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Turkey Country Report on Human Rights Practices for 1998

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TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Grand National Assembly, which elects the President. In 1993 it elected Suleyman Demirel President. In November Prime Minister Mesut Yilmaz, leader of the Motherland Party (ANAP), resigned after 17 months in office following a no-confidence vote in Parliament concerning corruption allegations. In January 1999, President Demirel asked Prime Minister-designate Bulent Ecevit, leader of the Democratic Left Party (DSP), to form a new government. The military exercises substantial but indirect influence over politics in the belief that they are the constitutional protectors of the state. The Government respects the Constitution's provisions for an independent judiciary.

For over a decade, Turkey has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal is a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in six southeastern provinces that face substantial PKK terrorist violence. A regional governor for the state of emergency has authority over the regular governors in the six provinces, and six adjacent ones, for security matters. The state of emergency allows the regional governor to exercise certain quasi-martial law powers, including restrictions on the press and removal from the area of persons whose activities are deemed detrimental to public order. The state of emergency decree was renewed for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (gendarmarie) carry out this function in the countryside. The armed forces continued to combat the PKK in the state of emergency region, thereby taking on an internal security function. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights and continued education for law enforcement personnel in these subjects, members of the security forces, particularly police "special teams," Jandarma, village guards, and TNP personnel, committed serious human rights abuses.

Export-led growth continued to fuel the country's market economy. Trade with the European Union constitutes 60 percent of overall foreign trade. Leading exports were textiles, iron, and steel, but exports of electronics equipment, consumer goods, food, and auto parts continued to grow. The Government made progress toward agreement on an east-west energy corridor to bring Caspian Basin oil and natural gas to world markets through pipelines across Turkey. However, despite market resilience, overall economic growth slowed sharply during the year due to an outflow of foreign capital in the wake of the Russian financial crisis and budget expenditure control and skillful monetary and exchange-rate policy. The Yilmaz-led Government lowered wholesale inflation from 91 percent in 1997 to 54 percent in 1998. Yet inflation continued at a level that exacerbated income disparities: per capita Gross National Product (GNP) of \$3,100 did not reflect wide differences in income. The Government's inability to pass most of its structural reform package or to remove lingering barriers to foreign direct investment acted as a further drag on economic performance, as did large off-budget

expenditures by the military. Financial corruption continued to undermine popular faith in the central government.

Despite Prime Minister Yilmaz's stated commitment that human rights would be his government's highest priority in 1998, serious human rights abuses continued. There is a general recognition, including by the Government, that the country's human rights performance is inadequate and needs to be brought in line, not only with its international obligations and commitments, but also with popular aspirations and demands and the Government's own policies.

Extrajudicial killings, including deaths in detention from the excessive use of force, "mystery killings," and disappearances continued. Torture remained widespread. Police and Jandarma antiterror personnel often abused detainees and employed torture during incommunicado detention and interrogation. The implementation of reforms to address these problems was uneven. Protracted investigations and trials of officials suspected of abuses continued to be a problem. Important cases dating back several years continued without resolution, including: 48 police officers charged with the 1996 death of journalist Metin Goktepe; 10 police officers from Manisa charged with torturing 16 persons in 1995--mostly teenagers accused of ties to a leftist terrorist organization; and police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996.

Despite an increase in prosecutions through October, the rarity of convictions and the light sentences imposed on police and other security officials for killings and torture fostered a climate of impunity that probably remains the single largest obstacle to reducing human rights abuses. The lack of universal and immediate access to an attorney by those detained for political crimes is also a major factor in the commission of torture by police and other security forces.

Prison conditions are poor. Numerous small-scale disturbances and hunger strikes erupted throughout the year. Security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention and lengthy trials continued to be problems. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained another serious problem. For example, the Committee to Protect Journalists (CPJ) reported that 25 journalists were imprisoned at year's end. Authorities banned or confiscated numerous publications and raided newspaper offices, encouraging self-censorship on reporting on the southeast.

The Government continued to use the 1991 Anti-Terror Law, with its broad and ambiguous definition of terrorism, to detain both alleged terrorists and others on the charge that their acts, words, or ideas constituted dissemination of separatist propaganda. Prosecutors also used Article 312 of the Criminal Code (incitement to racial or ethnic enmity), Article 159 (insulting the Parliament, army, republic, or judiciary), the law to protect Ataturk (no. 5816), and Article 16 of the Press Law to limit freedom of expression.

A campaign against "reactionaries" (Islamists) and "separatists" (pro-Kurdish activists)--groups that the military publicly identified as the principal threats to Turkey's national security--continued throughout the year and broadened to include mainstream secular journalists, nonviolent leaders of human rights groups, some devout politicians in mainline conservative parties, and religiously observant Muslim businessmen. Members of the legal pro-Kurdish People's Democracy Party (HADEP)

were sometimes the object of arbitrary arrests and often were harassed in the southeast for their legal political activities. The campaign against pro-Kurdish activists intensified after the November arrest in Italy of PKK leader Abdullah Ocalan, when some HADEP members expressed support for Ocalan. Authorities detained a large number of HADEP members, and party leaders allege that many were tortured or beaten. An 18-year-old party member died in police custody, allegedly from beatings during interrogation. At year's end the party faced closure by the authorities for alleged anticonstitutional activities. (Two of HADEP's predecessors, HEP and DEP, were closed on similar grounds.)

In January as part of the intense private and public campaign of pressure led by the military and the judiciary, with broad support from several segments of society that view "fundamentalism" to be a threat to the secular republic, the Constitutional Court ordered the Islamist Refah Party closed and banned several of its leaders, including former Prime Minister Erbakan, from political activity for 5 years. The National Security Council continued to warn against Islamist activities. Istanbul mayor and prominent Islamist political leader Recep Tayyip Erdogan's 10-month sentence in April on charges of promoting separatism and threatening the unity of the state was upheld in September. The sentence carries a lifetime ban from politics.

Kurdish-language broadcasts were not allowed. Printed material in Kurdish, while legal, was limited. Private channel television programs and print media continued to debate human rights and other issues of freedom of speech and the press, but the Government periodically closed down stations that aired programs in Kurdish or on Kurdish issues. Kurdish music recordings reportedly were widely available in the southeast.

The Government and the law impose limits on freedom of assembly and association. Starting in May police with increasing frequency and force broke up public gatherings of the Saturday Mothers, a group that has held weekly vigils in Istanbul for more than 3 years to protest the disappearances of their relatives.

Government officials continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir and Sanliurfa branches of the Human Rights Association (HRA), which were shut down in 1997, remained closed. In December a third branch, in Mardin, was closed. In October the Court of Appeals affirmed the 1997 conviction of Akin Birdal, HRA's president, on charges of inciting hatred and enmity, for statements he made about the Kurdish problem and torture. Other HRA organizers also faced charges of promoting separatism or inciting ethnic hatred based on speeches. In May Birdal was wounded seriously in a murder attempt. A Jandarma sergeant and 10 other suspects were put on trial in connection with the attack.

The Government continued to impose some restrictions on religious minorities. Discrimination against women persisted. Spousal abuse remains a serious problem, and the Parliament passed legislation making it illegal. Some abuse of children, discrimination against minorities, and child labor remained serious problems. Nongovernmental organizations led a public awareness campaign to call attention to child labor.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, located largely in the southeast, basic political, cultural, and linguistic rights. As part

of its fight against the PKK, the Government forcibly displaced noncombatants, failed to resolve extrajudicial killings, tortured civilians, and abridged freedom of expression. The number of villagers forcibly evacuated from their homes since the conflict began is credibly estimated to be approximately 560,000.

The State Minister for Human Rights, who also is the coordinator for the High Council for Human Rights, led the Government's effort to implement legislative and administrative reforms. The Government introduced draft legislation that would ease some restrictions on freedom of expression and facilitate the prosecution of civil servants, but Parliament took no action on the legislation by year's end. The Government further refined its human rights training for the police and military. The military continued to emphasize human rights training for its officers and noncommissioned officers, which human rights groups reported led to a reduction in human rights violations. Human rights education in primary schools is mandatory; it is an elective in high schools.

The PKK committed widespread abuses as part of its terrorism against the Government and civilians, mostly Kurds. PKK terrorists frequently killed noncombatants, targeting village officials, village guards, teachers, and other perceived representatives of the state. The PKK campaign of violence effectively restricts the public's freedom to travel after dark in certain regions. PKK terrorists also committed random killings, including in tourist areas, in their effort to intimidate the populace. Late in the year, after its leader Abdullah Ocalan was detained in Italy, the PKK intensified its campaign of suicide bombings that caused several deaths and many injuries. The PKK briefly declared and then suspended a cease-fire in September, following the pattern of previous unilateral cease-fires, all of which ended with renewed PKK violence.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Credible reports of political and extrajudicial killings by government authorities continued, although accurate figures were unavailable. The Documentation Center of the Human Rights Foundation (HRF) reported a number of deaths of detainees under suspicious circumstances, some as an apparent result of torture. Human rights monitors also credibly reported that government forces used excessive force, sometimes resulting in deaths, during some raids on alleged terrorist and militant safe houses.

Human rights monitors remain greatly concerned about the 1996 Provincial Authority Law, which authorizes security forces to shoot to kill when challenging a suspect and grants provincial governors the power to declare a "state of emergency" and to call in security forces. In January the Constitutional Court ruled that authorities may not fire at suspected terrorists without providing appropriate warning and ordered the Government to revise the law.

In January journalists Mehmet Topaloglu, Selahatin Akinci, and Bulent Dil were killed in a police raid on an alleged militants' house in Adana. According to the HRF, the evidence and witnesses did not support the police version of the events. An autopsy on Topaloglu found 11 bullets and a broken shoulder. Cigarette burns, drill marks, multiple fractures, and traces of strangulation were noted on

Dil's body. Human Rights Watch (HRW) noted that 10 persons were killed during house raids in Adana and Istanbul. Witnesses and human rights monitors did not support the police version of the events. In March an 18-year-old theft suspect died in police custody in Adana. In November 18-year-old Hamit Cakir, arrested in a police sweep against HADEP, died in police custody in Diyarbakir, allegedly from beatings during interrogation. A criminal suspect also died in November in detention in Gaziantep. The Government undertook serious investigations of most alleged extrajudicial killings.

The HRA and other human rights groups recorded several mystery killings in which the assailant's identity was unknown. Most of the reports pertain to the southeast, where security force complicity is widely alleged, and some of the victims were leaders or prominent members of the Kurdish community, local politicians, journalists, or members of HADEP.

A Government report that came to light in January and a 1997 parliamentary report revealed ties between the authorities and illegal gangs--ultranationalists and members of organized crime--in the wake of the 1996 Susurluk incident, a car accident that provided evidence of such associations. These links raised serious concerns about corruption and the abuse of power in the security forces. The Government publicly committed to investigate corruption but was criticized for its slow progress. In April trials began of former Interior Minister Mehmet Agar, who was linked to the Susurluk victims, and Member of Parliament (M.P.) Sedat Bucak. Separately, in September State Minister Eyup Asik resigned amidst allegations of links to organized crime leader Alaattin Cakici, who was apprehended abroad with a diplomatic passport. These same allegations of corruption led to a November vote of no-confidence in Parliament for the Government of Prime Minister Yilmaz.

Although arrests of police and other law enforcement personnel increased in cases of extrajudicial killings, the number of arrests and prosecutions remained low, and punishment for those persons convicted remained insufficient. In November a police supervisor in Adana's antitheft unit, Murat Guldaz, was released for time served after being convicted in the March death of 18-year-old Mehmet Yavuz, who was killed by blows to the abdomen while in police custody; 10 other police officers were acquitted in the case. Yavuz's spouse and mother also claimed that the police beat them.

Six Aydin police officers were convicted of involuntary manslaughter and sentenced in April to 5 yearsâ imprisonment for the killing of student Baki Erdogan, who was beaten to death while in police custody in 1993; the police officers appealed the verdict. According to HRW, the defendants and approximately 60 plainclothes police officers brutally beat Erdogan's sister and lawyer in the courtroom after the sentencing. The Mersin Penal Court in May sentenced police officer Suat Tunc to 2 years for the 1996 killing of 14-year-old Cetin Karakoyun, who died in police custody, but the sentence was converted to a small fine. In June the Istanbul Penal Court sentenced police officer Nurettin Ozturk to 6 years and 8 monthsâ imprisonment for involuntary manslaughter in the 1993 death in detention of Vakkas Dost. The 1997 acquittal of 11 police officers in the 1992 killing of Remzi Basalak while in detention in Adana was upheld by the Court of Appeals.

Little progress occurred in the trial of 48 police officers, including 3 senior officers and a deputy commissioner, for the 1996 killing of Metin Goktepe, a correspondent for Evrensel newspaper who died from wounds inflicted while in detention in Istanbul. Police initially denied that he was detained, then later said that he died from a fall. Following large public demonstrations and parliamentary criticism over the circumstances of his death, an investigation led to the arrest of the officers. In 1997 the

courts decided to try separately 11 of the police officers for premeditated murder. In March five were convicted of manslaughter, while the remaining six were acquitted. However, the Court of Appeals in August overturned both the convictions and the acquittals. In December the Afyon Penal Court released the five officers pending the outcome of a new trial. The other officers had returned to duty pending the outcome of the trial. One officer, Murat Polat, who was the subject of an outstanding arrest warrant, reportedly turned himself in to the Bitlis public prosecutor and remains under arrest. No progress was made in the trial of the other 37, who were charged with excessive use of force in controlling the demonstration.

The trial continued of 29 Jandarma soldiers and 36 antiterror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir (see Section I.c.).

Investigation continues in the case of the death in custody in December 1997 of university student Burhanett Akdogu in Ankara. There were no developments in the case of eight police officers charged in the 1995 death of Sinan Demirtas, who died while in police custody, or in the case of police officer Abdullah Bozkurt, charged with the 1994 killing of Vedat Han Gulsenoglu. Bozkurt was reassigned back to Istanbul. The following cases also remain unresolved: the 1994 killing of HEP party official Faik Candan; the 1993 killing of journalist Ugur Mumcu; and the 1992 case of Yucel Ozen.

The PKK continued to commit politically motivated extrajudicial killings, primarily in rural southeast Anatolia. Victims included state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid paramilitary village guards and their family members, young villagers who refused to be recruited, and PKK guerrillas-turned-informants. According to a press report in Yeni Yuzyil, the police reported that in 1998 approximately 243 soldiers and Jandarma, 10 police officers, 114 village guards, and 132 civilians died in terrorist incidents. In June suspected PKK terrorists stopped a minibus near Tunceli. Nine passengers were murdered, and two were wounded.

Turkish Hizbullah, an Islamist Turkish terrorist group (not related to Lebanese Hizbullah), continued to target civilians in the southeast. Trials continued in the cases of 89 Hizbullah members charged with a total of 113 murders. While some human rights monitors in the southeast believe that Turkish Hizbullah was founded by the Government in the 1980's to target the PKK and its sympathizers, there are more recent indications that Hizbullah operates alone.

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C) and the Turkish Workers' and Peasants' Liberation Army (TIKKO), continued to commit abusive, violent acts. According to press reports, the Islamic Great Eastern Raiders' Front was suspected in a June bomb attack in Istanbul that injured 12 people, and TIKKO members disguised in Turkish military uniforms in June attacked a village near Tasova and assassinated a local official who had assisted antiterror operations in the area. According to the HRF and Amnesty International (AI), in May Tacettin Asci, treasurer of the HRA's Bursa Branch Association, and Ahmet Aydin were abducted and killed, apparently by the Marxist-Leninist Communist Party, MLKP.

b. Disappearance

Accurate statistics on disappearances of those previously under detention are hard to confirm; nonetheless, HRA figures indicate that such disappearances continued to decline, from 66 disappearances in 1997 to 29 in 1998. Some persons disappeared after witnesses reported that security forces or law enforcement officials took them into custody. Sometime after March 31 Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal disappeared from Izmir, according to AI. Uslu, editor of the journal *Devrimci Genclik*, was detained frequently and threatened by police. Aydogan was wanted for assisting the DHKP/C, and Andac previously had been convicted of providing assistance to the same organization. The case was reported to the United Nations Working Group on Enforced and Involuntary Disappearance.

There was no resolution of the 1997 disappearances of Ilyas Eren, Burhan Aktas, and 73-year-old Fikri Ozgen, all of whom were believed to be taken into custody by plainclothes police, nor in the 1996 case in which at least five bodies were found near Baharli.

For more than 3 years the "Saturday Mothers," a group primarily of women, has gathered weekly on a major Istanbul street to protest the disappearance of their relatives (see Section 2.b.). Beginning in May, the police often broke up the meetings, sometimes beating and detaining participants, among whom police said were members of other groups.

The Government made an effort to investigate and explain some reported cases of disappearance. The Ministry of Interior operates a Missing Persons Bureau, which is open 24 hours a day. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoided contact with the government office. AI criticizes the Bureau's findings for falling short of the thorough and impartial investigations called for by the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. The Ankara police operate a telephone number through which the public can obtain information about detainees, gun registration, and other police-related matters. A delegation from the U.N. Working Group on Enforced or Involuntary Disappearances visited Turkey in September.

The Government, human rights organizations, and the media report that the PKK routinely kidnaps young men or threatens their families as part of its recruiting effort. PKK terrorists continued their abductions of local villagers, teachers, journalists, and officials in the southeast.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the Constitution's ban on torture, the Government's cooperation with unscheduled foreign inspection teams, and public pledges by successive governments to end the practice, torture continued to be widespread. The HRF's torture rehabilitation centers in Ankara, Izmir, Istanbul, and Adana had not completed compiling statistics on the number of credible applications for treatment during the year, but the HRF estimated the number to be over 600. Human rights attorneys and physicians who treat victims of torture state that most persons detained for or suspected of political crimes usually suffer some torture during periods of incommunicado detention in police and Jandarma stations before they are brought before a court. Ordinary criminal suspects also report torture and mistreatment by police, according to HRW and the Lawyers Committee for Human Rights.

Government officials admit that torture occurs. Although they deny that torture is systematic, they explain its occurrence by stating that it is closely tied to the fight against terrorism. However, many cases of torture occur in western Turkey, outside the zone of conflict. Complaints of torture or mistreatment in eight cases were filed with the Parliamentary Human Rights Commission during the year.

In April the Istanbul Chamber of Doctors certified that 2-year-old Azat Tokmak showed physical and psychological signs of torture after detention at an Istanbul branch of the antiterror police. Azat's mother Fatma Tokmak was detained in December 1996 on suspicion of PKK membership. The child was burned with cigarettes and kicked in an effort to make the mother confess. The child is living with other family members while his mother remains incarcerated. In Diyarbakir local police beat Sadik Kelekci and his 11-year-old grandson when they raided their house seeking to locate the boy's father. The grandfather reportedly was beaten again while in police custody for a 3-day period. The grandson was not detained.

According to the HRF, in March 23-year-old Cihan Altinbas was detained along with 13 other persons during an Istanbul demonstration. They were subjected to beatings, including on the soles of the feet, forced prolonged standing, loud music, threats, and insults. In May a group of 20 individuals, including women, was detained at the Diyarbakir security directorate in connection with Newroz Kurdish New Year celebrations. Witnesses reported that they were stripped, beaten, and subjected to electric shock and a high-pressure cold water spray. In January university student Ahmet Birge Uzun received a medical certificate from the Forensic Medical Institute that confirmed that he showed physical signs consistent with being beaten. Uzun claimed that he was beaten by four Izmir antiterror police and forced to inform. In April Ali Kartal, who is deaf and mute, was accused by Izmir police of aiding the PKK, subjected to electric shock, and beaten, apparently because he could not respond to his interrogators. In late November, leaders of the pro-Kurdish party HADEP said that many of their party members were beaten and tortured during the Government's crackdown on HADEP, which was precipitated by expressions for support for PKK leader Ocalan after his arrest in Italy. On several occasions police beat women (including elderly women) who held vigils on behalf of relatives who disappeared (see Section 2.b.). Police also violently broke up demonstrations and beat persons (see Sections 2.b., 4, 5, and 6.a.)

Human rights observers report that because the arresting officer is also responsible for interrogating the suspect, some officers may resort to torture to obtain a confession that would justify the arrest. Many detainees state that prosecutors ignore their claims of abuse during interrogation. Commonly employed methods of torture alleged by the HRF's treatment centers include: High-pressure cold water hoses; electric shocks; systematic beatings, including on the soles of the feet and genitalia; blindfolding; hanging by the arms; sleep deprivation; vaginal and anal rape with truncheons and, in some instances, gun barrels; and other forms of sexual abuse. Other forms of torture were submersion of detainees in cold water, hanging sandbags on their necks, making them stand on one foot, releasing drops of water on their heads, sitting on their laps, riding on their shoulders, depriving them of oxygen, and withholding food.

The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release. However, former detainees assert that some medical examinations take place too long after the event to reveal any definitive findings of torture. Members of security and police forces often stay in the examination room when physicians are examining detainees,

resulting in the intimidation of both the detainee and the physician. Some physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting physical findings but not drawing reasonable medical inferences that torture occurred. In March an Aydin court acquitted a local physician who was charged with misuse of her office when she reported several instances of torture by local Jandarma personnel. The physician refused to be intimidated by the Jandarma, ordered them out of the examination room, and found that four of the six robbery suspects under detention showed signs of mistreatment. In September four of the Jandarma officers were charged with attempting to manipulate the results of a medical examination and later convicted and given a small fine.

Credible sources in the human rights and legal communities estimate that judicial authorities investigate very few of the formal complaints involving torture and prosecute only a fraction of those investigated. Security personnel accused of violating human rights are held to a different standard than other citizens. The Anti-Terror Law provides that officials accused of torture or other mistreatment may continue to work while under investigation. Under the administrative adjudication law, an administrative investigation into an alleged torture case is conducted to determine if there is enough evidence to bring a law enforcement officer to trial. Special provincial administrative boards rather than regular courts decide whether to prosecute such cases. Suspects' legal fees are paid by their employing agencies. Under the state of emergency, any lawsuit directed at government authorities must be approved by the state of emergency governor. Approval is rare. These constraints contribute to the low number of convictions for torture.

In February the Government issued a circular and regulations designed to prevent human rights violations. The measures provided for regular, uninterrupted inspections of police stations by public prosecutors, gave inspectors the authority to implement corrective measures, and provided for the monitoring of police and Jandarma radio frequencies and interrogations by public prosecutors. However, these measures were superseded by October regulations on apprehension, police custody, and interrogation. The October measures include strict and detailed regulations on detention and arrest procedures and proper interrogation techniques, including training, for all law enforcement personnel. However, they do not provide for monitoring and allow inspections by public prosecutors only during the investigation process. Legal and human rights experts maintain that torture usually occurs before the period when public prosecutors are able to open an investigation.

Under the Criminal Procedures Law (CMUK), prosecutors are empowered to initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges.

The 1997 CMUK reforms granted immediate access by attorneys to those arrested for common crimes and after 4 days of detention for those persons detained under the Anti-Terror Law. Private attorneys and human rights monitors continued to report uneven implementation of the reforms.

In October the Court of Appeals overturned the March acquittal of 10 police officers, including 2 superintendents, accused of torturing 16 teenagers from Manisa (western Turkey) and sent the case back for retrial. The Appeals Court ruled that the students had exhibited evidence of physical and

psychological torture while under detention. The 10 officers, including 2 superintendents, remained free pending their new trial. The students' case also was being retried, in Izmir State Security Court. The Court of Appeals also overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students were acquitted originally.

The following torture cases remain unresolved. Two police officers were appealing their 1-year suspended sentences for torturing Songul Yildiz, whom they had questioned on suspicion of PKK membership after a March 1997 demonstration; the two men were allowed to remain on the police force. Five Istanbul antiterror police were indicted in 1997 on charges of torturing Gulderen Baran and four other detainees in 1995 during an interrogation about their alleged membership in a terrorist organization. Baran is appealing her 1997 conviction. The 1997 case of journalist Hatun Temizalp remains unresolved. According to human rights monitors, Temizalp was subjected to torture and abuse at the Istanbul antiterror police headquarters and also was denied access to a lawyer. In a State Security Court she complained of torture, despite police attempts to dissuade her through intimidation.

The United Nations Special Rapporteur on Torture visited Turkey, at the invitation of the Government, during November.

Prison conditions remain poor. Juveniles and adults are incarcerated together and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Prisons are run on the ward system. Prisoners, often those of the same ideological bent, are incarcerated together and indoctrinate and punish their own. Government efforts to reform prisons by adopting a cell system were criticized by prisoners, attorneys, and human rights groups alike, who view the ward system as a more humane form of incarceration. Prisons are plagued by overcrowding, underfunding, and very poor administration.

The Parliament's Human Rights Committee investigated conditions in a variety of prisons and confirmed the use of torture.

Small-scale hunger strikes occurred to protest prison conditions, the proposed transfer to a cell system, and poor treatment by guards at many institutions. Late in the year, to protest the arrest of PKK leader Ocalan, several prisoners convicted of offenses related to the PKK went on temporary hunger strikes and endured severe self-inflicted injuries, including self-immolation.

Several monitoring groups, both domestic and international, carried out prison visits. The Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT) and accepted unannounced visits by the CPT.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained problems. To take a person into custody, a prosecutor must issue a detention order, except in limited circumstances such as when someone is caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours. A judge may extend the detention period for a maximum of 7 days. Under the CMUK, those detained for individual common crimes are entitled to immediate access to an attorney and may meet

and confer with an attorney at any time. However, private attorneys and human rights monitors report that the authorities do not always respect these provisions.

No immediate access to an attorney is provided under the law for persons whose cases fall under the jurisdiction of the State Security Courts: these cases include persons charged with smuggling and with crimes under the Anti-Terror Law. The lack of early access to an attorney is a major factor in the use of torture by police and security forces. The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that a significant number of suspects be detained indefinitely, sometimes for years. Many cases involve persons accused of violent crimes, but it is not uncommon for those accused of nonviolent political crimes to be kept in custody until the conclusion of their trials.

Under a 1997 law that reduced detentions, persons detained for individual crimes that fall under the Anti-Terror Law must be brought before a judge within 48 hours, while those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's permission, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days. Private attorneys and human rights monitors reported uneven implementation of these reforms. By law a detainee's next of kin must be notified "in the shortest time" after arrest, a requirement observed in practice in criminal and civil cases. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

On several occasions police officers beat and detained women (including elderly women) who held vigils for relatives who had disappeared. Police also beat and detained demonstrators (see Sections 1.c., 2.b., 4, 5, and 6.a.)).

The Government does not use forced external exile, but the Government retains the authority to authorize internal exile (see Section 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and in practice the courts generally act independently of the executive and legislative branches. The Constitution stipulates that judges be independent of the executive in the discharge of their duties and provides for security of tenure. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. The Constitution also prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power.

The judicial system is composed of general law courts, State Security Courts, and military courts. There is also a Constitutional Court, the nation's highest court. Most cases are prosecuted in the gene-

ral law courts, which include the civil, administrative, and criminal courts. Either the High Court of Appeals or the Council of State hears appeals. Provincial administrative boards established under the Anti-Terror Law decide whether cases in which government officials are accused of misconduct should be heard in criminal court. Military courts, with their own appeals system, hear cases involving military law and members of the armed forces and cases in which civilians are alleged to have impugned the honor of the armed forces or undermined compliance with the draft. In July a military court convicted Yasar Kaplan and Murat Balibey, journalist and editor in chief, respectively, of the radical Islamist newspaper Akit, to 14 months imprisonment for an article they published reportedly "insulting the military."

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules. However, it may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

State Security Courts (SSCâs) sit in eight cities. They are composed of panels of five members--two civilian judges, one military judge, and two prosecutors--and try defendants accused of crimes such as terrorism, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law such as "damaging the indivisible unity of the state." SSC verdicts may be appealed only to a specialized department of the High Court of Appeals dealing with crimes against state security. Senior civil servants and parliamentarians are routinely provided public housing. According to a human rights monitor, housing prosecutors and judges responsible for SSC cases in military barracks in the southeast subjects them to significant pressure in reviewing cases. The law gives prosecutors far-reaching authority to supervise the police during an investigation. However, according to HRW, prosecutors make little use of this power, especially in cases of security detainees.

The European Court of Human Rights ruled in October that the presence of a military justice on the SSCâs 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. In September a senior Ministry of Justice official also voiced concern about the presence of military justices on the SSC's and recommended that Turkey review the composition of the SSC's.

During the year, the SSC's predominantly handled cases under the Anti-Terror Law and Section 312 of the Criminal Code. The Government claims that these courts were established to try efficiently those suspected of certain crimes. These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. The trial of 25 Diyarbakir lawyers charged in 1993 and 1994 for aiding and abetting the PKK, and in a few cases, with membership in a terrorist organization, continues at the Diyarbakir SSC. The defendants, 16 of whom complained of torture and mistreatment while held in incommunicado detention after their arrests, are free pending trial. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and for calling attention to human rights violations in the southeast.

Under the Constitution, defendants have the right to a public trial in a court of law. By law, the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSCâs. Bar Associations in large cities, such as Istanbul, have attorneys

on call 24 hours a day. Costs are borne by the Association. There is no jury system; all cases are decided by a judge or a panel of judges. Trials may last for months or years, with one or two hearings scheduled each month.

Defense lawyers generally have access to the public prosecutor's files after arraignment and prior to trial (a period of several weeks). In cases involving violations of the Anti-Terror Law and a few others, such as insulting the president or "defaming Turkish citizenship," defense attorneys may be denied access to files that the state asserts deal with national intelligence or security matters. Attorneys defending controversial cases occasionally face legal harassment. The case continues of Hasan Dogan, a respected Malatya attorney who frequently defends suspects in SSC cases. He was charged in 1997 for membership in an illegal organization on the basis of testimony from a convicted prisoner who hoped to receive favorable treatment. Dogan is free pending trial. Many lawyers who practice before the SSC's contend that cases in which testimony provided by informers is used are difficult to challenge.

In law and in practice, the legal system does not discriminate against minorities. However, since legal proceedings are conducted solely in Turkish, and the quality of interpreters varies, some defendant whose native language is not Turkish may be disadvantaged seriously. In June the Constitutional Court annulled Article 440 of the Penal Code, which allowed for the punishment of women found guilty of infidelity. Men did not face such restrictions.

Turkey recognizes the jurisdiction of the European Court of Human Rights and the European Commission of Human Rights. In September the Court found that Turkish authorities had not conducted an effective investigation into the 1993 attack on Esref Yasa and the murder of his uncle Hasim Yasa, who ran a newspaper kiosk in Diyarbakir but also ruled that it had not been established that security forces carried out the attacks, as alleged. In a separate judgment in September, the Court ruled that Turkey had violated its obligation under European conventions to bring detainees promptly before a judge in 1993 when it held Huseyin Demir and Sukru Susin in incommunicado detention for at least 23 days and Faik Kaplan for at least 16 days.

There is no reliable estimate of the number of political prisoners. The Government claims that most alleged political prisoners are in fact security detainees, convicted of being members of, or assisting, the PKK or other terrorist organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after issuance of a judicial warrant. These provisions generally are respected in practice outside the state of emergency region. A judge must issue a search warrant for a residence. If delay may cause harm to the case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special observation by the Security Directorate General, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels.

In the six provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association asserts that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. A total of six provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas and grants the provincial governor several extraordinary powers. Due to an improved security situation, the use of roadblocks in the southeast decreased; security officials still search vehicles and travelers periodically.

Because so many villages already were evacuated, village evacuations by security forces substantially decreased. In the past, there were thousands of such evacuations in the southeast to prevent villagers from giving aid and comfort to the PKK (see Section 1.g.).

Several human rights monitors complained that the Government interfered with citizens' choice of clothing and enforced a ban on the wearing of religious head garments in government offices and other state-run facilities (see Section 2.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Since 1984 the separatist PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians, mainly Kurds whom the PKK accuses of cooperating with the state. The TNP, the Jandarma, village guards, and the armed forces, in turn, have waged an intense campaign to suppress PKK terrorism, targeting active PKK units as well as persons they believe support or sympathize with the PKK. In the process, both government forces and PKK terrorists committed human rights abuses against each other and against noncombatants. According to a December speech by President Demirel, since 1984, 23,638 PKK members, 5,555 security force members, and 5,302 civilians lost their lives in the fighting.

In an effort to deny the PKK logistical support, the Government rationed food and other essentials in the provinces of Tunceli and parts of Diyarbakir and Bingol provinces, causing severe shortages and hardship among the population. Other than in Tunceli where the rationing has been ongoing for some time, implementation of food rationing elsewhere is sporadic or localized. Government security forces have returned to evacuated villages and burned homes, to deny them to the PKK.

Because so many villages already have been evacuated and because the fighting has now moved to mountains, government security forces evacuated and destroyed fewer villages than in previous years. The Government's stated purposes for the evacuations were to protect civilians or prevent PKK guerrillas from obtaining logistical support from the inhabitants. Some villagers alleged that the security forces evacuated them for refusing to participate in the paramilitary village guard system.

The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown. Most estimates agree that 2,600 to 3,000 villages and hamlets have been depopulated. A few non-governmental organizations (NGOs) put the number of persons forcibly displaced as high as 2 million. On the low end, the Government reported that through 1997 the total number of evacuees was 336,717. A figure given by a former M.P. from the region--560,000--appears to be the most credible estimate of those forcibly evacuated. A parliamentary committee investigated the situation in the

southeast and concluded in June that, among other things, the State was partly responsible for the displacements and that it had failed to adequately compensate villagers who had lost their homes and lands in the region. The European Court of Human Rights often ruled in favor of villagers who sued over forcible evacuations, and the Government continued to pay assessed damages.

Government programs to deal with and compensate the forcibly evacuated villagers remain inadequate, as is assistance to those who have resettled in urban areas. Many migrants continue to live in overcrowded, unhealthful conditions with little opportunity for employment. Local and provincial officials made some efforts to address the basic needs of migrants. In several provinces, officials provided looms for use by unemployed women. The rugs produced were then purchased by the Government for resale on the open market. The governors of Siirt and Sirnak provinces initiated similar assistance and training programs for women. One such program is a highly successful program called "Multipurpose Community Center," or "Catom," with branches in over 10 cities in the southeast. Using revenues from the Southeast Anatolian Project (a multibillion dollar economic development program focusing on a series of hydroelectric power and agricultural irrigation projects), the Centers provided literacy, child care, basic family health care, and vocational training classes for women. Officials overseeing some of these programs acknowledge that funding is inadequate and that much more needs to be done.

The Government noted that some displaced persons chose to resettle in urban areas and are receiving assistance there. The Government initiated in 1996 an "emergency support program" to expedite resettlement in the southeast. The funds are used for rebuilding houses and roads, as well as for animal husbandry and beekeeping programs. Human rights monitors criticize government efforts as inadequate in relation to the number of forcibly displaced persons.

There were credible allegations that serious abuses by security forces during the course of operations against the PKK continued. The Government organizes, arms, and pays a civil defense force in the region known as the village guards. Local villagers' participation in this paramilitary militia is theoretically voluntary, but they are sometimes caught between the two sides. If the villagers agree to serve, the PKK may target them and their villages. If the villagers refuse to participate, government security forces may retaliate against them and forcibly evacuate their villages, or not allow them to return to their villages after evacuations. The village guards have a reputation for being the least trained and disciplined of the Government's security forces and have been accused repeatedly of corruption, common crimes, and human rights abuses. Several village guards stood trial during the year for crime such as the execution of civilians and rape, according to HRW. In addition to the village guards, the Jandarma and police "special teams" are viewed as those most responsible for abuses.

The Government's state of emergency, renewed for 4 months in November, imposes stringent security measures in six provinces in the southeast. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree also provides for doubling the sentences of those convicted of cooperating with separatists. Informants and convicted persons who cooperate with the state are eligible for rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

Although schools have remained open in most urban centers in the southeast, rapid migration has led to severe overcrowding of city schools and chronic teacher shortages. The PKK policy of murdering

teachers exacerbated the situation (see Section 1.a.). Government officials claim that a significant effort is being made both to reopen schools and to build new schools in regions faced with acute overcrowding. According to government figures, 1,726 primary and secondary schools and 2 high schools remain closed in 11 provinces in the east and southeast for security reasons or because of a teacher shortage. Although the Government continues to build boarding schools in the region's larger towns, these new schools have failed to fill the gap. A total of 88 boarding schools were completed as of 1997 with a capacity of 49,614 students; 38 additional boarding schools are under construction. Some ethnic Kurdish leaders expressed concern that the Government favored building boarding schools, rather than rebuilding local schools, as a way to accelerate the process of Kurdish assimilation.

Turkish ground forces with air support conducted several operations during the year in northern Iraq against the PKK. The Turkish Government maintained that it targeted only the PKK in northern Iraq, not any other groups or civilians. The Patriotic Union of Kurdistan (PUK) cooperated with the Turkish Government in shutting down PKK facilities in northern Iraq.

The PKK suffered severe setbacks during the year, especially following the March arrest of its second-in-command Semden Sakik, and the November detention of its leader Abdullah Ocalan in Italy. PKK attacks against civilians, military, and law enforcement personnel in the southeast continued. In June suspected PKK terrorists stopped a minibus near Tunceli. Nine passengers were murdered, and two were wounded. Reportedly seven of the nine killed were village guards. In July a bomb at the spice bazaar in Istanbul, a well-known tourist area, killed at least six persons and injured over 65 others; the bomb was reportedly planted by the PKK. Also in July, the PKK stopped 40 vehicles in Hakkari and kidnaped 5 persons. In August the police thwarted a PKK suicide bomb attack with the arrest of a female would-be bomber in Adana. In November and December, three young women in separate incidents carried out suicide bomb attacks in public areas. The PKK is believed to be responsible for these attacks, which led to several deaths and many injuries.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Criminal Code provides penalties for those who "insult the President, the Parliament, and the army." Numerous other provisions in various laws restrict freedom of expression to one degree or another; those most frequently employed include Article 8 of the Anti-Terror Law and Article 312 of the Criminal Code. Judges in general examine evidence rigorously and dismiss many charges brought under these laws.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions are widely available. Government censorship of foreign periodicals is very rare. While overall readership of the local press is not large for a country of 62 million inhabitants, the newspaper business is intensely competitive.

Electronic media reach nearly every adult, and their influence is correspondingly great. Radio and television experienced explosive growth in the 7 years since privately owned broadcasting was al-

lowed. In a December speech President Demirel said that 230 local, 15 regional, and 16 national television stations--the majority private--were registered, along with 1,055 local, 108 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. In 1994 Parliament passed regulatory legislation making it illegal for broadcasters to threaten the country's unity or national security and limiting the private broadcast of television programs in languages other than Turkish. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. Internet use is growing and faces no government restrictions.

Despite the Government's restrictions, the media criticize government leaders and policies daily. Media coverage of the situation in the southeast tended to be unreliable, underreporting it in some instances and sensationalizing it in others. Government Decree 430 gives the Interior Ministry upon the request of the regional governor the authority to ban distribution of any news viewed as misrepresenting events in the region, which led to self-censorship of news reporting across the country. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals. According to HRW, numerous journals were closed down during the year, and the Ulkede Gundem newspaper was fined approximately \$12,000 (TL 40 billion) and closed by court order for 312 days. The police frequently raid offices of small leftist publications.

Other restrictions on freedom of expression continued to be problems: Journalists, cultural figures, and politicians were harassed and prosecuted for expressing their ideas. Individuals and publications sympathetic to Kurdish, Islamist, and leftist viewpoints were particularly hard hit, as the Government continued its crackdown against fundamentalism and suspected PKK members and sympathizers. In February the Committee to Protect Journalists (CPJ) unsuccessfully appealed for the release of 12 imprisoned journalists. Ismail Besikci has been in prison since 1993 on a variety of new charges based upon his ongoing articles on Kurdish issues.

In January an Istanbul SSC sentenced journalist Haluk Gerger to 20 months in prison for an article he wrote on the southeast. The Court of Appeals upheld the verdict in May. In March poet Can Yucel was sentenced to 1 year and 2 months imprisonment for insulting the President. In July editorial cartoonist Dogan Guzel was sentenced to 3 years in prison--later reduced to 16 months--"for insulting the state and armed forces" for four cartoons critical of the state.

In January the Constitutional Court closed the Islamist Refah Party and banned six Refah leaders, including former Prime Minister Erbakan, from political activity for 5 years (see Section 3). The Court found the Party guilty of attempting to undermine the secular nature of the state based in part on public statements made by Refah leaders. Party members joined a new Islamist party named the Virtue Party (Fazilet). According to HRW, in February 128 members of the Aczmendi sect were sentenced to 24 months to 6 years in prison for "insulting Ataturk and disobeying security forces."

In February Sanar Yurdatapan, a well-known musician and spokesman for freedom of expression, and two other members of a "Peace Working Group" were each sentenced to 10 months in prison for insulting the Turkish General Staff (TGS), under Article 159 of the Penal Code. The group alleged

that the military was responsible for a January 1996 attack on a minibus in Guclukonak (southeast) in which 11 people were killed. Authorities blamed the PKK for the attack, as several of the victims were village guards. Yurdatapan's separate trial for harboring two reported PKK members and possession of false passports continues.

In March the deputy chief of staff of the armed forces banned mainstream columnists Mehmet Ali Birand and Yalcin Dogan and reporter Muharrem Sarikaya from entering military sites, interviewing military personnel, and reporting any news about the military. The ban was lifted 3 days later.

In April a Diyarbakir SSC convicted Istanbul Mayor Recep Tayyip Erdogan for a speech that he made in 1997 that was deemed to have "incited ethnic, racial, religious enmity," based on Article 312 of the Penal Code. He was sentenced to 10 months in prison, but remained free pending the outcome of his appeal. In September the Supreme Court of Appeals upheld Erdogan's conviction, which he is appealing. The sentence also carries a lifetime ban from politics, including expulsion from the Virtue Party, of which Erdogan was a prominent member. Three other Islamist mayors from the Virtue Party also were removed from office by court action. They were from Kayseri, Agri, and the Ankara district of Sincan.

In May following unsubstantiated allegations by a captured PKK leader, allegedly leaked by the military, that two prominent journalists, Mehmet Ali Birand and Cengiz Candar, collaborated with the PKK, their publishers imposed sanctions on them.

In June Esber Yagmurdereli, a blind human rights activist and respected lawyer, was rearrested for failing to obtain a medical certificate detailing his poor health, a condition of his conditional release in November 1997. Yagmurdereli was convicted in May 1997 of promoting Kurdish separatism on the basis of public assertions that the ethnic Kurdish minority is oppressed. In October 1997, he was remanded into custody to begin serving a 22-year sentence. Also in June, journalist Ragip Duran surrendered to authorities in Istanbul to begin serving a 10-month sentence for an article that he wrote in the defunct newspaper Ozgur Gundem in 1994, in conjunction with an interview that he had conducted earlier with PKK leader Abudllah Ocalan. He is expected to serve a total of 7 months in prison. However, in an unrelated case journalist Namik Durukan, a Milliyet reporter accused of pro-PKK activities by a captured PKK terrorist, was acquitted by a Diyarbakir SSC in June.

In June the Court of Appeals overturned a guilty verdict by an Ankara SSC against members of the pro-Kurdish HADEP, including party chairman Murat Bozlak. The case centered on an incident at the party's 1996 convention in Ankara, during which the Turkish flag was torn down and replaced by a PKK banner. In 1997 an SSC sentenced Faysal Akcan, who reportedly took down the flag, to 22 years in prison; Bozlak and party convention chairman Hikmet Fidan each were sentenced to 6 years' imprisonment, while 29 other officials and party members received 6-month sentences. The SSC also found evidence linking HADEP to the PKK.

In September 17 persons, mostly HADEP members, were sentenced to prison terms ranging from 1 to 2 years and fined various amounts for writing articles in a 1997 edition of the HADEP Bulletin that supposedly incited "racial, ethnic and religious enmity." Prominent among those on trial were imprisoned former DEP M.P. Leyla Zana and HADEP Chairman Murat Bozlak. Zana, who already is serving a 15-year term in an unrelated case, was sentenced an additional 2 years; she planned to appeal.

Bozlak was acquitted. In a separate case in September an Istanbul SSC sentenced former DEP Chairman Hatip Dicle (a fellow prisoner with Leyla Zana), to 35 additional months in prison and a fine for an article he wrote in a pro-Kurdish daily newspaper. However, the Court suspended the prison sentence. His attorney planned to appeal the case.

In August playwright Mehmet Vahi Yazar was sentenced to 24 years in prison plus a fine "for insulting the military" based on Article 312 of the Penal Code for a play portraying the state as opposed to religion. The four actors who performed in the play were sentenced to 16 yearsâ imprisonment plus fines. They remain incarcerated pending the outcome of their own trial.

In October former political science professor Yalcin Kucuk was arrested at the Edirne border after returning from self-imposed exile in France following convictions for writing a pro-Kurdish article and conducting interviews with PKK leader Abdullah Ocalan. Kucuk faces 2 yearsâ imprisonment.

An Ankara SSC in May charged Erol Yarar, chairman of the Association of Independent Industrialists and Businessmen (MUSIAD), an Islamist businessmen's association, with promoting racial, ethnic, and religious enmity (Article 312 of the Penal Code) for a speech he made in October 1997.

HRA Chairman Akin Birdal and several colleagues were involved in a number of high-profile court cases involving freedom of speech issues in 1997 and 1998 (see Section 4).

In May the European Court of Human Rights ruled against Turkey for dissolving the Socialist Party on the basis of statements that its leader Dogu Perincek made during the 1991 general election campaign. In July the Turkish Court of Appeals upheld Perincek's 1996 conviction for acting "against the principle of national unity and territorial integrity of the state" for 1991 televised campaign statements in which he reportedly accused the state of terrorism. The Court ordered that he be stricken from the membership of the small Workers' Party (IP), which he heads (see Section 3.). He also faces charges of illegal possession of classified state documents, assisting a terrorist organization (the PKK), and possession of unlicensed firearms.

Kurdish-language cassettes and publications on Kurdish subjects continued to be available, although periodic suppression of the media continued. The Kurdish-language weekly, Azadiya Welate, and some 10 other publications were available only on an infrequent basis. Potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies. Kurdish-language broadcasts are not allowed.

The High Council for Radio and Television (RTUK) penalized a number of private radio and television stations for alleged violations of broadcast regulations, including use of offensive language, libel, obscenity, instigating separatist propaganda, or airing programs in Kurdish. Several local broadcasting channels were ordered off the air for temporary periods. According to HRW, many RTUK decisions were enforced even when courts overturned the decisions. Pro-PKK Med-TV, based in Belgium and the United Kingdom, broadcasts via satellite dish and can be received in the southeast.

No new developments occurred in the case of a publisher and translator for Pencere Publishing, who were appealing a suspended sentence and fine for publishing a Turkish translation of a German book,

and in the suspended case of 1,080 writers who supported novelist Yasar Kemal, who also was appealing a case.

A group of Turkish and Kurdish academics, politicians, and intellectuals continued to hold a series of nationwide panel discussions on the situation of the Kurds and possible solutions to their problems. Despite minor police attention, the group explored explicitly nonviolent solutions within a democratic context, especially in the largely Kurdish southeast. Academics continued to publish articles and papers on the Kurdish issue without government interference. The Mesopotamian Cultural Center, a corporation established to promote Kurdish language and culture, continued to operate despite a lack of official permission and despite official belief that the organization is linked to the PKK. However, for this reason their centers in Istanbul and the southeast periodically were harassed and shut down.

In May an Istanbul court acquitted Yilmaz Camlibel, president of the Kurdish Culture and Research Foundation (Kurt-Kav), and one of his assistants on charges of illegally promoting the Kurdish language. Despite the president's acquittal, Kurt-Kav was not allowed to resume Kurdish language classes. Academic freedom is otherwise respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but authorities may deny permission if they believe that a gathering is likely to disrupt public order. Prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

Starting in May police increasingly and forcibly broke up gatherings of the "Saturday Mothers," a group primarily of women who gathered every Saturday for more than 3 years on a major Istanbul street to hold a vigil for relatives who inexplicably disappeared. Each time they meet, the Saturday Mothers read a press announcement detailing the case of someone who has disappeared. The reading of a press release in a public place does not require authorization under the law, although demonstrations require permits. The police response to the vigil increased over the weeks, with a number of women and their supporters being detained. On multiple occasions police wielded truncheons and beat detainees, including elderly women. In September the police beat approximately 30 detainees inside a police bus and sprayed pepper gas into the bus before closing its doors. The Government alleges that the crackdown occurred in response to the infiltration of the Saturday Mothers by members of illegal organizations who voiced political slogans that could incite hatred.

In March police used force (water cannons and tear gas) to break up a demonstration organized by women's groups in honor of International Women's Day, but which had turned violent because of outside provocation. In a separate event in March police used water cannons, tear gas, and truncheons to break up violently a demonstration of the public employees' confederation, KESK (see Section 6.a.); approximately 30 workers were hospitalized. On the following day, police arrested many members of the BTS transport union. In September Istanbul police forcibly dispersed participants in "World Peace Day" events and prevented them from boarding buses bound for Diyarbakir. More than 100 persons were beaten or detained briefly in Istanbul, while others were detained in Diyarbakir and Mardin (see Section 4).

In February HRF President Yavuz Onen, HRA President Akin Birdal, Ufuk Uras of the left-of-center Freedom and Democracy Party, and Ahmet Turk from HADEP were acquitted on charges of holding an unauthorized demonstration. They were protesting the Susurluk incident, which revealed links between state officials and underworld criminal figures (see Section I.a.).

The Constitution provides for freedom of association, but associations and foundations must submit their charters for government approval, a lengthy and cumbersome process.

c. Freedom of Religion

The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and private dissemination of religious ideas, and the Government generally observed these provisions in practice. However, it imposed some restrictions on religious minorities. About 99 percent of the population is Muslim. Under the law, religious services may take place only in designated places of worship. Although Turkey is a secular state, religious instruction in state schools is compulsory for Muslims. Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the Lausanne Treaty (Greek, Armenian, and Jewish) are exempted by law from Muslim religious instruction, although students who wish to attend may do so with parental consent. Syriac Christians are not exempt because the Government does not consider them to be an official Lausanne Treaty minority.

Tarikats and other mystical Sunni Islamic orders were banned in the 1920s but largely were tolerated until recently. However, in 1997 the National Security Council, a half-military, half-civilian body entrusted in part with responsibility "for protecting the state against any foreign or domestic threat to its interests," called for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. Some Tarikats, like members of the Aczimendi Brotherhood, faced legal action in previous years for their vocal public demonstrations.

In accordance with a 1997 law, which made 8 years of secular education compulsory, new enrollments in the first 8 years of the Islamic imam-Hatip schools (in existence since 1950) were stopped, although children already in those classes were allowed to finish their grades. The imam-Hatip schools were very popular among conservative and Islamist Turks as an alternative to secular public education. Under the law, students may pursue study at the imam-Hatip schools upon completion of 8 years in the secular public schools. Students who complete 5 years of primary school may enroll in Koran classes on weekends and summer vacations.

Turkey's Alawi Muslim minority (an offshoot of Shi'ite Islam) is estimated to number at least 12 million persons. However, there are no government-salaried Alawi religious leaders, in contrast to Sunni religious leaders. Nonetheless, in December 1997 the Government allocated \$15 million (TL 3 trillion) to the Alawi community. Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis charge a Sunni bias in the Religious Affairs Directorate, and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, Sunni Islamic political activists charge that the secularist state favors, and is under the influence of, the Alawis.

Many prosecutors regard proselytizing and religious activism on the part of either Islamists or evangelical Christians with suspicion, especially when they deem such activities to have political overtones. There is no law that explicitly prohibits proselytizing, but police sometimes arrest proselytizers for disturbing the peace. Courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily.

Several human rights monitors complained that the Government increasingly enforced a 50-year-old ban on the wearing of religious head garments in government offices and other state-run facilities. According to these groups, some women who wear head coverings have lost their jobs in the public sector as nurses and teachers. Others were not allowed to register for fall semester classes at universities, and some professors and university administrators were dismissed for wearing or supporting the wearing of head garments. The Turkish military dismissed from the service individuals whose official files reflect participation in Islamist fundamentalist activities.

Most religious minorities are concentrated in Istanbul. The number of Christians in the southeast has been declining as the younger Syriac generation leaves for Europe and North America. Minority religions not recognized under the Lausanne Treaty may not acquire additional property for churches. The Roman Catholic Church in Ankara, for example, is confined to diplomatic property. The Office of Foundations (Vakiflar Genel Mudurlugu) must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. Restoration or construction also may be carried out in buildings and monuments considered to be "ancient" with authorization by the Regional Board on the Protection of Cultural and National Wealth. In October 1997 the Armenian Orthodox Church was granted permission to restore properties and open a new church in the Diyarbakir region. However the Syriac Church was ordered to halt restoration efforts to its monasteries in the southeast in September 1997 and to terminate its Aramaic language classes in October 1997 on the grounds that it lacked proper authorization from the Regional Board, the Education Ministry, and the Office of Foundations. The Church and government authorities are working to resolve these issues.

The authorities monitor the activities of Eastern Orthodox Churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening the seminary on the Island of Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy for eventual leadership. Following the death of the Armenian Patriarch, Karekin II, in March, regional authorities and Istanbul police officials responsible for "minorities" delayed and unsuccessfully sought to influence the outcome of the elections for a new Patriarch. The Armenian community elected a new Patriarch in November.

Bureaucratic procedures relating to historic preservation impede repairs to some religious facilities. 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. Some non-Muslim minorities, particularly the Greek Orthodox community and, to a lesser extent, the Jewish community, the Armenian Orthodox community, and the shrinking Syriac Christian community have lost houses of worship and other facilities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad. The Constitution provides that a citizen's freedom to leave may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution.

Due to an improved security situation, the use of roadblocks in the southeast decreased; security officials still search vehicles and travelers periodically.

The internal exile law was repealed in 1987, but in 1990 the government granted the southeast regional governor the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (now in its 13th year), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." There were no known instances of the use of this broad authority during the year.

Turkey hosts an estimated 300 Europeans who are given residence permits on grounds of temporary asylum, principally from Greece, Bulgaria, and the former Yugoslavia, while an estimated 2,000 persons from Bosnia are granted a special temporary "guest" status. When Turkey ratified the 1951 United Nations Convention Relating to the Status of Refugees, it exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. It has not subsequently lifted the geographic limitation of its treaty obligation. As a result, the Government does not recognize non-European asylum seekers as refugees and requires that they register with the authorities within 5 days of entering the country. The Government screens these applicants, determines those that it considers bona fide, and then refers them to the U.N. High Commissioner for Refugees (UNHCR). If the UNHCR believes that a non-European asylum-seeker meets refugee criteria the case is submitted to third countries for resettlement. The UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued with a deportation order which may be implemented after 15 days of its notification. In 1998 some 3,000 persons had their asylum applications rejected.

According to the UNHCR, implementation of asylum regulations improved considerably during the year. Police officials took a more relaxed and tolerant attitude toward asylum seekers who complied with the provisions of the asylum regulations. The number of refugees refouled (turned back) decreased from 76 in 1995, to 20 in 1997, and to 15 in 1998. The refoulement of asylum seekers decreased from 61 persons in 1997 to 49 in 1998.

Nonetheless, the 5-day limit for registration in the government's asylum program is implemented strictly and remains an obstacle to full access of asylum seekers to refugee status determination. However, the administrative court ruled that the submission of an asylum claim within a fixed time limit is not a condition for being an asylum seeker and that being outside this limit cannot be a reason for the authorities not to assess an asylum application or grant asylum.

The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." These individuals, recognized as mandate refugees by the UNHCR, are not allowed to depart for resettlement. In 1997 the Government declined numerous offers from the UNHCR to

assist in establishing reception centers for such undocumented asylum seekers in border areas. However, the UNHCR and government authorities continue to work to resolve this problem and to find ways to allow such cases to qualify for the Government's asylum program. According to the UNHCR, approximately 70 refugees were so affected during the year.

In July the Government agreed to a UNHCR proposal for a comprehensive program to support government training of officials who deal with asylum and refugee issues, funded by foreign donors. The first two phases of the training started in September and included police officers from 20 provinces. The Government also agreed to training sessions with judiciary officials.

Turkey continues to be a major transit and departure point for illegal migrants and asylum seekers various nationalities en route to Europe. While many traveled in small groups utilizing land routes across the Turkish-Greek border, increasing numbers departed via boat and ship. Arrivals from Turkey by ship peaked in early spring but diminished after authorities took action against alien smugglers in Turkish ports.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice. Turkey has a multiparty parliamentary system, in which national elections are held at least every 5 years on the basis of mandatory universal suffrage for all citizens 18 years of age and over. As of September, more than 32 political parties were active (most of them minuscule), 9 of which were represented in Parliament. The Grand National Assembly (Parliament) elects the President as head of state every 7 years or when the incumbent becomes incapacitated or dies.

The armed forces, with significant support from several segments of civil society including some political parties, the media, the judiciary, labor unions, and NGO's, continued their public campaign against fundamentalism. In accordance with the National Security Council's 1997 18-point program against fundamentalism, in June and July Parliament passed 3 pieces of legislation, viewed by some as restrictive of Islamist political activities: an amendment to the law governing the Religious Affairs Office (Diyanet), which makes it responsible for the administration of all mosques; an amendment to the Law on Zoning Regulations, under which the Office must authorize construction of new mosques; and, an amendment to the Law on Assembly and Public Gatherings, which forbids the wearing of uniforms and masks by demonstrators.

In April some 20 businessmen, primarily members of MUSIAD, briefly were detained as part of a government investigation into the funding of fundamentalist activities. An Ankara SSC filed charges in May against MUSIAD chairman Erol Yazar for a 1997 speech he made that was deemed to have violated Article 312 ("incited racial and religious enmity") of the Penal Code.

The Government neither coerces nor forbids membership in any political organization, although the Constitutional Court may close down political parties for unconstitutional activities. In January it banned the Islamist Refah party for violation of the secular nature of the Republic (Articles 68 and 69 of the Constitution and the Political Parties Law). In May the European Court of Human Rights found that Turkey had violated the freedom of association article of the European Convention on Human

Rights by dissolving the Socialist Party on the basis of statements that its leader Dogu Perincek made during the 1991 general election campaign. In July the Turkish Court of Appeals upheld Perincek's 1996 conviction for violating the Political Parties Law by acting "against the principle of national unity and territorial integrity of the state" and ordered that he be stricken from the membership of the small Workers' Party (IP), which he headed (see Section 2.a.). There were no developments in the case of the Democratic Mass Party (DKP), which was charged in June 1997 with violating provisions of the Constitution and the Political Party Law because its platform defends Kurdish rights. The case was pending a ruling by the Constitutional Court at year's end.

There are no legal restrictions on women or minorities voting or participating in politics. The Constitution calls for equal political rights for men and women. However, women are seriously underrepresented in government and politics: there were 13 women in the 550-seat Parliament and 2 female ministers in the 39-member Cabinet in the Yilmaz Government. Women's committees are active in political party organizations.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The nongovernmental Human Rights Association has branches in 41 cities and claims a membership of about 19,000 persons. In 1990 the HRA established the Human Rights Foundation, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, and Adana, and serves as a clearinghouse for human rights information. Other domestic NGO's include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, human rights centers at a number of universities, and the pro-Islamic Mazlum-Der, the Organization of Human Rights and Solidarity for Oppressed Peoples.

In April the Government closed the Mersin Migrants' Association (Goc-Der), an organization founded by ethnic-Kurds to assist displaced Kurdish migrants. The closure notice cited the discovery of unauthorized publications and activities inconsistent with the association's charter. Prior to its closure, the Association--the first NGO of its kind in the southeast--assisted thousands of Kurdish migrants who fled villages in southeast Turkey to the southern port city of Mersin. It provided medical and legal services to migrant families, negotiated wage contracts for migrant laborers, and served as an ombudsman for Kurdish migrants with the Government.

In November Amnesty International and the Istanbul Bar Association sponsored in Istanbul an international conference on human rights in Turkey, in which State Minister for Human Rights Hikmet Sami Turk participated. Amnesty International's foreign expert on Turkey, who had been banned from the country, was allowed in to attend the conference. However, some local NGO's active in human rights complained that they were excluded, despite requests to participate.

Despite the Government's outreach to the NGO community, local-level government agents, some as senior as provincial governors, harassed human rights monitors as well as lawyers and doctors involved in documenting human rights violations. HRA branches were particularly hard hit. The HRA branch in Diyarbakir, closed for an indefinite period by court order in May 1997 for activities that allegedly threatened the integrity of the state, remained closed at year's end. Human rights monitors believe that the Diyarbakir branch was targeted in part for its work in preparing several cases for con-

sideration by the European Commission of Human Rights. In February the HRA branch in Mardin, also shut down in 1997, was allowed to reopen but was closed again for 3 months in late December. The Kirsehir HRA office was closed in June for 3 months but reopened. The Adana HRA office was ordered closed for 15 days in October for the alleged possession of an illegal publication, but it also reopened. The Sanliurfa HRA office, which was closed in May 1997 along with the Diyarbakir branch, reopened in December. According to the HRA, all of these closures were for alleged violation of the Associations Law.

In August HRA Chairman Akin Birdal and two other human rights monitors, who were found guilty in 1997 of inciting ethnic hatred based on a speech Birdal gave during World Peace Day in 1996, were acquitted on appeal. HRA board members, including Birdal and 10 others, were acquitted in Ankara in February on charges of disseminating separatist propaganda and inciting racist and ethnic enmity for comments and speeches they made condemning human rights violations during events organized by the HRA in 1996 to commemorate Human Rights Week. In October the Ankara Penal Court acquitted Birdal on charges that he had "insulted the military." However, in a separate case in October the Court of Appeals affirmed Birdal's conviction on charges of inciting hatred and enmity for a 1996 public statement that the Kurdish problem was a problem for all Turks, not just the Kurdish population, and that the continued existence of torture and extrajudicial killings was attributable to the lack of a resolution of the Kurdish problem. Birdal remains free pending an appeal of this latest verdict.

In May Birdal was shot and severely wounded in his offices. Eleven people are on trial for the shooting. Some of the assailants have admitted to being part of a group accused of having links to the government and underworld figures.

On June 13, the HRF opened a new office in Diyarbakir (in the southeast); however, 4 days later officials from the local Office of Foundations shut the office on the grounds that the HRF had not obtained all necessary permits. The HRF was allowed to reopen the center in August. Other HRF documentation or torture treatment centers are located in Izmir, Ankara, Adana, and Istanbul.

An Appeals Court in Diyarbakir upheld the conviction of Dr. Seyfettin Kizilkan, the former president of the southeast Chamber of Doctors and director of Diyarbakir's largest state hospital. He remains free pending a review of the case by the court of first instance. In 1996 Kizilkan was convicted and sentenced to a 3-year, 9-month prison term after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that the police planted the evidence.

The case against seven members of the Diyarbakir branch of the HRA accused of aiding the PKK was suspended. All seven were required to surrender their passports and were released provisionally. They face sentences ranging from 12 to 22, years if they again are alleged to violate the law. The trial, which began in 1995, focused mainly on the publication of the booklet "Emergency Situation - 1992."

In September Istanbul police forcibly dispersed persons who tried to participate in an HRA-organized World Peace Day event. Organizers sought to lead a convoy of buses from Istanbul to the southeast to demonstrate for peaceful resolution of the conflict in the region. Over 100 persons were beaten or detained briefly (see Section 2.b.). Legal proceedings brought against some of the organizers of the 1997 "Musa Anter Peace Train" continued.

The State Minister for Human Rights, as chair of the High Council for Human Rights, continued to investigate human rights abuses and to reach out to NGO and community leaders. The Council, composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries (along with representatives of the security forces), met weekly to review aspects of the human rights situation, to advise the Government on steps for improvement, and to draft appropriate legislation. In order to broaden its research and outreach efforts beyond Ankara, the High Council met in several cities, including in the predominantly Kurdish southeast.

Since 1991 Parliament has convened a Human Rights Commission. The Commission is authorized to oversee compliance with the human rights provisions of domestic law and international agreements to which Turkey is a signatory, investigate alleged abuses, and prepare reports. During the year, the Commission visited prisons throughout the country and called attention to unsatisfactory conditions, including the use of torture and abuse.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police often place such official visitors in the southeast under visible surveillance in an effort to intimidate those they meet. Visiting government officials and members of legislatures generally were able to meet with human rights activists, including Leyla Zana and three other imprisoned former DEP parliamentarians. However, Council of Europe rapporteurs in September were prevented by Ankara Central Prison authorities from holding a pre-arranged meeting with Zana and her colleagues.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution proclaims Turkey to be a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds. Discrimination nevertheless remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

A free and lively political debate took place during the year over the role of state institutions, including the military, in safeguarding the proper balance between the protection of secular democracy from religious extremism and the protection of freedom of religion.

Women

Spousal abuse is serious and widespread. Parliament passed legislation in January making spousal abuse illegal. Nevertheless, spousal abuse still is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. Turks of either sex may file civil or criminal charges but rarely do so. Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. Penalties may be reduced legally if a woman was not a virgin prior to a rape or if a judge deems the woman to have acted provocatively. "Honor murders"--the killing by immediate family members of women who are suspected of being unchaste--continue in rural areas or among recent immigrants to cities. The traditional practice of "virginity testing" continues as well. In October the Government introduced new regulation on police investiga-

tions that, among other things, banned the practice of "virginity testing." In 1997 five residents of a state foster home attempted suicide rather than undergo such testing.

According to the Family Research Institute in the Prime Minister's Office, beating is one of the most frequent forms of violence against women in the home. Data were not available for 1998, but in the past the Institute has noted complaints of beatings, threats, economic pressure, and sexual violence. In a survey of 12 provinces, physical abuse reportedly occurred in roughly 30 percent of families. There are several shelters for battered women, and at least two consultation centers--Istanbul's Purple Roof Foundation and Ankara's Altindag center city shelter.

Some laws still discriminate against women. In June the Constitutional Court annulled Article 440 of the Penal Code, which punished women, but not men, for infidelity (see Section 1.e.). The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. Women's groups have lobbied to change the provision that the husband is the legal head of household. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child: a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, her children the rest.

The literacy rate for women is 78 percent, compared with 91 percent for men, according to government statistics. Particularly in urban areas, women continue to improve their position, including in the professions, business, and the civil service, although they continue to face discrimination to varying degrees. Women constitute between 43 and 50 percent of the work force. However, only 11,000 of 151,000 managerial employees are women. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination required to become governors or subgovernors; several have been appointed subgovernors.

Independent women's groups and women's rights associations exist and continue to increase in number. The concept of lobbying for women's rights, including greater representation in Parliament, is still relatively new but 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 garments in public places, such as government offices and universities.

Children

The Government is committed to furthering children's welfare and 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 programs for children. Government-provided education for children is mandatory. Since 1997 primary education is compul-

sory through age 14 or the eighth grade. 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.

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 interrogations of minors should be carried out by the state prosecutor or a designated assistant and that minors must be provided with lawyers. However, according to AI, police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention.

Children have suffered greatly from the cycle of violence in the southeast. The migration--forced or voluntary--of many families, terrorism against teachers, and school closings in the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to extend 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 (see Section 1.g.). The Government built regional boarding schools to help combat this problem, but these are insufficient. In practice in rural Anatolia and the southeast, the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home.

Instances of child beating and abuse are more frequently reported than in previous years, according to women's groups. The increase likely is attributable to greater public awareness of the problem.

People with Disabilities

Legislation dealing with the disabled is piecemeal, and little legislation exists regarding accessibility to buildings and public transportation. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

Religious Minorities

Jews and numerous Christian sects freely practice their religions and report little discrimination in daily life. However, extremist groups target minority communities from time to time. An arson attack occurred in January on the Orthodox shrine, now a museum, at St. Therapon. The custodian was killed and artifacts were stolen. Investigations into this incident and the December 1997 bombing of the Orthodox Patriarchate in Istanbul produced no arrests by year's end. Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of rising Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic diatribes.

National/Racial/Ethnic Minorities

The Constitution does not recognize the Kurds as a national, racial, or ethnic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, but Kurds who publicly or politically assert their Kurdish ethnic identity risk harassment or prosecution. Many Members of

Parliament and senior officials and professionals are ethnic Kurds. Kurds who are long-term residents in industrialized cities in western Turkey have been for the most part assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds who currently are migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

The 1991 repeal of the law prohibiting publications or communications in Kurdish legalized private spoken and printed communications in Kurdish. The use of minority languages, including Kurdish, in television and radio broadcasts by political parties and in schools is restricted by a plethora of laws and even articles of the Constitution; these restrictions are invoked arbitrarily. Kurdish is widely spoken on the streets, especially in the largely Kurdish southeast, and Kurdish music recordings reportedly were widely available there. Soz-TV in Diyarbakir reportedly played some Kurdish music as well. Materials dealing with Kurdish history, culture, and ethnic identity continue to be subject to confiscation and prosecution under the "indivisible unity of the state" provisions of the Anti-Terror Law (see Section 2.a.).

A series of actions against predominantly Kurdish organizations in the southeast has convinced many in the region that despite the Government's public commitment to improve its human rights record, the boundaries for cultural and political expression are in fact shrinking. Some contend that official harassment of Kurdish groups in the southeast increased.

In the wake of the November arrest in Italy of PKK leader Abdullah Ocalan and the protests in Turkey and elsewhere in his support, nationalist gangs attacked and beat suspected Kurdish sympathizers. Security forces also detained an estimated 1,500 to 3,000 members of HADEP, and party leaders allege that many were tortured or beaten. In November an 18-year-old party member died in police custody, allegedly from beatings during interrogation.

The Mesopotamian Cultural Center (MKM), a corporation established to promote Kurdish language and culture, has branches in Adana, Mersin, Sanliurfa, and Diyarbakir in addition to cities in western Turkey. Police pressure against MKM branches in Mersin and Adana is ongoing. The Diyarbakir and Sanliurfa branches remained closed. Cultural and theater performances are monitored and often interrupted by local officials. All MKM branches report that they have been prevented from selling Kurdish-language music cassettes and warned against organizing more cultural events.

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). Many Greek-origin students report difficulty in continuing their education in Turkey and go to Greece, often never to return.

The Romani population is extremely small, and there were no reported incidents of public or government harassment directed against them.

Section 6 Worker Rights

a. The Right of Association

Workers, except police and military personnel, have the right to associate freely and form representative unions. This right encompasses civil servants, including schoolteachers.

The Constitution stipulates that no one shall be compelled to become or remain a member of, or withdraw from, a labor union. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Although unions are independent of the government and political parties, they must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court banned the DISK-affiliated union in the leather sector, Deri-Is, because of this article in the Constitution. The International Labor Organization (ILO) Committee on Freedom of Association stated that this provision is extremely prejudicial to the interests of the trade unions and urged that it be repealed.

Just over 12 percent of the total civilian labor force (15 years old and above) is unionized. There are three confederations of labor unions: the Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); and the Confederation of Progressive Trade Unions (DISK). Unions and their officers have a statutory right to express views on issues directly affecting members' economic and social interests.

Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms. However, the Government may not dissolve a union summarily.

The constitutional right to strike is restricted partially. For example, workers engaged in the protection of life and property and those in the mining and petroleum industries, sanitation services, national defense, and education do not have the right to strike. The right to strike is suspended for the first 10 years in the nine free trade zones.

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad and called on the Government to limit recourse to compulsory arbitration to essential

services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

During the first 6 months of 1998, there were 25 strikes involving 4,441 workers, which resulted in approximately 78,962 lost workdays. During the same period there were no lockouts. No strikes or strike decisions were suspended by the first, second, or third coalition governments since their formation following the 1995 general elections.

Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries.

In February 20 public employees, including a member of the executive committee of KESK and officials of the SES and Egitim-Sen unions in Diyarbakir, Adiyaman, Siirt, and Agri were banished. In November 1997 authorities closed down SES and Egitim-Sen offices in Urfa. KESK officials stated that the authorities were trying to prevent union activities in these cities.

In March the public employees' confederation, KESK, organized a national demonstration in Ankara to protest a draft bill on public employees' trade unions that the Parliament was debating. The draft did not grant the rights to bargain collectively and to strike and contained many prohibitions and restrictions. The demonstration was broken up violently by police, who also on the following day arrested many members of the BTS transport union. The Government withdrew the bill from parliamentary consideration.

There were no developments in two separate trials, begun in 1996, of Turk-Is officials over 1995 demonstrations that Turk-Is held to protest the deadlock in collective bargaining. In the first case, the public prosecutor demanded prison terms for the Turk-Is officials of a minimum of 6 months. In the second case, the prosecutor's office accused Turk-Is management of violating the Associations Law when it announced its support for opposition parties before the 1995 general elections.

With government approval, unions may and do form or join confederations and international labor bodies, as long as these organizations are not hostile to Turkey or to freedom of religion or belief. The International Confederation of Free Trade Unions (ICFTU), of which Turk-Is had been an affiliate for years, approved DISK as an affiliate in 1992; Hak-Is became a member in 1997.

b. The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus one of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This 10 percent barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 80 percent of organized labor.

The Ministry of Labor has reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to remove such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO called on Turkey to rescind this 10 percent rule. However, both Turk-Is and the Turkish employers' organization favor retention of the rule. In 1994 the Government informed the ILO Committee on the Application of Standards that the Ministry of Labor and Social Security proposed to remove the 10 percent numerical restriction and that it had communicated its proposal to the social partners. The ILO took note of the Government's statement that it continued to study removal of this requirement despite objections from employer and worker organizations. The Government has taken no further action.

The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice.

The ILO has urged the Government to take the necessary measures to ensure workers effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. The DISK trade union confederation reports that between January 1996 and June 1998, some 40,000 trade union members were fired. During the year union workers at the glass bottle factory Sise Cam San A.S. were offered large sums of money to leave the Birlesik Metal-Is union, 27 workers were dismissed at a Siemens factory in Bursa in an effort to force them to leave the same union, and more than 250 members of the Tekstil trade union were dismissed at the Zumurut Orme factory in Cerkezkoy.

Union officials in Diyarbakir stated that it is impossible to enforce labor rights in the southeast.

Public employees held largely peaceful protests in major cities during March, June, and July to press their demands for higher wages. In late July, the Government agreed to a 35 percent wage increase, effective August 8.

A law enacted in 1984 provides for the establishment of free trade zones, which are intended to attract domestic and especially foreign investment and to promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (2), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones, but the right to strike is suspended for the first 10 years of operation. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration. Workers inside the zones are paid in foreign exchange rather than Turkish currency, giving them a hedge against inflation.

c. Prohibition of Forced or Compulsory Labor

The Constitution and statutes prohibit compulsory labor, including that performed by children. The laws are enforced.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and labor laws forbid the employment of children younger than age 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. The Constitution also prohibits children from engaging in physically demanding jobs such as underground mining and from working at night. The Ministry of Labor effectively enforces these laws only in the organized industrial sector.

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions. With the passage in 1997 of the 8-year compulsory education program (previously 5 years were compulsory), the Government expects the number of child workers to be reduced significantly. Children enter school at 6 or 7 years of age and are required to attend until age 13 or 14.

In April several NGO's greeted the 40-member "Global March Against Child Labor" delegation at the Iranian border and escorted it through the country to the border with Greece. The marchers spent several days in Istanbul and Ankara, and major labor confederations and some NGO's held events and conferences for the delegation. The march was viewed as an important step in heightening awareness of the problem of international child labor.

The Ministry of Labor, the Ankara municipality, the Turk-Is labor confederation, and the Turkish Employers Association are among the institutions participating in the ILO'S International Program on the Elimination of Child Labor (IPEC), a project to solve the problems of working children. The Ministry of Labor and the ILO jointly produced a study showing that almost one-half (44 percent) 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 Turk-Is 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 per week. The study reported that 56 percent 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.

According to the Ministry of Labor, there are approximately 60 trained child labor inspectors, and more are expected to be trained. However, according to Turk-Is, there are over 600,000 work sites and a mere 450 regular inspectors. No action took place on a labeling system that had been proposed for 1998.

The Constitution prohibits compulsory labor, including that performed by children, and the laws are enforced (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Ministry is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent years, it has done so annually. However, in 1998 there were two adjustments: in January the nominal minimum wage was increased by 25 percent and increased again in August by 35 percent (compared with an annual inflation rate of nearly 80 percent). The monthly gross minimum wage rates, which became effective on August 8, were approximately \$174 (TL 47.8 million) for workers older than age 16 and about \$148 (TL 40.7 million) for workers under age 16.

It would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more. Workers covered by the labor law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 33 percent of total compensation.

The Labor law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 a day for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover about 12 percent of workers.

Occupational health and safety regulations are mandated by law, but the Government has not carried out an effective inspection and enforcement program. Law 1475 sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment. The law also allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike.

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