern Turkey have virtually ceased since the end of 1999, the possibility of a conscript being deployed in combat there is extremely slight, especially since the sporadic military operations that still take place are carried out mainly by regular troops. The same applies as regards the possibility of a conscript being deployed in northern Iraq. Here too, the forces deployed consist mainly of regular troops. [2(b)]

4.42 There is reported to be **no systematic discrimination** against Kurdish conscripts during military service. [14][48(a)] Thousands of military officers are of Kurdish origin and thousands of other Kurds complete their military service routinely. [14][44(a)][48(a)] In addition, the overall share of Kurds in all army ranks should reflect that of the population, which is approximately one-fifth. [48(a)]

4.43 The armed forces operate a harsh regime. Disciplinary measures used occasionally include physical violence and insults, which in many cases are tolerated. Discrimination against conscripts occurs from time to time, depends entirely on the individual unit commander. The army high command cannot be said to discriminate systematically against any single group. According to Turkish human rights organisations and former soldiers, in many cases the problems stem from conflicts between conscripts themselves. [2(b)]

INTERNAL SECURITY, INCLUDING POLICE AND VILLAGE GUARD

4.44 Civilian police come in a variety of subdivisions. The blue-clad officers, both men and women, are part of a national force designated by the words "Polis" (Police) or "Emniyet" (Security). Polis are the everyday security force in cities and towns with populations over 2000. [87] They come under the Ministry of the Interior. For all cases involving political offences, with or without violence, each local police force has a special anti-terrorist section (Terörle Mücadele Birimi). There are also mobile units, known in Turkish as Çevik Kuvvet (flying squad), to deal with demonstrations and disturbances of public order. [2(a)]

4.45 In most rural areas where villages do not exceed 2000 in population (i.e. 93.5% of the area of Turkey), law enforcement is in the hands of the **Jandarma** or gendarmerie, a division of the regular army charged with law enforcement duties. There are 218,000 Jandarma, and conscripts make up over 90% of their strength. They wear red armbands bearing the word "Jandarma", and are often kitted out not in fatigues but in well-tailored gear, modelled on the French pattern, to make them appear less threatening. Jandarma take their orders from more than one source. They fall under the General Staff for training and special or military duties, the land forces for arms and equipment, and the Ministry of the Interior for security and public order. The Jandarma have their own intelligence service, the JITEM. [2(a)][2(b)][87] Another branch of the army much in evidence is the **military police** or Askeri İnzibat. They wear white helmets bearing the letters "As Yz", white holsters, and lanyards. Their task is to keep order among the large numbers of conscripts on the streets of many Turkish towns. [87]

4.46 For the purposes of combating the PKK, the armed forces have some 200,000 troops stationed in the south-east, including highly trained commandos. There are also special teams (Özel Tim, plural: Özel Timler), coming under the army, police or jandarma, involved in combating the PKK. Some 15,000 to 20,000 members of such teams, all of whom have volunteered upon completion of their national service, are heavily armed and specially trained in anti-guerrilla warfare. According to the Turkish military authorities and international observers, the Özel Timler have been completely withdrawn from the south-east since 2000, a claim contradicted by the Human Rights Association. Attempts are currently being made to reintegrate those teams into society, partly by assigning them posts in the police. This is said to be a very laborious process. [2(a)]

4.47 The **Turkish intelligence agency, MIT** (Milli İstihbarat Teşkilatı, National Intelligence Organisation), allegedly keeps close tabs on political activities against Turkey. Given manpower constraints, routine surveillance by the MIT seems to concentrate on leading figures. Information on people of lower rank is apparently obtained "by chance". [2(a)]

4.48 **Village guards.** When the state of emergency was declared in the mid-1980s a system of village guards was also established in the southeast whereby villages, though not forcibly, supplied adult men to guard the villages and provide general assistance and information. Village guards were thus supposed to work together with the army and Jandarma in their fight against the PKK. The willingness of the local population to take part in the village guard system has always largely depended on tribal loyalties. Some Kurdish tribes voluntarily supplied village guards while other tribes have constantly refused to participate because of their PKK sympathies. This has led to entire villages refusing requests to supply village guards while others voluntarily co-operate. [2(a)]

4.49 The village guard system has always been highly controversial. Not infrequently villages which had shown reluctance to become involved in the conflict have suffered reprisals, including the burning of villages. The village guard system also makes for abuses of power. Many village guards have been involved in crimes ranging from murder, supporting the PKK, and drug smuggling, to bride abduction. Thousands of proceedings are pending against village guards, with almost 24 000 having been dismissed since the system was introduced in 1985. [2(a)]

4.50 According to representatives of the Turkish human rights organisations the Human Rights Foundation (HRF) and the Human Rights Association (HRA), as well as international observers, no more new village guards are being recruited to the existing ranks of approximately 70,000. However, according to an HRA spokesman, existing village guards who wish to end their activities sometimes meet with opposition from the (local) authorities. Those concerned are allegedly pressurised to continue their activities. [2(a)]

4.51 The abolition of the village guard system has been contemplated at government level for some time now. A few small-scale retraining projects for village guards have recently been announced. However, the village guard system generates a steady income, which people are not always willing to give up. Furthermore, disarmament will give rise to problems since village guards come from different tribes which not infrequently have difficult or poor relations with each other. It is assumed that none of the tribes will want to be the first or only ones to surrender their weapons. [2(a)]

4.52 In the past individuals recruited as village guards have sometimes been caught in the crossfire. On the one hand their refusal to serve as village guards could be interpreted as implicit support for the PKK, while on the other hand their acceptance of the office could make them PKK targets. Since the withdrawal of PKK fighters from Turkey at the end of 1999 there has been practically no further pressure to speak of from the PKK. Now that the recruitment of village guards has ceased, this issue is no longer of any great importance. [2(a)]

4.53 Turkey has a **central information system**, known as the Genel Bilgi Toplama Sistemi (**General Information Gathering System**), usually abbreviated as GBTS. The system stores various personal data. For instance, it contains information on outstanding arrest warrants, previous arrests, restrictions on travel abroad, possible draft evasion or refusal to perform military service and tax arrears. Sentences which have been served are in principle removed from the system and entered into the nationally accessible Judicial Records (Adli Sicil). [2(b)]

LEGAL RIGHTS / DETENTION

Turkish Penal (or Criminal) Code

4.54 The bulk of the criminal law may be found in the Turkish Penal (or Criminal) Code. Annex E of this assessment lists the most common crimes to which reference is made in documentation in asylum applications.

Anti-Terror Law (or Anti-Terrorism Act) of 11 April 1991

4.55 The 1991 Anti-Terror Law (Law No. 3713) replaced several articles of the Turkish Penal Code (141, 142 and 163) that dealt with communism, Kurdish nationalism and Islamic fundamentalism. [9(b)] Annex E lists common political crimes under Articles 6, 7 and 8 of the Law.

4.56 Article 1 of the Anti-Terror Law defines terrorism as "any kind of action conducted by one or several persons belonging to an organisation with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation...by any one method of pressure, force, and violence, terrorization, intimidation, oppression, or threat." [9(b)]

4.57 Article 8 deals with propaganda against the indivisibility of the State and is used to

prosecute and imprison people for peacefully expressing their opinions. The Article has most frequently been used to prosecute writers, journalists, pro-Kurdish politicians and intellectuals. [7(a)][18(i)] In October 1995, a number of amendments reduced the length of prison sentences under Article 8 to one to three years (from two to five years) and introduced the possibility of converting prison terms into fines and suspending future prison terms. [9(b)] In February 2002 the so-called "Mini-Democracy Package" (Law No. 4744) broadened Article 8's scope and increased penalties. In addition to "written and oral propaganda with the aim of violating the indivisible integrity of the state with its territory and nation", visual propaganda will now also be punishable by one to three years' imprisonment if "the act does not require a heavier penalty" (the last quote is new under Law No. 4744). A further addition to the legislation is "If this act is committed in a form that encourages the use of terrorist methods the sentence will be increased by a third." [12(r)]

4.58 The Turkish Code of Criminal Procedure (CMUK), as amended in March 1997 and in 2002, sets out the **maximum periods for which a suspect may be detained in police custody** for questioning prior to formal arrest. The Code maintains two legal standards, giving different rights to criminal (i.e. non-security) and to security detainees. (Security detainees are suspected of crimes under the jurisdiction of State Security Courts (see paragraphs 4.19 to 4.22)).

Criminal (i.e. non-security) detainees

Individual crimes (i.e. those committed by one person or two people) - 24 hours

"Collective crimes" (those committed by three or more people) - 4 days, which can be extended to 7 with the request of a public prosecutor and approval of a judge.

A criminal detainee has the right for a lawyer to be present during interrogation periods.

Security detainees

Individual crimes - 48 hours

"Collective crimes" - 4 days upon the consent of a public prosecutor. In areas under a state of emergency the 4 day period can be extended to 7 at the request of a public prosecutor and upon the order of a judge.

A security detainee has the right of access to a lawyer only after 48 hours. [9(b)][12(r)]

4.59 Private lawyers and human rights monitors continue to report uneven implementation of the regulations, particularly right of access to a lawyer. [5(i)]

4.60 Statistics, which are not comprehensive and which merely record cases which have come to the notice of various human rights organisations, indicate that over 95% of people detained by the police in 1998 and 1999 were **released without charge**. It is only once a defendant has been formally charged that he is able to get access to documents relating to his case. Anyone who has been detained and released without charge will be unable to prove it with any form of documentary evidence. [16(e)]

The Repentance Law

4.61 At the end of August 1999 the Turkish Parliament passed a repentance law with the following provisions. Only rebels who were not involved in the fighting will get an amnesty,

while others can benefit from sentence reduction. Those seeking to benefit under the law must provide information about the rebel movement. Founders and high level executives of the PKK cannot benefit from the law. The law was initially valid for six months, but its validity was extended by a further six months from 29 February 2000. PKK members who benefit from the law and who are sentenced to death will have their punishment reduced to not less than nine years imprisonment, while those sentenced to life will have their punishment reduced to imprisonment for not less than six years. [30(pp)][30(qq)]

Amnesty Law

4.62 On 8 December 2000 the Turkish Parliament adopted an Amnesty Law (Law Number 4616 on the conditional release and the suspension of trials and sentences for offences committed up until 23 April 1999). On 15 December 2000 President Sezer returned the law to be debated again in Parliament; his legal objections to the measure were set out in a six-page explanation. Parliament again adopted the law, and on 21 December the President accepted the constitutional requirement to approve it. [82]

4.63 The Amnesty Law provides that the perpetrators of certain offences committed before 23 April 1999 will have their sentences reduced by ten years and that those who have less than ten years left to serve will be released immediately. It also provides for the release of those in pre-trial detention for certain offences within one month and the conditional suspension of the charges against them, and for the conditional suspension of prosecution of those against whom charges have not yet been brought for those specific offences. Article 2 of the Law extends the scope of an earlier partial amnesty law to illegal public statements. [2(a)]

4.64 The scope of the law also includes Article 169 of the Turkish Penal/Criminal Code, affording assistance and support to an illegal organisation. This led to the release of 1,660 people convicted on the basis of that Article for support to the PKK prior to 23 April 1999 or to the dropping of charges on that basis. The Chief of Staff declared that this resulted in letting terrorists out on the streets, to which Prime Minister Ecevit responded that these were people who had often lent assistance or shelter under pressure or duress. The offences of "evasion of registration", "evasion of examination", "fraudulent evasion of military service" and "desertion" (Articles 63 to 68 and 70 to 75 of Law No 1632 on the Military Criminal Code) also fall under the law, provided they were committed before 23 April 1999. Infringements of the Anti-Terror Law are not covered by the Amnesty Law because the constitution lays down that no amnesty is possible for such offences. [2(a)]

4.65 Under Article 2 of the law, a large number of people imprisoned for illegal utterances have been released or had charges dropped. Those convicted of torture, rape or corruption were not covered by the amnesty. [2(a)]

4.66 The Amnesty Law stipulates that fugitives from justice against whom proceedings are pending must report within one month of the entry into force of the Law. The deadline expired on 22 January 2001. According to the Ministry of Justice a total of 3,761 individuals had availed themselves of this opportunity as at 13 March 2001. [2(a)]

4.67 In response to a question about whether the Amnesty Law would be extended to cover crimes committed after 23 April 1999, a senior official at the Ministry of Justice informed the IND fact-finding mission that that he had no information on this and made the point that this was for Parliament to decide. He added that approximately 30,000 people had been released from the penal system under the existing amnesty. (The US State Dept. report for 2001 states that 23,600 prisoners were released). [5(i)][82]

4.68 On 18 July 2001 the Constitutional Court expanded the scope of the Law, giving Parliament six months (in practice, until 27 April 2002) to amend the legislation in line with its ruling. The scope was expanded to include those convicted of the following crimes: trying to get information by threat; forcing someone to make public his belief, political and social opinion; misuse of duty by civil servants; avoiding, or assisting in avoiding, capture by the authorities; and negligent fire, explosion, sea accident or cause of destruction. Despite several applications the Court ruled against expanding the scope to cover a range of crimes, including formation of a gang, torture, rape, financial crimes, embezzlement, prevention of competition in state tenders by threat and violence, manufacture and export of drugs, and fraudulent bankruptcy. It also declined to extend the timeframe to cover crimes committed after 23 April 1999. The ruling, by refusing to allow those convicted of financial crimes, and violence against the person, to benefit from the amnesty, sends an important signal to many, including those in the banking sector and involved in organised crime. [82]

Death Penalty

4.69 In November 1990, the number of cases in which the death penalty may be pronounced was reduced from 29 to 16 offences listed in the Turkish Penal Code. The Anti-Terror Law commuted all 25 outstanding death penalties before 8 April 1991 to between 10 or 20 years imprisonment, depending on the offence committed. [6] However, certain offences under the Anti-Terror Law and the Turkish Penal Code still carry the death penalty. The constitutional amendments of October 2001 narrowed the use of capital punishment to cases of terrorism and in times of war or threat of war. [44(c)] The exception for terrorist crimes is not in line with Protocol 6 to the European Convention on Human Rights (which does not permit any reservations), whereas the exception in the case of war crimes is permitted under Protocol 6. [76] Before a death sentence can be carried out it needs the ratification of the Grand National Assembly (Parliament). [6][8] Although a draft bill abolishing the death penalty was introduced in 1998, the initiative for the change in law disappeared following the arrest of Öcalan. [30(dd)]

4.70 There have been no executions in Turkey since 1984, although the courts have continued to pass death sentences. [12(o)][12(q)] Turkey did not sign the sixth protocol of the European Human Rights Declaration, which rejects the death sentence. [30(cc)] The Amnesty Law states that death sentences imposed for crimes committed before 23 April 1999 will not be executed. Turkey's National Programme for the Adoption of the Acquis (March 2001) states that the abolition of the death penalty in Turkish criminal law will be considered by the Turkish Parliament in the medium term. [82(d)]

PRISONS

4.71 There are 558 prisons in Turkey. Of these 516 are closed facilities, 37 open prisons, 3 young offenders prisons, and one prison for women and children. Before the amnesty in December 2000 the prison population was 72,000, 11,000 of whom were serving sentences for political offences. There were 3 000 minors in prison. Roughly 40 offenders were in prison for torture or abuse. [2(a)]

4.72 Prison conditions remain poor. In December 2000 and January 2001 the Government released 23,600 prisoners under the new Amnesty Law, resulting in less overcrowding of prisons. With some exceptions (i.e. for high profile political prisoners or for those with gang connections), prisons remain plagued by underfunding and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults are sometimes incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families must often supplement the poor quality food. Human

rights observers estimate that at any given time, at least a quarter of those in prison are awaiting trial or the outcome of their trial. Men and women are held separately. Pre-trial detainees are not usually held separately from convicted prisoners. [5(i)][76]

4.73 Until late 2000, prisons were run on the ward system and most prisoners lived in 50-100 person wards. Prisoners accused of terrorism and those who shared similar ideological views were incarcerated together. In some cases, the ward inmates indoctrinated and punished fellow prisoners, resulting in gang and terrorist group domination of entire wards. Between December 2000 and January 2001, the Ministry of Justice moved hundreds of prisoners to small-cell "F-type" prisons, which left many of the prisoners in strict isolation; human rights groups and prisoners' groups criticised this action. Critics of the F-type cells claimed that prison authorities isolate inmates from each other and control prisoners' access to water, food, electricity, and toilets. There were allegations that prisoners were badly beaten during the transfer and denied medical assistance for severe injuries. [5(i)]

4.74 In November and December 2000, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, and claimed that they intended to starve themselves to death. The Government entered the prisons in December 2000, after the fast had reached its 60th day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and two Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths, including deaths of those who allegedly set themselves on fire on the order of their organisation, was unclear. Many hunger-striking prisoners were released from jail for temporary medical reasons. Groups linked to terrorist organisations also strongly protested this change in the prison system. Prisoners and sympathisers conducted hunger strikes; approximately 150 hunger strikes continued at the end of 2001. By then, 48 hunger strikers had died. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who want to quit. [5(i)]

4.75 In July 2001 a mainstream newspaper, "Radikal", published alleged secret government autopsy reports and asserted that: prisoners were responsible for the death of only one of the two Jandarma who died during the December Government intervention in the hunger strike; that Jandarma or prison guards used tear gas at inappropriately close quarters; that prisoners were shot at great distances, contradicting the idea that some had killed each other; and that some prisoners may have been tortured before they died. The Council of Europe's Committee to Prevent Torture (CPT) also found serious and credible allegations that prison guards and Jandarma burnt prisoners to death in the women's section of Bayrampapa prison. The

Ministries of Justice and Interior issued a joint statement that the newspaper accounts were illegal and incorrect. In August 2001 a prosecutor opened a case against "Radikal" for publishing the reports but the paper was acquitted on the grounds that they had not violated the Press Law. In October 2001 an Istanbul prosecutor opened a case against 1,615 persons on duty at Bayrampapa prison during the hunger strike, charging them with mistreatment and dereliction of duty. At year's end, a trial was ongoing against 167 prisoners for fomenting violence at Bayrampapa and against hundreds of other prisoners at other prisons where violence occurred. The Bayrampapa defendants allegedly were beaten by Jandarma when they tried to read a statement at their October 2001 hearing. [5(i)]

4.76 In March 2001 the CPT recommended that the Government amend the Anti-Terror Law to end the practice of total isolation of political prisoners; to create opportunities for limited social interactions among prisoners; to allow telephone calls; and to create visiting committees for outside review of prison conditions and special prison judges. In May 2001

the Government amended the Anti-Terror Law to allow limited interaction among political prisoners and passed legislation creating the position of special prison judges who would be responsible for examining the complaints of prisoners regarding their conditions and treatment. [5(i)]

4.77 In August 2001 implementing legislation was passed for the creation of the five-person visiting committees composed of nongovernmental experts, such as doctors and lawyers; the committees will have unrestricted access to prisons and prisoners. According to the Ministry of Justice, as of December 2001 117 visiting committees had been established. In November and December 2001, the Government appointed 130 special prison judges and took steps by year's end to allow some social interaction, visits by some family members, and telephone calls. [5(i)]

4.78 The Government permits prison visits by representatives of some international organizations, such as the CPT and the U.N. Special Rapporteur on Torture; the CPT visited in January, April, and September 2001, and conducts ongoing consultations with the Government. Requests by the CPT to visit prisons are routinely granted; however, domestic NGOs do not have access to prisons. In June 2001 a European Parliament committee visited some prisons. [5(i)]

MEDICAL SERVICES

4.79 In the World Health Organisation's "World Health Report 2000" Turkey's health system ranked 70th (out of 191 countries) in the world. (UK ranked 18th). The WHO assessed five indicators: overall level of health, health inequalities, patient satisfaction, how the system responds to need, and how well served people of different economic status feel. [33(a)]

4.80 In 1999 there were 1213 hospitals, and a bed capacity of 169,365. Source 83 lists the different types of hospital. 734 of the hospitals were run by the Ministry of Health, 232 were private, 115 were social insurance institutions, and the remainder were run by other organisations, including other Ministries and universities. There were in 1998 77,344 physicians, of whom 34,189 were specialists, and 43,155 non-specialists. [83] In 1993 about one third of total expenditure on health care in Turkey was financed from taxation, 17% by social insurance funds, and the remaining 50% by direct out of pocket payments (user charges). [84] Of total expenditure by central government in 1997, about 4.1% was for health services. [1] If the patient has contributed to a social security scheme (SSK, BAG KUR, EMEKLI SANDIGI), his or her cost of treatment will be met. A person who has not made social security contributions, and who does not have his/her own financial means and can show that he/she is penniless, is provided with free treatment by the State [4(f)]

4.81 Treatment for **psychiatric problems**, including depression, is available in Turkey. Of the 25.6 million in-patient days spent in hospitals in Turkey in 1998, 214,842 were to treat psychoses, and 179,541 were to treat neuroses, personality disorders and other non-psychotic mental disorders. There were 12,673 discharges of patients who had suffered from psychoses, and 18,865 discharges of patients who had suffered from neuroses etc. [83]

4.82 Hacettepe University, Ankara, which provides world standard treatment for **HIV and AIDS**, confirms that such drugs such as thyroxine, sequinavir, D4T, 3TC, acyclovir, zirtek, diflucon and metoclopramide, or their substitutes, are available in Turkey. [4(f)]

4.83 According to a 2000 UNICEF report on women and children in the country, welfare institutions "provide limited financial, employment and educational support to the

handicapped." According to the report, the number of **persons with disabilities** is unknown. The Ministry of Education reports that there are 1.1 million children with disabilities in the country. Although there are many Government institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing co-operation and co-ordination among national and international institutions, and to conduct research into issues such as delivery of services. Companies who employ more than 50 employees are required to hire persons with disabilities as 2% of their employee pool, although there is no penalty for failure to comply. The law does not mandate accessibility to buildings and public transportation for the disabled. [5(i)]

EDUCATION

4.84 In 1995, according to UNESCO, the rate of adult illiteracy was 18% (males 8.3%, females 27.8%). Legislation that took effect in September 1997 increased the duration of compulsory primary education from five to eight years, for children between six and 14 years of age. All state education up to university or higher institute levels is co-educational and provided free of charge. The number of primary schools reached 45,112 in 1998, and about 9.6 million children were enrolled at primary schools. In 1996 enrolment at primary schools included 99% of children in the relevant age-group. Secondary education, which lasts for at least three years, may be undertaken in general high schools/lycées, in open high schools or in vocational and technical high schools. In 1996 enrolment at secondary schools included 51% of children in the relevant age-group (males 59%, females 43%). A state examination must be passed by high school students wishing to proceed to a university or to an institute of higher education. In 1998 there were 1222 institutes of higher education (including universities, teacher-training colleges and other technical and vocational institutions), attended by 1.5 million students. In 1997 central government expenditure on education was about 11.2% of total spending. [1]

Schoolchildren are taught to respect above all the ideal of the "indivisible unity" of the Turkish nation. According to the Basic Law of National Education (1973, amended 1989) "The overall objective of the Turkish national education system is to train all members of the Turkish nation: 1. As citizens who believe in Atatürk's reform and principles and Atatürk's concept of nationalism as expressed in the Constitution; who endorse, protect, and develop the national, moral, humanitarian, spiritual and cultural values of the Turkish nation, who care for and tirelessly promote their families, country and nation." The text at the front of every school textbook in Turkey manifests the essential ethos: "I am Turkish. I am upright. I am industrious. My aim is to protect little ones and to respect adults, to respect my Motherland and my Nation, to love my Nation with all my heart. I will advance the State and move it forward. You are the great Atatürk. We will continue to walk in the way you have shown us. I promise I will do this. I will sacrifice myself for the existence of Turkey. How happy is he who calls himself a Turk." [16(e)]

NATIONALITY LAW

4.85 **Nationality by birth.** Turkish nationality is mainly acquired through the relation to the father or mother. Thus a legitimate or illegitimate, but legally recognised, child of a Turkish father or mother is Turkish. Legitimate children born to a Turkish mother, and not acquiring the nationality of the father by birth, as well as all illegitimate children born to Turkish mothers, are Turkish. Children born of non-Turkish parents do not acquire Turkish nationality by reason of birth on Turkish soil. An exception is the case of children born in Turkey and not acquiring at the time of birth the nationality of either their father or mother; they are Turkish at birth. [31][78(b)]

4.86 Acquisition of nationality other than by birth. A foreign woman acquires Turkish nationality at the time of marriage to a Turkish man, if she makes a declaration of intention to this effect to the marriage officer. Any foreigner may acquire Turkish nationality by means of naturalisation. Persons who have lived in Turkey more than five years and have all the qualifications required by the law may apply to the Ministry of Interior, and, upon the recommendation of this Ministry, the Council of Ministers may grant Turkish nationality. [31] [78(b)]

4.87 Articles 25 et seq. of Turkish Nationality Law No. 403 deal with loss of nationality. [31] Para 4.37 of the military service section of the present chapter deals with deprivation of nationality for evasion of military service.

5. HUMAN RIGHTS

5A. HUMAN RIGHTS ISSUES

Part 1

Overview

Freedom of speech and the media

Part 2

Freedom of religion

Freedom of assembly and association

Employment rights

People trafficking

Freedom of movement/internal flight

Treatment of foreigners seeking asylum in Turkey

Treatment of returned asylum seekers

5. HUMAN RIGHTS

5A HUMAN RIGHTS ISSUES

OVERVIEW

5.1 There have been numerous reports by human rights organisations of systematic use of torture by security forces, deaths in police custody, disappearances and extrajudicial executions. Details of commonly reported types of torture can be found in the US Department of State reports, the Helsinki Human Rights Watch report "Torture and Mistreatment in Pre-Trial Detention by Anti-Terror Police", the International Helsinki

Federation for Human Rights annual report, Amnesty International reports, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment report, and the Medical Foundation's report "Staying Alive by Accident: Torture Survivors from Turkey in the UK". [5][9(b)][9(f)][10][12(o)][12(p)] [12(q)][13][77] The United Nations Economic and Social Council Commission on Human Rights Special Rapporteur, following a visit to Turkey in November 1998, reported that there had been a substantial reduction in the brutality of the methods used in some places. Allegations of the use of falaka (beating on the soles of the feet), "Palestinian hanging", electric shocks and rape have abated substantially in some parts of the country, notably Ankara and Diyarbakir. On the other hand, blindfolding, the use of hosing with cold water, "straight hanging", rough physical treatment, sexual abuse and threats of rape, the use of grossly insulting language and the making of threats to the life and physical integrity of detainees or their families still seem rife in many parts of the country. [12(h)][34(d)]

5.2 The Special Rapporteur, following his visit to Turkey in November 1998, did not consider that torture was systematic in the sense that it was approved of and tolerated at the highest political level. He did, however, find that the practice of torture may well, in numerous places around the country, deserve the categorisation of systematic in the sense of being a pervasive technique of law enforcement agencies for the purpose of investigation, securing confessions and intimidation. This was especially true if the less extreme, but still serious, forms of torture or ill-treatment referred to above are taken into consideration. [34(d)]

5.3 Article 17 of the Turkish Constitution prohibits the use of torture, stating that "no-one shall be subjected to torture or ill-treatment; no-one shall be subjected to penalty or treatment incompatible with human dignity". This Article is applied to the Criminal Code, which provides penalties for torturers. Turkey has also subscribed to a number of international treaties prohibiting the use of torture. There are, in addition, ministerial instructions to the police that torture cannot be tolerated. [13]

5.4 An investigation into allegations of torture in police custody was one of the key purposes of the visit to Turkey in July 1991 of a delegation from the Council of Europe's Committee on Legal Affairs and Human Rights. Their report stated:

"Torture has very deep emotional and traditional roots in Turkey. It is used as a measure of discipline, to intimidate detainees and as an interrogation method. It forms part of a mentality of the way in which a civil servant respects his fellow citizens. No doubt many Turks consider it as part of the criminal sanction. In many Turkish families it is common that a husband beats his wife, a father his children. Why shouldn't the police do the same with criminals?" [8]

5.5 In a letter to the Turkish Government dated 21 May 1997, the UN Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment advised that he had continued to receive information concerning the widespread use of torture in Turkey, including that inflicted upon a significant number of children. A report by the Special Rapporteur in December 1997 stated:

"According to the information, torture was practised against most persons interrogated by the Anti-Terror Branch of the police and the gendarmerie, as well as against many persons detained by the police in ordinary criminal cases. Torture was reportedly administered to extract "confessions", to obtain information, to intimidate detainees into becoming police informants, or as informal or summary punishment for petty offences or suspected sympathy for illegal organisations." [34(a)]

5.6 In March 1997 the Turkish Parliament agreed to reduce significantly detention lengths, allow detainees greater access to lawyers and remove certain articles on public order from the jurisdiction of the State Security Court. These reforms were intended to reduce the existence of torture in detention. [34(d)]

5.7 The information gathered by the European Committee for the Prevention of Torture and Degrading Treatment or Punishment during its visit to Turkey in October 1997 indicated that the new maximum police custody periods were being complied with in the parts of Turkey which it visited. However, there were allegations that police officers had arrested suspects' family members in order to activate the longer detention periods for collective crimes, or had released and re-arrested suspects in order to start a new detention period. [68]

5.8 Detainees charged with ordinary crimes may have access to a lawyer at any time after they are taken into custody. However, for crimes falling under the scope of the State Security Courts, the detainee could meet his or her lawyer only upon extension of the custody period by order of the judge, in other words, four days. (In February 2002 Law No. 4744 reduced the length of incommunicado detention to 48 hours). [12(r)] Both the European Committee for the Prevention of Torture and the UN Special Rapporteur have in their reports criticised the Turkish government for permitting such incommunicado detention. The Special Rapporteur in particular identified a strong link between this and the likelihood of torture or mistreatment. [34(d)][68] The Turkish Human Rights Association, in their public statement of March 1999, similarly emphasise the important role which access to legal advice plays. [73(a)] Amnesty International, in commenting on the February 2002 reduction to 48 hours, stated that the amendment was insufficient to combat torture effectively because, in the majority of reported cases, torture apparently occurs within the first 24 hours of detention. [12(r)]

5.9 The effective incommunicado detention following the arrest of individuals for crimes falling under the jurisdiction of the State Security Courts (see paragraphs 4.19 to 4.22) means that torture is more likely, whilst in the cases of individuals arrested for ordinary criminality, where there is immediate access to legal advice and a 24 hour period before judicial intervention, the extent and seriousness of allegations decrease substantially. The practice involved here could not be characterised as systematic, nor does the information available suggest that it is anything like as widespread as is the case where the longer custody periods apply. However, it should be recalled that the range of crimes susceptible to the longer periods of incommunicado detention is sufficiently elastic to permit law enforcement agencies and complaisant prosecutors to avail themselves of such periods in most of the cases they would consider high priority. [34(d)]

5.10 Detainees who claim to have been tortured seldom have their injuries properly documented by doctors working for the state. Former detainees have asserted that some medical examinations take place too long after the event to reveal any definitive findings of torture. Members of the security and police forces often stay in the examination room when physicians are examining detainees, resulting in intimidation of both the detainee and the physician. Physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting findings but not drawing reasonable medical inferences that torture occurred. The Turkish Medical Foundation has reported that some police officers have torn up reports that documented torture, and insisted on fresh ones that do not refer to torture. [13][18(i)]

5.11 It has been reported that the judicial authorities investigate very few of the formal complaints involving torture, and prosecute only a fraction of those. [5(i)][18(i)]

5.12 Prosecutors are required to initiate an investigation to determine whether there are grounds for prosecution when he or she receives a complaint of torture. If the investigation supports the allegations of torture the prosecutor is supposed to charge those responsible. There are practical problems with this system, in that the prosecutor relies on the police to conduct the preliminary investigation. Police officers are also rarely suspended while the investigation continues and are even less frequently placed on remand when an indictment is brought. [34(d)] Prosecutors sometimes charge officers with the lesser offence of ill-treatment rather than torture. [12(j)]

5.13 The US Department of State Report for 2001 states that the rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained a large obstacle to reducing torture and prisoner abuse. [5(i)] The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment stated in December 1996 that

"On countless occasions over the last seven years - most recently in September 1996 - the Committee has received allegations that detained persons did complain about treatment received at the hands of the police when brought before the public prosecutor, but the latter displayed no interest in the matter." [13]

5.14 Government officials admit that torture occurs, but deny that it is systematic. [5(i)][11(w)] Although there has been an increase in the prosecution of abusive police, numbers are still low. [5(i)][12(h)] The Ministry of the Interior reported that, by 31 October 2001, 4897 police officers had been charged with either "mistreatment" or "torture" of detainees. This resulted in 186 convictions, 944 acquittals, 314 "mistreatment" cases that were suspended under the Conditional Suspension of Sentences Law, and 1813 cases that were brought to trial. According to the Turkish National Police, during 2001 124 police officers received administrative punishments, such as short suspensions, for torture or mistreatment. According to the Justice Ministry, during 2001 1258 cases were brought to prosecutors against police and Jandarma, and, of these, 449 investigations were ongoing. 78 indictments were forwarded to the courts, and 227 cases did not go forward. Of the 78 cases forwarded to the court and ongoing cases from previous years, there were 86 acquittals and 45 convictions; other cases remained pending at the end of 2001. [5(i)]

5.15 The case of the murder of Metin Goktepe, a journalist who died during police detention in January 1996, concluded on 19 March 1998 with the conviction of five policemen with sentences of seven-and-a-half years. This case had been widely regarded as a test of Turkey's commitment to the issue of human rights abuses by members of the security forces. [39(a)] However, in August 1998 the appeals court overturned the verdict and ordered a retrial, because of what it said was an insufficient investigation. In December 1998 the court released the five officers from custody pending their re-trial. [5(e)][11(n)] One officer who was the subject of an outstanding arrest warrant for the Metin Goktepe killing, reportedly turned himself in to the Bitlis prosecutor and was arrested. [5(e)] On 6 May 1999 six of the eleven policemen who were tried on charges of killing Goktepe were imprisoned for seven-and-a-half years. The five other suspects were acquitted due to lack of evidence proving their involvement. In January 2000 a final Appeals Court upheld the sentences, and ruled that the police superintendent on duty should be tried for misuse of power rather than murder. In April 2000 he was sentenced to one year's imprisonment, and fined the equivalent of one dollar. He was released for time served during the trial. [5(h)]

5.16 On 11 March 1998, in another case viewed as a test of the government's commitment to prosecuting security force members accused of human rights abuses, nine policemen were acquitted of torturing 16 teenagers. [40(a)] In October 1998 the Court of Appeals overturned the acquittal and sent the case back for re-trial, ruling that the students had

exhibited evidence of physical and psychological torture while under detention. The officers accused remained free pending re-trial. [5(e)] Manisa High Criminal Court acquitted the officers, but in June 1999 the Supreme Court of Appeals General Criminal Council rescinded the acquittal verdict by 17 votes to 7. In November 2000 the Manisa court sentenced the officers to between five and ten years' imprisonment. [5(h)][11(q)] In April 1998, a court found six police officers guilty of causing the death in 1993 by torture of a university student, Baki Erdogan., and sentenced them to five years' imprisonment. [5(e)] In December 1998 an appellate court overturned the original convictions, but in June 1999 the six officers were convicted of torturing Erdogan to death, were given five and a half year prison sentences, and were barred from public service for life. [5(f)]

5.17 In January 1998, the Commission on Human Rights reported to the UN Working Group on Enforced or Involuntary Disappearances that 153 cases of disappearance had been transmitted to the Turkish Government since 1990. The majority of these occurred in the southeast, in areas where a state of emergency is in force. In February 1999 Amnesty International reported that of these 153 cases, 83 remained unresolved. [12(h)]

5.18 The United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) visited Turkey in September 1998, and reported their findings at the end of December 1998. Since its creation, 166 cases of enforced disappearance have been reported to the UNWGEID, of which 79 have been clarified, most of them by the Turkish government. The highest number of cases occurred in 1994 (72 cases). The numbers dropped to 17 in 1995, to 12 in 1996 and to 9 in 1997. During 1998, 13 cases were reported. The victims included members of political opposition parties, journalists working for newspapers opposed to the government, trade unionists or villagers suspected of supporting subversive organizations. The UNWGEID also received allegations of disappearances imputed to the PKK and other armed groups. However, these cases do not fall within the mandate of the UNWGEID. [34(c)]

5.19 Most of the disappearances concerned persons of Kurdish ethnic origin and occurred in the provinces of Diyarbakir and Siirt in south-east Anatolia. There were some disappearances in Antalya, Izmir and Istanbul. Most of the cases followed the same pattern: the missing persons had allegedly been arrested at their homes on charges of belonging to the PKK and taken to the police station, but their detention was later denied by the authorities, in most cases police officers or state prosecutors. In many cases, torture or ill-treatment at the hands of the security forces was reported or feared. Some of the disappearances occurred during raids conducted by gendarmes accompanied, at times, by village guards. [34(c)]

5.20 It has been reported by some Turkish human rights groups that some Turkish law enforcement officials do not register suspects when they are initially taken into detention, the allegation being that if the suspect should die during questioning then there will be no record of them having been detained. There is also the problem concerning the effective incommunicado detention available to the authorities in relation to suspects held for crimes covered by the State Security Courts. The Turkish government sought to remedy these problems by introducing new detention procedures in August 1998. Suspects now have the ability to notify his family of his detention, even in cases covered by the State Security Courts, provided there is no harm to the outcome of the investigation. Full detention registers are to be kept and suspects are to be medically examined before they are taken into detention as well as after. Turkish NGOs have complained that the provisions are frequently ignored. [34(c)]

5.21 The UNWGEID was of the opinion that, comparatively speaking and taking into account the number of outstanding cases of disappeared persons, as well as the decrease

of allegations in the past few years, mainly since 1994, enforced disappearances in Turkey should not be evaluated as a massive or systematic practice of governmental agencies. Such an assessment does not exclude the existence of such a practice. [34(c)]

5.22 Another facet to the "disappearance" issue in Turkey is the Saturday Mothers. From 1995 the Saturday Mothers, relatives of those who have "disappeared", held a weekly vigil in central Istanbul, demanding that the authorities account for the whereabouts of those missing. The vigil was held every Saturday, hence the name. Each time they met a press announcement was read out detailing one case of "disappearance", but otherwise the meet was in silence. A press release was read out because such a public announcement does not need official approval; a demonstration would require such approval. While expressions of solidarity were welcomed by the Mothers and their supporters in the Turkish Human Rights Association (IHD), unfortunately outside groups and organisations with a different and often militantly political agenda frequently attempted to take advantage of the credibility of the Mothers' action by turning up to shout slogans. The activities of such groups irritated the police and introduced an extra hazard for the Mothers. From May 1998 the Turkish police clamped down on the gatherings in an often heavy handed manner. In September 1998 some of the Mothers were shut in a police bus which then had pepper gas sprayed into it. Those in the bus were later charged with "resisting the police", "destroying public property" and "acting in breach of the Law of Assembly and Demonstrations". [12(m)] In March 1999 the Mothers decided to discontinue the weekly gatherings because of police harassment and abuse. [5(f)]

5.23 In February 2001 the U.N. Special Rapporteur for Missing and Disappeared Persons, Asma Jihangir, visited Turkey and met with government officials and nongovernmental contacts. She expressed her view that the security forces appeared to be responsible for the disappearances of two HADEP officials (see para. 5.110), but she did not have sufficient information to comment on other alleged cases. She stated publicly that conditions regarding disappearances had improved greatly, but that security force impunity continued. [5(i)]

5.24 Although members of the security forces are said to be responsible for most cases of enforced disappearances, they are rarely brought to trial or prosecuted for these acts. Although arrests of police and other law enforcement personnel increased in cases of extrajudicial killings, the number of arrests remained low, and punishment for those persons convicted remained insufficient. The PKK's practice of kidnapping young men or threatening their families as part of its recruiting effort, and of abductions by PKK terrorists of local villagers and state officials, has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in the country. [5(h)][7(a)][18(i)][34(b)]

5.25 Security forces are responsible for extrajudicial and political killings, particularly deaths in police custody and deaths of suspected criminals in house raids. Most of the reports pertain to the southeast. The principal victims of extrajudicial killings and "mystery killings" which security forces are suspected of having carried out include "suspected PKK sympathisers, HADEP and DEP organizers, journalists especially of pro-Kurdish publications, and trade union activists" as well as "prominent members of the Kurdish community, physicians, human rights monitors, [and] local politicians". The government blames many of the "mystery killings" on Hizbullah/ Hezbollah, an Islamist Turkish terrorist group. [5(e)][7(a)]

5.26 In November 1996 a fatal car crash - known as the Susurluk incident - exposed links between the Turkish intelligence agencies and right-wing mafia gangs. A report into the affair commissioned by Prime Minister Mesut Yilmaz found that the gangs had been

responsible for the elimination of political enemies. Several police officers were put on trial in connection with the affair, and a former interior minister and another deputy had their parliamentary immunity lifted and faced charges that carry prison sentences of up to 12 years. Their trials began in April 1998, and in February 2001, in the first convictions, a former deputy police chief and a former intelligence officer were found guilty of running a criminal gang with the aim of "creating panic in society"; they were both sentenced to six years' imprisonment. Twelve other defendants received four year sentences for "forming an organisation with the aim of committing crimes". [5(e)][17][63(h)]

5.27 The PKK has discontinued its practice of targeted political killings, but it remained armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the military, during 2001 9 civilians, 22 members of the security forces and 111 terrorists died as a result of armed clashes. According to human rights groups, fewer than 10 civilians were killed in clashes with security forces. Human rights groups, villagers, and the Government disagreed on whether some deaths were of civilians or of "terrorists", as defined by the Government. [5(i)]

5.28 The Turkish Human Rights Association (IHD) states that there were in the first half of 2000 73 murders whose perpetrators have not been found (down by 43% on the same period in 1999), 102 instances of extra-judicial killing or death in custody (no change on same period in 1999), and 263 reports of torture (down 21%). [73(b)] The Turkish Human Rights Foundation reports that in 2001 there were 24 political killings by unidentified assailants, 33 deaths in extra-judicial executions (house raids, not obeying stop warning, random shooting), and 641 persons who were victims of torture, ill-treatment and/or inhuman conduct (excluding thousands who were ill-treated during demonstrations). [49(c)]

5.29 Turkey recognises the jurisdiction of the European Court of Human Rights. In 2000 Turkey lost 23 cases in which it was a party; most of these pertained to free expression, deaths, past disappearances, and torture. It was fined about £800,000. In 11 additional cases, mostly relating to failure to ensure due process of law, Turkey accepted a friendly settlement, and paid £11,000. The court dismissed a further five cases. In 2001 the court ruled against Turkey on 8 cases in which 18 people had been killed in detention or taken into custody and then disappeared. The court noted that most domestic legal remedies were insufficient; citizens may pursue a case in the court before all domestic legal remedies have been exhausted. [5(h)][5(i)]

5.30 Turkey signed up to two UN covenants during 2000 - the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Signature does not impose legal obligations, but indicates the intention by Turkey to become party to the Covenants in due course. [79] Source [5(j)] (Annex C of the US State Dept. country reports on human rights practices in 2001) lists parties and signatories to international human rights conventions.

5.31 Turkey is assessed as "partly free" in the 2001 evaluation by Freedom House (a non-partisan broad-based organisation) of political rights and civil liberties. On a scale of 1 (the most free) to 7 (the least free), Freedom House assesses Turkey's political rights (i.e. the rights which enable people to participate freely in the political process) as 4, and civil liberties (i.e. the freedoms to develop views, institutions and personal autonomy apart from the state) as 5. [93]

FREEDOM OF SPEECH AND THE MEDIA

5.32 A very detailed examination of this issue is made in the Human Rights Watch paper "Turkey: Violations of Free Expression in Turkey" of February 1999. [9(d)] The Europa

Regional Survey of the Middle East and North Africa has an informative list of daily and weekly newspapers and of periodicals. Almost all Istanbul papers are also printed in Ankara and Izmir on the same day, and some in Adana. The weekly "Girgir" is noted for its political satire. The most popular dailies are the Istanbul papers "Sabah", "Hürriyet", "Milliyet", and "Zaman". "Yeni Asir", published in Izmir, is the best-selling quality daily of the Aegean region. [1]

5.33 There are numerous provincial newspapers with limited circulation. It is known that local newspapers sometimes print articles which have been "ordered" in return for payment. These are sometimes submitted in connection with asylum applications. [1][2(a)]

5.34 Article 28 of the 1982 Constitution provides that the Press is free and shall not be censored. Other articles of the Constitution and a large number of related laws, however, impose considerable restrictions on press freedoms, directly or indirectly, although in practice these restrictions have tended to affect the major newspapers less than the smaller, more politically extreme journals. Political comment on the behaviour of the government and the leading politicians is unprohibited, with corruption allegations providing a favoured topic. Nonetheless, a significant number of journalists have been convicted of press-related offences, normally in connection with the Kurdish question. Article 8 of the Anti-Terror Law has been used extensively in these cases. There have been cases of journalists being imprisoned or, less frequently, killed, by the security forces, not just in the southeast. The Committee to Protect Journalists (CPJ) reported that at the end of 2001 13 journalists were in prison, compared with 14 at the end of 2000, and 18 at the end of 1999. [5(h)][5(i)][58] Turkish press coverage of the situation in the State of Emergency Region in the southeast tends to be unreliable, with the major papers largely relying on the official reports issued by the Office of the Governor of the State of Emergency Region. Government decree No 430 requires self-censorship of all news reporting from and about the State of Emergency Region and gives the power to ban any news regarded as misrepresenting events in the region. In addition to these pressures, journalists operating in the south east have faced "bans" imposed at various times by the PKK which have stated that any journalists defying the bans will be regarded as legitimate targets. A number of journalists have been kidnapped by the PKK in the last few years. [4(e)][9(b)]

5.35 Article 26 of the 1982 Constitution prohibits the use of any language "prohibited by law" in the expression and dissemination of thought. Legislation passed in April 1991 repealed the law effectively outlawing the use of Kurdish, but the wording of the new legislation means that it still remains illegal to publish or educate in Kurdish, or to use Kurdish in official business. Kurdish language papers are now openly sold in Turkey although the first Kurdish language newspaper, "Rojname", was forced to close due to persistent police harassment. [4(e)] Despite these difficulties, Human Rights Watch report that Kurds speak their native tongue throughout the country and Kurdish music and videos are widely available and played openly, including in the conflict region in southeastern Turkey. The so-called "Kurdish question" is discussed in the press and some limited radio broadcasting in Kurdish is taking place, and there appear to be some plans to allow some sort of Kurdish language television. [9(d)]

5.36 Despite these improvements, serious problems remain. The Constitution, Political Parties Law, the Law Concerning the Founding and Broadcasts of Television and Radio, the Foreign Language Education and Teaching Law, and the Law Concerning Fundamental Provisions on Elections and Voter Registries Provincial Administration Law, all prohibit or restrict with certain exceptions the use of languages other than Turkish. Political parties are still banned for "inciting hatred on the grounds of religious or ethnic difference" if they demand linguistic and cultural rights for the Kurds. A recent attempt by a private foundation to teach Kurdish "ran into a legal brick wall". The head of the unregistered Kurdish Institute

was unable to register the Institute or put up a sign saying Kurdish Institute, even though police calling at the Institute would refer to it as the Kurdish Institute. Seraffettin Elci, an ethnic Kurd and former public works minister, who was famously imprisoned for declaring he was a Kurd, summed up the situation by stating:

"When I was a minister and said in public I was a Kurd, the whole society was shaken. It was treated as a manifesto. The whole state was in turmoil, and I was punished under Article 142. Now when someone says he is a Kurd there is no reaction. Things have changed, but this doesn't mean that "Kurdishness" has a legal status." [9(d)]

5.37 As far as the Islamist press is concerned, Turkey has a broad spectrum of Islamist publications, ranging from independent to pro-Iranian. Major Islamist dailies include "Zaman", "Yeni Pafak", and "Milli Gazete". Islamist television stations include Samanyolu and Channel 7, among others. Prosecutions have been brought against some Islamist politicians, intellectuals and writers under the Turkish Penal Code which prohibits "openly inciting people to enmity and hatred by pointing to class, racial, religious, confessional, or regional differences" or under provisions concerning publicly insulting or cursing the memory of Atatürk (Mustafa Kemal). [9(d)]

5.38 Broadcasting media reach almost every adult, and their influence, particularly that of television, is great. There are 229 local, 15 regional, and 22 national officially registered TV stations, and 1052 local, 116 regional and 40 national radio stations. Other TV and radio stations broadcast without an official licence. The wide availability of satellite dishes and cable TV allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation (TRT), which has five national TV channels and four national radio channels. [1][5(i)]

5.39 A Radio and Television Law was passed in April 1994 in an attempt to establish some control over the broadcasting section. The law set up a Supreme Broadcasting Board or Radio and Television Supreme Council (RTÜK) composed of nine members, five appointed by the government and four by the opposition, to oversee and regulate the broadcasting sector. National TV stations largely mirror the major newspapers in their approach to the reporting of human rights stories and the south-east. Little coverage is given in general and what is broadcast mainly derives from official sources. The national private stations have mainly concentrated on broadcasting sport, films, entertainment and sensational real life crime programmes. [1][4(e)]

5.40 In June 2001 the Turkish Parliament adopted a law amending the status of the RTÜK. Although this law clarified ownership matters, legalised retransmission and established some ethical standards, it could have further limited freedom of expression and plurality of ownership. One member of the RTÜK was to be nominated by the National Security Council. At the end of June 2001 President Sezer vetoed the law on the grounds that it would breach several principles of the Turkish Constitution. A revision of the law according to European standards is now under preparation. [76]

5.41 Implementation of the existing law on broadcasting remains a matter of concern. The RTÜK continues to ban temporarily certain radio/TV stations. In August 2001, for example, ten stations received penalties for closures from one to 365 days, mainly for unacceptable comments on current events. Moreover, on 26 September 2001 the RTÜK took a final decision to prohibit broadcasting in Turkish from the BBC and Deutsche Welle on the basis of Article 26 of the RTÜK law (prohibition of retransmission). The RTÜK President expressed his opposition to this decision, and launched legal proceedings before an administrative tribunal. This Tribunal rejected the appeal. [76]

5.42 The Mesopotamian Cultural Centre (MKM), an NGO that seeks to promote Kurdish language and culture, continued to operate in 2001. Some officials alleged that the organisation is linked to the PKK. The group's centres in the southeast remain closed. Police exert pressure against the group and hinder its activities, and local officials monitor and often interrupt its cultural events. Some MKM branches report that they were prevented from selling Kurdish-language music cassettes, and were warned against organising cultural events. On 30 December 2000, however, for the first time the Governor of Hakkâri province in the southeast allowed a Kurdish-language music concert, organised by an MKM-sponsored band. 5000 people attended the concert. [5(h)][5(i)]

5.43 Kurt-Kav, the Kurdish culture and research foundation, remained open in 2001 and continued some activities, including Kurdish language training and a study of Kurdish oral tradition. In February 2000 Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdish-speaking students. A second case on the same charges, based on co-operation with a Swedish university to promote study of the Kurdish language, was still pending in the courts at the end of 2001. [5(h)][5(i)]

5.44 Internet use grows. Although it faces few Government restrictions (some banned newspapers can be accessed freely on the Internet), in March 2001 the police closed an anti-military website. In November 2001 the manager of another Internet site was acquitted on appeal of charges that he had insulted the Turkish security forces. The manager had been tried on the basis of an anonymous message posted on his website's "forum" page. [5(i)]

FREEDOM OF RELIGION

(See also "Freedom of Assembly and Association" section for religion in politics, and "Freedom of Speech and the Media" section for religion in the press)

5.45 Turkey is a secular state, with Article 24 of the Constitution providing for freedom of belief and freedom of worship. The US State Dept. report on religious freedom in Turkey 2001 notes that these provisions are generally observed. More than 99% of the population is Muslim; the majority is Sunni, but there are possibly 12 million Alevis (Alevism is an offshoot of Shi'a Islam). Although Islam was stated to be the official religion in the Constitution of 1924, an amendment in 1928 removed this privilege. There were attempts to revive this link between religion and state affairs by successive governments, but secularism was protected by the revolution of 1960, the coup of 1980 and the 1982 Constitution. While Turkey is legally a secular state, Sunni Islam enjoys a privileged position that can infringe the rights of adherents of other groups and faiths freely to practise their religion. Religious services can be held only in designated places, and Sunni Muslim religious instruction in schools is compulsory except for Lausanne Treaty minorities (Greek, Armenian and Jewish minorities recognised under the Treaty of Lausanne as requiring special consideration). Adherents of the Alevi sect complain of discrimination in this and other respects. Groups of soldiers have been dismissed for prohibited religious and political activities, some religious activities of Lausanne Treaty minorities have been restricted, and the ban on headscarf wearing has been more rigorously enforced, leading some women to lose their jobs or not be able to register for university. [1][5(g)][5(h)][6]

5.46 There is a ban on the wearing of headscarves in public workplaces, a ban which the Refah Party, during its time in government, unsuccessfully tried to remove. The ban is attributable to a desire to protect the secular nature of Turkey. The issue of the wearing of headscarves has entered into the political arena in recent years, with demonstrations

continuing to be held against the ban, some of which have descended into violence. In May 1999 the university rectors committee agreed to maintain the ban on headscarves in their institutions. [69(a)]

5.47 Following the elections in April 1999 a Virtue (Fazilet) Party deputy, Merve Kavakci, tried to wear a headscarf in the opening session of the new parliament, contrary to the code of conduct for public servants. After vociferous protests by the Democratic Left Party (DSP) deputies, a recess was called and Kavakci left the parliament without being sworn in. [30(j)] The objections were not, however, limited to the DSP, and some deputies, including the deputy leader of the Virtue Party, resigned their membership of the FP over what they saw as an insensitive and confrontational act which only increased tensions over the issue. [30(kk)][30(ii)] Merve Kavakci was subsequently stripped of her Turkish citizenship on the grounds that she had previously applied for and been granted US citizenship without requesting permission from the Turkish government. Although the Turkish government did have the power in the circumstances to strip Kavakci of her citizenship, the leader of the Virtue Party condemned it as a political act. [11(u)][30(mm)] The incident was one of the factors which led the chief state prosecutor to begin proceedings against the Virtue Party for being anti-secular and a continuation of the Refah Party, contrary to the Turkish Constitution. In June 2001 the Constitutional Court banned the Virtue Party. [1][5(g)] (See "Freedom of Assembly and Association" section)

5.48 Extremist groups or individuals target minority communities from time to time. Some Christians and Baha'is have faced social and government harassment, including detentions for alleged proselytising or unauthorised meetings. A Muslim cleric was arrested in June 2001 for insulting the Government, holding an illegal religious meeting, and wearing prohibited religious clothing. A Syriac Christian priest stood trial in December 2000, but was acquitted in April 2001 for statements made in October 2000 "that incited enmity" concerning Armenian genocide claims. [5(g)]

5.49 The Dutch Ministry of Foreign Affairs "Official general report on Turkey" notes that the State's secular character, which was laid down as one of the cornerstones of the State structure (often referred to as secularism in the context of Turkey), means that government policy may not be based on religious considerations. The authorities are very much on the alert with regard to anyone who advocates a role for Islam in the state. So as to short-circuit people who entertain such notions, the Turkish State provides for a sort of state-controlled Islam. Secularism in Turkey does not mean a strict division of "church" and State, but rather state control of the official form of Islam. The State body set up for that purpose is the Directorate for Religious Affairs (Diyanet İşleri Müdürlüğü, often abbreviated to Diyanet), which answers directly to the Office of the Prime Minister. Anyone arguing in favour of a greater role for Islam in the Turkish State structure can expect a reaction from the authorities. Criminal charges are often brought in such cases, even if no force was involved. [2(a)]

5.50 The United Nations Interim Report (Addendum 1 - Turkey) (August 2000) of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief observes that the policy of the Turkish State in matters of religion and belief is exceedingly complex and stands in sharp contrast to the categorical assertion by certain authorities that such policy is a model of tolerance and non-discrimination. The report states that politics is the determining element with respect to religion. On the one hand, the State, the guardian of secularism and defender of nationalism, has taken over responsibility for the majority religion of Islam, both within its ranks and among the population, while on the other hand the political parties, including those of Islamist persuasion, use religion as a route to power. This situation not only affects strictly religious affairs, but also has an impact on secularism and on healthy

nationalism, and hence on all religious communities. The Special Rapporteur believes that the active role played by the State in religious affairs constitutes excessive interference not only in the way people manifest their belief but also against the very concept of freedom of religion and belief. This situation, he considers, weighs most heavily upon the minority Muslim communities, including the Alevi, in the sense that State intrusion into Muslim religious affairs leaves no room for the specific needs of the Alevis, particularly in terms of places of worship and religious education. Moreover, Turkization policies, he notes reinforce the discriminatory treatment of Alevis within Turkish society and even within the State; Alevis have, for example, no representation in the Department of Religious Affairs. [82(e)]

FREEDOM OF ASSEMBLY AND ASSOCIATION

5.51 The Constitution provides for freedom of **assembly**. Under Law No. 2911 of 6 June 1983 on Assembly and Demonstrations, no authorisation need be applied for in order to hold a demonstration, but written notice of a meeting must be submitted to the governor of the relevant province or district at least 72 hours in advance if it is to be held outside the headquarters of an organisation. The same rule applies to the distribution of pamphlets, giving of press statements and issuing of publications. The governor issues the organisers with an acknowledgement of receipt which is sufficient for the demonstration to take place. A refusal to issue a receipt is confirmed in writing by a notary, and the notarial instrument is regarded as acknowledgement of receipt. [2(a)]

5.52 However, planned demonstrations are often stopped from going ahead. The governor must inform the organisers of the ban at least 24 hours before the scheduled beginning of the demonstration. The Turkish authorities may also order that certain meetings be held at designated sites only. A ban on demonstrations for up to a maximum of three months may also be imposed on an entire region. The governor of Ankara province used this power on 11 April 2001 to ban demonstrations for a month. Mass demonstrations had been held shortly before following the economic crisis in Turkey. [2(a)]

5.53 Reasons for banning demonstrations are laid down by Law No. 2911. They include disrupting public order, national security, activities against the character of the republic, potential use of force, threatening the indivisible unity of the Turkish state. Associations and trades unions may not organise demonstrations concerning subjects which do not fall within their objectives. These provisions leave considerable leeway for banning demonstrations. [2(a)]

5.54 Meetings which are held despite a ban are dispersed by the security forces. In the past they have often used force to this end. According to the 2000 report by the US State Department, the use of force by security forces in breaking up demonstrations has fallen considerably since 1999, and by 2000 there were only a few cases in which force was used. The staging of unauthorised demonstrations may also lead to prosecution. [2(a)]

5.55 In October 2001 a constitutional amendment expanded the rights of free assembly and association by placing the emphasis on citizens' rights and reducing the number of restrictions on their activities. [5(i)]

5.56 The Constitution provides for freedom of **association**; however, there are some restrictions on this right. Associations and foundations must submit their charters for government approval, which is a lengthy and cumbersome process. The Government has closed some opposition political parties, alleging that they were centres for illegal activity. In an October 2001 amendment to the Constitution, Parliament removed the ban on challenging the constitutionality of the highly restrictive "Law on Associations"; no court

cases had been brought under the law by the end of 2001. In June 2001 Prime Minister Ecevit called on civil servants to treat civil society and NGOs with tolerance rather than restrictions and prohibitions, stressing the need to comply with EU standards. [5(i)]

5.57 All activities by political parties were banned by the National Security Council (NSC) on 12 September 1980, and all parties were dissolved on 16 October 1981, prior to the formation of a Consultative Assembly. From May 1983 new parties were allowed to form, but their participation in the general election was subject to strict rules: each had to have 30 party founders approved by the NSC and party organisations in at least 34 of the provinces, while candidates for the election were also subject to veto by the military rulers. Legislation enacted in March 1986 stipulated that a party must have organisations in at least 45 provinces, and in two-thirds of the districts in each of these provinces, in order to take part in an election. Parties can take seats in the National Assembly only if they win at least 10% of the national vote. [1]

5.58 In June 1992, the True Path and Social Democratic Populist parties sent proposals for the first "instalment" of constitutional changes to all Turkey's opposition parties, whether represented in parliament or not. The changes proposed were generally in the direction of greater democracy. However, they were opposed by the Welfare Party (Refah), and debates and votes in June 1995 showed that other religious and conservative hard-liners in ANAP and DYP were voting with the Welfare Party. At the eleventh hour a slimmed down version was passed with all of the major parties voting for the package and only the Welfare Party voting against. The main elements were removal of language praising the 1980 coup from the Constitution, lowering the voting age and age at which people can join parties to 18 from 21 and allowing greater political participation by trade unions and civil associations. [1]

5.59 The use of languages other than Turkish in political campaigns is forbidden by law. Additionally, a general prohibition exists against parties that claim that there are minorities based "on national, religious, confessional, racial or language differences". Article 81 of the 1983 Political Parties Law (No. 2820) states that political parties: (a) cannot put forward that minorities based on national, religious, confessional, racial or language differences exist in Turkey, (b) cannot advocate the goal of destroying national unity or be engaged in activities to this end by means of protecting, developing, or disseminating language or cultures other than the Turkish language and culture and thus create minorities in Turkey, and (c) cannot use a language other than Turkish. Party names which contain words such as communist, anarchist, fascist or the name of a religion, region or ethnic group are, under Article 96 of Law No. 2820, forbidden. Parties which violate this law come into conflict with the authorities and are proscribed by them. The Turkish Communist Party was compelled to change its name for that reason. Members of the armed forces and public servants are not allowed to join political parties. [2(a)][9(d)]

5.60 Election law forbids the use of any language other than Turkish in election campaigns. The Kurdish People's Labour Party (HEP) fell victim to these laws, as did the Democratic Mass Party (DKP). The indictment against the DKP illustrates the position of the government. The prosecutor did not argue that Kurds or other minorities do not exist, and in fact stated that such groups enrich society as a whole. However, the activities must be kept at the level of the individual and not demand group rights. Some parliamentary candidates have been prosecuted and convicted for using Kurdish at election rallies. [9(d)]

5.61 Another party which was banned for contravening the secular nature of the Turkish Republic was the Welfare Party (Refah), although the issue in this case was religion. In February 1998 the Constitutional Court's decision on the case was published, in which the Welfare Party was adjudged to be using democracy to establish a state based on *Shari'a*

following statements made by its leaders in speeches. In a judgement delivered on 31 July 2001, the European Court of Human Rights ruled that the dissolution of the Welfare Party did not violate the principle of freedom of association under Article 11 of the European Convention on Human Rights. The Court considered that the dissolution of the party "could reasonably be considered to meet a pressing social need for the protection of democratic society". [76]

5.62 Following the disbanding of the Welfare Party most of its parliamentary deputies joined the Virtue Party (Fazilet). Although it initially steered a more cautious course than the Welfare Party, it appeared to diverge from this course when one of its female deputies entered the Turkish Parliament wearing a headscarf, a public show which even some Virtue Party deputies saw as an unnecessarily confrontational move. In June 1999 the chief prosecutor sent an application to the Constitutional Court claiming not only that the Virtue Party was a centre of anti-secular activities, but that it was also a continuation of the Welfare Party, contrary to provisions of the constitution which forbids permanently closed parties to reopen under another name. In June 2001 the Court reached a decision, and banned Virtue for undermining Turkey's secular order. In a more limited sanction than was demanded by the public prosecutor, the judges voted to expel only two Virtue deputies. Most of the 100 remaining Virtue deputies joined two successor parties which were formed - the Felicity Party (Saadet) and the Justice and Development Party (Adalet ve Kalkinma). The latter (AKP) may be the more reformist of the two, but it is too early to be sure. [1][30 (oo)][63(i)]

EMPLOYMENT RIGHTS

5.63 The Turkish labour movement began in the 1930s, but it was not until the multi-party system of government came into being in the 1950s that the labour movement really began to establish itself. [4(e)] Just over 13% of the total labour force (about 24 million people) is unionised. [5(i)]

5.64 Unions must achieve a set minimum membership in each workplace in order to be able to sign collective bargaining accords. This has prevented small unions gaining representation in the work place. [4(e)]

5.65 Constitutional amendments passed in July 1995 have slightly altered the position described above. Article 52 has been amended to allow trade unions to engage in political activities and civil servants are now allowed to form unions although they are still not allowed to strike. [4(e)]

Major Trade Union Confederations

5.66 TÜRK-İP (Confederation of Turkish Labour Unions) President: Bayram Meral.

DISK (Confederation of Progressive Labour Unions) President: Ridvan Budak. [1]

Employers' Confederation

5.67 TUSIAD (Turkish Industrialists' and Businessmen's Association) Pres.: Erkut Yücaoğlu. Sec.-Gen.: Dr Haluk R. Tükel. [1]

PEOPLE TRAFFICKING

5.68 Section 6f of the US State Dept. Turkey human rights practices in 2001 report deals in

some detail in trafficking in persons. [5(i)] The European Commission's 2001 regular report on Turkey's progress towards accession notes that Turkey is a destination and transit country for trafficking of humans. Women and girls, mostly from Romania, Russia, Ukraine, Moldova, Armenia, Azerbaijan, and Georgia are trafficked to or through Turkey. Turkey does not meet the minimum standards for the elimination of trafficking, and has not yet adopted specific legislation concerning trafficking in humans. According to Government statistics, the authorities arrested 850 members of organised gangs of traffickers in 2000. [76]

FREEDOM OF MOVEMENT / INTERNAL FLIGHT

5.69 Turkish citizens generally enjoy the freedom of movement domestically and the freedom to travel abroad. It is the constitutional right of a Turkish citizen to obtain a **passport**. This right is denied only in the case of a national emergency, or criminal investigation or prosecution. Within Turkey, travel outside the state of emergency provinces is not restricted. As the security situation continued to improve in the southeast, security officials decreased the use of roadblocks and vehicle and passenger searches. [5(i)][6][7(a)]

5.70 A Turk who wishes to have a **passport** must apply in person; an application cannot be made through an agent. He/she applies in the local region where he resides, and the regional passport office makes checks to verify his or her identity. These checks include establishing whether the applicant has criminal convictions and/or is wanted by the authorities. The applicant is always asked why the passport is wanted. Issue of a passport would not be withheld if the applicant had not completed his military service; this is because there are provisions in law to defer military service. [82(b)]

5.71 There are four different types of passport:

- i. Red (diplomatic)
- ii. Grey (service). Issued to lower rank government officials who are being sent abroad for a short time on official duty.
- iii. Green (officials). Issued to government officials who have reached a certain level. The qualification for these passports is based on hierarchy and length of service in government.
- iv. Blue. Issued to ordinary citizens. [82(b)]

5.72 External frontier controls are carried out effectively with a computerised network at nearly all of the national frontiers. The names of all individuals exiting Turkey at Istanbul airport are automatically run through a computer to see whether they appear on the list of people to be prevented from leaving the country for reasons of, for example, tax evasion or committing a crime. [6][7(c)]

5.73 The conflict between the Turkish armed forces and the PKK guerrillas, and the poor economic situation in the southeast, have caused considerable migration away from the rural areas in the southeast. Many have remained in the southeast and moved to cities such as Diyarbakir, Siirt, Tunceli and Cizre, whose populations have doubled or trebled as a result of the migration. The large cities in the west have also been major recipients of this migration. It is estimated that as many as 3.5 million Kurds have left southeast Turkey since 1984. Istanbul, Izmir and Ankara have received the most migrants, with Istanbul accommodating almost 1.5 million new immigrants. Between one-half and almost two-thirds of the Kurdish population now live in peaceful assimilation in western Turkey and on the southern coast (3 million in the Istanbul conurbation, 2 - 3 million on the southern coast, 1 million on the Aegean coast, 1 million in central Anatolia and the remaining 6 million in east

and southeast Turkey). [6][7(a)]

5.74 UNHCR advise that, in general, Kurds fleeing southeast Turkey have a possibility to relocate within Turkey. According to UNHCR's information, the large number of internally displaced persons in Turkey do not normally face serious security problems. However, the ongoing conflict between the Turkish state and the PKK has increased tensions between Turks and Kurds, in particular in big cities where there has been a large influx of Kurds fleeing conflict zones. These tensions have been exacerbated by the arrest, trial and conviction of PKK leader, Abdullah Öcalan. Obviously, the group most likely to be exposed to harassment/ prosecution/ persecution are Kurds suspected of being connected to or being sympathisers with the PKK. In view of the above, UNHCR advise that it is essential to find out if Turkish asylum seekers, if returned, would be at risk of being suspected of connection to or sympathy with the PKK, or have otherwise a political profile. If this is the case, UNHCR continue, they should not be considered as having been able to avail themselves of the option to relocate in a region outside the southeast of the country. [18(h)]

TREATMENT OF FOREIGNERS SEEKING ASYLUM IN TURKEY

5.75 Although Turkey has ratified the 1951 Convention relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol, it operates the Refugee Convention with a geographical restriction, applying the terms of the Convention only to refugees from Europe. In November 1994 the Turkish government published a new regulation regarding refugees, entitled "Regulation on the Procedures and the Principles related to Mass Influx and the Foreigners Arriving in Turkey either as Individuals or in Groups Wishing to seek Asylum from Turkey or Requesting Residence Permits with the Intention of Seeking Asylum From a Third Country". Under this new regulation, non-Europeans as well as Europeans are required to submit their application to the Turkish authorities. If a European is recognised as a refugee, the Turkish government affords them protection under the terms of the Convention. If a non-European is recognised by the Turkish authorities to have a valid claim to protection, he or she is classified as an "asylum-seeker" and their case is submitted to the UNHCR for resettlement in a third country. The "asylum-seeker" does not have the option of remaining in Turkey, although they generally will be allowed to stay in the country pending re-settlement. [12(n)] Nearly 4,000 refugees were processed for resettlement by UNHCR Turkey during the period January - September 1998. [18(g)] According to UNHCR there were 2658 cases of asylum seekers during 2001, representing 5041 people; out of these cases and some from previous years, UNHCR rejected the asylum applications of 969, and accepted 1287. [5(i)]

5.76 Foreign nationals arriving in Turkey to seek asylum must submit their application to the police within 10 days of their arrival in the country. Those who have entered illegally (for example without proper documentation or authorisation) are required to submit their application to the authorities in the governorate closest to their point of entry. UNHCR is present in border areas to monitor refugees and counsel asylum seekers about Turkish asylum regulations. Those who enter the country legally may submit their application in any city in the country, but are still required to do so within 10 days. The claim is considered by the Ministry of the Interior. If a negative decision is reached, a deportation order is issued, which may be appealed against within 15 days. The UNHCR office in Ankara still conducts refugee determination of non-European asylum-seekers in Turkey, independent of the Turkish government, and undertakes to resettle those it recognises as needing of protection. [5(i)][12(n)][18(g)]

5.77 The 10 day time limit for registration in the Government's asylum programme is implemented strictly, and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. [5(i)] UNHCR note that working relations

between UNHCR and the Turkish government are excellent, although there have been discrepancies between status determination decisions taken by UNHCR and those of the Turkish authorities. UNHCR advocate a more flexible application of the asylum procedure in Turkey. [18(g)]

5.78 A Ministry of the Interior administrative regulation also requires all asylum seekers to present a valid identification document when submitting their application. Amnesty International report that asylum seekers who have been unable to provide such a document have been unable to register their claims and have been subsequently deported. Amnesty have also expressed concerns over large scale roundups and expulsions of non-Europeans present illegally in Turkey, some of whom have been recognised as refugees by the UNHCR. [12(n)]

5.79 UNHCR, in co-operation with the Ministry of Foreign Affairs and the Ministry of the Interior, has launched a comprehensive programme to support training on asylum and refugee issues for Turkish authorities. Those who have taken part in the programme have included senior police officers dealing with refugees and asylum seekers, while further initiatives will target the judiciary and Bar Associations. [18(g)]

TREATMENT OF RETURNED ASYLUM SEEKERS

5.80 There is no organisation or government that consistently and formally monitors the treatment of returnees to Turkey. Even the Turkish Human Rights Association (IHD) does not perform this function. The only way incidents of mistreatment are brought to notice is if the person him or herself notifies human rights organisations, press, embassies and so on. [72(a)][73(a)] In principle the Turkish police can question any deported citizen upon their arrival at the airport. This interrogation aims to establish the identity of the individual and also to check whether they have been implicated in any common law case. In general there is no follow-up unless the individual is the subject of legal proceedings. [47] If the returnee is known to the police for whatever reasons, he is possibly taken into custody for more interviews. [72(a)] Amnesty International in Germany take the view that while it is still true that most asylum seekers or returnees are released after the routine interview, there has been an increasing number of cases where returned asylum seekers were picked up later by "unknown men" and beaten up or arrested by the police and taken into police custody. The report goes on to say that this mistreatment is carried out in order to obtain confessions from suspected persons. [12(k)][72(a)]

5.81 The German immigration authorities state that in general rejected asylum seekers returning to Turkey do not risk persecution. A rejected asylum seeker returning voluntarily can pass through entry control unhindered, provided that he/she is in possession of a valid Turkish travel document. The fact that the returnee is a failed asylum seeker does not lead to different treatment. The Turkish authorities are well aware of the fact that many Turkish nationals apply for asylum only for the purpose of getting temporary authorisation to remain in Germany. [48(b)]

5.82 A senior official at the Visa Dept., Ministry of Foreign Affairs, told the IND fact-finding mission to Turkey in March 2001 that for the past five to ten years Turkey had not denied passports to undocumented would-be returnees, although it had denied them in the 1980s. He said that the Turkish Government now recognised that the overwhelming majority of Turkish nationals who had applied for asylum overseas had done so purely for economic reasons. They were of no interest to the Turkish Government, and would not be imprisoned on return. The airport police might question them about for example, the loss and destruction of their passports, but this would be a low-level investigation. The subjects would quickly be released, almost certainly without charge, and allowed to go about their

daily life without hindrance. [82(f)]

5.83 Returnees without documents will be questioned. [47] This is likely to be an in-depth questioning by the Turkish border police, and this is to be distinguished from the routine identity check on arrival. The German authorities state that, as a rule, the questions refer to personal data, date of and reasons for departing Turkey, possible criminal record in Germany and contacts with illegal Turkish organisations. In some cases further inquiries will be made via other offices (e.g. prosecutor's office, registrar's office at the last Turkish residence of the returnee) in order to find out if the returnee is liable to prosecution for a criminal offence. These enquiries can take from several hours to several days, during which time the returnee will be kept in custody. Currently available information indicates that undocumented returnees are generally not being maltreated while being kept in custody. However, ill-treatment cannot be ruled out in cases where returnees are suspected separatists. [48(b)] The Swiss authorities take the view that nothing can be completely excluded or assumed from the start; it depends on the individual case. [72(a)]

5.84 Amnesty International in Germany state, in relation to returns from Germany, that the Turkish authorities are more likely to be suspicious in cases where a person returning to Turkey is not carrying any valid personal documents in accordance with regulations or is carrying documents indicating asylum proceedings abroad. [12(k)]

5.85 Being of Kurdish origin does not in itself constitute a higher risk of inhuman treatment. [72(a)][47][48(b)] Everything depends on the individual and his activities in Turkey and abroad. [72(a)] The Dutch Ministry of Foreign Affairs notes that PKK activists and sympathisers who are thought to be of great interest to the Turkish authorities risk being insulted, threatened, maltreated or tortured during the questioning. A representative of the Turkish Human Rights Foundation stated that a clear shift from physical to more psychological pressure on detainees had recently been observed. [2(a)]

5.86 In relation to returnees who are draft evaders, there is information available on this subject in the military service section in chapter 4 of this assessment. Draft evasion is punishable by imprisonment according to the Military Penal Code. Hence a draft evader would be arrested when detected. [48(b)] The treatment of draft evaders in basic training or after posting to their unit is less clear. There is little information on the matter as serving soldiers come under the administration of the military authorities. The various EU authorities which were asked for their opinions have consequently not been able to advance any useful evaluation of the situation, with the French noting that they cannot exclude the possibility that draft evaders may be badly treated during their military service (although they note that this greatly depends on the unit which they are serving in), and the Swiss noting that there is no safe information on the subject, and that conditions can be harsher. [72(a)][47][48(b)] The Dutch report that, if it is established that a returnee has evaded registration/examination or failed to report or has deserted, he is subjected to questioning and transferred to the military authorities within 48 hours at the latest. Persons who have evaded registration/examination or failed to report are regularly released after questioning and instructed to report to their military registration office within a few days. The direct superiors of the conscript concerned are not always aware that the latter has previously evaded military service. However, such facts are known to the most senior officers within the unit. In many cases, deserters are not returned to the unit from which they escaped but are posted to another unit in the same army. [2(b)]

5.87 At the time of writing there are 70 reported cases which have been advanced as evidence of the mistreatment of returnees in Turkey. Some refugee groups and human rights organisations, including the IHD, have expressed grave concerns over the risk of torture run by returnees. Details of these cases are listed in source 74. [16(c)][42(d)][49(a)]

[49(b)][50(a)][51(a)][52(a)][74] The earliest cases date from 1989, the latest from 1999. The most in any one year was 17 in 1997. Only four of these cases relate to the United Kingdom, three of these dating from 1989, one from 1993. 60 relate to returnees from Germany, the rest are spread between Austria, France, Sweden and Switzerland. The solicitors acting for the three individuals whose cases dated from 1989 alleged that they had been victims of refoulement. The Home Office does not accept that refoulement occurred. The legal challenge was settled in an out of court settlement. The details of the 70 cases break down as follows. Two cases appear in two of the categories below:

4 - allegedly refouled

5 - not returnees (holidaymakers, voluntary returnees, etc)

15 - were either PKK sympathizers, or were returned to Turkey with material on them or in their luggage which would strongly indicate PKK sympathies

2 - family connections to the PKK

3 - outstanding legal actions against them in Turkey

4 - denounced as PKK supporters

5 - are reported as missing

2 - involved religion: one Alevi, one Yazidi

5 - inconclusive / no details of ill-treatment (only reported to be sent for military service, or imprisoned, or arrested, or failed to contact family outside Turkey after return)

27 - cases without explanation / other cases

5.88 In order for an assessment of risk to be made the reported cases of mistreatment of returnees must be set against the total number of returnees. The numbers of removals of Turkish nationals to Turkey by various countries are set out in the table at Annex D.

5.89 Few countries were able to give figures for the number of removals for the last 10 years, the period over which the reported cases of mistreatment occurred. Even with only half the figures for returnees for 1989-2000 being available, and these relating to only 9 countries, the numbers are still large, with 43,704 Turkish nationals being returned, of which 7102 are identified as being unsuccessful asylum seekers. The number 7102 does not include unsuccessful asylum seekers returned from Germany, the USA, Canada and Australia as those countries make no distinction in their statistics between asylum and non-asylum deportees. As can be seen from the table, Germany returns more Turkish nationals than the other countries which provided statistics, so the number of unsuccessful Turkish asylum applicants returned to Turkey would in reality be considerably larger than 7102.

5.90 As is stated earlier, there is no organisation that monitors returnees, so it should be accepted that there are more actual cases of mistreatment than those reported. As to what degree there is underreporting, this can only be a question for speculation. The position of the UNHCR in the matter is that they have no objection to the return of Turkish asylum seekers who after a fair and efficient asylum procedure have been found not to be refugees nor to be in need of international protection on other grounds. [18(d)][18(e)][18(f)]

5.91 Since 1996 UNHCR has, in agreement with the Turkish and Iraqi authorities, facilitated the voluntary return of Turkish nationals from northern Iraq, numbering some 2100 persons in total to date. UNHCR staff based in Iraq have accompanied each returning group, and UNHCR staff in Turkey have been present at the arrival point in Habur. Furthermore, UNHCR staff based in Turkey have paid frequent visits to the returnees in various provinces in order to observe the results of voluntary repatriation. UNHCR has received full co-operation from the Iraqi and Turkish authorities in these actions, and is satisfied that **returnees as a category have not been subject to persecution or reprisals in Turkey.** At the same time, UNHCR notes that returnees are still liable under national law, in the same way as other Turkish nationals, for crimes committed before departure from Turkey or after return. UNHCR's information is that arrests or prosecutions of returnees for such acts have been comparatively rare. [82(f)]

5B HUMAN RIGHTS - SPECIFIC GROUPS

5.92 One of the constitutional cornerstones of the Turkish state, set out in article 2 of the Constitution, is the principle of Atatürk's nationalism. According to this form of nationalism the term "Turk" means an individual who is part of the national community into which individuals can be integrated regardless of their ethnic background. Every citizen living inside the borders of the Republic is regarded as a Turk. This is conveyed in the most familiar of all the quotations of Atatürk, a quotation which is inscribed everywhere in Turkey, "*Ne mutlu Türküm diyene*", which roughly translates as "Happy is he who says: I am a Turk". Saying that one is Turkish transcends the possibility that one is not actually of Turkish ethnic origin. Being Turkish can therefore mean that a person's ethnic origins take second place. [2(a)]

5.93 Atatürk was generous in granting Turkish nationality to anyone who wanted it but failed to foresee a solution for those who were not prepared to relinquish their original ethnic identity for the new national concept. Since the inception of the Republic an overwhelming majority of individuals who feel first and foremost a strong affinity with the Turkish identity despite their ethnic origins have come to live side by side - despite the fact that every ethnic group in Turkey has had its individuals who have attached primary importance to their own ethnicity. The only large group which - although there are individual exceptions - have not undergone this process are the Kurds. [2(a)]

THE KURDS

(See also "Freedom of Speech and the Media" for use of the Kurdish language)

Kurdish Society and History

5.94 Estimates of the number of Kurds in Turkey vary considerably; there may be 12 - 15 million Kurds in Turkey out of a total population of 65.3 million, making Kurds the largest minority ethnic group in Turkey. The Kurdish birth rate is high and the proportion of Kurds in the national population of Turkey is likely to increase. [6][14]

5.95 In the 19th century most Kurds were tribal pastoralists, but a significant minority were peasantry. Religious feeling tended to be very strong among the Kurdish tribes, with devotion to particular local religious leaders who belonged to the brotherhoods of "folk-Islam". These leaders quite often became tribal chiefs in their own right, with secular as well as religious authority. At the end of the 19th century thinkers among the different ethnic

groups within the Ottoman Empire began to think of themselves for the first time in ethnic terms. Both the Arabs and Turks evolved ideas of ethnic nationhood, but such ideas were slower to develop within Kurdish society, which remained fragmented and tribal. [16(d)]

5.96 Many Kurdish tribes supported Mustafa Kemal (Atatürk)'s war of independence in the expectation that they were repelling the infidel (Greeks, Armenians, and the Allies) to re-establish the Muslim Fatherland with its Sultan/Caliph. But Atatürk established an ethnic definition of the new Republic as "Turkish, secular and modern", and he set about suppressing all manifestations that contradicted that aim: tribal life, Kurdish language and culture, and the religious brotherhoods that were so strong in the Kurdish region. From 1925 to 1938 the Turkish Government ruthlessly suppressed Kurdish rebellions and resistance to the enforcement of this new ideology which denied their identity. Kurdish leaders tended to appeal to nationalist ideas, the rank and file probably simply wanted their old way of life back. Atatürk's measures involved mass killings, village destruction, and the forced deportation of hundreds of thousands of Kurds. [16(d)]

5.97 By the 1950s it seemed as if the Kurds had finally been hammered into Turks. The end of one party politics in the 1940s led the new opposition to woo the old tribal chiefs and the new landlord class in the Kurdish region to deliver the peasant vote. This became a key feature of Turkish electoral politics. The landlord class benefited in material ways and obeyed the State ideology. It was young middle class intellectuals in the 1950s who reawakened nationalist ideas within Kurdish society, challenging the State's view that Kurds were mountain Turks. (Kurdish is a member of the Iranian branch of the Indo-European family of languages. Kurds have no ethnic connection with Turks, whose language is a member of the Altaic family). [16(d)]

5.98 During the 1970s many Kurds were attracted to the leftist revolutionary socialist groups which soon found themselves in armed conflict against right wing groups that frequently enjoyed the tacit support of the State. Counter insurgency operations routinely involved human rights violations against villagers in affected areas. With these disorders proliferating, the army intervened in September 1980. It is estimated that during the three years of military government probably over 100,000 Kurds were detained by the security forces. Many were tortured. [16(d)]

5.99 Many Kurds became disillusioned with Turkish leftist movements in the 1970s, and started to form specifically Kurdish nationalist groups to challenge State denial and repression. The most successful of these was the Kurdistan Workers' Party (PKK), which was given substantial help and facilities by Syria. The PKK matched Turkish Government ruthlessness, killing pro-government villagers and their families and also Turkish civil servants in rural areas, most notably teachers, who were suspected of being government informants. Thus both sides routinely violated the rules of war and other legal instruments for the protection of basic rights. [16(d)]

5.100 During the 1980s the PKK steadily widened its sphere of influence. Most Kurds were initially hostile to the PKK and hated its methods. But they had little time for a government that denied their identity and rights. When government forces made them choose sides, large numbers started to support the PKK, despite misgivings over its methods. Many were not interested in, or did not know about, its atrocities. They saw government atrocities on a far more widespread scale, and saw the PKK as defending the Kurdish corner. [16(d)]

5.101 In order to defeat the PKK, the armed forces were granted exceptional powers under the State of Emergency Decree of July 1987, and embarked on forcibly evicting villagers who refused to join the supposedly voluntary village guard auxiliary. This force, which started in 1985, had rapidly acquired a reputation for corruption, criminality and brutality

towards villagers who were deemed Kurdish nationalist. From 1990 village clearances, frequently conducted with great brutality and killings, became more systematic. In October 1994 Turkey's Human Rights Minister, Azimet Koyluoglu, informed Parliament that two million villagers had already been rendered homeless. In July 1995 the governor of the Emergency Region confirmed a total of 2664 totally or partially evacuated villages and hamlets. From 1997 the rate of evacuation declined. By 1999 most human rights organisations reckoned there were in excess of 3500 villages evacuated and between 2.5 and 3 million people rendered homeless. These were not confined to the State of Emergency provinces; neighbouring provinces such as K. Maras, Sivas, and Erzerum were also affected. [16(d)]

5.102 In 1999 Abdullah Öcalan, the PKK leader, was captured and brought to trial by a Turkish court. In June he was found guilty of treason, and was sentenced to death. In early August the PKK indicated its willingness to comply with Öcalan's request for a cease-fire in south-eastern Turkey. On 12 January 2000 the Turkish Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. In a written statement from prison, Öcalan said that the Government's decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that he now believed that the PKK's war for a Kurdish state was a "historic mistake". A ruling from the ECHR was forecast to take up to two years from January 2000; no ruling has yet issued. [1][63]

5.103 Kurds do not represent a cohesive ethnic minority, and range from persons tranquilly integrated in the larger society through political activists to committed terrorists. A significant number of historically ethnic Kurds have been completely assimilated into Turkish society and no longer even speak Kurdish. Much intermarriage has occurred over many generations. [5(i)][6][14][23(d)]

5.104 The Turkish Government does not persecute Kurds solely because they are Kurds. Such persecution would be incompatible with its previously described concept of the state, according to which a person's ethnic origins do not matter as long as they comply with the principles of the Turkish Republic. All Turkish citizens (including the Kurds) therefore have equal access to public institutions such as health care and authorities responsible for issuing official documents. A doctor in Ankara who on 16 April 2000 refused to treat a woman from Diyarbakır because she did not speak Turkish was immediately subjected to investigation by the authorities to ascertain whether he really had refused treatment for that reason. If the allegations proved true he would be prosecuted. The doctor allegedly claimed that he was not in a position to treat the patient because of language problems. [2(a)]

5.105 Outside southeast Turkey, Kurds do not usually suffer persecution, or even bureaucratic discrimination, provided that they do not publicly or politically assert their Kurdish ethnic identity (see also "Freedom of Speech and the Media" in chapter 5). [5(i)][18(i)] Kurds who publicly or politically assert their Kurdish ethnic identity run the risk of harassment, mistreatment and prosecution. (See chapter 5 "Human Rights: Overview") In urban areas Kurds are largely assimilated, may not publicly identify themselves as Kurds and generally do not endorse Kurdish separatism. Indeed they often intermarry with Turks, reach the highest levels of society, and are seldom discriminated against on ethnic grounds. Among many high-ranking Kurds who do not deny their ethnic origins are Hikmet Çetin, the former Deputy Prime Minister and CHP Chairman. It is estimated that 25% of deputies and other government officials claim an ethnic Kurdish background. The late President, Turgut Özal, admitted to having Kurdish blood. Seraffettin Elci, an ethnic Kurd and former public works minister who was famously imprisoned after saying he was a Kurd, acknowledged that the situation today is different from that that saw him imprisoned, although there was still no legal status to "Kurdishness". Kurds who are currently migrating

westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, often have little education and few skills and are simply not prepared for urban life. While education in Kurdish takes place in informal settings and through tutors, such actions are, strictly speaking, illegal. One third of those living in the southeast cannot speak Turkish, a figure that rises to 50 percent among women. Inability to speak Turkish in rural areas is a legacy of underdevelopment and poverty, traditional family structure and more recently the conflict in the southeast, with the PKK assassinating teachers and many schools being abandoned as a result of the government's counterinsurgency campaign. The forced relocations of Kurds from villages into the urban centres of the southeast have also resulted in the schools there being overwhelmed. [5(i)] [6][7(a)][9(d)][14]

5.106 Of the four main Kurdish dialects only two are spoken in Turkey, Kurmanji and Zaza. All Kurdish dialects are related, but they are not always mutually intelligible. Most Turkish Kurds speak Kurmanji, but those in the north western Kurdish area, mainly in the provinces of Tunceli and Elazığ, but also in the province of Diyarbakır, Bingöl and Şanlıurfa, speak Zaza. Kurdish, which is an Indo-European language, is unrelated to Turkish, which is an Altaic language. [2(a)][45]

5.107 In February 1997, a UNHCR representative stated it was not possible to sustain a claim of persecution solely on the basis of being a Kurd per se. The High Administrative Court (VGH) of Baden-Württemberg, in a ruling made public on 6 May 1998, concluded that Turkish Kurds are not subject to group persecution. Two rulings made public on 22 December 1997 by the Administrative Court (VG) of Karlsruhe, Germany, also concluded that Turkish Kurds are not per se exposed to persecution for merely being Kurdish. This conclusion applied even in areas where there is serious military confrontation between State forces and the PKK. The September 2001 UNHCR Background Paper on Refugees and Asylum Seekers from Turkey does not state that Kurds are group persecuted. [18(i)] [18(c)][42(a)][42(b)]

Pro-Kurdish political parties

(See also "Freedom of Assembly and Association" section, and Annex A)

5.108 The pro-Kurdish People's Democracy Party (HADEP), which was established in 1994 as a successor to HEP, DEP and ÖZDEP (each in turn banned), campaigns for greater cultural rights for Kurds and a peaceful solution to the Kurdish issue. It has never resorted to violence. [2(a)] Despite HADEP's support being predominantly from Kurds, it does not label itself as a Kurdish party, and its party material emphasises that it aims at democratic socialism and a democratic society in Turkey as a whole. It aims to organise and increase members in every part of Turkey, and to find solutions to all problems experienced by the Turkish people. [88(d)][88(e)]

5.109 HADEP It participated in the parliamentary elections in December 1995 and April 1999, but failed to obtain the necessary 10% of the national vote in order to gain any seats in the National Assembly. In 1999 it attracted 4.73% of the vote. [1] Prior to the election HADEP stated that it would concentrate on winning control of local councils in the southeast at the simultaneous municipal and general elections. [2(o)] It was successful in the local elections, taking control of some municipalities, including Diyarbakır (see para 3.27). In October 1998, a Virtue Party (FP) deputy stated "There is no political influence in the (southeast) region other than that of the FP and HADEP." [23(h)]

5.110 The Government harasses HADEP in various ways, including police raids and detentions. In 1999 the Chief Public Prosecutor opened a case to close HADEP, alleging it

was a centre of illegal activities. This case is pending, and cannot be resolved without the resolution of several other State Security Court cases against HADEP officials, which were ongoing at the end of 2001. Elected HADEP officials were able to perform their duties during 2001. However, throughout 2001 the police raided dozens of HADEP offices, particularly in the state of emergency region, and detained hundreds of HADEP officials and members. Although most were released within a short period, many of those detained faced trials usually for "supporting an illegal organisation", "inciting separatism", or for violations of the Law on Meetings and Demonstrations. In September 2001 an unknown assailant threw a hand grenade into a HADEP office in Cizre (Pirnak province) and caused some damage, but no injuries; a police investigation was inconclusive. [5(i)]

5.111 Former HADEP Secretary General Ahmet Turan Demir served 35 days in prison in August and September 2001 for his convictions under the Anti-Terror Law of promoting separatism, for a speech he gave in October 1999. His pre-trial detention counted towards his 4 month sentence. On 12 December 2001 Ankara State Security Court acquitted Demir and 15 administrators on the charge of making propaganda against the indivisibility of the State. [5(i)]

5.112 During 2001 the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda". One mayor faces possible charges for speaking Kurdish to a visiting delegation of Kurdish women. Three southeast HADEP mayors, who were arrested in February 2000, continue to stand trial for "supporting an illegal organisation (the PKK)" under article 169 of the Penal Code. However, they were able to conduct their official duties without impediment. The HADEP mayor of Bemdini remained suspended from office pending resolution of similar charges against him. [5(i)]

5.113 On 25 January 2001 the chairman and secretary of the HADEP branch in Silopi, in Pirnak province, disappeared without trace. They had reported to the local Jandarma post that day, and have never been seen again since. Once the two officials' disappearance became known, the Jandarma leadership at first denied that they had ever been summoned to appear. Only after some days was it admitted that they had been questioned, but later released. They are feared dead. According to the Human Rights Association in Diyarbakir and statements by HADEP members and relatives, the individuals in question had long been subjected to threats by the local authorities. [2(a)]

Relatives of HADEP members

5.114 Relatives of HADEP members need not fear persecution by the Turkish authorities solely because one or more of their relatives is a member of HADEP. In certain cases, however, it cannot be ruled out that the authorities pay particular attention to, for example, first or second degree relatives of prominent HADEP members. [2(a)]

Kurdistan Workers' Party (PKK) and the Conflict in the Southeast

5.115 The government relied on an exclusively military answer to the problems in the southeast and appears to have handed over its authority to the security forces, who increasingly forced the local population to take sides e.g. through the village guard scheme. The policy was to concentrate the local population into more easily protected villages away from the Iraqi and Syrian borders. During the fighting the local population suffered considerably both from PKK excesses and heavy handed retaliation on the part of the security forces. The Turkish authorities accused several countries, including Syria, Greece, Cyprus, Russia, Iraq and Iran, of harbouring the PKK. [1][6][14] Following heightened military tension between the Syria and Turkey, on the 20 October 1998 an agreement was signed under which Syria agreed to curtail PKK activities in its territory. [2(s)] Despite

reported hitches in the implementation of the agreement, overall Turkish officials stated that they regarded Syria as trying to abide by its terms. [30(i)]

5.116 The "village guards" are armed and paid by the authorities to defend their villages against attack by the PKK and to deny them logistical support from the villages in the area. Although recruitment into the village guard corps is voluntary (indeed, some Kurdish tribes are pro-government and enthusiastic in their participation) refusal by individuals or entire villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas. The **evacuation of the village**, and its subsequent complete or partial destruction on security grounds, can follow a refusal to join. Between 1984 and 1999 and particularly in the early 1990s, the Government forcibly displaced a large number of people from villages. The Government reported that 378,000 people had "migrated" (it disputes the term "evacuation") from 3165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. A credible estimate of the number of persons who remained internally displaced during 2001 was as high as one million. The Interior Minister confirmed that 4455 villages and hamlets had been destroyed or deserted in the state of emergency region. [5(f)][5(h)][5(i)][46(b)] There has of course been voluntary migration away from the rural areas for economic or educational reasons, continuing the previously established trend of migration to urban centres in pursuit of employment. [1][6][14][18(i)]

5.117 Voluntary and assisted **resettlements** are ongoing. In some cases, people may return to their old homes; in other cases, centralised villages have been constructed. According to the Interior Ministry, between June and December 2000 35,513 people had returned to 470 villages or pastures; over 6000 homes had been constructed, and the State had given over £2 million in construction materials or other supplies. In August 2001 the governor of the state of emergency region estimated that since 1999 18,600 people had returned to their villages in that region with government assistance, with a total of 5853 houses constructed for the "citizens who were forced to abandon their villages due to terrorism". However, Human Rights Watch disputes the US State Dept.'s picture of "an upsurge in the rate of returns", and says that it is not borne out by HRW investigations. [5(i)][9(g)]

5.118 The majority of Kurds are reported to be opposed to the PKK and its "ruthless armed techniques". Political killings perpetrated by the PKK have included state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid village guards and their family members, young villagers who refused to be recruited and PKK guerrillas-turned-informants. The PKK was attributed with the killing of at least 130 unarmed civilians during 1997. In January 1998, a US State Department official stated "We believe that Turkey has the right to protect its citizens against the PKK. We also would like to see those individuals and organisations who criticise Turkey to understand the difference between the PKK terrorism and the Kurdish minority and not to confuse the two". [7(a)][14][20][23(d)][40(e)]

5.119 On 2 August 1999 Öcalan made a call for the PKK to cease its activities from 1 September 1999 and to withdraw from Turkey. Two days later the PKK presidential council answered his appeal and confirmed that PKK combatants would indeed cease operations against Turkey. The statement was supported the following day by the People's Liberation Army of Kurdistan (ARGK), the armed wing of the PKK, which confirmed that it would abide by Öcalan's decision, although it claimed the right to fight in self-defence if attacked. [63(b)] PKK fighters withdrew from Turkey at the end of August. The number of armed confrontations in the south-east declined considerably, and in October 1999 the Government reduced the number of checkpoints in the region. [1]

5.120 In the year 2000 the PKK was almost completely inactive. There were reports of

internal divisions over Öcalan's call for ending the armed struggle, but by the end of 2000 no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of eight to ten former militants turned themselves in to the authorities, asking for amnesty. They are all standing trial for charges relating to membership of the PKK. Although PKK attacks against civilians and law enforcement personnel in the southeast have virtually ended, the military did engage the PKK in 2000, killing several alleged terrorists. Government authorities acknowledged that the level of violent conflict was considerably lower than in the past, and that a major reason for this was an absence of PKK activity. In 2001 there were only about 45 armed clashes between the Government and the PKK. [5(h)][5(i)]

5.121 According to statistics from the state of emergency region governor, 23,512 PKK members, 5044 security force members, and 4472 civilians have lost their lives in the fighting since 1987. During 2001 nine civilians, 22 members of the security forces and 111 terrorists died as a result of armed clashes, according to the military. According to human rights groups, fewer than ten civilians were killed due o clashes with security forces. Human rights groups, villagers and the Government disagreed on whether some deaths were of civilians or of "terrorists", as defined by the Government. [5(i)]

5.122 On 16 April 2002 the PKK announced that it had ceased activities and had regrouped as **KADEK**, the Kurdistan Freedom and Democracy Congress (Kurdistan Özgürlük ve Demokrasi Kongresi). Deputy Prime Minister Yılmaz stated that if former PKK members who were involved in unlawful activities in the past continued to be active within the same organisation, all the restrictive decisions and measures that applied to the PKK must also apply to the new organisation. He went on to say that the fact that the PKK had realised that violence and terrorism were not a solution was a positive development. However, those who were involved in terrorism in the past should, he said, definitely be brought to justice. Such tactical changes did not affect the policy of the Turkish State on this subject. [11(x)] [32]

Relatives of PKK members

5.123 Those known to have or suspected of having one or more family members in the PKK can expect some attention from the authorities. Depending, among other things, on the degree of kinship and the (suspected) position of their relative(s) within the PKK, family members may be subjected to varying degrees of intimidation, harassment, official obstruction, questioning and similar problems. It is perfectly conceivable, even probable in many cases, for the families of (suspected) PKK members to be kept under observation by the authorities or questioned and interrogated, also because they could as often as not be potential suspects themselves. In many cases the Turkish authorities probably assume that some relatives of PKK supporters harbour sympathies for the party. However, if the authorities are convinced that relatives of (suspected) PKK members do not have any links to the PKK they are not persecuted. [2(a)]

5.124 Countless people in Turkey have one or more relatives in the PKK without having any significant problems with the authorities as a result. The families of prominent PKK supporters such as Abdullah Öcalan and Bemdîn Sakýk were probably always under intensive surveillance by the authorities and lived under a certain degree of pressure, but they were not actually persecuted for their relationship with the PKK leaders. Öcalan's family attended his trial on Ymralý Island. One of Sakýk's brothers is openly politically active. [2(a)]

Kurdish National Congress

5.125 The Kurdish National Congress was formed in May 1999 in Amsterdam. The Congress claims to have broader representation than the parliament-in-exile, representing Kurds from Turkey, Iran, Syria, Armenia and Western countries. However, important Iraqi Kurdish parties are not represented. It opened an office in London in early October 2000; details are sketchy, but it is expected to be staffed by one to three people, and based in the offices of the Kurdistan Information Centre. [42(c)]

Newroz/Nevruz

5.126 In the years before 2000, the Turkish authorities used to take tough action against public meetings during Newroz, the new year celebrated by Kurds, Persians and in Central Asia on 21 March. (The Turkish spelling is "Nevruz", the Kurdish spelling "Newroz".) However, in many cities in 2000 no ban was imposed on demonstrations, which, moreover, seem to have gone off peacefully. More than 80,000 attended in Diyarbakir. Only in Istanbul did the province governor ban a demonstration on the grounds that in the application for the demonstration the word "Newroz" had been spelled with a "w", a letter which does not occur in the Turkish alphabet. (It occurs in Kurdish). In 2001, too, Newroz was generally calm. Except in Siirt and Istanbul, HADEP was allowed to organise large-scale festivities for the second year running. The meetings organised almost everywhere by HADEP attracted thousands of participants. There were incidents in Istanbul, Siirt, Antalya and Mersin, where the police reportedly intervened when participants threw stones at cars or shouted slogans for the PKK or for Öcalan. Over 100 people were arrested in Istanbul. 39 were arrested in Mersin, 32 of whom were released shortly afterwards. [2(a)]

5.127 On 21 March 2002 a total of 66 Newroz demonstrations, including 26 illegal demonstrations, were held in 44 provinces. 200,364 people joined the demonstrations, and 1201 people were taken into custody during illegal demonstrations. Two people died in the incidents while six others were injured. A Turkish Government spokesman added that two policemen died, and 46 others were injured in the demonstrations. [30(uu)]

ALEVIS, INCLUDING ALEVI KURDS (see also "Freedom of Religion" section)

5.128 Alevism / Alawism (an offshoot of Shi'a Islam) is based on a charismatic and legendary Turkish dervish (an Islamic friar vowed to poverty) from the 13th century. Although the dervish was a Muslim, he was also a healer and miracle-worker. These shamanic influences give Alevism its unorthodox form. The followers of the dervish who led a nomadic or semi-nomadic life became the Kizilbas. Under the Ottomans the word Kizilbas developed a pejorative meaning of "heretic" or "heretical rebel", in response to which the name Alevi was introduced, referring to the following of Ali (the prophet Mohammed's son-in-law). [70]

5.129 There are no official Turkish estimates of the number of Alevis. According to their own information, there are twelve to twenty million Alevis living in Turkey (the population of which is 65 million). Other sources report that a considerably smaller proportion of the Turkish population is Alevi. A fully accurate estimate is difficult if not impossible. [2(a)] As far as the proportion of Alevis in Turkey's Kurds is concerned, it is estimated that the proportion is about 15%. [16(a)]

5.130 Alevis differ outwardly from Sunni Muslims in the following ways. (i) They do not fast in Ramadan, but do during the Ten Days of Muharram (the Shi'i commemoration of Imam Husayn's martyrdom). (ii) They do not prostrate themselves during prayer. (iii) They do not have mosques, but instead use houses of worship (cemevi (singular), cemevleri (plural)), which also act as socio-cultural centres. In smaller communities meetings are also held at home. (iv) They do not have obligatory formal almsgiving, although they have a strong

principle of mutual assistance. [2(a)] [38]

5.131 Ethnic Turkish Alevi are found in central, western and northern Anatolia, especially around Sivas, Tokat, Yozgat, Nevşehir, Çorum, Amasya and Erzincan. Kurdish Alevi are widespread in Bingöl, Maraş, Malatya, Erzincan and Tunceli provinces (i.e. the marginal areas between the mainly Kurdish southeast and the ethnic Turkish areas of Anatolia). A large number of Kurdish Alevi speak Zaza, rather than Turkish or Kurmanji. [16(a)] [38]

5.132 Alevi were reviled as non-Muslims of dubious loyalty, and to avoid persecution they practised dissimulation, taqiyya. Until the 20th century, Alevi survived by living in remote areas, but with conscription and the drift to towns in search of work, Alevi, especially Kurds, have been increasingly exposed to Sunni prejudice and animosity. In the 1970s the majority of Alevi turned towards socialism, abandoning their former religious identity. However, from the late 1980s Alevism has been "rediscovered". There are three reasons for this, the first two being the collapse of socialism in Eastern Europe and the rise of political Islam in Turkey. The third reason is Kurdish nationalism. As a significant number of Alevi are Kurds, Kurdish nationalism affects the Alevi community. Therefore the Alevi have tended towards the principle of unity, stressing their religious identity and affiliation as Alevi. This has led to what is described as "Alevi revivalism" in Turkey, with the emergence of Alevi periodicals and newspapers, and community based associations throughout Turkey and the European diaspora. However, the weakening of the Alevi traditions in the 1970s and '80s and the increase in the urban Alevi population have meant a weakening of some of the Alevi doctrines. [70]

5.133 Both Turkish and Kurdish Alevi may be subjected to some bureaucratic discrimination as are other ethnic and religious minority groups in Turkey (for example, Christians). Many Alevi accuse the Turkish Directorate for Religious Affairs of being geared solely towards the Sunni faith. Nor does the Turkish education system allow any room for the Alevi interpretation of Islam. However, there is no evidence that Alevi are persecuted on account of their religious beliefs by the Turkish state. The state does not regard the Alevi faith as a separate religion, and the Alevi are not an officially recognised religious minority. Alevi identity cards have "Islam" indicated as religion. [2(a)] [14] [16(a)]

5.134 Relations between Sunnis and Alevi are generally good, although Alevi and Sunni largely go to their own respective shops, restaurants and garages. There is little inter-marriage between the two sects. The Alevi acknowledge the different practices of their Sunni neighbours but do not disassociate from them entirely in their own ritual and personal life. [70]. However, two highly publicized massacres of Alevi took place in 1978 and 1993. In 1978, at a time of widespread violent unrest, hundreds of Alevi Kurds in Maraş were reportedly killed by members of a group known as the Grey Wolves (National Action Party). The 1993 massacre occurred in Sivas, when militant Islamic fundamentalists started a hotel fire that burned to death 37 Alevi intellectuals. Around 100 people were convicted for their involvement in the incident, with sentences of up to 15 years' imprisonment. In March 1995 serious violence occurred when militant Islamic fundamentalists opened fire on coffee houses in Istanbul associated with the Alevi sect. Two or three died in the original incident, and a further 25 died during several days of civic disorder which followed. The demonstrators had reportedly hurled petrol bombs at the police, who responded by firing into the crowd. [1] [7(a)] [18(i)]

5.135 In October 1998, the Chief Prosecutor's Office began an investigation after three lawyers from the Ankara Bar Association filed a complaint against Virtue Party leader, Recai Kutan, for remarks he had made about Alevi. In the complaint it was stated that although his remarks were specifically aimed at the ruling Alawi sect in Syria, they were also insulting to millions of Alevi citizens in Turkey. [23(j)] Kutan is reported to have

apologised for his comments, stating "I would be a fool to speak badly of our Alawite brothers in Turkey." [2(u)][27(d)]

5.136 In recent years the degree of organisation within the Alevi community has increased. In 1995 the Alevi organisation Cem Evi was set up. The foundation does not experience any problems or opposition from the government as regards its publications and activities. The same applies to the small number of other Alevi organisations. [2(a)]

ARABS

5.137 Arabs are mainly located in the southern province of Hatay, but also found five other southern provinces; Mardin, Adana, Urfa, Mersin and Siirt. In 1985 there were estimated to be about 200,000 Nusairi Arabs and in 1984 about 7,000 Arab Christians. [4(e)]

CAUCASIANS

5.138 Caucasians can be split into three groups: Circassians, Georgians and Laz speakers. The north-eastern province of Artvin still has the largest single group of native Georgian and Laz speakers who can also be found in the provinces east of Istanbul which border the Black Sea - Kocaeli, Sakarya and Bolu. [4(e)]

ARMENIANS

5.139 It is estimated that there are about 50,000 Armenians in Turkey, including Gregorians, Protestants and Catholics, most of whom live in Istanbul. It is claimed (a claim disputed by the Turkish State) that in 1915 and 1916 (prior to the foundation of the Turkish Republic) more than a million Armenians were killed at the hands of the "Unity of Progress" wing of the government. Following this and subsequent mass deportations many Armenians fled from Turkey. [1]

5.140 Under the law, religious buildings that become "extinct" (because of prolonged absence of clergy or lay persons to staff local religious councils or for lack of adherents) revert to government possession. During 1999 an Armenian church in Hatay province was deemed by authorities to be no longer in community use, and it is to revert to the government agency which approves the operation of churches etc. [5(f)]

GREEKS

5.141 Many members of the Greek Orthodox community in Turkey have emigrated, allegedly because of pressure from the Turkish authorities. There are now only about 4,400 Turkish citizens of Greek origin left in Istanbul. [4(e)]

SYRIAN ORTHODOX CHRISTIANS (also known as Syriac Christians, Jacobites, Assyrians, Arameans or West Syrians)

5.142 This grouping was formerly a large and prosperous community, mainly located in the south eastern provinces of Mardin and Adiyaman and centred on the ancient monasteries of the Tur'Abdin area. Estimated in 1980 to number 40,000 people but there has since been a move towards emigration, particularly amongst the younger Syriac generation, partly based on economic reasons. Part of the community has relocated in Istanbul, while others have gone to western Europe and the USA. In 1988, it was estimated that only 1000 - 2000

Arameans were left in the Tur'Abdin district and the overall figure in the southeast is believed to have dropped to 4,500 after a series of murders in 1990. [4(e)][5(e)] Distinct from Arameans, but nonetheless connected to them, are the Chaldean or East Syrian Christians, still to be found in scattered groups in the province of Mardin, and another, even smaller group, the Nestorians (also known as Assyrians) who were once numerous in the provinces of Van and Hakkâri. The combined numbers of these groups was estimated in 1980 to be only 7,000 and it is likely that this figure is much lower today. [4(e)]

5.143 Syrian Orthodox Christians are not covered by the Lausanne Treaty. One consequence of this is that Syrian Orthodox children are not exempt from the compulsory religious instruction in state schools. Another consequence is that the religion may not acquire additional property for churches. In September 1997 the Syriac Church was ordered to halt restoration efforts to its monasteries in the southeast and in October 1997 was ordered to terminate its Aramaic language classes on grounds that it lacked proper authorisation from the Regional Board, the Education Ministry, and the Office of Foundations. [5(e)]

5.144 In June 2001 Prime Minister Ecevit issued a circular to local authorities reaffirming the rights of Syrian Orthodox Turkish nationals who had emigrated to return to their villages in regions covered by the state of emergency and in adjacent provinces. With the support of President Sezer, the Government gave permission for the opening of another Syrian Orthodox church in Istanbul. [76]

JEWS

5.145 Jews account for the smallest religious population in Turkey. In 1996, it was estimated that there were about 25,000 remaining in Turkey. It is reported that Sephardic Jews still play an important and respected role in business and the professions. [1][4(e)][18(i)][23(k)]

WOMEN

5.146 The literacy rate for women is approximately 78%, compared with 94% for men. Women make up between 43 and 50 per cent of the work force and generally receive equal pay for equal work in the professions, business, and civil service jobs. They may take the examination required to become governors or subgovernors with several having been appointed as subgovernors. Although only 4% of the 550 MPs in 1999 were female, Tansu Çiller was Prime Minister in 1993-96, and she still leads one of the main opposition parties. There are no female ministers in the Ecevit government. [5(e)][5(f)][56]

5.147 Spousal abuse is serious and widespread. Legislation passed in January 1998 made spousal abuse illegal and either sex may file civil or criminal charges. However, police are reported to be reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. "Honour" murders - the killing by immediate family members of young unmarried girls who are suspected of being unchaste - have become less common but continue in rural areas. The government banned the practice of forced virginity testing in January 1999. Under the new law, a girl cannot be medically tested to establish her virginity, unless those demanding it have authorisation from the Justice Ministry. In June 1998 the Constitutional Court annulled Article 440 of the Penal Code, which punished women, but not men, for infidelity. [5(e)][40(b)][56]

5.148 With effect from 1 January 2002, Turkey's Civil Code was revised so that the man is no longer the head of the household, and giving both man and woman equal rights in the management of the marriage and the household. The woman can keep her maiden name,

and add her husband's last name to her name. The minimum marriage age for both men and women was increased to 17. [30(tt)]

5.149 Independent women's groups and women's rights associations exist, but have not significantly increased their numbers or activities, mainly because of funding problems. There are many women's committees affiliated with local bar associations. Other organisations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the valuation of Women's Labour. The concept of lobbying for women's rights, including changes to the civil code and greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities. [5(i)]

The issue of the wearing of headscarves is dealt with in the "Freedom of Religion" section.

CHILDREN

5.150 Turkey has ratified the UN Convention on the Rights of the Child, which affirms that special efforts must be made to protect children against torture or other cruel treatment. However, Turkish children as young as 12 have reportedly been subjected to torture. [12(e)]

5.151 Children whose parents are unable to exercise custody are usually looked after by relatives. If the relatives are unable to do this, the Government provides care in homes of varying quality. There are about 70 children's homes for about 7000 children up to the age of 12, and 91 training institutions for 5000 young people aged 12 to 18. There are examples of provinces (e.g. Kayseri) where personal intervention by the governor has led to an acceptable or even good care system, while in other provinces care can be described as only minimal. [2(a)]

5.152 The Government is committed to furthering children's welfare, and it works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family Issues oversees implementation of the Government's programmes for children. In 2000 the Government established a Children's Rights Monitoring and Assessment High Council to focus on children's rights issues. [5(i)]

5.153 Government-provided education up to the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to ensure that more girls continued their education. According to the Ministry of Education, this policy has increased successfully the number of female students over the past three school years by more than 450,000, while the number of male students increased by 270,000 in the same period. However, in rural areas the literacy rate for girls remained low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some children continue on to high school, for which they generally must travel or live away from home. [5(i)]

5.154 The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving about 20% of families and their children without coverage, according to the June 2000 UNICEF (UN Children's Fund) report on "The State of Women and Children in Turkey". Persons not covered by insurance may use a special programme to access public health care. In terms of immunisation, infant

mortality and malnutrition, Turkey's standards remain at levels that are not compatible with the level of development and resources in the country, according to the UNICEF report. Currently only about 40% of children aged 12 to 23 months are fully immunised. Infant mortality has rapidly declined over the past decade, and as of 1998 stood at 43 per 1000. UNICEF estimates that during 2001 the rate decreased and is about 33 per 1000. [5(i)]

5.155 Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors, and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law are often held for up to four days in incommunicado detention. In September 2000 the Minister of Justice and the head of Ankara's Bar Association signed an agreement allowing the Bar Association to inspect two children's prison facilities in Ankara, the first such arrangement. Children as young as 11 years of age who are accused of State Security Court crimes are treated as adults. [5(h)][5(i)]

5.156 Children have suffered greatly from the cycle of violence in the southeast. In the past the migration - forced or voluntary - of many families, past terrorism against teachers, and school closings on the southeast uprooted children and moved them to cities that were hard pressed to find the resources to provide basic mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom. However, in many provinces schools have reopened. In October 2001 the Interior Minister stated that there were no longer any schools in the east and southeast that remained closed for security reasons, but that 78 schools remained closed due to poor building conditions. The Government has built regional boarding schools to help deal with this problem, but they are insufficient in number. [5(h)][5(i)]

5.157 Instances of child beating and abuse are more frequently reported than in previous years, according to women's groups. In March 2001 a member of an Istanbul Chamber of Doctors Children's Rights Commission reported that sexual abuse and violence towards children was increasing. She noted that the social attitudes that violence towards children is the parents' right persisted. [5(i)]

5.158 The Constitution and labour laws forbid the full-time employment of children younger than 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. However, in practice many children work because families need the supplementary income. The bulk of child labour occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. [5(i)]

5.159 The Government recognised the serious problem of child labour in Turkey. The Ministry of Labour, the Government partner of the International Labour Organisation's International Programme on the Elimination of Child Labour (IPEC), has been actively combating child labour since 1992, when it established a child labour unit and trained Ministry of Labour inspectors specifically in child labour issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Currently some 70 of the 700 field inspectors are trained to handle child labour issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labour inspectors cover only areas that are defined in the labour laws. Many children are working in areas that are not covered by labour laws, such as agriculture or the informal economy, and are therefore beyond the reach of the inspectorate. [5(i)]

HOMOSEXUALS, TRANSSEXUALS AND TRANSVESTITES

There are no laws specifically concerning homosexual acts. In the Penal Code there are articles (419,547,576) which are intended to safeguard public morals, and which can be used against homosexuals. [75] Homosexuals, transvestites and transsexuals are not persecuted for their sexuality or preferences, although they are sometimes victims of harassment from e.g. local government representatives who allow their personal views to override legal regulations. Sex changes are officially recognised by the authorities. The transsexual's new sex is given in his/her identity papers, and he/she is allowed to marry in the new sex. There are an estimated 3000 transvestites in Istanbul. Homosexuals, transsexuals and transvestites who do not live in the big cities and who experience problems in their environment can generally reduce or escape them by moving to Istanbul, Izmir or Ankara. [2(a)]

VI HUMAN RIGHTS: SPECIFIC GROUPS

PART I

THE KURDS

ALEVI KURDS

ARABS

CAUCASIANS

ARMENIANS

GREEKS

THE KURDS

(See also "Freedom of Speech and of the Press" in chapter VII for use of the Kurdish language)

(See also chapter VII for a general view of Kurdishness in politics. Specific Kurdish parties are dealt with below.)

Kurdish Society and History

6.1 Estimates of the number of Kurds in Turkey vary considerably; there may be 12 - 15 million Kurds in Turkey out of a total population of 64.4 million, making Kurds the largest minority ethnic group in Turkey. The Kurdish birth rate is high and the proportion of Kurds in the national population of Turkey is likely to increase. [4(e),6,14]

6.2 In the 19th century most Kurds were tribal pastoralists, but a significant minority were peasantry. Religious feeling tended to be very strong among the Kurdish tribes, with devotion to particular local religious leaders who belonged to the brotherhoods of "folk-Islam". These leaders quite often became tribal chiefs in their own right, with secular as well as religious authority. At the end of the 19th century thinkers among the different ethnic groups within the Ottoman Empire began to think of themselves for the first time in ethnic

terms. Both the Arabs and Turks evolved ideas of ethnic nationhood, but such ideas were slower to develop within Kurdish society, which remained fragmented and tribal. [16(d)]

6.3 Many Kurdish tribes supported Mustafa Kemal (Atatürk)'s war of independence in the expectation that they were repelling the infidel (Greeks, Armenians, and the Allies) to re-establish the Muslim Fatherland with its Sultan/Caliph. But Atatürk established an ethnic definition of the new Republic as "Turkish, secular and modern", and he set about suppressing all manifestations that contradicted that aim: tribal life, Kurdish language and culture, and the religious brotherhoods that were so strong in the Kurdish region. From 1925 to 1938 the Turkish Government ruthlessly suppressed Kurdish rebellions and resistance to the enforcement of this new ideology which denied their identity. Kurdish leaders tended to appeal to nationalist ideas, the rank and file probably simply wanted their old way of life back. Atatürk's measures involved mass killings, village destruction, and the forced deportation of hundreds of thousands of Kurds. [16(d)]

6.4 By the 1950s it seemed as if the Kurds had finally been hammered into Turks. The end of one party politics in the 1940s led the new opposition to woo the old tribal chiefs and the new landlord class in the Kurdish region to deliver the peasant vote. This became a key feature of Turkish electoral politics. The landlord class benefited in material ways and obeyed the State ideology. It was young middle class intellectuals in the 1950s who reawakened nationalist ideas within Kurdish society, challenging the State's view that Kurds were mountain Turks. (Kurdish is a member of the Iranian branch of the Indo-European family of languages. Kurds have no ethnic connection with Turks, whose language is a member of the Altaic family). [16(d)]

6.5 During the 1970s many Kurds were attracted to the leftist revolutionary socialist groups which soon found themselves in armed conflict against right wing groups that frequently enjoyed the tacit support of the State. Counter insurgency operations routinely involved human rights violations against villagers in affected areas. With these disorders proliferating, the army intervened in September 1980. It is estimated that during the three years of military government probably over 100,000 Kurds were detained by the security forces. Many were tortured. [16(d)]

6.6 Many Kurds became disillusioned with Turkish leftist movements in the 1970s, and started to form specifically Kurdish nationalist groups to challenge State denial and repression. The most successful of these was the Kurdistan Workers' Party (PKK), which was given substantial help and facilities by Syria. The PKK matched Turkish Government ruthlessness, killing pro-government villagers and their families and also Turkish civil servants in rural areas, most notably teachers, who were suspected of being government informants. Thus both sides routinely violated the rules of war and other legal instruments for the protection of basic rights. [16(d)]

6.7 During the 1980s the PKK steadily widened its sphere of influence. Most Kurds were initially hostile to the PKK and hated its methods. But they had little time for a government that denied their identity and rights. When government forces made them choose sides, large numbers started to support the PKK, despite misgivings over its methods. Many were not interested in, or did not know about, its atrocities. They saw government atrocities on a far more widespread scale, and saw the PKK as defending the Kurdish corner. [16(d)]

6.8 In order to defeat the PKK, the armed forces were granted exceptional powers under the State of Emergency Decree of July 1987, and embarked on forcibly evicting villagers who refused to join the supposedly voluntary Village Guard auxiliary. This force, which started in 1985, had rapidly acquired a reputation for corruption, criminality and brutality towards Villagers who were deemed Kurdish nationalist. From 1990 village clearances,

frequently conducted with great brutality and killings, became more systematic. In October 1994 Turkey's Human Rights Minister, Azimet Koyluoglu, informed Parliament that two million villagers had already been rendered homeless. In July 1995 the governor of the Emergency Region confirmed a total of 2664 totally or partially evacuated villages and hamlets. From 1997 the rate of evacuation declined. By 1999 most human rights organisations reckoned there were in excess of 3500 villages evacuated and between 2.5 and 3 million people rendered homeless. These were not confined to the State of Emergency provinces; neighbouring provinces such as K. Maras, Sivas, Erzerum and Kangol were also affected. [16(d)]

6.9 In 1999 Abdullah Öcalan, the PKK leader, was captured and brought to trial by a Turkish court. In June he was found guilty of treason, and was sentenced to death. In early August the PKK indicated its willingness to comply with Öcalan's request for a cease-fire in south-eastern Turkey. On 12 January 2000 the Turkish Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. In a written statement from prison, Öcalan said that the Government's decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that he now believed that the PKK's war for a Kurdish state was a "historic mistake". A ruling from the ECHR could take up to two years from January 2000. [1,63]

6.10 Kurds do not represent a cohesive ethnic minority and range from persons tranquilly integrated in the larger society through political activists to committed terrorists. A significant number of historically ethnic Kurds have been completely assimilated into Turkish society and no longer even speak Kurdish. [5(c),6,7(b),14,23(d)]

6.11 Outside south east Turkey, Kurds do not usually suffer persecution, or even bureaucratic discrimination, provided that they do not publicly or politically assert their Kurdish ethnic identity (see also "Freedom of Speech and of the Press" in chapter VII). [5 (c),18(b)] Kurds who publicly or politically assert their Kurdish ethnic identity run the risk of harassment, mistreatment and prosecution. (See chapter V "Human Rights: General Assessment") In urban areas Kurds are largely assimilated, may not publicly identify themselves as Kurds and generally do not endorse Kurdish separatism. Indeed they often intermarry with Turks, reach the highest levels of society, and are seldom discriminated against on ethnic grounds. Among many high-ranking Kurds who do not deny their ethnic origins are Hikmet Çetin, the former Deputy Prime Minister and CHP Chairman. It is estimated that 25% of deputies and other government officials claim an ethnic Kurdish background. The late President, Turgut Özal, admitted to having Kurdish blood. Seraffettin Elci, an ethnic Kurd and former public works minister who was famously imprisoned after saying he was a Kurd, acknowledged that the situation today is different from that that saw him imprisoned, although there was still no legal status to "Kurdishness". Kurds who are currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, often have little education and few skills and are simply not prepared for urban life. While education in Kurdish takes place in informal settings and through tutors, such actions are, strictly speaking, illegal. One third of those living in the southeast cannot speak Turkish, a figure that rises to 50 percent among women. Inability to speak Turkish in rural areas is a legacy of underdevelopment and poverty, traditional family structure and more recently the conflict in the southeast, with the PKK assassinating teachers and many schools being abandoned as a result of the government's counterinsurgency campaign. The forced relocations of Kurds from villages into the urban centres of the southeast have also resulted in the schools there being overwhelmed. [5(c),6,7(a),9(d),14]

6.12 Of the four main Kurdish dialects only two are spoken in Turkey, Kurmanji and Zaza.

All Kurdish dialects are related, but they are not always mutually intelligible. Most Turkish Kurds speak Kurmanji, but those in the north western Kurdish area, mainly in the provinces of Tunceli and Elazığ, speak Zaza. Kurdish, which is an Indo-European language, is unrelated to Turkish, which is an Altaic language. [4(e),45]

6.13 In February 1997, a UNHCR representative stated it was not possible to sustain a claim of persecution solely on the basis of being a Kurd per se. The High Administrative Court (VGH) of Baden-Württemberg, in a ruling made public on 6 May 1998, concluded that Turkish Kurds are not subject to group persecution. Two rulings made public on 22 December 1997 by the Administrative Court (VG) of Karlsruhe, Germany, also concluded that Turkish Kurds are not per se exposed to persecution for merely being Kurdish. This conclusion applied even in areas where there is serious military confrontation between State forces and the PKK. The UNHCR Background Report on Refugees and Asylum Seekers from Turkey, dated October 1997, does not state that Kurds are group persecuted. [18(b)(c),42(a)(b)]

Kurdish Political Parties

(See also "Freedom of Political Association" section of chapter VII)

6.14 The pro-Kurdish People's Democracy Party (HADEP) participated in the parliamentary elections in December 1995 and April 1999, but failed to obtain the necessary 10% of the national vote in order to gain any seats in the National Assembly. In 1999 they attracted 4.73% of the vote. [1] Prior to the election HADEP stated that it would concentrate on winning control of local councils in the southeast at the simultaneous municipal and general elections. [2(o)] It was successful in the local elections, taking control of some municipalities, including Diyarbakir (see History). In October 1998, a Virtue Party (FP) deputy stated, "There is no political influence in the (southeast) region other than that of the FP and HADEP." [23(h)]

6.15 HADEP members are sometimes the object of arbitrary arrests and mystery killings and are often harassed in the southeast for their legal political activities. [5(c),7(a)] In February 1998, seven HADEP leaders were arrested on charges of being linked with the PKK. [33(b)] The case was initiated by a HADEP calendar which features pictures of separatist guerrillas. [30(b)] HADEP leaders have denied any links with the PKK. [2(n)(o)] Depending on the outcome of the investigation, HADEP faces closure by the Constitutional Court. [2(p)] In September 1998, five of the defendants were released, including Murat Bozlak, the HADEP chairman, although the investigation continues. [23(i)] Two of HADEP's predecessors, HEP and DEP, were closed by the Constitutional Court due to alleged collaboration with the PKK. [2(n)(p),5(c),7(a),12(b),18(b)]

6.16 Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP members went on hunger strike in sympathy with the PKK leader. Others held illegal demonstrations and some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of detainees at the end of November as 3,064. Most were reportedly freed after a brief detention. HADEP leaders said that many of their party members were beaten and tortured during the government's crackdown on HADEP, and one 18 year old member died in custody. [2(s)(t),5(e),30(m)-(s),33(i)] Following the hunger strikes on behalf of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment has requested prison terms between four and half years to seven and a half years. [11(o)] On 29 January 1999 the Chief

Prosecutor of High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an "organic relation" between HADEP and the PKK. [30(t),33(i)] HADEP stated its intention to stand in the April 1999 general elections despite the pending lawsuit, and the Constitutional Court permitted it to do so. [54(c)]

6.17 The forcible return of Abdullah Öcalan to Turkey in mid-February 1999 was marked by public protests by his supporters, many of which became violent. There was a series of PKK bombings across Turkey. The unrest led to another round of arrests of HADEP members. [33(j),40(g)] Following the elections and a drop in PKK terrorist violence in summer 1999, government pressure on HADEP eased somewhat, although a case for closure of HADEP is currently before the Constitutional Court, and three HADEP mayors were arrested in February 2000. [5(f)]

Kurdistan Workers' Party (PKK) and the Conflict in the Southeast (see also "Security Situation" in chapter IV)

6.18 The government has relied on an exclusively military answer to the problems in the southeast and appears to have handed over its authority to the security forces, who have increasingly forced the local population to take sides e.g. through the village guard scheme. The policy has been to concentrate the local population into more easily protected villages away from the Iraqi and Syrian borders. During the fighting the local population has suffered considerably both from PKK excesses and heavy handed retaliation on the part of the security forces. The Turkish authorities have accused several countries, including Syria, Greece, Cyprus, Russia, Iraq and Iran, of harbouring the PKK. [1,5(a),6,7(b),14] Following heightened military tension between the Syria and Turkey, on the 20 October 1998 an agreement was signed under which Syria agreed to curtail PKK activities in its territory. [2(s)] Despite reported hitches in the implementation of the agreement, overall Turkish officials have stated that they regarded Syria as trying to abide by its terms. [30(k)(l)]

6.19 The "village guards" are armed and paid by the authorities to defend their villages against attack by the PKK and to deny them logistical support from the villages in the area. Although recruitment into the village guard corps is voluntary (indeed, some Kurdish tribes are pro-government and enthusiastic in their participation) refusal by individuals or entire villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas. The evacuation of the village, and its subsequent complete or partial destruction on security grounds, can follow a refusal to join. It has been estimated that since 1991 over 3,000 villages have been emptied. The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown, but the US State Dept. report for 1999 observes that the figure (given by a former Member of Parliament from the region) of 560,000 people appears to be the most credible estimate. Other observers in the region estimate that the total number of displaced persons is about 800,000, and the Representative of the Secretary General on Internally Displaced Persons puts the number as high as two million. The rate of evacuations has now decreased, with 30 villages reportedly being evacuated in 1998, and none in 2000 (up to October). [5(f),46(b)] There has also been voluntary migration away from the rural areas for economic or educational reasons, continuing the previously established trend of migration to urban centres in pursuit of employment. [1,5(c),6,7(b),14,18(b)]

6.20 The majority of Kurds are reported to be opposed to the PKK and its "ruthless armed techniques". Political killings perpetrated by the PKK have included state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid village guards and their family members, young villagers who refused to be recruited and PKK guerrillas-turned-informants. The PKK was attributed with the killing of at least 130 unarmed civilians during 1997. In January 1998, a US State Department official stated "We believe that Turkey has

the right to protect its citizens against the PKK. We also would like to see those individuals and organisations who criticise Turkey to understand the difference between the PKK terrorism and the Kurdish minority and not to confuse the two". [5(c),7(a)(b),14,20,23(d),40 (e)]

6.21 On 2 August 1999 Öcalan made a call for the PKK to cease its activities from 1 September 1999 and to withdraw from Turkey. Two days later the PKK presidential council answered his appeal and confirmed that PKK combatants would indeed cease operations against Turkey. The statement was supported the following day by the People's Liberation Army of Kurdistan (ARGK), the armed wing of the PKK, which confirmed that it would abide by Öcalan's decision, although it claimed the right to fight in self-defence if attacked. [63(b)] PKK fighters withdrew from Turkey at the end of August. The number of armed confrontations in the south-east declined considerably, and in October 1999 the Government reduced the number of checkpoints in the region. [1]

Kurdish Parliament-in-Exile

6.22 The Kurdish parliament-in-exile (PKDW) had its headquarters in Brussels and held monthly meetings. [46(a)] Its members held talks with European parliamentarians on a number of issues. [27(c)] The parliament-in-exile was strongly influenced or even run by the PKK. [7(a)] In June 1999 the parliament-in-exile elected Öcalan as their "honorary president". [71(a)] In July 1999 the Chief Public Prosecutor's office of the Ankara State Security Court launched an investigation into the PKDW. It was reported that arrest warrants in absentia were issued for 33 people in line with article 168 of the Turkish Penal Code (establishment of armed gangs against state security). In September 1999 the parliament-in-exile voted to dissolve and to join the Kurdistan National Congress. [1,11(r)]

Kurdish National Congress

6.23 The Kurdish National Congress was formed in May 1999 in Amsterdam. The Congress claims to have broader representation than the parliament-in-exile, representing Kurds from Turkey, Iran, Syria, Armenia and Western countries. However, important Iraqi Kurdish parties are not represented. It opened an office in London in early October 2000; details are sketchy, but it is expected to be staffed by one to three people, and based in the offices of the Kurdistan Information Centre. [42(c)]

ALEVI KURDS (see also "Freedom of Religion" in chapter VII)

6.24 Like Turks, the Kurds can be divided into two religious groups - the Sunni Muslims and Alevis. Sunni Muslim Kurds make up 85% of the total Kurdish population, while Alevi Kurds form the minority 15%. [16(a)]

6.25 Alevism is based on a charismatic and legendary Turkish dervish (an Islamic friar vowed to poverty) from the 13th century. Although the dervish was a Muslim, he was also a healer and miracle-worker. These shamanic influences give Alevism its heterodox form. The followers of the dervish who led a nomadic or semi-nomadic life became the Kizilbas. Under the Ottomans the word Kizilbas developed a perjorative meaning of "heretic" or "heretical rebel" in response to which the name Alevi was introduced, referring to the following of Ali. [70]

6.26 Alevi society is very structured, with distinct spiritual ranks depending on claimed lineage to past spiritual figures, with the highest being those claiming lineage to the dervish himself. Under the Alevi belief system there are a set number of ways to God, with an individual progressing themselves through the stages until the final stage is achieved.

However, as is discussed later, in recent years there has been a weakening of some of the doctrines. [70]

6.27 In order to co-exist peacefully with surrounding Sunni communities, Alevi communities have worked in or around certain Sunni religious beliefs and practices. A good example is the conduct of funerals in Alevi villages, where both Sunni ceremonies and Alevi ceremonies have been worked in together. In an Alevi village imams are generally respected and provided with certain facilities by the community, and although few attend the services during the week, the mosque will usually fill on religious festivals. Both Alevis and Sunnis regard themselves as Islamic.[70]

6.28 In the 1970s the majority of Alevi turned towards socialism, abandoning their former religious identity. However, from the late 1980s Alevism has been "rediscovered". There are three reasons for this, the first two being the collapse of socialism in Eastern Europe and the rise of political Islam in Turkey. The third reason is Kurdish nationalism. As a significant number of Alevis are Kurds, Kurdish nationalism affects the Alevi community. Therefore the Alevis have tended towards the principle of unity, stressing their religious identity and affiliation as Alevi. This has led to what is described as "Alevi revivalism" in Turkey, with the emergence of Alevi periodicals and newspapers, and community based associations throughout Turkey and the European diaspora. However, the weakening of the Alevi traditions in the 1970s and '80s and the increase in the urban Alevi population have meant a weakening of some of the Alevi doctrines. [70]

6.29 Alevi Kurds are generally located in the marginal areas between the mainly Kurdish south east and Turkish areas of Anatolia, concentrated in Tunceli, Sivas, Çorum, Tokat and Maras provinces. However, this cannot be considered a purely Alevite region. [16(a)]

6.30 Alevi Kurds often betray their origin through their speech. Most speak the minority Kurdish dialect Zaza (as do some Turkish Alevis). [16(a)]

6.31 Alevis, whether Kurdish or Turkish, do not observe the formal requirements of Sunni Islam. Kurdish and Turkish Alevi women often go unveiled - however, in response to a claim that Kurdish women do not wear Muslim dress and so betray their religious belief and ethnic origin, the British Embassy in Ankara stated that in Turkey the vast majority of women, both of Turkish and Kurdish origin, wear clothes that cover their arms and legs and a headscarf. Very few wear the "chador". It should also be noted that in the cities many women, especially the younger generation, do not even wear headscarves. [2(b),16(a),27 (d),56]

6.32 Both Turkish and Kurdish Alevis may be subjected to some bureaucratic discrimination as are other ethnic and religious minority groups in Turkey (for example, Christians). However, there is no evidence that Alevis are persecuted on account of their religious beliefs by the Turkish state. Indeed, the Refah-led government fell from power in June 1997, under army pressure, after it failed to implement a series of measures proposed by the National Security Council to curb Sunni fundamentalism. (Refah is orthodox Sunni). Alevis have traditionally supported left wing parties because of their strong commitment to secularism. [4(e),5(c),14,16(a)]

6.33 Relations between Sunnis and Alevis are generally good, although Alevi and Sunni largely go to their own respective shops, restaurants and garages. There is little inter-marriage between the two sects. The Alevi acknowledge the different practices of their Sunni neighbours but do not disassociate from them entirely in their own ritual and personal life. [70]. However, two highly publicized massacres of Alevis took place in 1978 and 1993. In 1978, at a time of widespread violent unrest, hundreds of Alevi Kurds in Maras were

reportedly killed by members of a group known as the Grey Wolves (National Action Party). The 1993 massacre occurred in Sivas, when militant Islamic fundamentalists started a hotel fire that burned to death 37 Alevi intellectuals. Around 100 people were convicted for their involvement in the incident, with sentences of up to 15 years' imprisonment. In March 1995 serious violence occurred when militant Islamic fundamentalists opened fire on coffee houses in Istanbul associated with the Alevi sect. Two or three died in the original incident, and a further 25 died during several days of civic disorder which followed. The demonstrators had reportedly hurled petrol bombs at the police, who responded by firing into the crowd. [1,7(a),18(b)]

6.34 In October 1998, the Chief Prosecutor's Office began an investigation after three lawyers from the Ankara Bar Association filed a complaint against Virtue Party leader, Recai Kutan, for remarks he had made about Alevis. In the complaint it was stated that although his remarks were specifically aimed at the ruling Alawi sect in Syria, they were also insulting to millions of Alevi citizens in Turkey. [23(j)] Kutan is reported to have apologised for his comments stating, "I would be a fool to speak badly of our Alawite brothers in Turkey." [2(u),27(d)]

6.35 **ARABS** - mainly located in the southern province of Hatay, but also found five other southern provinces; Mardin, Adana, Urfa, Mersin and Siirt. In 1985 there were estimated to be about 200,000 Nusairi Arabs and in 1984 about 7,000 Arab Christians. [4(e)]

6.36 **CAUCASIANS** - can be split into three groups: Circassians, Georgians and Laz speakers. The north-eastern province of Artvin still has the largest single group of native Georgian and Laz speakers who can also be found in the provinces east of Istanbul which border the Black Sea - Kocaeli, Sakarya and Bolu. [4(e)]

6.37 **ARMENIANS** - It is estimated that there are about 50,000 Armenians in Turkey, including Gregorians, Protestants and Catholics, most of whom live in Istanbul. In 1915 and 1916 (prior to the foundation of the Turkish Republic) more than a million Armenians were killed at the hands of the "Unity of Progress" wing of the government. Following this and subsequent mass deportations many Armenians fled from Turkey. [1,18(a)]

6.38 Under the law, religious buildings that become "extinct" (because of prolonged absence of clergy or lay persons to staff local religious councils or for lack of adherents) revert to government possession. During 1999 an Armenian church in Hatay province was deemed by authorities to be no longer in community use, and it is to revert to the government agency which approves the operation of churches etc. [5(f)]

6.39 **GREEKS** - Many members of the Greek Orthodox community in Turkey have emigrated, allegedly because of pressure from the Turkish authorities. There are now only about 4,400 Turkish citizens of Greek origin left in Istanbul. [4(e)]

VI HUMAN RIGHTS: SPECIFIC GROUPS

PART II

SYRIAN ORTHODOX CHRISTIANS

JEWS

WOMEN

CHILDREN

HOMOSEXUALS

6.40 SYRIAN ORTHODOX CHRISTIANS (also known as Syriac Christians, Jacobites, Assyrians, Arameans or West Syrians)

This grouping was formerly a large and prosperous community, mainly located in the south eastern provinces of Mardin and Adiyaman and centred on the ancient monasteries of the Tur'Abdin area. Estimated in 1980 to number 40,000 people but there has since been a move towards emigration, particularly amongst the younger Syriac generation, partly based on economic reasons. Part of the community has relocated in Istanbul, while others have gone to western Europe and the USA. In 1988, it was estimated that only 1 - 2,000 Arameans were left in the Tur'Abdin district and the overall figure in the south east is believed to have dropped to 4,500 after a series of murders in 1990. [4(e),5(e)]

6.41 Distinct from Arameans, but nonetheless connected to them, are the Chaldean or East Syrian Christians, still to be found in scattered groups in the province of Mardin, and another, even smaller group, the Nestorians (also known as Assyrians) who were once numerous in the provinces of Van and Hakkâri. The combined numbers of these groups was estimated in 1980 to be only 7,000 and it is likely that this figure is much lower today. [4(e)]

6.42 Syrian Orthodox Christians are not covered by the Lausanne Treaty. One consequence of this is that Syrian Orthodox children are not exempt from the compulsory religious instruction in state schools. Another consequence is that the religion may not acquire additional property for churches. In September 1997 the Syriac Church was ordered to halt restoration efforts to its monasteries in the southeast and in October 1997 was ordered to terminate its Aramaic language classes on grounds that it lacked proper authorisation from the Regional Board, the Education Ministry, and the Office of Foundations. [5(e)]

6.43 JEWS - account for the smallest religious population in Turkey. In 1996, it was estimated that there were about 25,000 remaining in Turkey. It is reported that Sephardic Jews still play an important and respected role in business and the professions. [1,4(e),18(b),23(k)]

6.44 WOMEN - The literacy rate for women is approximately 78%, compared with 94% for men. Women make up between 43 and 50 per cent of the work force and generally receive equal pay for equal work in the professions, business, and civil service jobs. They may take the examination required to become governors or subgovernors with several having been appointed as subgovernors. Although only 13 of the 550 MPs are female, Tansu Çiller was briefly prime minister, and she still leads one of the main opposition parties. There are no female ministers in the Ecevit government. [5(c)(e)(f),33(c),56]

6.45 Spousal abuse is serious and widespread. Legislation passed in January 1998 made spousal abuse illegal and either sex may file civil or criminal charges. However, police are reported to be reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. "Honour" murders - the killing by immediate family members of young unmarried girls who are suspected of being unchaste - have become less common but continue in rural areas. The government banned the practice of forced virginity testing in January 1999. Under the new law, a girl cannot be medically tested to establish her virginity, unless those demanding it have authorisation from the Justice Ministry. In June 1998 the Constitutional Court annulled Article 440 of the Penal Code, which punished women, but not men, for infidelity. [5(c)(e),33(c),40(b),56,57]

6.46 Independent women's groups and women's rights associations exist and are growing, having increased to over 50 in number. In February 1997, close to 10,000 women gathered in Ankara to march and demonstrate against social policy initiatives of the then Islamist-led government. [5(c)]

The issue of the wearing of headscarves is dealt with in the "Freedom of Religion" section in chapter VII

6.47 CHILDREN - Turkey has ratified the UN Convention on the Rights of the Child, which affirms that special efforts must be made to protect children against torture or other cruel treatment. However, Turkish children as young as 12 have reportedly been subjected to torture. [12(e)]

6.48 The Government is committed to furthering children's welfare and works to expand opportunities in education and health. There is a State Minister for Women's and Family Issues who is responsible for implementing the government's programmes for children. In August 1997, Parliament passed an education

reform bill that extended compulsory primary education from 5 to 8 years. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters. The new 8 year compulsory education requirement is expected to allow more girls to continue their education, as well as reducing the number of child workers. [5(c)]

6.49 Instances of child beating and abuse are more frequently reported than in previous years, according to women's groups. The increase is thought to be due to greater public awareness of the problem. [5(c)]

6.50 The constitution and labour laws forbid the employment of children younger than 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. However, in practice many children work because families need the supplementary income. The bulk of child labour occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. [5(e)]

6.51 The Government recognised the serious problem of child labour in Turkey. The Ministry of Labour, the Ankara municipality, the Türk-İş labour confederation, the Turkish Employers Association are among the institutions participating in the ILO's International Program on the Elimination of Child Labour (IPEC), a project to solve the problems of working children. The Ministry of Labour and the ILO jointly produced a study showing that almost one-half (44%) of the children working are below the age of 15, are paid less than the minimum wage, and have no insurance. According to a 1996 study conducted by the Türk-İş child workers bureau, for every 100 workers, 32 were between the ages of 6 and 19. Children employed at work sites and homes constitute 5 percent of the total working population and were employed mostly in the metal, shoe, woodworking, and agricultural sectors. The young workers employed on a monthly or daily wage payment basis worked over 40 hours per week, and those employed at home and not receiving a wage payment worked less than 40 hours a week. The study reported that 56% of these workers were uninsured. It added that the total number of working young persons between the ages of 12 and 19 was 3.5 million and that 45 percent of them were under the age of 16. The constitution prohibits compulsory labour, including that performed by children, and the laws are enforced. [5(e)]

6.52 **HOMOSEXUALS** - There are no laws specifically concerning homosexual acts. In the penal code there are articles (419,547,576) which are intended to safeguard public morals, and which can be used against homosexuals. [75]

5C HUMAN RIGHTS: OTHER ISSUES

ACTIVISTS ENGAGING IN MARGINAL ACTIVITIES FOR ILLEGAL ORGANISATIONS

5.161 Anyone who is prosecuted for conducting marginal activities for illegal organisations such as the PKK or revolutionary groups may be sentenced to imprisonment not exceeding three years and nine months on the basis of Article 169 of the Turkish Criminal Code (support for an armed society or band). Case Law in such proceedings gives a varying picture. Some State Security Courts are relatively quick to assume involvement with an organisation while there are also cases in which the courts have acquitted suspects when there was sufficient proof for a conviction. One such case involved a Turkish national who was found in possession of PKK pamphlets but was nevertheless acquitted. Article 169 of the Criminal Code is covered by the Amnesty Law of 21 December 2000 which led to the release of many convicted of such offences and the suspension of many pending proceedings. [2(a)]

GOVERNMENT MONITORING OF HUMAN RIGHTS

5.162 In June 1997 a State Minister for Human Rights, who is also chairman of the High Council for Human Rights, was appointed. The Council is also comprised of parliamentary under-secretaries from the Ministries of General Affairs, Justice, Interior, Foreign Affairs,

Education and Health. The Council's secretariat is housed in the Ministry of General Affairs. The Council investigates violations nationwide and maintains contact with social organisations. Its work is taken as a basis for advising the government on human rights policy and possible amendments to legislation. [2(a)]

5.163 At the end of 2000 the State Minister for Human Rights was charged with creating a "petition bureau for human rights" in the offices of all separate province governors to which citizens may address complaints about violations. Bureaux have been opened in, among others, the provinces of Diyarbakır and Van. As part of the same scheme a special telephone number has been set up in the province of Gaziantep for reporting human rights violations. For administrative purposes the bureaux come under the provincial governor. The head of the Jandarma, directors from the Department of Education, Health and Social Security, a lawyer and some NGOs are among the members of the executive councils which investigate the complaints closely. However, human rights NGOs are not represented. The distribution of powers within the new bureaux is still uncertain. Whether the bureaux will really make a contribution to monitoring of the human rights situation remains to be seen. [2(a)]

5.164 A Parliamentary Human Rights Commission set up by the Turkish Parliament (Law No. 3686 of 5 December 1999) started work in December 1999. The Commission monitors compliance with national law and international treaties on human rights at home and abroad. The Commission also visits prisons and reports to the Parliament on torture, ill-treatment and abuse. The Commission is composed of 25 members of parliament from government and opposition benches. [2(a)]

5.165 In May 2000 the Commission published eight extensive reports on its findings following inspections of various police and judicial institutions in the provinces of Istanbul, Erzurum, Erzincan, Van, Elazığ and Tunceli in 1998 and 2000. According to the reports, instruments of torture were found in various interview rooms and a large number of detainees interviewed by the Commission stated that they had been victims of torture. The Commission repeatedly concluded in the various reports that torture and inhuman treatment are widespread, that suspects' right of access to a lawyer is regularly denied, that physical conditions in prisons still leave a great deal to be desired and that many torturers are not prosecuted. The reports maintain that those really responsible for this state of affairs are the provincial governors and public prosecutors. The Commission noted major improvements in the province of Tunceli over the last two years. [2(a)]

5.166 The Commission's chairwoman, Sema Pişkinsüt, who oversaw the drafting of the reports, refused to divulge the names of the alleged torture victims. In July 2001 the Acting Chief Prosecutor asked Parliament to lift Pişkinsüt's parliamentary immunity so that she could be prosecuted for refusing to provide the names of those alleging torture; in October 2001 Parliament decided to comply with the prosecutor's demand. A final decision must be taken jointly by the Constitution and Justice Committees, but had not been made by the end of 2001. [2(a)][5(i)]

5.167 In October 2000 Ms. Pişkinsüt was replaced as chair of the Commission by Hüseyin Akgül, a Member of Parliament for the nationalist MHP, which has broad support in police circles. Observers link her replacement to her progressive and critical attitude. The new chairman, Mr Akgül, declared that the Commission would continue to work in the same manner, but added that torture was not the only subject the Commission should deal with. In January 2001 a Subcommission was set up to investigate the prison raids at the end of 2000 and "F-type" prisons. [2(a)]

EUROPEAN COURT OF HUMAN RIGHTS

5.168 The Government recognizes the jurisdiction of the ECHR. The number of applications involving Turkey registered at the European Court of Human Rights rose from 653 in 1999 to 735 in 2000. In both years, Turkey ranked fifth in the list of countries, by number of applications. Russia, France, Italy and Poland ranked above Turkey in the list. (For comparison, there were 431 applications involving the UK in 1999, and 626 in 2000). A senior official at the Ministry of Foreign Affairs told the IND fact-finding mission in March 2001 that the nature of cases now going to ECHR was more about legal points than about allegations of mistreatment by public officials. A senior official at the Human Rights High Board Secretariat, Prime Minister's Office, informed the IND mission that in the Government's opinion there was now greater confidence in the internal avenues of redress open to people and this was clear from feedback at regional meetings attended by the High Board. It is only when those internal avenues are exhausted that individuals go to the European Court of Human Rights, where the nature of cases involving Turkey had changed to being predominately arguments about points of law. [82]

5.169 During 2001, the Government lost 154 cases to which it was a party, most of which pertained to dispossession of property (from villages in the southeast), due process, torture, deaths, and past disappearances. In 57 additional cases the Government accepted a friendly settlement and paid £1.35 million (approximately 2.7 trillion TL); and the ECHR dismissed a further three cases. The Government paid several million dollars in fines and friendly settlements. [5(i)]

HUMAN RIGHTS ORGANISATIONS

5.170 The **Human Rights Association (HRA)** (İnsan Hakları Derneği) was set up in 1986 with the general aim of promoting human rights in Turkey. The organisation's main activities are to collect and verify information on human rights violations. It publishes monthly reports and press releases on arrests, torture, disappearances in custody, violations of the right to freedom of expression and so on. With financial support from EU Member States the HRA organises courses for teachers and lawyers which also cover procedures for the right of individual petition. The HRA has over 50 local branches spread throughout Turkey, and claims a membership of about 20,000 people. [5(i)] Within the HRA there is a strong Kurdish current which maintains close ties to the Turkish-Kurdish opposition. [2(a)]

5.171 The **Turkish Human Rights Foundation (HRF)** (Türkiye İnsan Hakları Vakfı), which splintered from the HRA in 1990, has five medical centres in Turkey in the cities of Adana, Ankara, Diyarbakır, Istanbul and Izmir where victims of torture can receive treatment. The HRF uses the services of doctors who document traces of torture or abuse. The HRF has a documentation centre and publishes daily and monthly reports on the human rights situation in Turkey. [2(a)]

5.172 There are many human rights organisations active in addition to the HRA and HRF. The **Turkish Democratic Foundation (Türkiye Demokrasi Vakfı)** and the **Helsinki Citizens' Assembly (HCA)** work from Istanbul and Ankara respectively. In mid-April 2001 the HCA decided to close its office in Istanbul temporarily as a result of police intimidation for suspected support to the hunger strikers in F-type prisons. The directors of the organisation themselves decided on the temporary closure of a few weeks. [2(a)]

5.173 **Mazlum-Der** is an organisation with Islamic leanings and has sixteen branches in the whole of Turkey. The name is an acronym of İnsan Hakları ve Mazlumlara İçin Dayanışma Derneği, which means Organisation for Human Rights and Solidarity for Repressed People). A sixth human rights organisation is the **Association of Contemporary Jurists (Çağdaş Hukukçular Derneği)**. There are also human rights centres associated with Turkish universities. [2(a)]

5.174 The HRA is regularly harassed and obstructed by the authorities, namely the security forces. In recent years some HRA regional offices have been shut down and criminal proceedings have been brought against various HRA workers for separatist propaganda or support for illegal organisations. In late 2000 the Turkish General Staff admitted in response to a number of newspaper articles that it had initiated a smear campaign against human rights activists, among others, including the HRA and its then President, Akýn Birdal. The army added that the plan for the campaign was never carried out. [2(a)]

5.175 In March 2000 HRA President Akýn Birdal returned to prison to serve a sentence dating from 1998. Because he was still very weak after an assassination attempt in 1998 the authorities did not find him in sufficiently good health to serve the sentence until 2000. On 23 September 2000 Birdal was released after having completed his sentence. Other criminal proceedings are currently pending against him. In all cases the charges concern public statements made by Birdal. There is at least one case in which Birdal could benefit from the amnesty decreed in December 2000. In February 2001 Nazmi Gür, secretary-general of the HRA, was acquitted of charges of "support for a terrorist organisation" by the first chamber of the State Security Court in Ankara. On 10 April 2001 Amnesty International reported that Eren Keskin and Osman Baydemir, lawyers and chairmen of HRA branches in Istanbul and Diyarbakýr respectively, had repeatedly been receiving death threats by phone from anonymous callers. [2(a)]

5.176 In 1999 and 2000 various HRA offices, including the regional offices of Mardin and Gaziantep, were shut down for three months. In the period from 28 November 2000 to 2 January 2001, six HRA regional offices in the provinces Malatya, Gaziantep, Van, Konya, Izmir and Bursa were forced to close. The reason given was alleged HRA involvement in the hunger strikes and prison riots at the end of 2000. The Diyarbakir branch, which was closed from 1997 apart from a brief interval in April and May 2000, re-opened on 11 October 2000. Some other offices have re-opened in the meantime, but Malatya and Gaziantep remained closed throughout 2001. [2(a)][5(i)]

5.177 Other HRA branches have been raided by the police. On 22 December 2000 the police confiscated a large amount of material in a raid on the regional office for Ankara province. In January 2001 it was the turn of the HRA head office in Ankara following media reports that the HRA was receiving funding from arch-rival, Greece. From the material confiscated during the raids, the Turkish judicial authorities have drawn the conclusion that the HRA was guilty of support for the revolutionary organisations the DHKP/C, TKP/ML and MLKP, which were all involved in the prison riots and hunger strikes in December 2000. As a result the entire management of the Ankara branch and a few other HRA workers are being prosecuted for infringements of Article 169 of the Criminal Code as regards support for illegal organisations. The first hearing took place on 13 February 2001, and the case remained pending at the end of 2001. [2(a)][5(i)]

5.178 Criminal proceedings at the State Security Court in Ankara have also been commenced against the senior management of the HRA on the basis of Article 169 of the Criminal Code for support to the prison hunger strikers. In February 2001 the public prosecutor launched proceedings to proscribe the HRA. The charge is that the HRA allegedly dealt with matters that were not included in its statute and aims by conducting activities in connection with the hunger strikes and prison riots. The first hearing was on 22 March 2001. [2(a)]

5.179 The above facts give some indication how the Government is trying to curb the HRA's activities. [2(a)]

5.180 Pressure on the HRF also seems to have intensified recently. Two actions were

commenced at the State Security Court in Izmir against doctors working for the HRF and other workers accused of supporting the PKK. Most of them have been acquitted. The local authorities in Izmir, where one of the foundation's most important medical centres is based, put constant pressure on the organisation. In September 2001 police raided the Diyarbakir torture treatment centre of the HRF and seized confidential files on torture victims, allegedly to research whether the HRF was exceeding its mandate. The files were returned a month later. In late October 2001 the Office for Foundations conducted an unscheduled audit of HRF administrative and financial files. From September 2001 the Diyarbakir torture treatment centre was under government investigation on the grounds that it had not obtained necessary permission from the Health Ministry to operate as a health care provider. The SSC concluded that the case does not fall under its jurisdiction, and no court case had been opened by the end of 2001. [2(a)][5(i)]

5.181 Mazlum-Der also encounters resistance on the part of the authorities from time to time. For instance, in January and May 1999 the regional offices in Van and Malatya were closed indefinitely. The office in Van re-opened in April 2000 and that in Malatya in August 2001. [2(a)][5(i)]

STATE OF EMERGENCY

5.182 A state of emergency (in Turkish: Olağanüstü Hal, often abbreviated to OHAL) has been applied in south-eastern Turkey since being introduced in the mid-1980s. It remained in force in six provinces in 1999. The state of emergency was lifted in the Siirt province in November 1999, and in Van province in July 2000. It now remains in force in four provinces: Diyarbakir, Tunceli, Pınar and Hakkari. [2(a)]

5.183 The provinces in the state-of-emergency region as a whole are administered by a super-governor, based in Diyarbakir, who takes precedence over individual provincial governors and is vested by law (Law No. 2935 of 1983, as amended in 1990) with very sweeping powers, such as imposition of a night-time or daytime curfew, restrictions on press freedom, introduction of special identity checks, sealing off or evacuation of particular areas, control of theatre and cinema performances, searches of organisations' offices or closure of organisations, without specifying any reason, for up to three months. That governor also has special security powers in what are termed adjacent provinces, of which there are currently seven: Batman, Bingöl, Bitlis, Mardin, Muş, Siirt and Van. Under the Turkish Code of Criminal Procedure, for instance, the period for which a suspect may be held in pre-trial detention in areas covered by the state of emergency is longer than in provinces not covered by it. (See "Legal rights / detention" in chapter 4). [2(a)]

5.184 Coverage by the state of emergency brings a province additional public financial assistance. Some provincial authorities have even on that account opposed the lifting of the state of emergency. [2(a)]

BLOOD FEUDS

5.185 Sources vary on "kan davası" or blood feuds. Some observe that blood feuds are extinct, or nearly extinct, in Turkey. However, the Turkish Ministry of Foreign Affairs asserts that "Murders among the people of the region are often committed for personal reasons, blood feuds or other reasons". A 1997 report about the arrest of Mahmut Sakar, vice president of the Turkish Human Rights Association, stated that Mr Sakar "negotiates an end to blood feuds and tribal in-fighting, which frequently erupt in a society where lawlessness (not least by the state) is rife". The Dutch Ministry of Foreign Affairs states "Particularly in south-eastern Turkey ... the social fabric is such as to entail blood feuds and forms of traditional dispute settlement and rough justice. Kurdish clan customs result in

frequent loss of life in vendettas, against which the local Turkish authorities cannot always provide effective protection." [2(a)][7(i)]

ANNEX A

PARTIES WHICH CONTEST PARLIAMENTARY ELECTIONS

See para 3.28 for size of vote, and parliamentary seats, in 1999 General Election.

Adalet ve Kalkınma Partisi (AKP) (Justice and Development Party). www.akparti.org/ Founded 2001 by former members of the banned Fazilet (Virtue Party). Islamist. Leader Recep Tayyip Erdogan.

Anavatan Partisi (ANAP) (Motherland Party). www.anap.org.tr Founded 1983. Supports free market economic system, moderate nationalist and conservative policies, rational social justice system, integration with the EU, and closer ties with the Islamic world. Chair. Mesut Yilmaz. Sec.-Gen. Yapar Okuyan.

Büyük Birlik Partisi (BBP) (Great Unity Party). www.bbp.org.tr Founded 1993. Chair. Muhsin Yazicioğlu.

Cumhuriyet Halk Partisi (CHP) (Republican People's Party). www.chp.org.tr Founded 1923 by Kemal Atatürk, dissolved in 1981 and reactivated in 1992. Merged with Sosyal Demokrat Halkçı Parti (Social Democratic Populist Party) in February 1995. Left-wing. Leader Deniz Baykal. Sec.-Gen. Tarhan Erdem.

Değişen Türkiye Partisi (DEPAR) (Changing Turkey Party). www.depar.org Founded 1998. Chair. Gökhan Çapoğlu.

Demokrasi ve Barış Partisi (DBP) (Democracy and Peace Party). Founded 1996. Pro-Kurdish. Leader Refik Karakoç.

Demokrat Türkiye Partisi (DTP) (Democratic Turkey Party). www.dtp.org.tr Leader İsmet Sezgin.

Demokratik Sol Partisi (DSP) (Democratic Left Party). www.dsp.org.tr Founded 1985. Centre-left. Draws support from members of the former Republican People's Party. Chair. Bülent Ecevit. Sec.-Gen. Zeki Sezer.

Doğru Yol Partisi (DYP) (True Path Party). www.dyp.org.tr Founded 1983. Centre-right. Replaced the Justice Party (founded 1961 and banned in 1981). Chair. Tansu Çiller. Sec.-Gen. Nurhan Tekinel.

Halkın Demokrasi Partisi (HADEP) (People's Democracy Party). www.hadep.org.tr Founded 1994. Pro-Kurdish nationalist party. Chair. Murat Bozlak. See paras 5.106 -5.112. Sources 88(a)(b)(c)(d) and (e) are printed from HADEP's website.

İpçi Partisi (İP) (Workers' Party). www.ip.org.tr Founded 1992. Maoist, nationalist. Chair. Doğu Perinçek.

Liberal Demokratik Parti (LDP) (Liberal Democratic Party). www.ldp.org.tr Founded 1994.

Chair. Besim Tibuk.

Millet Partisi (MP) (Nation Party). www.mp.org.tr Founded 1992. Chair Aykut Edibali.

Milliyetçi Hareket Partisi (MHP) (Nationalist Action Party). www.mhp.org.tr Founded 1983. Formerly the Conservative Party. Leader Devlet Bahçeli. Sec.-Gen. Koray Aydın.

Özgürlük ve Dayanışma Partisi (ODP) (Freedom and Solidarity Party). www.odp.org.tr Founded 1996. Radical left. Leader Ufuk Uraz.

Saadet Partisi (SP) (Felicity/Happiness/Contentment Party). www.saadetpartisi.org.tr/ Founded 2001 by the traditionalist wing of the banned Fazilet (Virtue Party). Islamist. Leader Recai Kutan.

Toplumcu Demokratik Partisi (TDP) (People's Democratic Party) Founded January 2002 by Sema Pipkinsüt, former Parliamentary Human Rights Commission Chairperson.

Yeniden Doğuş Partisi (YDP). (Rebirth Party). Founded 1992. Chair. Hasan Celal Güzel.

Yeni Parti (YP) (New Party). Founded 1993. Leader Yusuf Bozkurt Özal.

Now banned

Fazilet Partisi (FP) (Virtue Party). Founded 1997, banned June 2001. Fazilet replaced Refah Partisi (Welfare Party), which was dissolved by the Constitutional Court. Islamic fundamentalist. Interest in free market economy. Leader Recai Kutan.

Sources - [1][23(p)][80].

ANNEX B

MAIN LEFTIST AND/OR ILLEGAL POLITICAL ORGANISATIONS

IMPORTANT. Caseworkers should note that this annex consists of the names of both legal and illegal organisations. Those organisations which are known to be illegal have this fact recorded in their entry below. It would not be possible to have a fully comprehensive list of illegal parties, because they are a constantly changing and clandestine scene.

Aczi-Mendi Group. Radical Islamic group. Founded by Müslüm Gündüz in Elazið in 1985. The meaning of Aczi-Mendi is the "Sect of the Helpless Servants of Allah". All the group's members dress in the same style, with black robes, turbans, and baggy trousers, and they carry sceptres. They hold their meetings in Elazið and in dervish lodges, which they have established in different cities. Dervish convents in Elazið, Gaziantep and Izmir have been closed by court order. [92]

Akabe. A radical Islamic group. Author Mustafa Islamoðlu leads it. The legal branch of the group is AKEV (Akabe Education and Culture Association). [92]

Apocular (Followers of Apo (the nickname of Abdullah Öcalan). After 1974 Öcalan gathered six political colleagues to initiate a specifically Kurdish national liberation movement based on Marxism-Leninism. The Apocular were drawn almost exclusively from

Turkey's growing proletariat, and imbued Kurdish nationalism with the idea of class war. In 1978 they renamed themselves the **PKK**. [16(b)]

ARGK. See **PKK**.

Ates Hirsizi (Fire Thief). Formed in 1993. Anarchist. Publication - "Ates Hirsizi". [80]

BDGP (United Revolutionary Forces Platform) (Birlesik Devrimci Güçler Platformu) Founded 1998. Radical left. [80]

BP/KK-T (Bolshevik Party / North Kurdistan - Turkey) (Bolşevik Partisi / Kuzey Kürdistan - Türkiye) Illegal. Formed 1981 as **TKP/ML** (Bolshevik). Ex-Maoist, Stalinist. Publications - "Bolşevik Partizan", "Roja Bolşevik". [80]

Ceyshullah (Army of Allah). Founded in Istanbul in 1995. Its aim is to bring about a theocratic regime in Turkey by "holy war". Between 1994 and 1999 the Turkish police conducted six operations against Ceyshullah, and apprehended 33 members, as well as guns, pistols, bombs and other munitions. The members stated that they had been trained in Saudi Arabia and Afghanistan. [92]

Dev Yol (Revolutionary Path) (Devrimci Yol). Founded 1975. Radical left. Part of ÖDP (see Annex A). Publications - "BirAdim", "Hareket", "Devrimci Hareket". [80]

Devrim (Revolution). Split of Dev Yol in 1990. Ex-Maoist, radical left. Publication - "Devrim". [80]

Devrim Partisi-Kawa. See **PS-Kawa**.

Devrimci Gençlik See **DHKP-C**

Devrimci Halk Hareketi (Revolutionary People's Movement). Split of **TKIP** in 1999. Radical left. Publication - "Devrimci Halk". [80]

Devrimci Isçi Partisi - İnsa Örgütü (Revolutionary Workers Party - Build up Organisation). Trotskyist. Publication - "Enternasyonal Bülten". [80]

Devrimci Mücadele (Revolutionary Struggle). Founded 1977 as Devrimci Derleniş. Radical left. Publication - "Devrimci Mücadele". [80]

DHKP-C (Revolutionary People's Liberation Party - Front) (Devrimci Halk Kurtuluş Partisi - Cephesi). Illegal. Radical left. It was formed in 1993 as a splinter faction of **Dev Sol** (Devrimci-Sol, Revolutionary Left), which was founded in 1978 and which went out of existence following the split. The other splinter faction, known as **THKP/C Devrimci Sol**, is on hostile terms with **DHKP/C**, but constitutes a far smaller group in scale and significance. Although **DHKP/C** has long had a difficult relationship with the **PKK**, it has repeatedly expressed its solidarity with the Kurdish armed struggle.

DHKP/C seeks to overthrow the existing Turkish system of government by armed revolution and to replace it with a Marxist-Leninist state. Its terrorist operations are aimed in particular at the Turkish security forces and public figures, as well as at bodies seen by the group as "symbols of imperialism". An attack on a bank in Istanbul in September 1999 left 23 people injured. The authorities struck a major blow at **DHKP/C** in 1999, arresting 160 members and seizing a large quantity of arms and explosives. In August 2000 the police caught

seven DHKP/C members trying to plant a bomb at an airforce base. DHKP/C was in action again in 2001 with various operations, including an attack on a police car on 10 April, in which a passer-by was killed and two police officers injured. The US State Dept. report for 2001 records that DHKP-C suicide bombers attacked police stations in Istanbul in January and September 2001, killing several police officers and civilians.

Many of those involved in the hunger strikes in Turkish prisons in late 2000 and early 2001 came from among DHKP/C's ranks. The group drummed up large-scale support throughout Europe for protests in connection with those events. In Turkey itself the protests included a bomb attack on a police station in Istanbul on 3 January 2001, following which the organisation announced that this was in retaliation for the deaths of 30 prisoners in a prison clearance operation. Turkey's Anatolia news agency reported that, according to a circular distributed to police stations in Istanbul, the organisation had planned further attacks. [2(a)]

Ankara State Security Court prosecutor Talat Salk alleged in a 1999 court case that DHKP-C conducts its activities under the names of HOP (Haklar ve Özgürlükler Platformu) (Rights and Freedoms Platform), the outlawed Devrimci Gençlik (Revolutionary Youth), and TODEF (Türkiye Öğrenci Dernekleri Federasyonu) (Federation of Turkish Students and Youth Associations). [23(o)]

Publications - "Yasadigimiz Vatan", "Devrimci Sol", "Kurtulus". [80] In UK the DHKP-C has since 29 March 2001 been proscribed under the Terrorism Act 2000. See forthcoming API - Proscribed Organisations. Source 61 is printed from the group's website www.ozgurluk.org/dhkc

DHP (Revolutionary People's Party) (Devrimci Halk Partisi). Founded 1994. Close to the PKK. Publication - "Alternatif". [80]

Direnis Hareketi (Resistance Movement). Founded 1978 as THKP/C - Üçüncü Yol. Radical left. Publication - "Odak". [80]

Dördüncü Sol - Insa Örgütü (Fourth Left - Construction Organisation). Trotskyist. Publication - "Son Kavga". [80]

DPG (Revolutionary Party Forces) (Devrimci Parti Güçleri). Radical left. Publications - "Maya", "Parti Yolunda". [80]

DSIH (Revolutionary Socialist Workers Movement) (Devrimci Sosyalist İşçi Hareketi). Illegal. Radical left. Publication - "Kaldirac". [80]

DSIP (Revolutionary Socialist Workers Party) (Devrimci Sosyalist İşçi Partisi). Founded 1997. Legal. Trotskyist. Publication - "Sosyalist İşçi". [80]

Emep (Labourers Party) (Emegin Partisi). Founded 1996. Stalinist. Legal wing of TDKP. Gained 0.17% of the national vote in the April 1999 general election. Publications - "Evrensel", "Özgürlük Dünyası". [80]

ERNK. See PKK.

HDÖ (People's Revolutionary Leaders) (Halkin Devrimci Öncüleri). Illegal. [82(c)]

Hevgirtin Welatparez (Patriotic Union). [80]

Hizbullah/İlim Gruhu and Hizbullah/Menzil Grubu. Both are illegal. Hizbullah/Hezbollah is a very shadowy Islamist group which originated in the 1980s in southeast Turkey. In the early 1990s it came to prominence after launching a campaign of violence against the PKK. Rumours were rife that Hizbullah was at least tolerated by the security forces because it was fighting against a common enemy, and it has been held responsible for a large number of disappearances and killings. Its victims included a former DEP member of parliament, Mehmet Sincar, and an Islamic feminist writer, Konca Kuris. President Demirel denied allegations that there were links between Hizbullah and Turkish officialdom, while the general staff of the armed forces issued an angry statement condemning such allegations as slander. See paras 4.32-4.34 of this assessment.

From 1997 onwards the Turkish authorities began to take tougher action against Hizbullah, with a reported 130 supporters arrested in 1998, 250 in 1999 and 3300 in 2000. In a raid on a home in the Üsküdar area of Istanbul on 17 January 2000 Hüseyin Velioğlu, Hizbullah's founder and leader, was killed, and two other people arrested. On the basis of evidence found in the home, many other premises were searched, revealing the bodies of thirteen missing businessmen. With many more corpses being uncovered in the following months, the public prosecutor was able to press charges against 21 people on 156 counts of murder in the major Hizbullah trial which opened on 10 July 2000, and which continued in 2001. During an interrogation, a Hizbullah suspect reportedly confessed to killing moderate Islamic scholar Konca Kuris in the early 1990s.

The security forces' many operations against Hizbullah have inflicted heavy setbacks on it, and the number of bombings carried out by the group has fallen from 302 in the first eight months of 1999 to 94 in the corresponding period of 2000. However, the provincial governor of Diyarbakir stated in October 2000 that, in spite of those serious setbacks, Hizbullah could certainly not yet be considered to have been eliminated. There are said to be many teachers and religious officials involved in the organisation.

Up to the time of the security forces' major action in January 2000, there were no known instances of Hizbullah's having targeted the authorities in its operations. Since then, however, armed incidents have taken place. On 11 October 2000 in Diyarbakir a policeman was killed in a gunfight with Hizbullah, which has also been linked with the shooting dead of the province's chief of police, Gaffar Okkan, and five of his officers in January 2001. In April 2001 a Hizbullah member was arrested on suspicion of involvement in that attack.

Many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence. [2a][5(h)][5(i)][63(e)][82(c)][92]

Hizbullah Vahdet. Radical Islamic group, which centred on the Vahdet Bookstore in the 1980s. The group's leader is Abdulvahap Ekinçi. The group's legal foundations are Davet Education and Culture Association and Abdulkadir Geylani Trust. The group publishes a periodical called "Vahdet". [92]

HKG (People's Liberation Forces) (Halkın Kurtuluşu Güçleri). [80]

HOP See DHKP-C

IBDA-C (Islamic Great East Raiders - Front) (İslami Büyük Doğu Akıncılar Cephesi). Illegal Iranian-backed fundamentalist group which seeks the establishment of an Islamic republic based on strict Shariah or religious law. It attacks the PKK as well as the Turkish establishment.

IBDA-C is reportedly organised in small, isolated cells. Members organise independently

without any hierarchical authority. Usually each cell does not have information about another cell's actions. There are two different types of cell. One type carries out propagandist actions, publishing books and periodicals, and organising meetings, conferences or exhibitions. The other type includes such cells as "Ultra Force", "Altinordu", "Lazistan", and "Union of Revolutionist Sufis". IBDA-C is active in publication, and has many bookstores, websites and print-houses. Meetings are held in bookstores. Some of its periodicals are "Ak-Dogup", "Ak-Zuhur", "Akin Yolu", "Taraf", and "Tahkim".

IBDA-C has been linked with a number of terrorist attacks, especially in the early 1990s. It frequently makes use of explosives and Molotov cocktails in its attacks, and has often targeted banks, casinos, Christian churches and Atatürk monuments.

IBDA/C has been linked with the fatal bomb attack in October 1999 on a secular professor, Ahmet Taner Kiplali, who was best known as a journalist for the Cumhuriyet newspaper. In December 1999 and February 2000 IBDA/C members sparked off bloody clashes in Metris prison when they attempted, by armed force, to prevent guards from entering their cell. In the December riot, 54 soldiers were injured and 100 hostages taken by IBDA/C, which also laid claim to the fatal attack on two police officers in Istanbul on 1 April 2001.

Proceedings were brought against IBDA/C's leader, Salih Izzet Erdip, known by the nom de guerre Salih Mirzabeyoğlu, before Istanbul State Security Court in February 2000, seeking to have the death penalty imposed on him for leadership of an illegal organisation working for the establishment of an Islamic state. On 3 April 2001 he was sentenced to death by that court. [2(a)][82(c)][85][92]

İHÖ (Islamic Movement Organisation) (İslami Hareket Örgütü). Illegal. [82(c)]

İMO (Islamic Movement Organisation). Its goal was to found an Islamic State in Turkey. Members were trained in Iran. Usually high level militants were sent abroad for training in guerrilla tactics, using weapons, and producing bombs. İrfan Cagırcı, the director of the operations team, was caught by police in Istanbul in 1996. After the command and control of İMO had been weakened, İMO collapsed, and today most of its members are in prison. [92]

İsci Demokrasisi (Workers Democracy). Founded 1998; split of DSİP. Trotskyist. Publication - "İsci Demokrasisi". [80]

Jerusalem Fighters See Kudüs Savaşçıları

KADEK See PKK

Kaplancılar /Sözde Hilafet Devleti. Illegal. [82(c)]

KDB (Communist Revolutionary Union) (Komünist Devrimci Birlik). Illegal. [82(c)]

KDH (Communist Revolutionary Movement) (Komünist Devrim Hareketi). Illegal. [82(c)]

KDH/L (Communist Revolutionary Movement/Leninist) (Komünist Devrim Hareketi/Leninist). Illegal. [82(c)]

KKP (Kurdistan Communist Party) (Kürdistan Komünist Partisi). Illegal. [82(c)]

KP(İÖ) (Communist Party (Build Up Organisation)) (Komunist Partisi (İnşa Örgütü)). Illegal.

Ex-Maoist, Stalinist. Split of MLKP in 1995. Publication - "Halkin Birliğı". [80][82(c)]

Kudüs Savaşçıları (Jerusalem Fighters). Islamic splinter group, said to have links with Iran. Police operations in May 2000 brought the arrest of some members and the discovery of various arms caches. [2(a)]

KUK (Kurdistan National Liberationists) (Kurdistan Ulusal Kurtuluscuları). Marxist-Leninist. Established 1978. Its initial aim is to establish an independent Kurdistan in east and southeast Turkey, and then to unite this republic with territories in which Kurds live in Iran, Iraq and Syria. KUK-MK leaders are Dasraf Bilek (General Secretary), Sait Özsoy, Vasfi Özdemir, Mahfuz Yetmen, Nevket Kaçmaz, Lütfi Baksı. KUK-SE leaders are K. Bapibüyük, Yalçın Büyük (Gen. Sec.), Abdurrahman Bayram, Abdurrahman Esmer, Yasemin Çubuk, Zeynel Abidin Özalp, and Yusuf Ahmet Bartan. [92]

M-18 See MLKP

Malatyalılar (From Malatya/Malatyaites) This radical splinter group, also known as Pafak-Deđipim, advocates establishment of an Islamic state. The group first attracted attention at demonstrations against the ban on wearing the veil, in 1997 and 1998, and related disturbances in Malatya. Apart from Malatya, the organisation is reported also to be active in Istanbul, Gaziantep, Erzerum and Kayseri. Its leadership is said to be engaged in talks with Hizbullah, with a view to assembling forces. In October 2000 the security forces carried out a large-scale operation against the group, arresting some 250 people in 28 provinces. Although there have (as of May 2001) been no known Malatyalılar acts of violence, a large number of arms were found in that swoop by the security forces. [2(a)]

The group's leader is Zekeriya Pengöz. The group's leading members come from the city of Malatya in southeast Turkey. The group publishes "Deđisim" (Metamorphosis) periodical. In addition, it has founded a legal trust named "Islamic Solidarity Trust", which is active in Istanbul. The group calls itself "Pafak" (Down Group), and in university circles they use the signature of "Muslim Youth". [92]

Mezhepsizler Grubu. Illegal. [82(c)]

MIB (Marxist Workers League). Trotskyist. [80]

MLKP (Marxist Leninist Communist Party) (Marksist Leninist Komünist Partisi). Illegal. Founded 1995; merger of TKP/ML - Hareketi, TKİH, TKP/ML(YİÖ). Stalinist. It seeks the armed overthrow of Turkey's present political system. It also sees itself as representing the Kurdish community, and wants to throw off the "fascist colonial yoke" by means of armed struggle, having its own armed wing, known as M-18. Publications - "Partinin Sesi", "Atılım". [2(a)][80][82(c)]

MLSPB (Marxist-Leninist Armed Propaganda Unit) (Marksist Leninist Silahlı Propaganda Birliđi). Illegal. Founded 1975 as split from THKP/C; political military. Radical left. Publication - "Barikat". [80][82(c)]

Müslüman Gençlik Grubu. (Muslim Youth Group). Illegal. [82(c)]

PADEK (Freedom and Democracy Party of Kurdistan) (Partiya Azadî û Demokrasi ya Kurdistanê (name in Kurdish); Kürdistan Özgürlük ve Demokrasi Partisi (name in Turkish)). Founded 2000 by faction of PYSK (Kurdistan Sosyalist Birlik Partisi). Left, Kurdish nationalist. [80]

PDK (Kürdistan Demokrat Partisi). Illegal. [82(c)]

PDK/Bakur (Democratic Party of Kurdistan/North) (Partî Demokratî Kurdistan/Bakur (name in Kurdish); Kürdistan Demokrat Partisi/Küzey (name in Turkish)). Illegal. Founded 1992 as PDK/Hevgirtin. Left, Kurdish nationalist. It aims to unite Kurds living in Iran, Iraq, Syria and Turkey under the flag of an independent Socialist Kurdistan Republic. Publication - "Denge Bakur". [80][82(c)][92]

PDK(T) (Democratic Party of Kurdistan (Turkey)) (Kürdistan Demokrat Partisi (Türkiye) (Partiya Demokrat a Kurdistan (Türkiyê)). Left, Kurdish nationalist. Publication - "Xebat". [80]

PIK (Islamic Kurdistan Party) (Partiya Islamiya Kurdistan). Founded 1979. PIK's main aim is to establish an Islamic state, and its members see this as a holy mission. Its strategy is allegedly to create chaos in Turkey, to destabilise government institutions, to start a nationwide revolt, and to establish an Islamic Kurdistan. It is active in eastern and southeastern Turkey, especially in Malatya. It has branches in Ankara and Istanbul. Leaders of the party include Prof. Dr. Muhammed Salih Mustasfa (Party President and General Emir), Osman Caner (Emir of Students and Youth) and Sukuti Evcim (Director of Youth. [92]

PKK (Kurdistan Workers' Party) (Partiya Karkerên Kurdistan (name in Kurdish); Kürdistan İşçi Partisi (name in Turkish)). www.kurdstruggle.org/pkk See also section entitled "The Kurds" (chapter 5B). Illegal. Founded on 27 November 1978. It advocates armed struggle both at home and abroad, to achieve an independent Kurdish state slicing through Turkey, Syria, Iraq and Iran, and launched the struggle in 1984. 57-member directorate. Its components include ERNK (the National Liberation Front of Kurdistan), the PKK's "popular front and propaganda division", and ARGK (the Kurdistan National Liberation Army), the PKK's "popular army". Leadership: Abdullah "Apo" Öcalan.

The PKK's armed operations in south-eastern Turkey, starting in 1984 and peaking from 1990 to 1994, involved attacks on civilians (in many cases Kurdish) and military targets, causing around very many deaths. The PKK was guilty of human rights violations, including murders, especially in rural parts of the south-east, but also in other areas. The victims were mainly Jandarma officers, mayors, teachers, imams, village guards and their families, reluctant recruits, young villagers, refusing to fight for the PKK, and (former) PKK members acting as informants for the Turkish authorities. From the outset, the Turkish army took tough action against the PKK. The PKK attempted to make the south-east ungovernable, by systematically destroying economic and social infrastructure etc., and by deliberately polarising the local population. Many village schools were closed down, not least as a result of the PKK's policy, up until 1996, of killing schoolteachers.

According to information from the Turkish authorities, a total of just over 23,000 PKK fighters and around 5000 members of the armed forces and security forces have been killed since 1987 in the conflict with the PKK. Just over 4400 civilians are reported to have been killed. The injured number just over 11,000 armed forces and security forces members, and around 5400 civilians. No figures are given for injured PKK fighters.

On 3 August 1999 Abdullah Öcalan called on PKK fighters to end their armed struggle and withdraw by 1 September to beyond Turkey's borders. On 1 September his brother Osman, a member of PKK's command council, announced that the PKK would do this with immediate effect. The extent to which Öcalan's call has been followed by PKK fighters can be seen from figures from the Turkish army high command in May 2000, showing only 500 out of 5500 PKK fighters still to be in Turkey. In the first five months of 2000, the number of

clashes between the army and guerrillas had fallen to 18, as against 3300 at its peak in 1994 and 48 in 1999.

On 16 April 2002 the PKK announced that it had ceased activities and had regrouped as **KADEK**, the Kurdistan Freedom and Democracy Congress (Kurdistan Özgürlük ve Demokrasi Kongresi). Deputy Prime Minister Yılmaz stated that, if former PKK members who were involved in unlawful activities in the past continued to be active within the same organisation, all the restrictive decisions and measures that applied to the PKK must also apply to the new organisation. He went on to say that the fact that the PKK had realised that violence and terrorism were not a solution was a positive development. However, those who were involved in terrorism in the past should, he said, definitely be brought to justice. Such tactical changes did not affect the policy of the Turkish State on this subject.

Publication - "Serxwebûn" (written in Turkish). In UK the PKK has since 29 March 2001 been proscribed under the Terrorism Act 2000. See forthcoming API - Proscribed Organisations. [1][2(a)][11(x)][18(i)][20][32][80][82(c)]

PKK/KKP (Communist Party of Kurdistan) (Partiya Komunistê Kurdistan (name in Kurdish); Kürdistan Komünist Partisi (name in Turkish)). Founded 1990 by Kurdish section of TKEP. Communist. Publication - "Dengê Kurdistan". [80]

PNBK (National Platform of North Kurdistan) (Platforma Neteweyî ya Bakûrê Kurdistanê (name in Kurdish); Kuzey Kurdistan Ulusal Platformu (name in Turkish)). Founded 1999. Left, Kurdish nationalist. [80]

PRK/Rizgari (Liberation Party of Kurdistan) (Partiya Rizgariya Kurdistan (name in Kurdish); Kürdistan Kurtulus Partisi (name in Turkish)). Illegal. Founded 1976. Radical left, Kurdish nationalist. The party's aim is to establish an independent Kurdistan, and extend this to an independent United Socialist Kurdistan with territory which is at present part of Iran, Iraq, Syria and Turkey. Publications - "Rizgari", "Sterka Rizgari". [80][82(c)][92]

PRNK (National Liberation Party of Kurdistan) (Kürdistan Ulusal Özgürlük Partisi). Illegal. Probably disbanded. [80][82(c)]

PS-Kawa (Revolutionary Party) (Partiya Sores). Illegal. Founded 1998 as split of PYSK (Kurdistan Sosyalist Birlik Partisi). [80][82(c)]

PSK (Socialist Party of Kurdistan) (Partiya Sosyalist a Kurdistan). Illegal. Founded 1974. Left, Kurdish nationalist. Its legal wing is the DBP (see Annex A). Publications - "Roja Nû", "psk-bulten". [80][82(c)]

PSK- (Devrimci Kürdistan Partisi) (Partiya Sorepa Kürdistan). Illegal. [82(c)]

Revolutionary Marxist League. Trotskyist. [80]

RNK/KUK (Kürdistan Ulusal Kurtuluşçular). Illegal. [82(c)]

RSDK (Socialist Democratic Organisation of Kurdistan) (Rêxistina Sosyalist a Demokratîk a Kurdistanê (name in Kurdish); Kürdistan Demokratik ve Sosyalist Örgütü (name in Turkish)). Split of PYSK (Kurdistan Sosyalist Birlik Partisi). [80]

RSWB (Organisation of Revolutionary Patriots Bethnarin) (Rêxistina Soresgerên Walatparêzên Bethnarin (name in Kurdish); Betnahrin Yurtsever Devrimci Örgüt (name in

Turkish). Radical left. [80]

Pafak-Deöipim See **Malatyalılar**

SED (Social Ecological Transformation) (Sosial Ekolijist Dönüşüm). Green. [80]

Selam Grubu. Illegal. [82(c)]

SIP See **Sosyalist İktidar Partisi - Komünist Parti**

Sosyalist Alternatif (Socialist Alternative). Part of ÖDP (see Annex A). Trotskyist. Publication - "Sosyalist Alternatif". [80]

Sosyalist İktidar Partisi - Komünist Parti (Party for Socialist Power - Communist Party). Founded 1993, Communist, legal, gained 0.12% of the national vote in the April 1999 general election. Changed its name in November 2001 to TKP (Türkiye Komünist Partisi) (Turkish Communist Party); it is unclear whether this is different from, or identical to, the TKP which is listed later in this annex. Publications - "Sosyalist İktidar", "Sol". [30(ss)][80]

Sosyalist Politika (Socialist Politics). Part of ÖDP (see Annex A). Publication - "Sosyalist Politika". [80]

Spartaküs. Illegal. [82(c)]

TAYAD (the Solidarity Association of Prisoners' Families). (Tutuklu ve Hükümlü Aileleri Yardimlasma Dernegi). In January 2001 the headquarters and various branches in Istanbul of the TAYAD was closed after it had held weekly demonstrations over a period of months against the introduction of the new cell system in prisons. Various executive members were arrested. The authorities regard TAYAD as a cover for the revolutionary DHKP/C. The organisation was consequently proscribed for a few years in the early 1990s. [2(a)]

TDKP (Revolutionary Communist Party of Turkey) (Türkiye Devrimci Komünist Partisi). Illegal. Founded 1980. Ex-Maoist, Stalinist. Its legal wing is Emep (Labourers Party) (founded 1996), which gained 0.17% of the national vote in the April 1999 general election. Publication - "Devrimin Sesi". Source 89 is printed from TDKP's website.

TDP (Revolution Party of Turkey) (Türkiye Devrim Partisi). Illegal. Founded 1978, formerly TKP (Birlik). Radical left. Publication - "Hedef". [80][82(c)]

Tehvid-Selam Islamic splinter group, said to have links with Iran. The group adopts Hizbullahi ideas, and is closely related to the Hizbullah and Menzil groups. It began to publish "Behadet" (Testimony) and "Tehvid" (Unification) periodicals, and nowadays publishes "Selam", a weekly newspaper. Police operations in May 2000 brought the arrest of some members and the discovery of various arms caches. [2(a)] [92]

THKP/C Acilciler (Turkish Peoples' Liberation Party and Front - The Urgent Ones) (Türkiye Halk Kurtuluş Partisi/Cephesi Acilciler). Illegal. Probably disbanded. [80][82(c)]

THKP/C- Dev Sol (People's Liberation Party/Front of Turkey - Revolutionary Left) (Türkiye Halk Kurtuluş Partisi/Cephesi - Devrimci Sol). Illegal. Founded 1993 as split of Dev Sol. Political military. Radical left. Publication - "Devrimci Cözüm". [80][82(c)]

THKP/C- Dev Yol. Illegal. [82(c)]

THKP-C/HDÖ (People's Liberation Party/Front of Turkey - People's Revolutionary Vanguard) (Türkiye Halk Kurtuluş Partisi ve Cephesi - Halkın Devrimci Öncüleri). Founded 1977. Political military. Radical left. Publications - "Cephe", "Kurtuluş", "Kurtuluş Cephesi". [80]

TIKB (Revolutionary Communists Union of Turkey) (Türkiye İhtilalci Komünistler Birliği). Illegal. Founded 1977. Political military. Ex-Maoist, Stalinist. Publications - "İhtilalci Komünist", "Orak-Cekic", "Devrimci Proletarya", "Alinterimiz". [80][82(c)]

TIKB - B (Revolutionary Communists Union of Turkey - Bolshevik) (Türkiye İhtilalci Komünistler Birliği - Bolşevik). Illegal. Split of TIKB. Radical left. Publication - "Devrimci Durus". [80][82(c)]

TIKKO (Turkish Workers' and Peasants' Liberation Army) (Türkiye İşçi Köylü Kurtuluş Ordusu or Türk İşçiler Köylüler Kurtuluş Ordusu). Illegal armed resistance movement, which was set up in 1972 by TKP/ML. It advocates the violent overthrow of the Turkish government and abolition of the entire Turkish political system. Members (a maximum of several thousand people) are scattered in small cells throughout Turkey. The armed guerrilla units are used by both TKP/ML and TKP(ML) in common for their terrorist operations. In September 2000 a police operation against TIKKO in Istanbul brought the arrest of the head of its local section. On 6 October 2000 a suicide squad attacked the military training college in the Harbiye district of Istanbul. TKP/ML also claimed responsibility for an attack on a police car on 11 December 2000, in which two policemen were killed. February 2001 saw two armed clashes between TIKKO and the security forces. The attack on a Jandarma general in Çorum on 22 March 2001 was said by the authorities to have been carried out by TIKKO, which reportedly itself on 28 March 2001 laid claim to the attack. There used to be a division of labour between PKK and TIKKO guerrillas, with the PKK carrying on the combat in south-eastern Turkey and TIKKO in the Black Sea region. In October 1999 TKP/ML announced its complete disagreement with Öcalan's call to end the armed struggle. There are reported still to be a few dozen armed TIKKO fighters in the mountains of Tunceli province. [2(a)]

TİP (Workers Party of Turkey) (Türkiye İşçi Partisi). [80]

TKEP (Communist Labour Party of Turkey) (Türkiye Komünist Emek Partisi). Illegal. Founded 1980, part of ÖDP (Özgürlük ve Dayanışma Partisi - see Annex A). Communist. [80][82(c)]

TKEP- Leninist (Communist Labour Party of Turkey - Leninist) (Türkiye Komünist Emek Partisi - Leninist). Illegal. Split of TKEP in 1990. Political military. Communist. Publications - "Devrimci Emek", "Devrim İscin Mücadele Birliği". [80][82(c)]

TKİP (Communist Workers Party of Turkey) (Türkiye Komünist İşçi Partisi). Illegal. Founded 1998. Ex-Maoist, radical left. Publications - "Ekim", "Kızıl Bayrak". Source 90 is printed from the party's website. [80][82(c)]

TKKKÖ (Turkey and North Kurdistan Liberation Organisation) (Türkiye ve Kuzey Kürdistan Kurtuluş Örgütü). Illegal. [82(c)]

TKP (Communist Party of Turkey) (Türkiye Komünist Partisi). Founded 1980 as TKP - İscinin Sesi. Communist. Publication - "İscinin Sesi". [80]

TKP/İS (Communist Party of Turkey/Workers Voice) (Türkiye Komünist Partisi/İşçinin Sesi). Illegal. [82(c)]

TKP- Kivilcim (Communist Party of Turkey - Spark) (Türkiye Komünist Partisi - Kivilcim). Illegal. Founded 1989 by Socialist Homeland Party (SVP). Communist. Publications - "Kivilcim", "Zafere Kadar Direnis", "Yol", "Widerstand". [80][82(c)]

TKP/ML (Communist Party of Turkey/ Marxist Leninist) (Türkiye Komünist Partisi/ Marksist-Leninist). Founded 1972. Political military. Based on Maoist ideology, assuming that the rural areas of Turkey will be liberated first, leading to the creation of a peasants' army. The working classes in the cities will then unite with the peasants and help overthrow the "capitalist order". The party has suffered several divisions, with each faction claiming to be "the real party". In 1994 it split into two wings: a partisan wing, retaining the old name TKP/ML, and an Eastern Anatolian regional committee, assuming the almost identical name TKP(ML). Talks have been under way since late 1999 concerning reunification of the two wings. In 1972 TKP/ML set up armed guerrilla units, known as TIKKO (Türk İşçiler Köylüler Kurtuluş Ordusu - Turkish Workers' and Peasants' Liberation Army), which are used by both TKP/ML and TKP(ML) in common for their terrorist operations. In October 1999 TKP/ML announced its complete disagreement with the call by Abdullah Öcalan, PKK leader, to end the armed struggle. TKP/ML claimed responsibility for an attack on a police car on 11 December 2000; two policemen were killed in the attack.

Publications - "Partizan", "İsçi-Köylü Kurtuluşu", "Özgür Gelecek". Source 91 is printed from the party's website. [2(a)][20][80]

TKP(ML) (Communist Party of Turkey (Marxist-Leninist)) (Türkiye Komünist Partisi (Marksist-Leninist)). Split of TKP/ML in 1994. Political military. Maoist. Publications - "İsçi Köylü Kurtuluşu", "Devrimci Demokrasi", "Öncü Partizan". [80]

TKP/(M-L) DABK (Communist Party of Turkey (Marxist-Leninist) East Anadolu Area Committee) (Türkiye Komünist Partisi (Marksist-Leninist) Doğu Anadolu Bölge Komitesi). Illegal. [82(c)]

TKP/M-L Kons. Kes (Communist Party of Turkey/ Marxist-Leninist Conferencing Body) (Türkiye Komünist Partisi/Marksist-Leninist Koferansçı Kesim). Illegal. [82(c)]

TKP/ML (Maoist Parti Merkezi) (Communist Party of Turkey/ Marxist-Leninist (Maoist Party Centre)) (Türkiye Komünist Partisi/ Marksist Leninist (Maoist Parti Merkezi)). Illegal. Split of TKP/ML in 1987. Political military. Maoist. Publication - "İktidara". [80][82(c)]

TODEF See DHKP-C

Toplumsal Özgürlük Platformu (Social Freedom Platform). Part of ÖDP (see Annex A). [80]

TSİP (Socialist Workers Party of Turkey) (Türkiye Sosyalist İşçi Partisi). Founded 1993. Legal. Communist. Publication - "Kitle". [80]

Türkiye'de Marksist-Leninist Parti (Marxist Leninist Party in Turkey). Founded in 1980 as TKP/ML Spartakus. Stalinist. Publications - "Spartakus", "Bilimsel Komünizmin Sancığı Altında". [80]

UİC (Union of Islamic Communities). Founded 1983. Its initial goal is to unite Muslims living in Europe under one roof. Its main goal is to establish a Federal Islamic State in Anatolia. Its founder Cemalettin Kaplan declared himself the "caliph" of all Muslims in 1994, and from then on UİC called itself the "Caliphate State". After he died in 1995, his son Metin Kaplan replaced him as "caliph". Some members of UİC have rejected Metin Kaplan's caliphate,

and UIC has divided into three groups. UIC has 200-300 members in Turkey, largely in Istanbul, Konya, Adana, Sivas, Aydin, and Maras, and 1300 members in Germany. In Germany in 1999 Metin Kaplan declared a holy war against In Turkey. The German authorities arrested Metin Kaplan in March 1999, and he is still in prison. However, Mr Kaplan leads UIC from prison. The Turkish police have conducted operations against UIC militants in Sivas, Sakarya, Erzerum, Bursa and Çanakkale. [92]

Vasat Grubu/Ehl-i Sünnet vel Cemaat. Illegal. It claimed responsibility for throwing a grenade at a book fair in Gaziantep on 14 September 1997, killing one person and injuring 24. [94]

Yeni Yol (New Way). Part of ÖDP (see Annex A). Trotskyist. Publication - "Yeni Yol". [80]

ANNEX C: CHRONOLOGY

29 October 1923

Turkey was declared a Republic with Mustafa Kemal (surnamed Atatürk in 1934) as President. A single party - the Republican People's Party - was formed as the main instrument of the enforcement of Government policy.

1928

Islam was disestablished and the Constitution amended to make Turkey a secular state.

November 1938

The death of Atatürk led to the election of Ismet İnönü as President.

November 1945

Under pressure from public opinion, President İnönü announced the end of the single party system.

15 February 1950

New electoral law guaranteed free and fair elections.

April 1960

Student unrest led to the imposition of Martial Law.

27 May 1960

The President and Prime Minister were arrested and the government was replaced by a Committee of National Unity headed by General Cemal Gürsel.

January 1961

A new Assembly to act as a temporary parliament was convened - comprising the Committee of National Unity acting jointly with the 271 member House of Representatives, in which the People's Party predominated. Parties were again legalised and a number of new parties emerged. A special committee of the Assembly framed a new constitution in which there were significant changes from the 1924 version - including the 1946 change which replaced the one party system of government with a multi-party system and the recognition of unions. The new constitution established a 150 member Senate and a 450 member Grand National Assembly.

25 October 1961

Parliament opened, thus transferring power back to the civilian authorities.

1970

Fighting between left and right political factions became serious with the use of firearms and petrol bombs. There were a number of political murders.

1971

Political and social unrest continued into 1971 with outbreaks of violence amongst students and trade unions, and by Kurdish separatists. Factional infighting prevented the Government from taking effective action.

12 March 1971

The Chief of the General Staff and the Army, Navy and Airforce Commanders delivered a memorandum to the President, accusing the Government of allowing the country to slip into anarchy and of deviating from Atatürk's principles. They threatened that unless "a strong and credible government" was formed, the armed forces would take over the administration of the state. The same day the cabinet resigned. A new "above-party" government was formed which first directed its attention to the suppression of political violence.

26 April 1971

Martial Law was imposed in 11 provinces including Ankara and Istanbul. Newspapers were suppressed, strikes were banned and large numbers of left wing supporters were arrested.

26 September 1973

Martial Law came to an end.

15 May 1974

To mark the 50th anniversary of the founding of the Turkish Republic, the Government granted an amnesty to 50,000 prisoners.

20 July 1974

After a Greek-backed coup against President Makarios, Turkish troops landed in Cyprus and took control of about 1/3 of the island. The island remains divided.

1974 - 1977

An increase in political violence throughout Turkey, but most notably in the universities, between left and right groups.

December 1977

By mid-December 250 people had died as a result of political violence. A state of emergency was declared in Turkey's eastern provinces.

December 1978

By December 1978 over 800 people had been killed in political violence - mainly in the eastern provinces. The outbreak of violence came to a climax in December 1978 in the town of Karamanmaraş (K Maraş). Right and left wing extremists had exacerbated the historical enmity and distrust between the orthodox Sunni majority and the Alevi Shi'a minority. Following the funeral of two left wing political activists on 21 December a large scale demonstration by Alevis took place. Sunnis fired on the Alevi mourners and indiscriminate rioting erupted. In the following three days over 100 people were killed and over 1,000 injured.

26 December 1978

Martial Law was imposed in Istanbul and Ankara and 11 eastern provinces.

April 1979

Martial Law was extended to 6 provinces in the mainly Kurdish south east.

August 1980

By August, almost 2000 people had died as a result of clashes between the left and right-wing factions since the beginning of the year - despite the extension of martial law in 20 out of the 67 provinces.

The 1980 Coup

A combination of the Government's inability to deal with political violence, the ineffectiveness of the police and a resurgence of Islamic fundamentalism led the armed forces, under General Evren, to seize power in a bloodless coup on 11 September.

18 September 1980

The leaders of the coup formed a 5-man National Security Council (NSC), with General Evren as Chairman and Head of State. Martial law was extended to the whole country and the Grand National Assembly dissolved.

21 September 1980

The NSC appointed a mainly civilian Council of Ministers. Former political leaders, suspected terrorists and political extremists were all detained, political activities were banned, and the activities of extremist trade unions suspended.

27 October 1980

The NSC enacted a 7 point provisional Constitution, giving itself legislative powers for an indefinite period.

October 1981

A Consultative Assembly was formed to draft a new Constitution, comprising 160 members. All former politicians who were banned from political activity in 1981 were excluded, and on 16 October all political parties were disbanded.

7 November 1982

The new Constitution was approved by a referendum with a 91% majority. The Constitution gave further powers to the President, including the power to dissolve the Grand National Assembly, delay laws, call elections and make all key appointments. A "temporary article" of the Constitution installed General Evren as President for a 7 year term.

24 April 1983

New law on political parties published in Official Gazette. Political parties could now be formed under strict rules, but all political parties disbanded in October 1981 remained proscribed, along with the 723 former members of the Grand National Assembly who were banned from political activities for between 5 and 10 years.

6 November 1983

Parliamentary rule was restored with the 6 November General Election, although every candidate had to be approved by the military council.

1984

The PKK, led by Abdullah Öcalan, launched a violent guerilla campaign against the Turkish authorities in the south-eastern provinces, in support of its aim for a Kurdish national homeland in Turkey. The Turkish authorities responded by arresting suspected Kurdish leaders, dispatching more security forces to the region, establishing local militia groups and imposing martial law in the troubled provinces. This was replaced in 1987 by a state of

*Turkey, Country Information

emergency. By 1988 over 1000 people had been killed as a result of the Kurdish unrest.

July 1987

All martial law decrees were repealed when martial law was replaced with a state of emergency in the provinces of Diyarbakir, Mardin, Siirt and Hakkâri - resulting in a total of 9 provinces (the above four, plus Bingöl, Elâziğ, Istanbul, Tunceli and Van) under an official state of emergency.

6 September 1987

A national referendum narrowly approved the repeal of the 10 year ban on participating in political activities imposed in 1981 on over 200 politicians.

29 November 1987

The first free elections since the 1980 military coup were contested by 7 parties. ANAP won 65% of the 450 National Assembly seats with 36% of the votes, and formed a government with Turgut Özal as Prime Minister.

7 January 1988

Turkey signed the Council of Europe Convention on the Prevention of Torture, and later in the month announced that it would shortly sign the United Nations' Convention against torture.

November 1988

An 8 year state of emergency in Istanbul was lifted.

9 November 1989

Turgut Özal succeeded General Kenan Evren as President by securing a simple majority of the 450 Assembly deputies.

1990

Early 1990 saw a sharp increase in urban terrorism, committed by left and right-wing groups.

9 April 1990

The government introduced harsh measures to combat ethnic unrest - imposing restrictions on the media and increasing the powers of local officials to outlaw strikes and impose internal banishment. On 14 April the State of Emergency powers of the Regional Super Governor of SE Turkey were extended to cover 10 provinces of the region. However, the violence escalated and in April and May alone, clashes between rebel Kurds, security forces and civilians left 140 dead. The 10 provinces under the State of Emergency were Batman, Bingöl, Diyarbakir, Elazığ, Hakkâri, Mardin, Siirt, Pınar, Tunceli and Van.

January 1991

National Assembly gave permission for Allied Forces to use Turkish air bases.

12 April 1991

Anti-Terror Law passed by National Assembly. The legislation provided for the abolition of articles 140, 141, 142 and 163 of the penal code which proscribed the formation of religious and communist parties, for the early release of many prisoners, for the commuting the death sentence for more than 250 prisoners and for the relaxation of the ban on the use of minority languages (though some restrictions remained). By mid-April it was reported that 5,000 political prisoners had already been released from prison. However, in July 1991, Turkey's Constitutional Court refused to give legal status to the United Turkish Communist Party (TBKP).

March 1992

Violent clashes during the Kurdish new year festival, Newroz. Official sources put the number of deaths at around 50 and claimed that many were PKK terrorists, not civilians. Human rights groups put the number of deaths at double the official statistics.

July 1992

Legislation introduced in May 1992 became law in July, lifting the ban on political parties closed down after the 1980 military coup.

2 December 1992

The Judicial Reform Package (CMUK) became law.

18 March 1993

The PKK declared a cease-fire for the period between 20 March and 15 April.

16 April 1993

PKK extended cease-fire indefinitely.

19 April 1993

President Turgut Özal died of a heart attack.

17 May 1993

Suleyman Demirel elected as President.

24 May 1993

PKK cease-fire effectively ended when they attacked a passenger bus, killing security force personnel and civilians.

2 July 1993

A hotel fire in Sivas started by Muslim fundamentalists killed 37 people, mostly writers, poets and singers who were in the city to attend a cultural festival.

16 October 1993

The PKK threatened to kill any journalists who continued to work in the south east. Six days later the PKK ordered the closure of all political offices in the south east, and warned that any politicians who defied the ban would become targets.

30 November 1993

The PKK ordered the closure of all educational institutions in the south east, warning that those who violated the ban would become targets.

15 March 1994

The government dismissed a call for a cease fire made by PKK leader Abdullah Öcalan.

26 December 1994

Ankara State Security Court passed sentence on 86 people convicted of involvement in the hotel fire in Sivas in July 1993.

February 1995

The European Parliament approved a resolution saying that Turkey's human rights record was too poor to allow a customs union accord with the European Union at present, and added that it would make its approval of the deal contingent on progress on human rights.

12 March 1995

Gunmen fired on 4 coffee houses in the mainly Alevi district of Gaziosmanpasha in Istanbul, killing 2 and wounding 20 others. Residents came out onto the streets to protest and clashed with police. 15 demonstrators were killed and over 200 injured as the police used firearms to control the disturbance. Unrest spread to Ankara and during further clashes in Istanbul 4 more demonstrators died.

27 October 1995

The Turkish Parliament accepted changes to the Anti-Terror Law, allowing more freedom of intellectuals, lawyers and politicians convicted for publicly demanding greater rights for Kurds. The changes allowed for reduced jail terms or freedom for those already convicted under the law.

24 December 1995

Over 34 million Turks went to polling stations to elect an enlarged 550 member parliament. Refah received 21.4% of the vote, ANAP 19.7% and DYP 19.2%.

3 March 1996

ANAP and DYP sealed a minority government pact.

21 March 1996

Newroz passed off with no major incident recorded around the country.

24 May 1996

DYP chairwoman Çiller said that coalition alliance with ANAP was finished.

6 June 1996

PM Yilmaz, ANAP's leader, resigned

28 June 1996

The Refah (Welfare) Party leader Necmettin Erbakan became Turkey's first Islamist prime minister in a coalition with the DYP.

3 November 1996

Car containing government MP, police chief and crime boss crashed near Susurluk, sparking scandal over state-mafia links.

10 January 1997

Refah (Welfare) mayor called for Islamic law at Islamist protest in Ankara's Sincan district.

28 February 1997

The military-dominated National Security Council demanded a government crackdown on religious extremism.

21 March 1997

Thousands of Kurds demonstrated to celebrate Newroz at a rally in Istanbul. The demonstration ended peacefully.

26 April 1997

Army used monthly National Security Council meeting to renew demands for curb on Islamic activism.

21 May 1997

Chief prosecutor opened case to close Refah (Welfare) Party.

30 May 1997

The government lost its absolute majority in parliament as a former minister resigned from DYP to follow other defectors.

18 June 1997

Erbakan announced resignation and sought President Demirel's approval for revamped coalition.

20 June 1997

President Demirel bypassed Erbakan's proposal and appointed Mesut Yilmaz, leader of the main opposition ANAP to set up government.

29 June 1997

Demirel approved the government with Yilmaz as Prime Minister.

2 October 1997

State of Emergency lifted in the provinces of Batman, Bingöl and Bitlis.

December 1997

Turkey was the only one of 12 applicants for EU membership not to be offered even preliminary negotiations. A poor human rights record and economic factors led to the decision.

16 January 1998

Constitutional Court issued verdict resulting in the closure of the Refah (Welfare) Party.

5 March 1998

The newly formed Virtue Party became the largest political group in parliament, with 140 MPs, after most former Refah MPs join Virtue.

12 May 1998

President of the Human Rights Association, Akin Birdal, shot six times in a failed assassination attempt. The assassins were trained by a non-commissioned officer in the Jandarma.

17 September 1998

Kurdistan Democratic Party and Patriotic Union of Kurdistan signed an agreement to drive the PKK out of areas under their control.

9 October 1998

Abdullah Öcalan left his long-term home in Syria.

20 October 1998

Turkish and Syrian officials signed an agreement at Adana in Turkey. Under it, Syria agreed to recognise the PKK as a terrorist organisation, agreed not to tolerate PKK activity on its territory and agreed to hand over PKK militants residing in Syria to Turkey.

12 November 1998

Abdullah Öcalan arrived in Rome and was arrested on arrival on an international arrest warrant issued by Germany. Germany decided not to ask for his extradition, fearing a violent reaction by the Kurdish community in Germany.

16 January 1999

Abdullah Öcalan left Italy by plane and, via a circuitous route, arrived in Kenya.

29 January 1999

Chief Prosecutor of the High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and citing an "organic relationship" between HADEP and the PKK.

15 February 1999

Abdullah Öcalan was forcibly returned to Turkey where he was detained.

18 April 1999

In the General Election the Democratic Left Party (DSP) won the largest number of seats, closely followed by the Nationalist Action Party (MHP).

May 1999

A three party coalition was formed by the DSP, the MHP and ANAP (Motherland Party). Headed by Bülent Ecevit, the new Government commanded 351 seats in the Grand National Assembly.

29 June 1999

Abdullah Öcalan was found guilty of treason, and held personally responsible for the deaths of thousands of people who were killed in the PKK's violent struggle against the Turkish state. He was sentenced to death.

2 August 1999

Öcalan called on the PKK to withdraw its troops from Turkey and cease military operations from 1 September. Two days later the PKK presidential council confirmed that PKK combatants would indeed cease operations against Turkey.

17 August 1999

A major earthquake (7.4 on the Richter scale) hit north-western Turkey. It was centred close to Izmit, in the centre of Turkey's industrial heartland. It was Turkey's worst earthquake since 1939. The official death toll was 17,840, but there were no reliable figures for the number of people missing or unaccounted for. An outpouring of material aid and sympathy from Greece promised a thaw in Turkish-Greek relations.

12 November 1999

An earthquake measuring 7.2 on the Richter scale hit north-west Turkey, devastating towns some 70 km. east of the epicentre of the August earthquake. At least 737 people died.

December 1999

After Greece dropped lingering objections, Turkey was finally made an official candidate for eventual EU membership. No date was set for actual negotiations, pending improvement in Turkey's observance of human and democratic rights.

12 January 2000

The Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court.

May 2000

The reformist judge Ahmet Necdet Sezer was elected President.

December 2000

During Government action to break up prisoner hunger strikes and violent protests against small-cell "F type prisons, 31 prisoners and two security officials perished.

February 2001

The Turkish lira was effectively devalued by a third on 22-23 February after the Government had been forced to float the currency because of a massive flight of capital and stock market slump. The crisis was triggered by a public clash on 19 February between President Sezer and Prime Minister Ecevit over the latter's alleged inaction against corruption.

June 2001

The Constitutional Court banned the main opposition party Fazilet (Virtue Party) for undermining Turkey's secular order. In a more limited sanction than that demanded by the public prosecutor, the judges voted to expel only two Fazilet deputies from Parliament.

3 October 2001

The Turkish Parliament approved several amendments to the Constitution, notably to articles concerning the use of the Kurdish language. The amendments were intended to facilitate Turkey's accession to the EU.

6 February 2002

Law No. 4744 (the so-called "Mini-Democracy Package"), adjusting some Turkish laws to the October 2001 constitutional amendments, was adopted by the Turkish Parliament.

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ANNEX D

REMOVAL FIGURES FOR TURKISH NATIONALS

Removals of Turkish nationals to Turkey

	Germany (2)	Switzerland (1)	Netherlands (1)	UK (1)	Denmark (1)	USA (2)	Canada (2)	Australia (2)	Sweden (1)	Total of both (1) and (2)	Total of (1)
1989		850								850	850
1990		786								786	786
1991		1171								1171	1171
1992	1860	883								2743	883
1993	1631	309								1940	309

1994	3426	147	89		10	33	55			3740	226
1995	2611	109	177	125	15	26	34			3097	426
1996	4647	60	199	190	26	18	25	43	105	5313	580
1997	4972	38	163	250	15	39	28	47	66	5618	532
1998	6692	46	224	185	16	53	30	39	44	7329	515
1999	4960	71	137	85***	20	68*	16	82**	52	5491	365
2000	4982	75	244	90***	22	63	59	63	28	5826	459
Totals										43704	7102

(1) Numbers only relate to returns of rejected asylum seekers

(2) Numbers include both asylum and non-asylum returns.

* In fiscal year 1.10.98 to 30.9.99

** In fiscal year 1.7.99 to 30.6.00

*** Excluding in-county removals, because of data quality issues.

Notes:

Where numbers are not shown statistics are not presently available for those years.

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Sweden, USA, Canada, Australia: Inter-Governmental Consultations on Asylum Refugee and Migration Policies in Europe, North America and Australia

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Netherlands: Letter and email from Netherlands Ministry of Justice

Switzerland: Statistics from the Swiss Federal Office for Refugees

United Kingdom: Statistics from Research Development and Statistics Directorate Statistical Bulletin.

Analysis of responses to CIREA questionnaire on Turkey, September 2001

ANNEX E

POLITICAL CRIMINAL LAW

The Turkish Penal (or Criminal) Code (Türk Ceza Kanunu - TCK) was adopted by Law No. 765 of 1 March 1926, and was based on the Italian Criminal Code of 1889 as amended by the Mussolini regime. More than half of the original Turkish Penal Code has since been amended. Many political offences are listed in the Turkish Penal Code, while others may be found in the so-called Special Acts, such as the Anti-Terror Law (or Anti-Terrorism Act) No. 3713 of April 1991.

Below is a list of the most common political crimes with the appropriate Article numbers, descriptions of the offences and the sentences.

Political Crimes in the Turkish Penal (or Criminal) Code (TCK), as amended

TCK Art.	Description of offence	Sentence
125	Annexing (part of) Turkey.	Death
126	Serving in the army of a State at war with Turkey.	Death
127	Conspiring to wage war against Turkey in conjunction with a foreign power.	Min. 5 years, max. life imprisonment
128	Causing danger of war to Turkey or other countries.	Min. 2 years, max. life imprisonment
129	Helping a hostile army or causing obstruction to Turkey in time of war.	Min. 5 years, max. death
130	Not honouring supply agreements with the army in time of war.	Min. fine. For fraud min. 10 years imprisonment
131	Destroying military installations.	Min. 8 years imprisonment. In time of war or if military potential endangered: death
132	Forging or destroying State secrets, or using them improperly.	Min. 2 years imprisonment. In time of war or if military potential endangered: life imprisonment
133	Espionage.	Min. 15 years imprisonment. In time of war or if military potential endangered: death
134	Conspiracy to violate Articles 132 and 133.	Min. 1 year imprisonment. In time of war or if military potential endangered: max. 15 years imprisonment
135	Entering military premises without authorisation, illegal possession of State secrets	1 to 5 years imprisonment. In time of war 3 to 10 years imprisonment
136	Publication of matters which must be kept confidential in the interest of the State	Min. 5 years imprisonment. In time of war or if military potential endangered: min. 10 years. For purposes of espionage: life imprisonment for the first case and death in the second
137	Publication of matters of which publication is prohibited	Min. 5 years imprisonment. In time of war or if military potential endangered: min. 10 years. For the purposes of espionage: life imprisonment for the first case and death in the second
138	Publication of matters of which publication is prohibited by an official with access to this information by virtue of their work. Not properly fulfilling one's role as a diplomat and damaging Turkey's interests. Being aware of the aforementioned matters and not reporting them.	Min. 5 years imprisonment. In time of war or if military potential endangered: life. Min. 5 years imprisonment Min. 6 months imprisonment
139	Ignoring orders and instructions issued on behalf of the State in time of war.	Between 1 and 6 years imprisonment
146	Causing the discontinuation of Parliament or preventing it from fulfilling its role.	Death
147	Causing the discontinuation of the Cabinet or preventing it from fulfilling its role.	Death

148	Recruiting soldiers for another country without the Government's consent.	3 to 6 years imprisonment. In the event of recruiting other soldiers: raised by 1/3
149	Incitement to armed revolt.	Min. 20 years imprisonment. Should it lead to actual armed uprising: death. Conspiracy: min. 6 years imprisonment
150	Supplying weapons to conspirators	Between 1 and 24 years imprisonment
151	Not reporting crimes under Articles 146-150 despite being aware thereof. Knowingly and willingly transporting conspirators	Min. 6 months imprisonment Between 1 and 24 years imprisonment
152	Assuming unlawful command of a warship, port, town or military unit.	Life imprisonment
153	Inciting members of the armed forces or police to disobedience.	1 to 3 years imprisonment. If committed in public: 2 to 5 years imprisonment. In time of war, increased by 1/3
154	Inciting the population to commit the crimes specified under 146 to 153 inclusive.	1 to 3 years imprisonment
155	Inciting the Turkish people to civil disobedience or dissuading them from national military service	2 months to 2 years imprisonment plus a fine
156	Attempting to assassinate the President	If unsuccessful: life imprisonment. If successful: death.
157	Physically assaulting the President	Min. 5 years imprisonment
159	Insulting the Turkish nation, the Republic, Parliament, or the moral personality of the Government or the military or security forces of the State or the moral personality of judicial authorities	1 to 3 years imprisonment.
161	Using propaganda in time of war to mislead the Turkish people.	Min. 5 years imprisonment. If against soldiers: min. 15 years. If committed in collusion with the enemy: life
168	Forming an armed band to carry out the crimes specified under Articles 125, 131, 146, 147, 149 or 156 or being in command of such an organisation. "Just" being a member of such an organisation.	Min. 15 years imprisonment 10 to 15 years imprisonment
169	Offering support and shelter to an organisation as specified under Article 168.	3 to 5 years imprisonment
171	Committing the crimes specified under Articles 125, 131, 146, 147, 149 or 156 in conjunction with others.	125, 131, 133 and 156: 8 to 15 years imprisonment. 146 and 147: 4 to 12 years imprisonment 149: 2 to 7 years imprisonment
172	Inciting the population to commit one of the crimes specified under Articles 125, 131, 146, 147, 149 or 156	2 to 5 years imprisonment
312 sect. 2	Inciting, in a form that could endanger public order, the people to hatred on the grounds of class, religion, denomination or regional	1 to 3 years imprisonment

differences.

* Article 158 is sometimes used for passing sentence on conscientious objectors.

The sentences and fines specified in the above Articles are often imposed in compliance with Article 5 of the aforementioned Anti-Terror Law No. 3713, which provides for increasing the sentence by half.

Political crimes under the Anti-Terror Law No. 3713 of 12 April 1991, as amended

Article	Description of offence	Sentence
6	Disclosure and publication of terrorist objectives, pamphlets etc. for terrorist organisations.	Fine
7	Founding and leading a terrorist organisation	5 to 10 years imprisonment and fine
	Forming part of a terrorist organisation	3 to 5 years imprisonment and fine
	Providing support to and propaganda for a terrorist organisation in a form that encourages the use of terrorist methods	1 to 5 years imprisonment and fine. Where the support is in the form of buildings etc.: doubled
8	Issuing propaganda against the indivisible unity of the State and the people of Turkey.	1 to 3 years imprisonment and fine. If through the media: fine for the organisation and 6 months to 2 years, plus fine for the administrators responsible. Also broadcasting ban for the medium for 1 to 15 days. If visual, 1 to 3 years imprisonment "if the act does not require a heavier penalty". If the act is committed in a form that encourages the use of terrorist methods, the sentence is increased by a third. Mass media: increased by between a third and a half.

Sources- [12(r)][86].

ANNEX F

PROMINENT PEOPLE

Atatürk, Kemal (born 1880/188, died 1938) (Original name Mustafa Kemal, he was surnamed Atatürk ("Father of the Turks") in 1934). Atatürk was the founder of modern Turkey. He became Turkey's first President in 1923, and he carried through a series of far-reaching reforms which were designed to westernise Turkey. The omnipresent public statues and portraits in Turkey are not merely symbols of the personality cult that has been built around him; they reflect the widely held conviction that without Turkey in its present form simply would not exist.

Bahçeli, Devlet. Leader of MHP (Nationalist Action Party), and Deputy Prime Minister.

Bozlaq, Murat. Chairman of HADEP (People's Democracy Party).

Bumin, Mustafa. Chairman of the Constitutional Court, Turkey's highest court.

Çiller, Tansu. Chairman of DYP (True Path Party). Turkey's first woman Prime Minister 1993-96.

Ecevit, Bülent. Leader of DSP (Democratic Left Party), and Prime Minister since 1999. Was Prime Minister in 1974 (when Turkey invaded Cyprus), in 1977, and in 1978-79.

Erdogan, Recep Erdogan. Charismatic former mayor of Istanbul. Leader of the Islamist-orientated AK Partisi (Justice and Development Party).

Kivrikoglu, Huseyin. Chief of the General Staff. One of the most powerful men in Turkey.

Kutan, Recai. Leader of Islamic SP (Felicity/Contentment Party).

Öcalan, Abdullah. Leader of PKK. Captured, and in 1999 convicted of treason and sentenced to death. On 2 August 1999 he called on the PKK to end its armed struggle. In January 2000 the Turkish Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court.

Özcan, Hüsamettin. Deputy Prime Minister.

Sezer, Ahmet Necdet. President of Turkey since May 2000. He is the first President in Turkey's history who is neither an active politician nor a senior military official. He was formerly Turkey's most senior judge, the Chairman of the Constitutional Court, where in 1999 he criticised Turkey's Constitution for restricting democratic freedoms. He has a reputation for personal integrity, and a deeply ingrained respect for the rule of law.

Yılmaz, Mesut. Chairman of ANAP (Motherland Party), and Deputy Prime Minister. Was Prime Minister in 1991, 1996, and 1997-1999.

ANNEX G

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[5] U.S. Department of State

(d) -

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- (l) -
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COUNTRY INFORMATION AND POLICY UNIT

17 - 23 March 2001

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