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TYRKIET (SS)**TURKEY**

Listen to the Saturday Mothers

November 1998

SUMMARY

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Since May 1995 relatives of people who "disappeared" in police custody have been holding a weekly vigil in central Istanbul, demanding that the authorities account for the fate of their loved ones. They are known as the Saturday Mothers, since they gather every Saturday at midday. Throughout the three years of their vigil the relatives have encountered police harassment, ill-treatment, detentions and prosecution, but were generally able to continue demonstrating. Since May 1998, however, the Saturday Mothers are facing heavy-handed police repression explicitly aimed at preventing them from continuing their peaceful protests.

"Disappearance" is a human rights violation inflicted not only upon the victims, but also upon their families. Not knowing whether they are dead or alive causes untold suffering to their relatives. Amnesty International is appealing to the Turkish authorities not to silence the Saturday Mothers, but to answer their demands for serious investigation and clarification of the fate of the "disappeared".

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This report summarizes a 10-page document (3,700 words): *TURKEY: Listen to the Saturday Mothers* (AI Index: EUR 44/17/98) issued by Amnesty International in November 1998. Anyone wishing further details or to take action on this issue should consult the full document.

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TURKEY:

Listen to the Saturday Mothers

Since May 1995 relatives of people who "disappeared" in police custody have been holding a weekly vigil in central Istanbul, demanding that the authorities account for the fate of their loved ones. They are known as the Saturday Mothers, since they gather every Saturday at midday in front of Galatasaray High School in Istiklal Street, holding pictures of their "disappeared" sons, daughters, husbands, wives, fathers, brothers. Each time they meet, a press announcement is read out detailing the case of one of the "disappeared", but otherwise the vigil is intended to be held in silence.



In 1996, as part of an Amnesty International event, the Saturday Mothers were visited by (from left) Bryan Stevenson, a civil rights lawyer and campaigner against the death penalty in the USA; El-Khadir Daoud, a Sahrawi who was made to "disappear" by Moroccan security forces and held in various secret detention centres for 16 years; and Mo Lihua, a former prisoner of conscience who was imprisoned for three years for her support for the pro-democracy movement in China.

© Jon Bjørnsen

Throughout the three years of their vigil the relatives have encountered police harassment, ill-treatment, detentions and prosecution, but have so far been able to meet every Saturday since their first appearance. The meeting of 24 October was their 180th vigil. They have attracted considerable attention in Turkey and abroad to their plight and there is no question that it was their courageous and determined stand that turned back the wave of "disappearances" which reached a peak in 1994. Foreign visitors have on many occasions come to witness the Saturday gatherings which receive frequent media coverage.

Since May 1998, however, the Saturday Mothers have faced heavy-handed police repression. Police officers have quite explicitly stated that they aim to halt the peaceful protest. Representatives of the Mothers strongly assert, "We search for our 'disappeared' relatives silently and peacefully. Our aim is not to disturb the peace or engage in civil disobedience or inconvenience the public".

Demonstrating without official approval is an imprisonable offence in Turkey, and the Mothers, concerned that their actions be lawful as well as legitimate, limit their gesture to the reading of a press release in a public place, which does not require authorization under law. Expressions of solidarity with their action are welcomed by the Mothers and their supporters from the Turkish Human Rights Association, but it is unfortunate that outside groups and organizations with a different and often militantly political agenda have frequently attempted to take advantage of the credibility of the Mothers' action by turning up to shout slogans. The activities of such groups, which irritate the police, are unhelpful and have introduced an extra hazard for the Mothers.

On 9 May, the eve of Mothers' Day, police blocked the road in front of Galatasaray High School and the road leading to it and assaulted people approaching for the vigil. The police detained 12 people, including several elderly women, while beating them. The police reportedly continued beating the detainees inside the police vehicle before taking them to the prosecutor's office in Beyoğlu where they were released. In mid-August further detentions occurred and from then on the situation deteriorated from week to week.

On 22 August the police surrounded the Mothers in Istiklal Street on their way to the customary space in front of the High School, which police had occupied with police buses, and detained some 26 people who were released the next day. Journalists were barred from taking photographs. On 29 August the area around the customary meeting place was crowded with police in uniform and plain clothes from mid-morning onward. Later on police wielding truncheons charged the protesters and detained some 160 people. Some of the women fainted; one had to be taken to hospital. Four lawyers among those detained were released the same day, whereas the public prosecutor authorized police to hold the others for four days. About 100 detainees were released on 1 September, the remainder on 2 September. On 5 September, police again surrounded the meeting place, breaking up the gathering after the press statement of the day had been read out, and detained 27 people. Those detained were released, but have since been charged with breaching the Law on Assembly and Demonstrations, with the prosecutor calling for sentences of one to three years' imprisonment. On 12 September, after reading of the press statement, eight people were detained by police who had surrounded the area since the early morning. The following Saturday, 19 September, the meeting was again broken up and 22 people detained, including children, some foreigners and, as on previous occasions, members and officials of the Human Rights Association. Police reportedly assaulted the people who had gathered and dragged those detained along on the ground.

Police violence escalated on 26 September, when the security forces not only forcibly dispersed the group, but continued to beat the 31 detainees inside the police bus. News footage showed officers spraying pepper gas into the bus before closing the doors. When those inside, fighting for air, desperately tried to open windows they were beaten. Some fainted and all had to be taken to Haseki Hospital to receive treatment. They were held in police custody until 28 September and then charged with "resisting the police", "destroying public property" and "acting in breach of the Law on Assembly and Demonstrations".

"Galatasaray is some kind of common cemetery for us"

Fehmi Tosun was detained in Istanbul on 19 October 1995 and subsequently "disappeared" in police custody. His wife Hanım Tosun spoke to an Amnesty International delegate describing the events at Galatasaray of 26 September 1998:

"I believe it was the 176th week of our action as Saturday Mothers when we were detained. This was the third time that I was detained.

All of us were taken into a police bus while being beaten with truncheons, hit with fists and kicked. My husband's sister-in-law (*elti*) was detained together with me. She received several blows and was in a poor state. I, too, was beaten on the left side of my face. We only said that they should not beat us. But they continued to beat us and then they sprayed gas.

Since one year I have been suffering from a disturbance of the thyroid gland which made the effect of the gas really bad. I felt weak already before the gas attack, but since then for about a week I have been unable to climb the stairs at home and feel much weaker than before. That's why I did not come last Saturday.



Hanım Tosun being taken into detention

© Alper Turgut

We tried to open a window, but were beaten for that. My *elti* fainted in the bus and we were taken to the garden of a hospital. I told the officers in the bus that my *elti* was in a bad situation and everybody could see it because her face was all red. They allowed her to leave the bus for a moment to take fresh air. She recovered a little bit.

Later we were taken to Police Headquarters in Vatan Street and put in cells. My *elti* once again became ill. I protested and said that the woman was going to die, saying that if the police would not take her to a doctor they should at least get some milk. We gave them some money and they bought milk for her. When she drank the milk her stomach revolted and she began to vomit. It was as if the poison came out of her body. Still, she became a little normal. At the same time her lips and nose became swollen.



Hanum Tosun being interviewed by an Amnesty International researcher

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How did the gas affect you?

Well, first I smelled something and then a smoky cloud followed. I closed my mouth and nose with my hand, because I had seen the use of gas before. But my *elti* did not know about it and she breathed the gas completely. When I could not breathe anymore I opened mouth and nose again. At the same time I felt a burning in my face and lungs.

For one week I have been feeling weaker than before, not only because of the gas, but also because of the beatings and four days in detention where we stayed in a draught.

What about the police officers in the bus?

Some officers were also affected and some of them had to leave the bus. They did not use gas masks. Later, when our testimony was taken I heard that the names of eight police officers were read out as victims. We were accused of having attacked them. We said that [outside] there had been 10 police officers with truncheons for each of us and that it would have been impossible that we attacked them. In fact, they hurt themselves when they were surprised by the gas and beat each other by accident.

How will the action continue? Do you intend to go to Galatasaray again?

We have never thought about ourselves. We have gone there in winter, in snow and in rain. For three years I have been going there and believe me I have become sick because I have to travel for at least one and a half hours, sometimes three hours, depending on the traffic. Still I come there every week. Sometimes I sweat in the bus and then we sit down in front of the school. I became ill in particular during the last year and had to stay at home for two months. I had an inflammation of the lungs. But we do it, because we have lost the most important soul in our lives and do not think of our own life.

We do not go to Galatasaray for fun or because we love the place so much, but we want the State to say something officially, because hundreds of people were 'lost' in detention. For instance my husband was detained in front of our home and there are at least 20 eye-witnesses who saw that he was detained. And in detention other detainees were threatened with the words, 'We shall treat you in the same way as Fehmi Tosun and kill you like we killed him'. We want an answer to what the State did to my husband.

Galatasaray is some kind of common cemetery for us and we shall continue to go there until we get an official answer. There we are carrying the photographs and from Galatasaray the pictures have gone around the world. Whenever I see the photographs in another place my hopes are raised."

On 17 October Hanım Tosun was detained again together with 24 others, when police prevented the vigil of the Saturday Mothers, one of whom fainted and had to be taken to hospital.

Hardships of detention

The repeated detentions can be nightmarish experiences. On 19 September 1998 Nimet Tanrıku, a Human Rights Association member who helps to coordinate the vigil, was detained with a group of relatives including Emine Ocak and Maside Ocak, mother and sister of Hasan Ocak who "disappeared" in March 1995, and Hanım Tosun, and taken to Beyoğlu Police Station in the Tarlabası district. According to her account, she was the first of the group to enter the police station, where a uniformed officer punched her violently in the back.



Beyoğlu Police Station at Tarlabası

© AI

A police officer approached one woman in the group and made a comment of a threatening sexual nature. When Nimet Tanrikulu protested at this and the same threat was made to her, she shouted that she wanted her lawyer at which a man who she took to be the chief of the station came and attacked her. She was beaten and fell to the ground before being dragged up to the third floor where she was placed by an open window. The officers said that she should have someone beside her "lest she should attempt to jump out of the window".¹ She was then moved to a cell with more than 10 other women held on common criminal charges, including two children, whom, she reports, were "handled" by police officers quite openly. One woman, who introduced herself as having been arrested for prostitution, showed Nimet Tanrikulu extensive bruising which she said had been inflicted with a stick by police officers because she resisted their advances.

Shortly afterwards Nimet Tanrikulu and the mothers were taken to Beyoğlu Police Headquarters near Taksim Square, where they were held in the Anti-Terror Branch. "The police were not much trouble during the day, but were frequently drunk at night and would make difficulties - particularly about access to the toilet, which was difficult for some of the mothers who are older."

¹ In February 1991 a detainee, Ali Rıza Ağdoğan, did "fall" from a window on an upper floor of this very police station and later died in hospital (See *Turkey: Still waiting for change: Information on continuing human rights abuses*; AI Index: EUR 44/26/91). The post-mortem showed that he had been subjected to torture and in 1997 two police officers were each sentenced to five years' imprisonment for torturing him.

The police would also not give privacy and would watch when the women were using the toilet. The cell was very cold and dirty, infested with bed-bugs, and food was only supplied if the prisoners paid for it. After two days the women were brought before the Public Prosecutor, who refused to make a record of their complaint about the ill-treatment. Nimet Tanrikulu was later able to make a formal complaint with another prosecutor.

Safeguards against "disappearance" insufficient and ignored

Starting in 1991 increasing numbers of "disappearances" were reported. Since then hundreds of people are said to have "disappeared" in police custody. Significantly fewer cases have been reported so far in 1998. Amnesty International has raised four cases with the Turkish authorities this year, but is still waiting for an official response.

Many people "disappear" because of their suspected political activities, legal or illegal. Particularly at risk are those active in organizations working to foster rights for Turkey's Kurdish minority. Several victims had a history of repeated detention and ill-treatment by police. Some had also reported, prior to their "disappearance", that they received frequent death threats. Other "disappeared" persons had refused to act as village guards. Many of the "disappeared" are Kurdish villagers with no history of political activity, detained during the course of security raids on suspicion of giving food or shelter to PKK² members. Many families of the "disappeared" fear that their relatives have died under torture, or that they were arbitrarily killed in reprisal for soldiers killed in clashes with the PKK. In many cases there is clear testimony from eye-witnesses that the victims were taken into custody by security forces, but local police and prosecution authorities seem hardly interested in investigating the "disappearance".

"Disappearances" occur because the safeguards contained in the Turkish Criminal Procedure Code are not only insufficient, but are also frequently ignored. Detainees are often not registered for several days after being taken into custody. Police records of detention are not available for inspection by relatives or lawyers. Amnesty International has little information on the standard or methods of record keeping in police stations and gendarmerie, but what information is available suggests that standards are extremely poor. The law requires that police immediately register detentions with the Public Prosecutor, or with the State Security Court Prosecutor. In practice such notification is almost invariably late - sometimes by a matter of days, sometimes by more than a week. Since it is well established that torture usually takes place in the first days of police detention, it is possible that registration is being delayed until interrogation under torture is over, so that if the detainee should die, the police or gendarmerie can deny that the person was ever in their custody.

In the absence of any official notification, a family is only alerted to the fact that a family member has been detained when they fail to return home. Family members are often reluctant to check at the police station for fear of being detained themselves. Moreover, the best that can be hoped from the police station is verbal confirmation of the detention, which in some cases of "disappearance" was given and later denied. Until a detention is confirmed, the family is thrown into

² Kurdish Workers' Party - illegal armed organization, since 1984 engaged in armed conflict with the Turkish security forces

panic. They will alert local politicians, relatives in the civil service, and the media. Often attempts are made to bribe police officers or other police station staff to make discreet inquiries. This, combined with official indifference has created the conditions in which "disappearances" can occur.

Amnesty International, therefore, recommends the urgent implementation of the following steps to prevent further cases of torture and "disappearance"

1. Families should be informed immediately of any arrest (as required by Article 107 of the Turkish Criminal Procedure Code) and of the whereabouts of the detainee at all times.
2. All detainees should be registered in a bound book with numbered pages, and the time of and reason for the detention be noted therein. (Article 7 of the UN Standard Minimum Rules for the Treatment of Prisoners)
3. The date, time and duration of each period of interrogation should be clearly recorded, as well as the names of all those present during interrogation. These records should be open to judicial examination and to inspection by detainees and their lawyers.
4. All detainees must be given access to lawyers. The revision of the Criminal Procedure Code in December 1992 which provided such access for those detained on account of ordinary criminal offences only must be extended to those detained under the Anti-Terror Law. Detainees' families and lawyers should be able to seek an urgent court order requiring the police to permit such access if it is being denied.
5. The practice of blindfolding detainees must be prohibited. Reports of the practice must be investigated and judicial proceedings taken against those who continue to use the blindfold.
6. Because detainees in Turkey are at gravest risk of torture and "disappearance" while in police custody, the law should be amended so that all detainees in all parts of the country are brought before a court within 24 hours of arrest and thereafter kept in detention only under the supervision of a court.

Fake investigation and thorough investigation

The Mothers' vigil has been remarkably effective in arresting the use of "disappearance" as a tool of intimidation and elimination. Amnesty International's experience worldwide has shown that determined efforts to investigate reports of "disappearance" are also of vital importance. The Saturday Mothers are asking that the Turkish authorities comply with international standards on investigation of "disappearances". The UN Declaration on the Protection of All Persons from Enforced Disappearance recommends that authorities carry out prompt, thorough and impartial investigations into every report of "disappearance". To Amnesty International's knowledge, no investigations satisfying these criteria have yet been carried out.

Instead, on 20 December 1996 the Turkish police established the "Bureau for the Investigation of Disappearances." Many relatives of "disappeared" persons are sceptical of this project, and suspect that its real purpose is to deflect public disquiet about "disappearances" and



Fatma Morsümbül, mother of Hüseyin Morsümbül who "disappeared" six days after the military coup of 12 September 1980. "If they have seen my Hüseyin, let them give me news. If they have killed him and thrown him somewhere, let them tell me so that I can give up this waiting..." © Hatice Tuncer

discredit those who demand genuine investigations into the fate of the "disappeared". Less than a month after its foundation the Bureau published its findings on scores of allegations of "disappearance". In most cases, however, these 'findings' consisted of no more than one or two lines of official denial that the individual was ever detained. No serious investigations seem to have been conducted. For example, the report mentioned that Tevfik Kusun, who "disappeared" on 29 November 1996 after being taken from the building site where he worked, was not held in police custody, but failed to mention that his body was found by a local highway on 7 January 1997. Similarly, the report stated that police archives had no record that Mahmut Mordeniz, who "disappeared" on 28 November 1996, was detained, but failed to note that family and others witnessed his detention by people who introduced themselves as police, that a local police unit confirmed that he had been detained, and that his wife Fahriye also "disappeared" the same day. Recently the Bureau has positioned a bus at Galatasaray where relatives are invited to submit applications for information. Police have shouted at detainees, telling them that their children are not really lost, and that they should be content to register their details with the Bureau's bus. Hanım Tosun commented: "They want us to complain to them, but how can I go and complain to the people who made my husband 'disappear'?"

Amnesty International is therefore appealing to the Turkish authorities once more to establish, as a matter of urgency, impartial and properly resourced commissions to investigate the fate of the "disappeared" in Turkey, along the lines of the UN Declaration on the Protection of All Persons from Enforced Disappearance. Those appointed as members of such commissions must be recognized for their impartiality, competence and independence. The Declaration recommends that:

- the methods and findings of such commissions should be made public;
- relatives of the victim should have access to information relevant to the investigation;
- complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals;
- any official suspected of responsibility for a "disappearance" should be suspended from active duty during the investigation.

"Disappearance" is a human rights violation inflicted not only upon the victims, but also upon their families. Not knowing whether they are dead or alive causes untold suffering to their relatives. Amnesty International is appealing to the Turkish authorities not to silence the Saturday Mothers, but to answer their demands for serious investigation and clarification of the fate of their loved ones.