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TURKEY

Turkey is a constitutional republic with a multiparty parliament, the Grand National Assembly, which elects the President. It elected Suleyman Demirel as President in 1993. In June Necmettin Erbakan, leader of the Islamist Refah Party, resigned as Prime Minister after an intense private and public campaign against his Government led by the military, with significant support from other segments of civil society which view fundamentalism as a threat to the country's secular republic. In July Motherland Party (ANAP) leader Mesut Yilmaz became Prime Minister. He formed a coalition government with the Democratic Left Party (DSP) and the Democrat Turkey Party (DTP). 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 facing substantial PKK terrorist violence. Parliament voted in October to lift the state of emergency in Bingol, Batman, and Bitlis provinces. A regional governor for the state of emergency has authority over the ordinary governors in the six provinces, and six adjacent ones, for security matters. The state of emergency allows him 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 for all provinces in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (gendarmerie) 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, some members of the security forces, particularly police "special teams," Jandarma, village guards, and TNP personnel, committed serious human rights abuses.

Turkey's primarily market-based economy is driven by an active private sector. The agricultural sector employs nearly one-half of the country's labor force but contributes only 15 percent of the gross national product (GNP) and total exports. A customs union with the European Union, in place since 1996, has boosted the trade deficit, but has the potential to increase the country's economic efficiency and prosperity over time. The principal industrial sectors—textiles, iron, and steel—provide the leading exports. Impressive economic growth over the past 15 years has translated into an improved standard of living and the creation of a growing middle class. Per capita GNP is approximately \$3,000. Such positive developments, however, have been accompanied by substantial macroeconomic imbalances. Successive governments have had little success in implementing needed reforms to reduce the budget deficit and inflation. Populist economic measures pushed the budget deficit to approximately 8 percent of GNP and pushed inflation over 90 percent.

Persistently high inflation over the past decade has exacerbated disparities in income distribution. The conflict in the southeast and maintenance of a large national defense establishment continue to be a significant drain on the economy. Corruption has taken an economic toll and has sapped popular faith in the Government.

Despite some reforms and the Government's stated commitment to respect human rights, serious human rights abuses continued. Human rights nevertheless remained a priority public issue during the year. There is a general recognition 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.

The situation in the southeast remains 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 PKK committed widespread abuses, including the frequent murder of noncombatants, as part of its terrorism against the Government and civilians, mostly Kurds.

Estimates of the total number of villagers forcibly evacuated from their homes since the conflict began vary widely from 330,000 to 2 million. A credible estimate given by a former Member of Parliament from the region is around 560,000. The Government's resettlement and compensation program for internally-displaced people remained. During the year, 61 villages and 7,608 persons were resettled, according to government figures.

Human rights abuses were not limited to the southeast. Extrajudicial killings, including deaths in detention, from the excessive use of force, "mystery killings," and disappearances continued. The Government investigated some 185 reported disappearance cases: 40 persons were found and reunited with their families, 7 were believed to be abroad, 96 relocated to other parts of the country, and 42 were unaccounted for.

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. Lengthy investigations and trials of officials suspected of abuses continued to be a problem. Important cases dating back to 1995 and 1996 continued without resolution, including: 48 police officers charged with the 1996 death of journalist Metin Goktepe; 10 police officers from Manisa, accused of torturing 15 people, 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.

The rarity of convictions of police or other security officials for killings and torture fosters a climate of impunity that probably remains the single largest obstacle to reducing human rights abuses. The lack of immediate access to an attorney by those detained for political crimes is also a major factor in torture by police and security forces.

Prison conditions are poor. Numerous small-scale disturbances and hunger strikes erupted throughout the year. Prolonged pretrial detention and lengthy trials continued to be problems.

Limits on freedom of speech and of the press remained another serious problem. For example, according to the Human Rights Foundation, at year's end approximately 60 journalists were under arrest or had been convicted; the Committee to Protect Journalists (CPJ) reported that 40 journalists were imprisoned at year's end. Authorities banned or confiscated numerous publications, and a government decree has led to self-censorship of reporting on the southeast. One of the Yilmaz Government's first steps was to acknowledge the problem as a priority for resolution, when, 3 weeks after assuming office, he received a delegation from the CPJ, and subsequently won passage of legislation that provided conditional amnesty for several imprisoned editors. Nonetheless, the basic laws under which the editors were arrested did not change, and all were

subject to reimposition of their former sentences if tried and convicted for similar offenses. 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 Atatürk (no. 5816), and Article 16 of the Press Law to limit freedom of expression.

Kurdish-language broadcasts remained illegal (but not printed material in Kurdish). The Sanliurfa branch of the Mesopotamian Cultural Center, a corporation established to promote the Kurdish language and culture, was banned in October by the Provincial Governor. In Istanbul the Governor's office refused the Kurdish Culture and Research Foundation permission to offer Kurdish language classes. The translator and publisher of a Human Rights Watch report on the conflict in the southeast were convicted under Article 159 of the Penal Code (defaming the military). The translator received a suspended sentence; both were assessed small fines of approximately \$12 dollars. They appealed the verdict and are free pending its outcome. Private channel television programs and print media continued to debate human rights and other issues of freedom of speech and the press.

The Government imposes limits on freedom of assembly and association. In September the police detained and beat Turkish and foreign participants in the "Musa Anter peace train" demonstration, named after a well-known Kurdish writer. The group was blocked from entering Diyarbakir, where its members had intended to demonstrate for a peaceful resolution of the conflict in the southeast. Foreign participants were deported, and legal proceedings were brought against some of the local organizers. Members of the pro-Kurdish People's Democracy Party (HADEP) were sometimes the object of arbitrary arrests and mystery killings and often were harassed in the southeast for their legal political activities. HADEP, sympathetic to the PKK, is under threat of investigation for alleged anticonstitutional activities and, depending upon the outcome, faces closure (two of its predecessors, HEP and DEP, were closed down).

In June the Refah/True Path Party (DYP) coalition, the country's first Islamist government, resigned after an intense private and public campaign of pressure led by the military with support from several segments of society who viewed "fundamentalism" to be a threat to the secular republic. In May before the Refah/DYP coalition broke up, the chief state prosecutor, in an attempt to close down Refah, charged the Party and five of its leaders, including former Prime Minister Erbakan, with attempting to undermine the secular nature of the state as defined by the Constitution based in part on public statements made by Refah leaders. In January 1998 the court ordered the party closed and banned several of its leaders, including former Prime Minister Erbakan, from political activity for 5 years. The Democratic Mass Party (DKP), a moderate Kurdish party, faces the threat of closure in a case before the Constitutional Court on the grounds that its charter questions the indivisibility of the country and advocates support for a minority, namely the Kurds. In November the European Court of Human Rights (ECHR) found unanimously that the Government had violated Article 5-3 (excessive detention of 12 to 14 days) of the European convention on human rights in the case of several pro-Kurdish former Democracy Party (DEP) Members of Parliament (M.P.'s) and ordered the Government to pay the M.P.s' compensation and court costs. The ECHR did not rule on the M.P.s' appeal of their convictions on charges of separatism and membership in an armed gang.

In June the Ankara State Security Court found 32 members of HADEP, including party chairman Murat Bozlak, guilty on a variety of charges of proscribed political activity. Government officials continued to harass, intimidate, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. Seven regional offices of the Human Rights Association were shut down during the year; three remain closed. In May Dr. Tufan Kose, a representative of the Adana branch of the Human Rights Foundation (HRF), a respected nongovernmental organization (NGO), was convicted and fined for not turning over to the authorities the names of torture victims treated by the HRF's torture treatment center. He is free on appeal. The president of the Human Rights Association (HRA), along with other HRA organizers, faces charges of promoting separatism or inciting ethnic hatred based on speeches. The president of

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. This law was adopted in the wake of the Government's decision to lift incrementally the state of emergency in some provinces in the southeast. Many human rights monitors are concerned about the expanded authorities that this law extends to provincial governors.

Although government prosecution of reported perpetrators has increased, punishment remained poor. Police and other law enforcement personnel were occasionally arrested in cases of extrajudicial killings, but there were few known successful prosecutions. The Office of the Minister of Human Rights reports that judicial and administrative investigations were started in seven of the cases of extrajudicial killings alleged by the HRA for the first 10 months of the year. Little progress occurred in the trial of 48 police officers, including 3 senior officers and a deputy commissioner, for the 1996 death of Metin Goktepe, a correspondent for Evrensel newspaper, who died from wounds inflicted while in detention in Istanbul. Police initially denied that he had been 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 May the courts decided to try separately 11 of the police officers for premeditated murder. Five officers remain under arrest; the others returned to duty pending the outcome of the trial. 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 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 continued (see Section

1.c.). An Adana criminal court acquitted 23 antiterror police officers of negligence in the killing of 5 people, including children aged 2 and 4, during a raid on a house in the town of Kucukdikili, outside of Adana. The number of prosecutions of security force members, while increasing, remained low.

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

In 1996 a fatal car crash—known as the Susurluk incident—occurred involving: Abdullah Catli, an ultra rightwing militant wanted by Interpol on charges of murdering in 1980 seven university students who were members of the left-wing labor party; Huseyin Kocadag, a former Istanbul deputy police chief; Gonca Uz, a former beauty queen; and Sedat Bucak (the only survivor), an ethnic Kurdish M.P. and clan leader with an important stake in the Government's village guard program. Weapons and silencers were found in the car. The incident resurrected serious concerns about corruption and the abuse of power in the security forces. It also led to the resignation of the then-Interior Minister, Mehmet Agar, who had been linked to the victims of the accident. In February and the first part of March, a popular protest called "a minute of darkness" spread across the country as citizens turned off the lights in their households to protest the Susurluk incident and corruption. In May a parliamentary committee formed to investigate the incident concluded that links existed among politicians, police officials, and organized crime bosses. Although the Government affirmed its commitment to a full investigation, the report's lack of precision in drawing conclusions led to public criticism. The Refah Party chairman of the committee complained that he was denied access to many government documents on the grounds that they contained state secrets; at one point he accused the Speaker of the National Assembly of withdrawing documents concerning the role of the armed forces. The commander of the Jandarma refused to appear before the committee. The parliamentary investigation expired in April. In December Parliament lifted the immunity from criminal prosecution of now-opposition True Path Party M.P.'s Sedak Bucak and Mehmet Agar, an initiative supported by the Yilmaz Government. According to press accounts in January 1998, a report prepared by Prime Minister's Board of Inspectors linked the state's security forces under recent Govern-

ments to extrajudicial killings and mafia-like activities. The report has not been publicly released. In a television interview, Prime Minister Yilmaz committed himself to a full investigation of these events.

The case of eight police officers charged in the 1995 death of Sinan Demirtas, who died while in police custody, continued. The case of police officer Abdullah Bozkurt, charged with the 1994 murder of Vedat Han Gulsenoglu, also continues; Bozkurt was reassigned from Istanbul to Van. The 1993 case of the death in detention of Vakkas Dost continues; policeman Nurettin Ozturk, the accused murderer who disappeared after being freed, was found and rearrested in September.

Eleven police officers were acquitted in May in Adana of the 1992 killing of Remzi Basalak while he was under detention. The case continues before the Court of Appeals. The following cases remain unresolved: the 1992 case of Yucel Ozen, the 1994 killing of HEP party official Faik Candan, and the 1993 killing of journalist Ugur Mumcu.

The PKK continued to commit political and extrajudicial killings, primarily in rural southeast Anatolia. Political killings perpetrated by the PKK have 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 government statistics, as of November the PKK killed 667 people, including at least 130 unarmed civilians. The Government also reported that in 1997, approximately 260 soldiers and Jandarma, 12 police officers, 149 village guards, and 2,200 PKK members lost their lives.

Turkish Hizbullah, an Islamist Turkish terrorist group (not related to Lebanese Hizbullah), continued to target civilians in the southeast. According to the HRF, Hizbullah reportedly was responsible for at least four deaths in 1997. Four trials continued against 89 Hizbullah members charged with a total of 113 murders. In 1996 the Foreign Ministry stated that a case had been brought against Hizbullah for the 1993 murder of DEP parliamentarian Mehmet Sincar; human rights groups consider the case a mystery killing. Some human rights activists in the southeast believe that Turkish Hizbullah was founded by the Government in the 1980's to target the PKK and its sympathizers.

According to Human Rights Watch, 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. In May TIKKO members reportedly killed four civilians in Tokat. In September a radical Islamic group, Vasat, a splinter group of the Islamic Great Eastern Raiders Front (IBDA-C), killed 1 person and injured 24 others in a grenade attack at a book fair in Gaziantep. A total of 25 Vasat members were arrested for the attack. In October in a joint operation, PKK, DHKP/C, and TIKKO terrorists kidnapped three engineers, killing one and holding two as hostages in Giresun on the Black Sea.

b.

Disappearance

Accurate statistics on disappearances of those previously under detention are hard to confirm; nonetheless, HRA figures indicate that such disappearances appear to have declined from a total of 194 in 1996 to 63 in 1997 (as of November). The Government has made a serious effort to investigate and explain reported cases of disappearance. Some persons disappeared after witnesses reported that security forces or law enforcement officials took them into custody. Fikri Ozgen, a 73-year-old, disappeared in Diyarbakir on February 27 when, according to numerous witnesses, he was taken into custody by plainclothes police. Later the same week, Ilyas Eren disappeared under similar circumstances in Diyarbakir. In a case reported by Amnesty International (AI), Burhan Aktus disappeared on October 22 when he was forced into a car by three men whom his mother believed were plainclothes police officers. On September 16, 1996, at least five bodies were found on the outskirts of the village of Baharli, near Diyarbakir. Some of the victims had reportedly

been in police custody earlier in the month. The disappearances and deaths are under investigation; no one has been charged.

For more than 2 years, mothers who claim that immediate relatives have disappeared have gathered weekly in Istanbul. The Ministry of Interior operates a Missing Persons Bureau, which is open 24 hours a day and handled 185 cases as of November. Most families of the persons who disappeared hold the Government and security forces responsible and consequently avoided contact with the government office.

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 reported 530 credible applications for treatment during the year. Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture during periods of incommunicado detention in police stations and Jandarma stations before they are brought before a court.

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. Many cases of torture, however, occur in western Turkey, outside the zone of conflict. Eight complaints of torture or mistreatment were filed with the Parliamentary Human Rights Commission during the year. In January the United Nations (U.N.) Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment reported that he continued to be concerned by the apparently widespread practice of torture in Turkey. The Government has invited both the Special Rapporteur on torture and the working group on disappearances to visit the country.

In a particularly egregious case, two police officers were convicted in Adana of torturing Songul Yildiz, whom they had questioned on suspicion of PKK membership after a demonstration in March. In November the court convicted the two policemen of torture, but the judge imposed only a 1-year suspended sentence, and the two men were allowed to remain on the police force. The victim's lawyer has appealed the sentence.

According to Amnesty International, in March journalist Hatun Temizalp was detained for a week in the anti-terror branch Istanbul Police headquarters where she was subjected to various forms of torture and abuse (blindfolded interrogation, tied to and suspended from a wooden bar, and electric shocks). The State Forensic Medicine Institute issued a medical certificate detailing a fractured and dislocated shoulder blade, as well as signs of light blows. She was charged in a State Security Court where she complained of torture, despite police attempts to dissuade her through intimidation. She says that she requested access to a lawyer but that the request was denied. In November according to the Government, two police officers were convicted and sentenced to over 5 years in prison for torturing and eventually killing Ali Riza Aydogan while the latter was in custody at the Beyoglu police precinct in Istanbul in 1992.

In Istanbul five police officers from the antiterror division were indicted in criminal court, and accused of torturing Gulderen Baran and four other detainees in 1995 during an interrogation about their alleged membership in a terrorist organization. In May Gulderen Baran and one of her colleagues were found guilty as charged and sentenced to life imprisonment. Another was acquitted and the remaining two were sentenced to 12 1/2 years in prison. Baran remains incarcerated at Istanbul's Bayrampasa prison pending her appeal. The

timing of the police and Baran's trials precluded consideration that Baran's conviction may have been based on torture.

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 torture treatment centers include: high-pressure cold water hoses, placing large ice blocks on the chest and stomach, electric shocks, beating on the soles of the feet, beating of genitalia, hanging by the arms, blindfolding, sleep deprivation, deprivation of clothing, systematic beatings, and vaginal and anal rape with truncheons and, in some instances, gun barrels. Other forms of torture were sexual abuse, submersion in cold water, use of truncheons, hanging sandbags on detainees' necks, forcing detainees to stand on one foot, releasing drops of water on detainees' heads, oxygen deprivation, sitting on detainees' laps, riding on their shoulders, 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 took 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 intimidation of both the detainee and the physician. Physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting physical findings but not drawing reasonable medical inferences that torture occurred. Turkish Medical Association officials reported that some police officers tore up reports that documented torture, demanding that a clean report be drawn up instead.

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. 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.

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 paucity of convictions for torture.

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. Under the Criminal Trials Procedure 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.

In March the CMUK was amended to grant 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 or for other "security" crimes. Private attorneys and human rights monitors reported uneven implementation of these reforms, asserting that in some cases police officers would postdate the day of detention to comply with the new law (see Section 1.d.).

The trial continues of 10 police officers, including 2 superintendents, from Manisa (western Turkey) for allegedly torturing a group of 15 young people, mostly teenagers suspected of belonging to a leftist terrorist organization in 1995. The youths' trial ended in January, when the courts found 11 teenagers guilty of belonging to a terrorist organization, and acquitted 4 others. In May all 15 were acquitted on the separate charge of throwing a Molotov cocktail at a barber shop. Lawyers appealed the convictions. The timing of the

police and teenagers' trials precluded consideration that the teenagers' confessions may have been based on torture. A judge in the case of the police officers—who remain on active duty—relieved them of their obligation to personally appear in the court room due to concern that such an appearance would compromise their undercover investigative work. Human rights attorneys complained that this ruling undermined the prosecution's case against the officers.

In September the European Court of Human Rights ruled against Turkey in the case of a woman from the town of Derik in the southeast, concluding that she had been tortured and raped by Jandarma and village guards while forcibly detained for 3 days in 1993 (see Section 1.e.). The Government was ordered to pay compensation and to reimburse the applicant's legal expenses.

Prison conditions remain poor. Juveniles and adults are incarcerated together and most prisons lack a medical health care program to provide routine and even urgent medical care. 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 have been criticized by prisoners, attorneys, and human rights activists alike, who view the ward system as a more humane form of incarceration. Plagued by overcrowding, underfunding, and very poor administration, prisons periodically become the scene of explosive situations.

A total of at least seven prisoners were killed in two separate prison disturbances. In July six prisoners were killed by other inmates during a prison disturbance at Istanbul's Metris prison. The disturbance reportedly originated with the killing of one prisoner; the other five were killed in the actual disturbance during which Jandarma and prison officials were videotaped using excessive force. According to a human rights NGO, forensic medicine reports revealed that all prisoners had been stabbed to death by homemade weapons. In August a disturbance in an Adana prison resulted in the death of a prisoner. The HRF noted that the prisoner reportedly died at the hands of other inmates.

Torture of convicted prisoners decreased, but security personnel continued to use excessive force in quieting disturbances. Small-scale hunger strikes to protest prison conditions, the proposed transfer to a cell system, and poor treatment by guards occurred at many institutions throughout the year.

Several monitoring groups, both domestic and international, carried out prison visits. The Government accepted unannounced visits by the Council of Europe's Committee for the Prevention of Torture (CPT) and is in regular dialog with the CPT. The International Committee of the Red Cross and the Government are discussing ICRC access to prisoners accused of PKK membership.

d.

Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. To take a person into custody, a prosecutor must issue a detention order, except in limited circumstances such as when a person is caught committing a crime. The maximum detention period for those charged with common individual crimes is 24 hours. The detention period may be extended by a judge for a maximum of 7 days. Under the CMUK, detainees are entitled to immediate access to an attorney and may meet and confer with the attorney at any time. In practice, this degree of access continued.

In March parliament passed new legislation that reduced detention periods. 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 reforms that shortened pretrial detention periods of those charged under the

Anti-Terror Law, asserting that some police officers postdate the day of detention to comply with the new law. Like their colleagues in Batman, defense lawyers in Diyarbakir reported that in spite of the new law, access to detainees in political cases remains difficult, even after the expiration of the initial 4-day detention period. Diyarbakir lawyers knew of only one case, as of September, in which access by attorneys to detainees was permitted and only then after repeated attempts and because of the high profile of the case.

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 include those charged with smuggling and with crimes under the Anti-Terror Law. This 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.

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.

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. 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. Most cases are prosecuted in the general law courts, which include the civil, administrative, and criminal courts. Appeals are heard either by the High Court of Appeals or the Council of State. Provincial administrative boards established under the Anti-Terror Law decide whether cases in which state 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.

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 (SSC's) 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. Prosecutors and

judges vested with responsibility for SSC cases are often housed in military barracks in the southeast, expressly for their personal protection. According to a human rights monitor this arrangement 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 Human Rights Watch, prosecutors seem to make little use of this power, especially in cases of security detainees.

In 1997 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 20 Diyarbakir lawyers charged in 1993 with acting as couriers for the PKK continues at the Diyarbakir SSC. All of the defendants remain free. In September nine Erzurum lawyers charged with similar crimes were acquitted.

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. 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. Hasan Dogan, a respected Malatya attorney, who frequently defends persons in SSC cases, was himself detained. He was charged in May under Article 169 of the Criminal Code for membership in an illegal organization on the basis of evidence supplied by a convicted prisoner cooperating with the authorities in the hope of receiving more favorable treatment. Dogan is free pending trial. Many lawyers who practice before 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 defendants whose native language is not Turkish may be seriously disadvantaged. There are still some laws in effect that discriminate against women.

Turkey recognizes the jurisdiction of the European Court of Human Rights and the European Commission of Human Rights. Citizens may file applications alleging violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms with the Commission. According to the Government, as of November a total of 29 cases have been brought before the Court, 13 of which remain pending. An amicable resolution was reached in 6 cases, the court ruled in Turkey's favor in 2 cases and against Turkey in 8 cases (see also Section 1.f.).

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. The number of people charged, suspected, or convicted of offenses under the Anti-Terror Law, according to government statistics, was as follows: during the first 10 months of 1996, 1,024 persons were in custody and an additional 1,943 were suspects not in custody related to offenses under the Anti-Terror Law (latest available statistics). Eighty were convicted through October 1996.

According to AI, Sevil Dalkilic, a lawyer, was detained in her hometown of Karman in March 1994, held in public custody in Ankara for 15 days, and severely tortured until she signed a statement implicating her in several bombing incidents. Convicted in the Ankara SSC of membership in a terrorist organization, employing explosives, and separatism based on "confessions extracted by the police," she was sentenced to 30

years in prison in 1995, even though she recanted her confession in court. A subsequent appeal confirmed the verdict.

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 upon issuance of a judicial warrant. These provisions are generally respected in practice outside the state of emergency region. A judge must decide whether to issue a search warrant for a residence. If delay may cause harm to the case, prosecutors and municipal officers authorized to carry out prosecutors' instructions may conduct 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 periodically still search vehicles and travelers. Over the past 5 to 6 years security forces have evacuated thousands of villages and hamlets in the southeast to prevent villagers from giving aid and comfort to the PKK (see Section 1.g.). The Government claims that village evacuations occur as the consequence of pressures by and fear of the PKK and because security operations against the PKK in the region make continued occupancy unsafe. Security forces have confiscated citizens' satellite dishes in some parts of the southeast to prevent them from viewing pro-PKK broadcasts (see Section 2.a.).

g.

Use of Excessive Force and Violations of Humanitari-

an 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, almost all of them Kurds, whom the PKK accuses of cooperating with the State. The TNP, 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 have committed human rights abuses against each other and noncombatants. According to the Government, from 1984 through November 1997, 26,532 PKK members, 5,185 security force members, and 5,209 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 province of Tunceli, the village of Tepe, near Lice in Diyarbakir Province, and parts of Bingol Province, 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. According to local human rights monitors, Tepe was blockaded by the military for 2 months in reprisal for the PKK murder of a village guard.

In November the European Court of Human Rights found Turkey in violation of Article 8 (right to respect for home) in the case of three applicants whose homes were burned down by security forces in 1993. The Court attached particular weight to the fact that the public prosecutor did not carry out any meaningful investigation into the matter. The applicants were awarded court costs and expenses with damages to be determined at a future date.

Because so many villages have already been evacuated and because the fighting has now moved to mountains, government security forces evacuated and destroyed fewer villages than in previous years. According to the Government, only 4 villages and hamlets (settlements of 3 or 4 houses) and 970 persons were evacuated during the year. The Government's stated purpose was 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. Journalists and human rights monitors were not permitted to enter the village of Lice where there were reports of large-scale detentions of villagers by the Jandarma for refusal to become village guards.

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 NGO's put the number of people forcibly displaced as high as 2 million. Official census figures for 1990--before large-scale forced evacuations began-- indicate that the total population for the 10 southeastern provinces then under emergency rule was 4 to 4.5 million people, half of them in rural areas. Since all rural areas in the southeast have not been depopulated, the estimate of 2 million evacuees is probably too high. On the low end, the Government reports that through 1997 the total number of evacuees was 336,717. Rapidly growing demands for social services in the cities indicate that migration from the countryside has been higher than this figure. Although this urbanization is also accounted for in part by voluntary migration for economic or educational reasons also related to the conflict, the figure given by a former M.P. from the region--560,000-- appears to be the most credible estimate of those forcibly evacuated. At the request of Republican Peoples' Party (CHP) M.P. Algan Hacaloglu, a former human rights monitor, a parliamentary committee was formed to investigate the causes of displacement and status of the displaced. It began work in July.

Government programs to deal with and compensate the forcibly evacuated villagers remain inadequate. Local and provincial officials are nevertheless making efforts to address the basic needs of some migrants. The governor of Diyarbakir, for example, opened a newly constructed neighborhood of 500 houses to resettlement by migrant families. The governor of Van resettled 257 migrant families in a new neighborhood in the provincial capital. A free "restaurant" run by the Van governor's office feeds nearly 1,000 migrants daily. In several provinces, officials provided looms for use by unemployed women. The rugs produced are then purchased by the Government for resale on the open market. Officials overseeing some of these programs acknowledge that funding is inadequate, and that much more needs to be done. Many migrants continue to live in overcrowded, unhealthful conditions with little opportunity for employment.

According to the Government, 7,608 persons were returned to 61 villages in the southeast during the year. The Foreign Ministry 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 homes and roads, as well as for animal husbandry and beekeeping programs. Human rights activists criticize government efforts as inadequate in relation to the number of forcibly displaced persons.

There are credible allegations that serious abuses by security forces during the course of operations against the PKK continue. The Government organizes, arms, and pays for 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 village. If the villagers refuse to participate, government security forces may retaliate against them and their village. 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

The Government state of emergency, modified and most recently 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.

Turkish ground forces with air support conducted several operations during the year in northern Iraq against the PKK. According to press reports, in May the Government sent between 25,000 and 50,000 troops into northern Iraq, and in September sent an estimated 8,000 to 15,000 ground troops and warplanes. In November Turkish forces joined local Iraqi Kurd forces of the Kurdistan Democratic Party (KDP) in pitched battle against the PKK and forces of another Iraqi Kurd group, the Patriotic Union of Kurdistan (PUK). During all these operations, PKK forces were reported by several sources to have attacked local civilians and damaged civilian property. Additional details are in the Iraq country report. The Turkish military strictly limited press access to the region during these operations. A report filed by a group granted controlled access to the Zap Valley area in northern Iraq, along with reports obtained from Kurdish and U.N. sources, suggest that the security forces minimized civilian casualties. The Patriotic Union of Kurdistan (PUK), charged that the Turkish military targeted villages in several of these operations, but these charges were not confirmed by other observers on the scene. The Turkish Government maintained that it targeted only the PKK in northern Iraq, not any other groups or civilians.

a. **Freedom of Speech and Press**

Domestic and foreign periodicals providing 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 60 million, the newspaper business is intensely competitive.

Electronic media reach nearly every adult, and their influence is correspondingly great. Radio and television have experienced explosive growth in the 6 years since privately owned broadcasting has been allowed: as of October, over 230 local, 15 regional, and 15 national television stations—the majority private—were registered, along with 1,056 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. In some areas of the southeast, security forces have systematically confiscated private satellite dishes in order to prevent viewing of pro-PKK MED-TV. This policy was applied selectively in migrant neighborhoods of Adana. Internet use is growing and faces no government restrictions.

Despite the Government's restrictions, the media daily criticize government leaders and policies. 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, leading to self-censorship of news reporting from or about the southeast. In the event that such 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.

Two weeks after assuming office, to signal the new Government's commitment to freedom of expression, the Prime Minister, Deputy Prime Minister, Foreign Minister, and President Demirel each received a delegation from the CPJ. Immediately thereafter, the Government won passage of a law granting probationary amnesty to editors imprisoned under a press law still in existence that permits prosecutors to seek a court order for the confiscation of a newspaper or magazine and requires that each publication's "responsible editors" bear legal responsibility for the publication's content. The new law granted a full pardon to the responsible editors if they did not commit the same crime within 3 years. If they are convicted of the same crime during this probationary period, then they must serve sentences for both convictions. Under the August law, six imprisoned editors received a provisional amnesty; however, many others remain imprisoned.

Ismail Besikci served 10 years in prison between 1971 and 1987 for his publications on the Kurdish situation in Turkey. He has been in prison since 1993 on a variety of new charges based upon his ongoing articles on Kurdish issues. SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals, although many continue to circulate. The pro-PKK newspaper *Ozgur Ulke*, and its successors *Yeni Politika* and *Demokrasi*, resumed publication in June as *Ulkede Gundem*. The newspaper has been increasingly difficult to find on newsstands in the southeast; the newspaper's distributor in Diyarbakir has been detained repeatedly, and copies have been confiscated by the Jandarma. In Adana, however, the newspaper appears regularly. Offices of small leftist publications are frequently raided by the police in the southeast.

Individual journalists are subject to harassment and police violence. In December the Committee to Protect Journalists listed 40 journalists under imprisonment.

In April Sanar Yurdatapan, a well-known musician and spokesman for freedom of expression, was arrested at the Istanbul airport with false passports destined for two former PKK members. According to Yurdatapan, after these two individuals served their sentences for ties to the PKK, they became agents for the Turkish security forces and later contacted Yurdatapan to give him information about acts including political murder that they had carried out on behalf of the State. Yurdatapan claimed to have videotapes of interviews and photographs of the men in military uniforms to substantiate his charges. He remains free pending the outcome of his SSC trial in Istanbul on charges of harboring members of an illegal organization.

According to Human Rights Watch, the case of three journalists arrested in June exemplified the arbitrary and contradictory nature of the repression of free expression. Two journalists from the now-defunct Demokrasi newspaper and the Diyarbakir correspondent from the ATV television station were arrested in June for interviewing two former PKK members alleged to have taken part in killings and illegal activities on behalf of the State. The three journalists were charged with forcing the pair to make the statements "in accord with the goals of the PKK." The men, however, made the same statements without incident to two other newspapers, two television programs, including Mehmet Ali Birand's "32nd Day," and to a parliamentary commission investigating the 1993 death-squad style killing of journalist Ugur Mumcu. A similar case occurred with the Turkish-language edition of Leo Muller's book, "Gladio: The Legacy of the Cold War," originally published in Germany. While Pencere publishing, a small Istanbul publishing house, released the first edition without incident, the second edition of the book published in February was confiscated, and both the publisher and translator were tried under Article 312 and the Anti-Terror Law. In September they were given a suspended sentence on the Article 12 charge and fined under the Anti-Terror Law. Both sentences have been appealed.

The authorities have suspended for a period of 3 years the case against some 1,080 writers and others for their support for novelist Yasar Kemal. In 1995 Kemal wrote an article entitled "Black Sky Over Turkey," which was published in a German news magazine and later reprinted in Turkey in a book entitled "Freedom of Expression," in which he ironically criticized the Government for its censorship relating to the Kurdish question. His appeal continues. In March Ertugrul Kurkcü and Ayşe Nur Zarakolu, respectively the translator and publisher of a 1995 report by the Human Rights Watch Arms Project, "Weapons Transfers and Violations of the Laws of War in Turkey," were found guilty under Article 159 of the Penal Code of "defaming the state's security and military forces." Zarakolu and Kurkcü were both fined approximately \$12, while Kurkcü received a 10-month suspended sentence.

In December Sukru Kazratepe, mayor of Kayseri, was sentenced to a year in prison under law 5816 for reportedly insulting Atatürk, the founder and first president of the Turkish republic. He criticized his required attendance at annual commemoration ceremonies on the death of Atatürk.

Esber Yagmurdereli, a blind human rights activist and respected lawyer, was convicted in May of promoting Kurdish separatism on the basis of public assertions that the ethnic Kurdish minority is oppressed. In October he was remanded into custody to begin serving a 22-year sentence, but in November, a prosecutor released him for a year subject to renewal upon review.

According to press reports, a youth organization of the True Path Party (DYP) appeared to be responsible for the May 2 armed raid on the Istanbul studios of Flash TV, which the preceding day had broadcast live "phone in" accusations by alleged Mafia chief Alaattin Çakıcı that then-deputy Prime Minister Tansu Çiller and her husband were involved in criminal activities. The temporary shutdown of the station's Bursa headquarters on May 3 was conducted on behalf of the Wireless Communications Directorate of the Ministry of Transportation, headed by a Çiller loyalist. On May 7, the Radio and Television Supreme Board imposed a 2-day suspension on the station for broadcasting "scandalous remarks" about Çiller.

In November Erol Anar, a writer and former HRA secretary general received a suspended sentence of 10 months imprisonment for the publication of his book "freedom of thought," in which he allegedly insulted the parliament, government, and security forces. In a separate case, the Istanbul SSC acquitted Anar of violating the Anti-Terror Law by publishing his book "The History of Human Rights," which reportedly was critical of Turkey.

In May, with Refah's Erbakan still Prime Minister, the chief state prosecutor, in an attempt to close down Refah, charged the party and five of its leaders, including Erbakan, with attempting to undermine the secular nature of the state based in part on public statements made by the Refah leaders. In January 1998, the court closed the party and banned six Refah leaders, including former Prime Minister Erbakan, from political activity for 5 years.

Seven pro-Kurdish former DEP M.P.'s and one independent M.P, convicted in 1994 on charges ranging from disseminating separatist propaganda to supporting or being a member of an armed band or gang, appealed their sentences in 1995. The 15-year sentences of four of the defendants for being members of a terrorist group were upheld. In November the European Court of Human Rights (ECHR) found unanimously that the Government had violated Article 5-3 (excessive detention of 12 to 14 days) of the European convention on human rights in the case of several pro-Kurdish former DEP Members of Parliament (M.P.'s) and ordered the Government to pay the M.P.'s compensation and court costs. The ECHR did not rule on the M.P.s' appeal of their convictions on charges of separatism and membership in a terrorist organization. The Court overturned the sentences of the other four in 1995, but they were retried and found guilty in April 1996 on the revised Article 8 charges. In September 1996 the Court upheld these sentences on appeal. These four defendants also plan to appeal to the European Commission of Human Rights; the Government pledged to abide by its decision. In 1996 the Ankara SSC prosecutor charged Mehmet Emin Sever, Mahmut Uyanik, and Muzaffer Demir, former DEP M.P.'s, with assisting the PKK, and former CHP M.P. Abdulkerim Zilan with producing separatist propaganda. The charges stem from a 1991 incident during which the accused publicly termed the parliamentary swearing-in oath as "racist, chauvinistic, antidemocratic, and a violation of human rights." Additionally, during the swearing-in ceremony the three defendants wore handkerchiefs in colors associated with the PKK. The three left the DEP party prior to its being banned in 1994 and remained in Parliament as independents until their terms expired in 1995. Until that time, they had parliamentary immunity and could not be tried for alleged offenses. The delay of a year between the end of the defendants' terms in Parliament and the bringing of charges is not considered unusually long, given the sensitive nature of the case. If convicted, they could face prison terms ranging from 4 1/2 to 7 years. Zilan faces a prison term of 1 to 3 years. The case continues.

In June the Ankara SSC ruled against members of the pro-Kurdish HADEP, including party chairman Murat Bozlak, based 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. The court sentenced Faysal Akcan, who reportedly took down the flag, to 22 1/2 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 1/2-month sentences. The defendants plan to appeal the verdict. Of the original defendants, 14 were acquitted. The court also found evidence linking HADEP to the PKK.

Between 1995 and 1997, former independent M.P. Hasan Mezarci faced some 10 charges for insulting modern Turkey's founder, Kemal Ataturk, the military, the Government, and the Parliament. He was acquitted on some of the charges, served prison terms for others, and now is serving a 10-month sentence at Istanbul's Metris prison for insulting Parliament.

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. As a result of state intimidation and economic pressure, Diyarbakir-based Can-TV ended its brief experiment in Kurdish-language broadcasting. Over the past 2 years, Can-TV has tested the legal ban on broadcasting in Kurdish by airing Kurdish-language music clips. The station also attempted to present independent news programs on the southeast as well as panel discussions on regional problems, especially the Kurdish issue. Although the news programs were in Turkish, their content angered local officials: two investigations against Can-TV were begun at the SSC, and the station was threatened with closure by the Broadcasting Board. The final action that contributed to the end of Can-TV's broadcasting came when the station manager was forced to sell many of his shares in the station because of newly adopted antimonopoly legislation. Some potential customers are afraid to purchase Kurdish-language materials because possession of such items may be interpreted as evidence of PKK sympathies. Kurdish-language broadcasts are still illegal. A group of academics, however, began a series of radio call-in programs to discuss problems and solutions in the southeast.

In December the Broadcasting Board penalized a number of private radio and television stations for alleged violations of broadcast regulations. Two Kurdish-based radio stations, Karacadaga Radyo in Sanliurfa and Radio Arkadas in Adana, were among those ordered off the air for temporary periods. Both stations occasionally play Kurdish songs and have broadcast news reports (in Turkish) critical of the Government. Karacadaga Radyo alleges that Sanliurfa authorities have banned 13 Kurdish music cassettes from being broadcast, thus reducing the list of Kurdish songs played by Karacadaga Radyo to fewer than 10. In June privately-owned Metro TV in Diyarbakir was ordered off the air for 30 days for inciting ethnic hatred by televising a panel discussion on democratization and the Kurdish issue. Pro-PKK Med TV, based in Belgium and England, broadcasts via Intelsat and can be received by satellite dish in the southeast.

In January the Turkish Industrialists and Businessmen's Association (TUSIAD) issued a lengthy report with a wide range of democratization recommendations for legislative and constitutional reform. The report stimulated political debate; it was both commended and criticized extensively by many segments of society. In April a group of Turkish and Kurdish academics, politicians, and intellectuals initiated a series of nationwide panel discussions on the Kurdish problem and its possible solutions. Despite minor police attention, the group continued to explore 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 Sanliurfa branch of the Mesopotamian Cultural Center, a corporation established to promote Kurdish language and culture, was banned in October by the provincial governor. In Istanbul the Governor's office refused the Kurdish Culture and Research Foundation permission to offer Kurdish language classes.

In August Parliament passed legislation necessary to implement a 1995 constitutional amendment permitting student and faculty associations and labor union involvement in political activities.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

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

In May the Human Rights Association sought to host in Ankara an international conference on the peaceful settlement of the Kurdish problem in Turkey. The Ankara provincial governor banned the conference on the grounds that it risked provoking a climate of intolerance but permitted individuals, including some parliamentarians and former government officials, to gather informally.

According to the HRF, some 2,000 people sought to attend one of the court sessions of the Metin Goktepe trial (see Section 1.a.); however, due to the physical limitations of the court, many were unable to be admitted. Subsequently, around 100 of these people were interrogated for staging an unauthorized public demonstration outside the court.

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. The Government generally observed these provisions in

practice. 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, Lausanne Treaty minorities (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 they are not an official Lausanne Treaty minority.

Tarikats and other mystical Sunni Islamic orders were banned in the 1920's, but were largely tolerated until recently. On February 28, the National Security Council (NSC), 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, have faced legal action for their vocal public demonstrations.

At the formal urging of the NSC, the Yilmaz Government introduced and Parliament passed a law that will lead to the closure of grades six through eight of the Islamic imam-Hatip schools in existence since 1950, along with other private schools. This action will affect over 500 state-supported imam-Hatip schools. Under the new law, students will have to wait until the completion of their 8 years in order to pursue regular study at the imam-Hatip schools. Although new enrollments in those grades have been terminated, children already in those classes are allowed to finish their grades. Amendments to administrative procedures were made that will allow students completing 5 years of primary school to enroll in Koran classes on weekends and summer vacations. For many weeks Islamists staged protests against the law on the imam-Hatip schools outside mosques after Friday prayers.

Turkey's Alawi Muslim minority (an offshoot of Shi'ite Islam) is estimated to number at least 12 million. There are, however, no government-salaried Alawi religious leaders, in contrast to Sunni religious leaders. In December, nonetheless, the Government allocated \$15 million (3 trillion TL) 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. Sunni Islamic political activists, however, charge 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. Since there is no law explicitly prohibiting proselytizing, police sometimes arrest Islamists or evangelical Christians 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 periodically 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 wearing the hejab-the scarf worn by Muslim women-have lost their jobs in the public sector as nurses and teachers. Mazlum-der, an Islamist human rights group, alleged that the Turkish military dismissed from the service individuals whose official files reflect Islamist fundamentalist tendencies. One officer, Major Abdul Muhalib Yildirim, reportedly committed suicide when, following his dismissal from the military for religious reasons, he was likewise banned from working in the public sector. In August the armed forces dismissed a group of 76 officers and soldiers, many for prohibited religious and political activities. Earlier, in July the European Court of Human Rights ruled against a former army captain who had been separated allegedly for inappropriate religious 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 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 may also be carried out in buildings and monuments considered to be "antique" with authorization by the Regional Board on the Protection of Cultural and National Wealth. The Armenian Orthodox Church was granted permission to restore properties and construct a new church in Hatay province. The Syriac Church, however, on the grounds that it lacks proper authorization from the Regional Board, the Education Ministry, and security forces, was ordered to halt restoration efforts to its monasteries in the southeast, to terminate its Aramaic language classes, and to end the housing of students and other visitors on church-owned property. Church and government officials continued to meet to resolve the issue.

The authorities monitor the activities of Eastern Orthodox Churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul has consistently 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.

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 are faced with the danger of losing some of their houses of worship.

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.

Travel to parts of the southeast is restricted periodically for security reasons. Roadblocks, set up by both security forces and the PKK, can slow down travel in the region.

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 12th 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.

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). It provides only very limited first asylum opportunities designed to allow non-European applicants time to be processed for onward resettlement. A negative decision usually leads to immediate expulsion. Early in the year, the Government began more strictly enforcing its asylum regulations. The UNHCR reported that in February and March, 70 Iranian refugees who had not registered with the Government were deported to northern Iraq even though UNHCR had determined that they were in need of international protection and had arranged for third country resettlement. There were additional reports of similar deportations throughout the first half of the year.

At the end of June, however, an Ankara court overruled a Ministry of Interior Order to deport an Iranian asylum seeker who had not been in compliance with the 5-day rule because she had already been accepted for resettlement in the U.S. The court based its decision on Article 31 of the Geneva Convention which prohibits the deportation of a person who has already been accepted as a refugee by a third country.

In July, after lengthy discussions with UNHCR, the Government agreed to help resolve the status of the approximately 3,300 "illegal" asylum seekers then registered with UNHCR who had not registered with Turkish authorities. According to the terms of this agreement, individuals would be eligible for legalization if UNHCR determined that they had legitimate claims to refugee status and UNHCR referred them for third-country resettlement by April 1998. UNHCR reports that as of the end of 1997, the Government is implementing the amnesty decision as intended.

In the first half of the year, there were also increasing reports of Iraqi and Iranian asylum seekers being apprehended in border areas and deported or refouled directly without UNHCR ever having the opportunity to examine their claims to refugee status. Following discussions with UNHCR on this issue, towards the end of the year, the Government began to take steps to address this problem. The Ministry of Interior sent an official circular to border officials clarifying that any individual who presents him/herself to a border official requesting asylum must have the opportunity to be seen by UNHCR before a deportation order can be issued. UNHCR reported that the number of known summary deportations and refoulements decreased significantly after the issuance of the circular. It also reported that the Ministry of Interior took disciplinary action against one recalcitrant border official in Hakkari province who, in contravention with the precepts of the circular, had summarily deported 17 asylum seekers without allowing them access to UNHCR.

Turkey continues to be a major transit and departure point for illegal migrants and would-be asylum seekers of various nationalities en route to Europe. Several European governments reported that the number of such individuals, especially Turkish and Iraqi Kurds, who had arrived in their countries from Turkey increased dramatically in 1997. While many traveled in small groups utilizing land routes across the Turkish-Greek border, increasing numbers departed via boat and ship. There were several tragic cases of overloaded small boats sinking in the Aegean, resulting in dozens of drownings. There were also, at the end of 1997, a number of high profile cases where large vessels, carrying hundreds of people each, arrived in Italy after having departed from Turkish ports. In the wake of those high profile cases, and in response to European calls that it take action to stem the flow, the Government began cracking down on the smuggling rings who had organized the mass departures and began rounding up hundreds of illegal aliens in Istanbul, many of whom were deported.

The Government declined numerous offers from the UNHCR to assist in establishing reception centers for undocumented asylum seekers in border areas. The offer included funding and training for officers conducting interviews.

Due to the cessation of fighting in the former Yugoslavia, the number of Bosnian refugees living in Turkey decreased significantly. According to the Government, 760 Bosnians were granted residence permits during the year, and only 341 remain in temporary status, down from a peak of 15,000 to 20,000 in the early 1990's. As "guests" there is no restriction on the period that they are allowed to remain. They are not allowed to work or attend school; however, most do.

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 October, more than 30 political parties were active (most of them minuscule), 8 of which were repre-

sented 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.

In June the Refah/DYP coalition, the country's first Islamist-led Government, resigned after an intense private and public campaign of pressure led by the armed forces with significant support from several segments of civil society including some political parties, the media, labor unions, and NGO groups. The military declared fundamentalism Turkey's number one threat and held "seminars" on the fundamentalist threat; the NSC presented the Erbakan Government with an 18-point program against Islamist activity; political parties introduced in Parliament several unsuccessful motions of no-confidence; unions and NGO's marched in protest against the antiseccular policies of the Government. On June 12, the Ministry of Foreign Affairs Information Bureau reported that "the Presidency of the TGS announced that it would use weapons, if necessary, in the struggle against fundamentalism trying to destroy the Turkish Republic." In public statements, some Refah politicians affirmed a commitment to an Islamist, antiseccular program. In one incident, Refah politicians called for support for a Middle Eastern terrorist organization.

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 1998 the Supreme Court banned the Islamist Refah party. In January Serafettin Elci, a former minister and CHP M.P., who is an ethnic Kurd, founded the Democratic Mass Party (DKP). In June charges were filed against the party on the grounds that its platform in defense of Kurdish rights violated provisions of the Constitution and the Political Party Law.

There are no legal restrictions against women or minorities voting or participating in politics. The Constitution calls for equal political rights for men and women. There were 13 women in the 550-seat Parliament and 2 female ministers in a 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 50 provincial capitals. The HRA claims a membership of about 17,000. 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 Islamist-oriented Mazlum Der, the Organization of Human Rights and Solidarity for Oppressed Peoples.

The Mersin Migrants' Association, an organization founded by ethnic Kurds to assist displaced Kurdish migrants, is the first NGO of its kind in the southeast. The Association assisted thousands of Kurdish migrants who fled villages in southeast Turkey to the southern port city of Mersin. The Association provides medical and legal services to migrant families, negotiates wage contracts for migrant laborers, and serves as an ombudsman for Kurdish migrants with the Government.

Senior government leaders met with representatives of major international NGO's during the year. Prime Minister Yilmaz, Deputy Prime Minister Ecevit, and other senior leaders met with a CPJ delegation. The Deputy Chief of the General Staff met with NGO human rights representatives in July.

In September the Government lifted a ban on travel to Turkey that it had imposed on certain German critics of Turkey's human rights record. However, Amnesty International's foreign expert on Turkey is still banned from the country.

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, in most cases allegedly for pos-

session of "illegal publications." In October HRA Chairman Akin Birdal and two other human rights monitors were found guilty of inciting ethnic hatred based on a speech Birdal gave during World Peace Day in 1996. In December Birdal was acquitted of the same charge relating to his participation in the pro-Kurdish "Musa Anter peace train" demonstrations.

Eleven HRA board members, including Chairman Akin Birdal, faced charges of disseminating separatist propaganda and inciting racist and ethnic enmity in the Ankara SSC for comments and speeches they made condemning human rights violations in Turkey during events organized by the HRA in 1996 to commemorate Human Rights Week. The prosecutor in this case asked the courts to order the closure of HRA because of its alleged failure to operate within the limits proscribed by the Law on Associations. A closure order would put an end to the work of more than 50 branches. The HRA branch in Diyarbakir was closed for an indefinite period by court order in May for activities that threaten the integrity of the state; it remains closed. Human rights monitors believe that the branch was targeted in part for its work in preparing several cases for consideration by the European Commission on Human Rights. HRA branches in Sanliurfa and Mardin were shut down in June and August and remain closed. In December a local court extended the provincial governor's initial 6-month closure of the Sanliurfa Branch to closure for an "indefinite" period. The local governor closed the HRA branch in Malatya in June but allowed it to reopen in July. The Konya, Izmir, and Balikesir HRA branches were closed down for about a month during the year by the authorities.

In May Adana HRF president Mustafa Cinkilic won acquittal on charges of operating an unlawful health center. In the same case, however, Dr. Tufan Kose, who operates the HRF's center for the treatment of torture victims, was convicted and fined for refusing to reveal the names and records of 167 alleged torture victims to the authorities. Similar charges had been leveled unsuccessfully against the operators of the other HRF torture treatment centers in Izmir, Ankara, and Istanbul.

In the spring, Yavuz Onen, President of the HRF, Akin Birdal and Ufuk Uras of the left-of-center Freedom and Democracy Party, and Ahmet Turk from HADEP were charged with holding an authorized demonstration. They were protesting the Susurluk incident. The trial was ongoing at year's end.

Dr. Seyfettin Kizilkan, former president of the southeast chamber of doctors and director of Diyarbakir's largest state hospital, remains free pending the outcome of his appeal. 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 trial of seven members of the Diyarbakir branch of the HRA who were accused of aiding the PKK continues at the Diyarbakir SSC. The trial, which began in 1995, focuses mainly on the publication of the booklet "Emergency Situation - 1992." All seven remain free pending a verdict.

In September the police detained and beat Turkish and foreign participants in the "Musa Anter peace train" who sought to enter Diyarbakir to demonstrate for a peaceful resolution of the conflict in the southeast. Legal proceedings were brought against some of the local organizers. The train itself, which was to travel from Brussels to Diyarbakir, was barred from departing for Turkey by various European governments. In Istanbul police violently broke up attempts by organizers of the peace train to arrange a press conference. Many of the participants were injured and two were hospitalized. Europeans detained were deported, and one Istanbul-based foreign diplomat was detained briefly, even after his identity had been ascertained.

The State Minister for Human Rights, as chair of the High Council for Human Rights, invited leaders of the human rights NGO community to participate in a session of the Council in August. In order to broaden its research and outreach efforts beyond Ankara, the High Council convened in several cities. 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 traveled to the southeast and investigated allegations of compulsory membership in the village guard program in Lice, outside Diyarbakir.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens and groups and other government officials. Security police often place such official visitors in the southeast under visible surveillance, intimidating those they meet.

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 those religious minorities mentioned in the Treaty of Lausanne (1923), which protects the rights of Eastern Orthodox, Armenian Apostolic, and Jewish adherents.

Particularly since the resignation of the Erbakan government in June, free and lively political debate has taken place over the role of state institutions, including the military, in safeguarding the proper balance between the protection of secular democracy from religious fanaticism and the protection of freedom of religion.

Women

Spousal abuse is serious and widespread. Parliament passed legislation in January 1998 making spousal abuse illegal. Nevertheless, spousal abuse is still 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 legally be reduced 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 among the same groups.

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 1997, 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.

In May Parliament amended the Civil Code to permit married women to retain their maiden names, should they so desire. 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 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 approximately 79 percent. 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. Numerous women have become lawyers, diplomats, doctors, and engineers since the 1960's. Women make up between 43 and 50 percent of the work force. They generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large per-

centage 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 are growing, increasing to over 50 in the past few years but the concept of lobbying for women's rights is still in its infancy. In February close to 10,000 women gathered in downtown Ankara to march and demonstrate against recent social policy initiatives of the then Islamist-led government. Demonstration organizers spoke forcefully against any attempt to impose Islamic Law (Shari'a) and asserted that they would not accept the turning back of secularism. This message was echoed by the crowd, composed of women from across the socioeconomic classes. In March the Foundation for Solidarity with Kurdish Women opened in Istanbul. Foundation president Zennes Baran stated that the Foundation's aim was to help women solve their problems. The opening party was attended by Kurdish women as well as some Turkish women.

Children

The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including further reduction of 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. In August Parliament passed an education reform bill that extended compulsory primary education from 5 to 8 years, or through age 14. 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.

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 is establishing 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 for the disabled. 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. Extremist groups target minority communities from time to time. Religious minority groups, like many in the secular political majority, fear the possibility of rising Islamic extremism. Islamist journals also frequently publish anti-Semitic diatribes. In September efforts by the Greek Orthodox community to promote environmental awareness in the Black Sea area were met with extreme hostility by ultra rightwing extremists.

In December a bomb was thrown onto the roof of the Ecumenical Patriarchate cathedral where it exploded. A patriarchal deacon was severely injured and remains hospitalized. Structural damage was minimal, alt-

though many windows were broken. No group has claimed responsibility. To provide greater security, the police have built a guard post by the attack site manned 24 hours a day.

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 M.P.'s 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 are currently 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 arbitrarily invoked. 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 recent 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 has increased.

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.

During the latter part of the year, police pressure against MKM branches

in Mersin, Adana, and Sanliurfa increased significantly. In late

October, the newly-opened branch in Sanliurfa was banned by the

provincial governor. In Mersin the MKM was raided by police on November

2. During the performance of a Kurdish-language play by a visiting theater troupe from Istanbul, the play was disrupted, the identities of all spectators were checked and recorded, and 12 of the actors were detained. Although all but one of the actors were later released with no charges filed, a court case continues against Kemal Ulusoy for making separatist propaganda. Ulusoy was released from prison in December.

In Adana police raided the MKM on December 21 as a visiting musical group was performing a concert of Kurdish music. (Kurdish music concerts are not illegal.) One hundred spectators inside the concert room and another 100 to 200 waiting outside were photographed, asked for their identity cards, and ordered to leave the premises. The building was then sealed off by police, and the MKM director and the musicians were taken into custody. All were released within 24 hours, and no charges were filed. When MKM leaders attempted to hold a press conference the following week to publicize the incident, police prevented newsmen from approaching the MKM building.

In Sanliurfa the MKM opened its newest branch to a crowd of several thousand people on October 25. Within 2 days, police had blockaded the MKM building and prevented the previously-announced performance of a Kurdish-language play. Based on the recommendation of the Sanliurfa security director, the provincial governor subsequently closed down the MKM for an indefinite period. All three 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 foreign-language schools. 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 have the right to associate freely and form representative unions, except police and military personnel. In June Parliament passed implementing legislation for the 1995 constitutional amendments that gave civil servants, including schoolteachers, the right to form legally recognized unions. (Even prior to passage, civil servants' unions existed and worked for legal recognition, collective bargaining, and the right to strike through demonstrations and 1-day work stoppages.) In 1995 Parliament amended Article 53 of the Constitution to permit civil servants' unions to bring cases to court on behalf of members, carry out collective talks with the Government to pursue their objectives, and sign an understanding with the Government if agreement is reached. The amendment language did not mention strikes.

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. Slightly 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 Revolutionary Workers 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. The Government, however, may not summarily dissolve a union.

The constitutional right to strike is partially restricted. 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.

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, pro-

hibits 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, it is subject to compulsory arbitration at the end of the 60-day period. The International Labor Organization's (ILO) Committee of Experts and the Committee on the Application of Standards regard the Government's application of the law as too broad and have called on the Government to limit the application of the law and 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 7 months of 1997, there were 37 strikes involving 6,738 workers, which resulted in approximately 158,670 lost work days. 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 December 24, 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 response to these protests, the Ankara public prosecutor's office initiated two separate court cases against Turk-Is in 1995, charging that two demonstrations held by Turk-Is in Ankara that year to protest the deadlock in collective bargaining negotiations were illegal. 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. The trials began in the Ankara court of first instance in 1996. The Turk-Is president stated in his defense that he and other officials actually calmed down the workers during the demonstrations. Judicial officials postponed the trials to a later date to hear the testimony of other Turk-Is officials who were not present at the first trial. The cases are pending.

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) approved DISK as an affiliate in 1992; Hak-Is became a member in December.

b.

The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial activity and some public sector agricultural activities 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 ILO has called on Turkey to rescind this 10 percent rule. Both Turk-Is and the Turkish employers' organization favor retention of the rule, however. 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 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 are generally applied in practice.

In January Turk-Is, the largest trade union confederation, organized thousands of workers from all over the country in a mass protest demonstration. Organizers, supported by several political parties and NGO's, calling the event a "struggle for democracy," conveyed their demands for higher wages, ending widespread corruption in government, controlling inflation and unemployment, and allowing civil servants the right to strike and the right to collective bargaining.

In December DISK organized a 9-day protest march to press for union rights. After completing the peaceful march,, which was supported by several political parties, labor unions, and other NGO's, DISK representatives presented their demands to the Government. The march elicited sympathy from top government leaders, but labor continues to warn that labor peace is fragile. In December tens of thousands of public sector employees, members of the Confederation of Public Workers' Union (KESK), went on strike to protest the Government's 30 percent salary increase. They also demanded the right to strike and to engage in collective bargaining enjoyed by their private sector colleagues.

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 themselves 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 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 are rarely 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 is often 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 crop during the harvest. The Government has recognized the growing problem of child labor and has been working with the ILO to discover its dimensions and to determine solutions. 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 have 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 mostly employed in the metal, shoe, woodworking, and agricultural sectors. The young workers employed on a monthly or daily wage payment basis worked over 40 hours a 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 people 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, 37 child labor inspectors were trained during the year to add to the 40 already working. However, according to Turk-Is, there are over 600,000 work sites and a mere 450 regular inspectors. A labeling system is scheduled for implementation in 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 legally obliged 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. In August the nominal minimum wage was increased by approximately 108 percent over the year before (compared to annual inflation of over 85 percent). The monthly gross minimum wage rates, which became effective on August 1, are approximately \$208 (TL 35,437,500) for workers older than age 16 and about \$176 (TL 29,925,000) 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 which, according to the Turkish Employers' Association, make basic wages alone account for only about 37 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-man 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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