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Turkey

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Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In May it elected Ahmet Necdet Sezer President for a 7-year term. After 1999 parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahçeli, and former Prime Minister Mesut Yilmaz's Motherland Party (ANAP) formed a Government with Ecevit as Prime Minister. The military exercises substantial, but indirect, influence over government policy and actions—and politics—in the belief, shared by much of the population according to opinion polls, that it is the constitutional protector of the State. The Government generally respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for legislative changes to strengthen its independence.

For over 15 years, the Government has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal until recently was the formation of a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in four southeastern provinces that faced substantial PKK terrorist violence. Parliament in July lifted the state of emergency in Van province. The level of violence has been low since the second half of 1999; according to the Government, the number of PKK-related terrorist incidents declined almost 90 percent from 1999. The state of emergency region's governor has authority over the provincial governors in the four provinces, and seven adjacent ones including Van, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. The state of emergency decree was renewed in Diyarbakir, Hakkari, Simak, and Tunceli provinces for 4 months 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, in support of the police and particularly the Jandarma, carry out operations against the PKK in the state of emergency region, thereby serving an internal security function. These operations have declined in number as the terrorist threat ebbed. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams" and anti-terror squads, other TNP personnel, village guards, and Jandarma committed serious human rights abuses such as torture.

In December 1999, the Government adopted a 3-year disinflation and fiscal adjustment program. During the first year of this program the Government registered some significant improvements in the macroeconomic situation. Inflation was cut nearly in half, to 39 percent. Economic growth increased significantly, after a recession in 1999, to about 6 percent of gross national product. This growth included a strong increase in imports, fueled partly by an increase in world oil prices and the Turkish lira's appreciation against the euro, which led to a wider than expected current account deficit. This deficit, together with delays in the structural aspects of the reform program and other factors, resulted in a large loss of investor confidence and capital outflows in November and early December. Intervention by the International Monetary Fund (IMF) helped to stabilize the situation in December, but the financial situation remained fragile at year's end. Another continuing problem is the projected deficit in energy sources, as energy demand grows at 9 percent per year. To find new sources of imported oil and gas, the Government is negotiating supply and pipeline agreements with countries in the Caspian basin.

The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in several other areas, and serious problems remain. Extrajudicial killings continued, including deaths due to excessive use of force. Unlike the previous year, there were no deaths in detention due to torture and no reports of mystery killings and disappearances of political activists. Although the authorities failed to investigate adequately many past disappearances, ongoing investigation of the Turkish Hizbullah terrorist organization may lead to resolution of some cases. Torture, beatings, and other abuses by security forces remained widespread. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (especially in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces. In addition the general climate of violence engendered by the PKK insurgency and urban leftist and Islamic fundamentalist terrorism, combined with a confession-oriented trial system, have hampered past efforts to carry out legal prohibitions against torture. With the decrease in counter-terror operations and overall detentions in the southeast, fewer cases of abuse of detainees were reported; however, the proportion of cases of abuse remained at high levels, and many cases go unreported.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. Investigations and trials of officials suspected of abuses continued to be protracted and often inconclusive. Some important cases dating back several years continued without resolution, including the case against police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996. However, the case against 10 police accused of torturing 15 teenagers in Manisa in 1995 concluded in November with the conviction of all of the accused police.

Prison conditions remained poor. Clashes between prisoners and prison officials, especially over the issue of newly constructed small-cell prisons, which would break up the current ward system, resulted in deaths and injuries. In December during government actions to break up prisoner hunger strikes and violent protests against small-cell prisons, 31 prisoners and 2 security officials perished. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSC's) reflect a legal structure that protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Some members of the country's political elite, bureaucracy, military, and judiciary argue that the State is threatened by both "reactionaries" (Islamists) and "separatists" (Kurdish nationalists) and continued to call for parliamentary and judicial steps—many involving potential curbs on freedom of expression—to meet these threats. Consequently, authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists.

Police and the courts continued to limit freedom of expression by using restrictions in the 1982 Constitution and several laws, including the 1991 Anti-Terror Law (disseminating separatist propaganda), Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity), Article 159 (concerning insults to Parliament, the army, republic, or judiciary), Article 160 (insulting the Turkish Republic), Article 169 (aiding an illegal organization), the Law to Protect Atatürk, and Article 16 of the Press Law. During the year there were no reports of journalists being returned to jail or trial for violating the 3-year "parole" following their release under the August 1999 "suspension of sentences for journalists" law. The Committee to Protect Journalists (CPJ) reported that 14 journalists were imprisoned at year's end, compared with 18 in 1999, but some local journalists' groups dispute whether all of them are legitimate journalists.

In September documents became public that allegedly demonstrated that senior military figures had debated a plan of action in 1998 to discredit Fazilet and HADEP parties, Human Rights Association (HRA) Chairman Akin Birdal, and several journalists. Many of the proposed actions described in the document did, in fact, occur.

Prosecutors, courts, and the police continued to take actions against those accused of challenging the secular nature or unity of the State, generally on the basis of the constitutional restrictions on freedom of expression. In August the Government announced a decree that would have streamlined procedures for firing civil servants suspected of Islamist or separatist tendencies. President Sezer, in a popular decision widely viewed as upholding the rule of law, returned the decree and argued that Parliament must consider an issue of this weight. Turkish General Staff (TGS) Chief Huseyin Kivrikoglu issued a statement in August reiterating the necessity of such measures and urging Parliament to pass appropriate legislation to dismiss civil servants who secretly support antistate, Islamist activities, but Parliament had not done so by year's end. Government pressure continued on the People's Democracy Party (HADEP), widely seen as supporting Kurdish cultural and political positions. This included a number of police raids and detentions. In June and November, HADEP Secretary General Ahmet Turan Demir was convicted of "disseminating separatist propaganda" and "supporting an illegal organization;" his cases are on appeal.

The National Security Council (NSC), a powerful, constitutionally mandated advisory body to the Government composed of equal numbers of senior military officers and civilian ministers, which is chaired by the President, continued to urge the Government to fight against the perceived threat of radical Islam and accused Islamist media of extremism and undermining the State. In March Islamist former Prime Minister Necmettin Erbakan was convicted under Article 312 of the Penal Code for "promoting enmity" along religious lines, for a speech he made in 1994 in which he referred to parliamentarians as "infidels." His appeal was turned down in July, and he was sentenced to 1 year's imprisonment. However, his prison sentence was suspended by the "Law on Probation of Sentences and Deferment of Judgements." In August the Ankara SSC prosecutor filed an indictment against Fetullah Gulen, the leader of a moderate Islamic "Tarikat," a Sufi religious order, on charges of plotting to overthrow the State by force. That investigation continued at year's end.

Both HADEP and the Islamist Fazilet Party, whose predecessor parties the Government previously had closed, continued to be the subjects of closure cases during the year for alleged anticonstitutional activities. The cases were pending at year's end, and elected officials of both parties remained in office and were able to perform their duties.

The state of emergency governor, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish language broadcasting remains illegal, although some senior government officials, including the Prime Minister, Foreign Minister Ismail Cem, Deputy Prime Minister Yilmaz, and the head of Turkey's intelligence service, have supported publicly the idea of legalizing such broadcasts, thereby opening public debate on the issue. The military has spoken out against this step. Although printed material in Kurdish is legal, the police continue to interfere with the distribution of some newspapers, and the governor of the emergency region banned some Kurdish-language publications in

that predominantly Kurdish area. Kurdish music recordings are widely available, but bans on numerous songs and singers persist. Few radio stations play Kurdish music. The Government's broadcast monitoring agency closed some stations for playing banned Kurdish music. In all these cases, the Government's argument for doing so was the allegedly objectionable political content.

The police and Jandarma continued to restrict freedom of assembly and association by strictly enforcing existing laws against unlawful meetings and demonstrations. The police beat, abused, detained, and harassed some demonstrators but showed restraint in other instances. For example, during the Kurdish holiday of Nevruz, authorities for the first time granted permission for a major celebration just outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and the police interacted positively with the crowd.

The Government continued to impose some restrictions on religious minorities and on some forms of religious expression, and, at times, imposed some limits on freedom of movement. The Government, which argues that some human rights groups pursue extremist political agendas, continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir branch of the leading human rights nongovernmental organization (NGO), the HRA was able to reopen in April but the Government ordered it closed again within 3 weeks. It reopened in October. Other NGO branches have been closed, temporarily or indefinitely, especially in the southeast. The HRA office in Van was closed from May to August but has since reopened; however, four HRA offices were closed at year's end for activities related to prison protests. Former HRA President Akin Birdal returned to prison in March to serve out his 91/2-month sentence for "inciting hatred and enmity" in nonviolent statements he made about the Kurdish problem and torture. He was released in September.

Violence against women, particularly spousal abuse, remained a serious problem, and discrimination against women persisted. Abuse of children and restrictions on ethnic minorities remained serious problems. Child labor remained a serious problem, although to a diminishing degree.

There are some restrictions on worker rights. Trafficking in women and girls to Turkey for the purpose of forced prostitution is a problem.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, who are a majority in the southeast, basic cultural and linguistic rights. The conflict between government security forces and separatist PKK terrorists slowed considerably, with only about 45 armed clashes during the year, according to the military. Past cases of extrajudicial killings went unsolved, and the police and Jandarma tortured civilians. The state of emergency authority abridged freedom of expression and association and put disproportionate pressure on Kurdish NGO's and HADEP. The number of villagers forcibly evacuated from their homes since the conflict began is estimated credibly to be between 380,000 and 1 million. There was one report of a village burning in October (see Section 1.e and 1.g). The Government gave permission for thousands of returns and initiated resettlement efforts; some villagers return by themselves. More than 10,000 persons have returned to their villages or moved to "consolidated villages" near their original homes.

In January the Government suspended the sentence of execution for convicted PKK leader Abdullah Ocalan, pending the results of his appeal to the European Court of Human Rights (ECHR). In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in Turkey. Human rights observers, including the U.N. High Commissioner for Human Rights (UNHCHR), had raised several due process concerns in the Ocalan case.

The Government of Prime Minister Ecevit continued to place a strong emphasis on human rights issues; however, Parliament did not pass any human rights legislation in the first half of the year. In September the Cabinet debated and adopted, as a working and reference document, the "Copenhagen Criteria" report on steps Turkey must take to be in compliance with the European Union (EU)'s political criteria. The report, also known as the "Demirok Report," is an ambitious and comprehensive work plan of constitutional, legislative, and administrative reforms that addresses questions of free speech and assembly, the composition and powers of the NSC, and the role of the judiciary. In December Parliament passed the "Law on Probation of Sentences and Deferment of Judgements" granting conditional release to thousands of prison inmates and suspending the trials of hundreds of others. Some persons jailed on charges related to free expression, or to non-violent "support" for outlawed organizations, will benefit from this measure. Those convicted of torture will not be released, but those convicted of mistreatment or murder of detainees may benefit from the law. Partly in the context of EU accession requirements, officials continued to participate in a wide-ranging public debate on democracy and human rights. Senior jurists, the President, politicians, and public figures discussed amending the 1982 postmilitary coup era Constitution in order to allow greater individual liberties. Public discussion of options for dealing with the southeast, particularly Kurdish cultural and linguistic issues, was vigorous. In addition the parliamentary Human Rights Committee issued a series of reports mid-year that detail the existence of torture in prisons and places of detention.

The armed forces emphasize human rights in training for officers and noncommissioned officers. Human rights groups attribute the limited number of human rights violations by military personnel to this effort. Human rights education in primary schools is mandatory, and it is an elective in high schools. Police and Jandarma also receive human rights training.

PKK abuses, which were common during its violent 16-year campaign against the Government and civilians, slowed considerably and were no longer an important factor of daily life in the southeast. In recent years, military pressure significantly reduced the PKK's effectiveness, and some PKK members—although not all—are heeding Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey. Violence declined to

the point where the public's freedom to travel at night no longer is restricted in parts of the southeast. Thousands of heavily armed, militarily organized PKK members remain encamped in neighboring countries close to Turkey's borders.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Credible reports of extrajudicial killings by government authorities continued. Although accurate figures were unavailable, figures were down from last year. For the first time in many years, the Human Rights Foundation (HRF) documentation center reported no deaths of detainees under torture. However, in December, 31 prison inmates and 2 security officials died following police intervention into widespread hunger strikes and other violent protests over F-type prisons (see Section 1.c.). Over the year, another five detainees died under suspicious circumstances such as alleged suicide. Investigations in these cases were rare, and in some cases the prisoners' associates confirmed the case as a suicide. More than 20 persons were shot to death by police, Jandarma, and the military allegedly for not heeding a "stop warning" during arrest or commission of a crime, illegal entry into the country, or in accidental shootings. In September Jandarma shot and killed Yilmaz Ozcan, allegedly while trying to capture him. Ozcan had cut down a tree without permission and was supposed to turn himself in for a jail sentence. According to the HRF, in October three villagers allegedly were killed by soldiers in Hakkari province when they returned to their home village to collect walnuts. Relatives who retrieved the bodies alleged that the victims' hands were tied behind their backs.

Some raids on criminals or alleged terrorist and militant safe houses by security forces resulted in deaths, sometimes due to excessive force. More than 20 persons died during such raids; most were allegedly members of the Hizbullah extremist group. Several police also died during the raids. More than 25 persons—mainly children or military personnel—were killed by mines in the southeast; many more were maimed.

The courts undertook investigations of most alleged extrajudicial killings; however, only a few yielded concrete results. The number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. In November a police officer was arrested in Istanbul after fatally shooting a 14-year-old bystander during the apprehension of an unarmed robbery suspect. Punishments, when handed down, were generally minimal. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the problem of apparent security force impunity for such deaths. In some cases, monetary fines have not kept pace with the high rate of inflation.

After the Constitutional Court in January 1999 annulled part of the 1996 Provincial Authority Law allowing security officers to "fire directly and without hesitation" at persons who ignored a warning to stop, the Government did not issue a new regulation. Therefore, the old law on police duties and authorities remains in force, stipulating that police must apply certain procedures before firing.

In cases of past extrajudicial killings by police, Jandarma, or prison guards, 24 trials were begun during the year or continued from previous years. Another eight trials ended this year. Out of the 67 police or Jandarma on trial in these 8 cases, 2 were convicted and 65 were acquitted. In January the Court of Cassation reversed the Diyarbakir SSC's verdict that convicted six members of a Jandarma antinarcotics squad accused of killing a businessman in 1991. A new trial for the six officers began in May.

The trial continued of six police officers who shot and killed two suspects in Adana in October 1999. Four of the officers face sentences of between 24 and 30 years, and the chief superintendent and another officer face 6 to 15 years in jail on charges of deliberate homicide. The officers remain on duty. Two of these officers also had been on trial for the January 1998 shooting deaths of three persons in Adana, along with another officer. The three were acquitted in April on the grounds of self-defense.

Following an investigation of the September 1999 incident at Ulucanlar prison, where Jandarma killed 10 prisoners and seriously injured others during a disturbance, a prosecutor ruled that no criminal prosecution of the security officials was necessary. A court upheld this decision in May. A trial also began in October in the case of 85 prisoners for the deaths of 5 other prisoners during the incident. In June the Ankara regional administrative court reversed the earlier "nonprosecution" decision, allowing a case to be opened against 150 Jandarma and soldiers. A report by the parliamentary Human Rights Committee into the Ulucanlar incident states that security forces "fired with an intent to kill" and inflicted torture. According to the report, medical treatment of prisoners involved in the incident was delayed or denied. Furthermore, autopsies of the prisoners who died indicated that some may have been shot at close range or tortured before being shot, contradicting the authorities' version of events. Then-committee chair Sema Piskinsut added publicly that since the autopsy findings did not meet international standards and some evidence such as prisoners' clothing was removed, the results were inconclusive.

In September the Izmir security directorate police investigation board recommended that the policemen accused of killing Alpaslan Yelden in custody in July 1999, in an attempt to get his confession, should be expelled from the force. A complaint was filed against the policemen at the Izmir public prosecutor's office. A court case continues against three police officers accused of murdering trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul security directorate political police center. Yeter had been a plaintiff in an ongoing trial of eight police officers who allegedly had tortured and raped detainees in 1997.

On January 20, a final Appeals Court upheld the sentences of 7 or more years' imprisonment for five police officers convicted of beating journalist Metin Goktepe to death in 1996. The court also ruled that the police superintendent on duty, Seydi Kose, should be tried for misuse of power rather than murder. In April, Kose was sentenced to 1 year's imprisonment (8 months' imprisonment on this charge), relieved from public service for 5 months, and fined the equivalent of 1 dollar. He was released for time served during the trial. Goktepe, a correspondent for the left-wing newspaper, Evrensel, died from wounds inflicted while in detention in Istanbul in 1996. Police initially denied that he was detained, then later said that he died from a fall.

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 into its fifth year.

In March a Trabzon criminal court convicted two policemen for their role in causing the deaths of nine persons during riots in Gazi, Istanbul in March 1995. The trial, which began in November 1996, was moved from Istanbul for security reasons. The court sentenced one policeman to a total of 96 years' imprisonment (24 each for four victims) but reduced the sentence to 6 years and 8 months, in part because the victims had been acting illegally and because the defendant surrendered voluntarily. He was released for time served and suspended from public service for 4 1/2 months. Another policeman was given two 24-year sentences, but these were reduced, for the same reasons, to 3 years and 4 months (with a suspension from public service for 21/2 months). He also was released for time served. The other 18 policemen were acquitted because the court ruled that there was no definitive or convincing evidence against them.

The trial continued in Istanbul of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu. Bozkurt has not appeared for trial sessions for a year, leading to continued postponements. According to the victim's lawyer, Bozkurt currently works as a policeman in Isparta. He is under a ruling of imprisonment in absentia for the duration of the trial. In July the court board decided to send a letter to the police station to locate the gun used in the incident, to initiate an investigation of why Bozkurt cannot be found, and to make a complaint against officials who did not carry out Bozkurt's arrest. There were no results of these actions at year's end.

In November the Diyarbakir Provincial Administrative Board decided to refuse a request for prosecution of police officers who allegedly killed 18-year-old detainee Hamit Cakar in 1998. Cakar, detained following a hunger strike at Diyarbakir's HADEP provincial organization building, died in custody allegedly due to "cardiac problems." Lawyers for Cakar's family have appealed to the Supreme Administrative Court (Danistay.)

The ECHR ruled against Turkey on nine cases during the year in which persons had been killed in detention or taken into custody and then disappeared. In all of these cases, the court noted that domestic legal remedies were insufficient. However, in one case the court ruled that security forces were not responsible for the death of a Kurdish activist, and that the State had taken reasonable measures to find the real killers.

According to human rights monitors, there were no killings of high-profile, pro-Kurdish figures in the southeast or of pro-Kurdish politicians, journalists, or lawyers. The HRF reported a nationwide total of 10 unsolved killings, some of which may have had a political component. In May the Diyarbakir Provincial Chairman for the right-wing National Action Party (MHP) was killed while walking near his home. In December a human rights activist in Eskisehir was allegedly abducted by persons claiming to be police officers, forced to drink pesticide, and left for dead (although he was found and taken to a hospital, where he recovered). According to information provided by the Governor of Eskisehir, the assailants were criminals posing as police officers.

The PKK discontinued its practice of targeted political murders, but it remains armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the Turkish National Police, during the year, 35 security officials and 24 civilians died in terrorist incidents, and 270 PKK members were killed by security forces (see Section 1.g.).

In January police discovered evidence of the Turkish Hizbullah terrorist group's kidnaping and killing of moderate Islamic business figures, religious leaders, and intellectuals, including prominent Islamist feminist Konca Kuris. The Government captured dozens of alleged Hizbullah militants and in July indicted 21 for a number of murders, including those of Ahmet Taner Kislali and Ugur Mumcu. An unrelated suspect in Mumcu's killing had been held in custody since the previous year; he was released from custody but remains on trial.

According to the office of the emergency region governor, over 2,600 persons in that region alone were detained this year on suspicion of links to Hizbullah (see Section 1.g.). Some of these were teachers and imams. Many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence. Some murders from previous years, especially of moderate Kurdish leaders, may have been committed by Hizbullah. A Hizbullah suspect reportedly confessed in police custody that he murdered Ramazan Sat in 1992 for "being a PKK member."

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C), the Islamic Eastern Raider's Front (IBDA-C), and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism, in some cases leading to deaths.

b. Disappearance

Unlike the previous year, there were no reports of disappearances of political activists. Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or

law enforcement officials, are hard to confirm. However, the HRF claims that there were no such disappearances in 2000, compared with 36 of this type in 1999.

In March a trial ended for two police officers in connection with the disappearance of suspect Mural Yildiz in 1995. The two were convicted of "negligence of duty;" a 3-month prison term was converted to a fine of about \$2 (1.2 million TL). The judge apologized to Yildiz's mother for the fact that inflation had rendered the monetary fine meaningless.

There was no new information available on the case of Aydin Esmer, who disappeared according to Amnesty International (AI) in September 1999 while returning to his home in Diyarbakir province from Mus province.

The body of Omer Cinar, who disappeared in Istanbul in November 1999, was discovered in one of the "grave houses" where Hizbullah operatives killed and buried their victims. His body was found in the Beykoz district of Istanbul in January, along with nine other bodies, and police confirmed his identity.

No charges have been filed in the 1998 disappearances from Izmir of editors Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal. The 1997 disappearances of Ilyas Eren and 73-year-old Fikri Ozgen, who allegedly were taken into custody by plainclothes police, were not resolved.

The Government made efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. Since 1996, according to the Ministry of Interior, 425 applications of a political nature for missing persons were made. Of these, 88 were found alive, 18 were in prison, 46 died, and 273 were still missing at year's end. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the government office. AI criticizes the bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards. The Ankara police operate a telephone number through which the public can obtain information about detainees.

The PKK's practice of kidnaping young men or threatening their families as part of its recruiting effort and abductions by PKK terrorists of local villagers and state officials has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in the country.

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

The Constitution prohibits torture; however, members of the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continues to be widespread. However, based on reports from a number of sources, the incidence of torture appears to have declined somewhat, especially in the southeast, where there have been fewer political detentions.

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 at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by police. The HRF estimates the number of credible applications by torture victims at its 5 national treatment centers to be approximately 1,030 in 2000, compared with some 700 in 1999. These figures include complaints stemming from previous years' incidents. The HRF believes that these numbers seriously underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile.

Some of the factors affecting the rate of torture are the use of incommunicado detention and the number of detentions in general; reduced PKK violence, which has eased treatment by security officials; and increased concern about the problem from many sources. Human rights monitors report improvement in some areas of the country, especially in the first 6 months of the year, but problems continued, especially in more rural areas. All report that torture remains widespread in the southeast and in large cities.

Because the arresting officer is responsible for interrogating the suspect, officers frequently resort to torture to obtain a confession that would justify the arrest. There is allegedly a difference in police practice for those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes. If suspects detained under the Anti-Terror Law do not produce information and confessions, interrogators often allegedly shift from beatings to electric shock, cold water from high-pressure hoses, and other methods. Observers say that security officials often torture political detainees simply to express anger and to intimidate the detainees.

Human rights monitors and medical experts say that security officials often use methods that do not leave physical traces, such as beating with weighted bags instead of clubs or fists. A new method that was reported is the application of electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels;

squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees often are touched, insulted, and threatened with rape. A poll conducted by an NGO called the Legal Counsel Project Against Sexual Harassment and Rape (affiliated with the HRA) indicated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities.

The deputy mayor of Diyarbakir, Ramazan Tekin, was detained in January and claimed that he was subjected to severe torture. As a result of testimony given during this detention, three HADEP mayors were arrested the following month for "assisting the PKK" (see Sections 2.b. and 4). According to news reports, in March the president of HADEP's women's commission in Mardin, Gulistan Durc, alleged that she was tortured while in detention. Durc, who was detained under suspicion of supporting the PKK, was sent to a Diyarbakir hospital for treatment following a medical exam. The governor refused permission to put the police officers involved on trial. The prosecutor opposed this decision and appealed it to the regional administrative court, which upheld the governor's ruling. The prosecutor then agreed to drop the case; Durc's lawyer has appealed to the Mardin penal court.

In May the Izmir SSC acquitted Dr. Zeki Uzun of charges that he supported the PKK by providing medical treatment to two female terrorists. Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, was taken into custody in October 1999 during a raid on his private clinic by antiterror police. He credibly reported being tortured in detention. Uzun filed a formal complaint against the Izmir antiterror department, but a prosecutor concluded that there were insufficient grounds to pursue a case. In August Dr. Uzun opened a compensation case against the Interior Ministry for his torture and against some newspapers for slander. His attorney applied to the ECHR with a complaint of prolonged detention, torture, and violation of Dr. Uzun's individual rights.

In May the Public Prosecutor's Office in Mardin indicted seven police officers for allegedly raping and torturing a female suspect in 1992. When preparing the indictment the prosecutor accepted an alternative medical report by the HRF's Istanbul torture treatment center. Prosecutors and courts have used such reports only a few times, since normally all medical reports come from state-employed doctors. The alleged victim was hospitalized several times during the period of her detention. The police officers remain on duty.

Government officials admit that torture occurs but deny that it is systematic. In September State Minister for Human Rights Rustu Yucelen said publicly, after visiting a detention center in Icel, that the State was opposed to torture and that "speculation" that the police were using torture was initiated by powers acting against Turkey. In response to criticism from the HRA, he said that his remarks had been misunderstood and that torture was against state policy. The Ecevit Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT). The Government accepted an unannounced visit by the CPT in July and invited members of the committee to help in the prison crisis in December, and allowed the publication of 1999 and 2000 CPT visit reports.

Regulations on detention were supplemented in 1999 by a directive against torture from the Prime Minister, which called for public prosecutors to make unscheduled inspections of places of detention. The Parliamentary Human Rights Committee also has publicly called on prosecutors to carry out this aspect of their job more effectively. The Prime Minister asked for reports from prosecutors every 3 months on this process. According to officials at the Ministry of Interior, over a thousand inspections have been made and these reports are on file with the High Council for Human Rights Coordination. According to Minister for Human Rights Yucelen, from July to September, a total of 2,309 inspections (at both police and Jandarma stations) were carried out. The reports were not made public. Although some provincial authorities said that the inspections uncovered no deficiencies, others claimed that they led to some improvements in practices. Human rights observers say that the inspections and reports are cursory at best, do not include any detainee interviews, and give a false impression of government attention to the problem. They also question prosecutors' ability to influence police practices. There is little public awareness of these visits.

Private attorneys and human rights monitors continue to report uneven implementation of the right to immediate access to an attorney by those arrested for common crimes and access after

4 days of detention for those detained under the Anti-Terror Law. No immediate access to an attorney is provided for under the law for persons whose cases fall under the jurisdiction of the State Security Courts. This includes individuals suspected of drug trafficking, smuggling, and crimes under the Anti-Terror Law. The lack of early access to an attorney is a major factor in the occurrence of torture by police and security forces.

State-employed doctors give all medical exams for detainees. The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release; however, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees assert that some medical examinations occur too long after the event to reveal any definitive evidence of torture. Lawyers contend that medical reports--their only basis for filing a claim of torture--are not placed regularly in prisoners' files.

Pressures against doctors continue. In 1999 the governor of Istanbul tried to get a doctor fired from her job at Istanbul University. The doctor, Sebnem Korur Fincanci, had certified that trade unionist Suleyman Yeter had

been killed under torture while in detention (see Section 1.a.). Fincanci filed suit and a compensation trial against the governor opened in May at the Istanbul Penal Court. She claimed that he had accused her, in a letter to the university president, of "having sympathy for illegal left-wing views" and going to "extreme" lengths to prove that the police officers were guilty of Yeter's death. The court ruled that the trial could take place since writing the letter was outside the governor's official duties. However, in November the Penal Court decided not to pursue the case and forwarded the file to the Administrative Court for its consideration. Fincanci has appealed.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. Since September, however, Health Ministry regulations have allowed doctors to ask security force members to leave during examinations. However, some doctors claim that in practice they cannot do so because they could face disciplinary procedures or court cases. According to the Medical Association and other human rights observers, the presence of a security officer—at times the one allegedly responsible for torture—can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there are few such prosecutions. Dr. Nur Birgen, chairperson of a state forensic medical facility in Istanbul, was convicted in December of giving false medical reports and concealing evidence of torture. The court sentenced her to 3 months' imprisonment, less than the normal 6-month minimum sentence, and then commuted the sentence to a suspended \$1.50 (1 million TL) fine. Birgen had been sanctioned in 1998 by the Turkish Medical Doctor's Association, and her medical license was ordered suspended for 6 months. However, the Justice Ministry concluded that since Dr. Birgen is a state employee, the suspension fell under a September 1999 law that offered amnesty for administrative punishments for civil servants. The Medical Association filed suit objecting to this decision and the Ankara Administrative Court ruled that the Justice Ministry's action was illegal. Meanwhile, a trial continues against a lawyer who pressed for Birgen's suspension for insulting her by comparing her to the Nazi doctor Josef Mengele.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare, and accused officers usually remain on duty pending a decision, which can take years. According to the TNP, judicial action taken during the year against police charged with torture or mistreatment resulted in 72 convictions, 273 acquittals, and 19 ongoing prosecutions. Administrative decisions determined that no trial was needed in 252 other cases, and that no charges needed to be brought against 140 other officers accused of abuse. During the year, 63 police officers also were given administrative punishments, such as suspensions, for torture or mistreatment, while a decision not to investigate was given in 890 cases. According to the Jandarma, 253 Jandarma were prosecuted during the year, resulting in 52 convictions, 53 acquittals, and 149 ongoing trials. No military personnel were prosecuted for torture; there is no new information on previous years' trials.

According to the Justice Ministry, during the year 1,258 cases were brought to prosecutors against police and Jandarma, and of these, 664 investigations are ongoing; 422 indictments were forwarded to the courts, and 172 cases did not go forward. The courts concluded 165 of the 422 cases they received, resulting in 71 convictions, 79 acquittals, and 15 not authorized or improper jurisdiction decisions; another 257 cases were ongoing.

Legal, administrative, and bureaucratic barriers impede prosecutions and contribute to the low number of convictions for torture. The December 1999 Civil Servant Prosecution Law has not resulted in an immediate change in approach by the State to allowing prosecutions, since civil servants are generally immune from direct prosecution unless their superiors grant permission to investigate them. The law authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials, but in practice this rarely occurs. Within a 30-day deadline, with a possible 15-day extension, a civil servant's supervisor supposedly must decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). In at least one high-profile case—that of Ramazan Tekin, the deputy mayor of Diyarbakir—this deadline was not observed. This provision has been widely criticized. Many jurists as well as human rights observers have said that the new law still falls short of the needed reform. The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on "enmity, hatred or slandering."

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignore their claims of abuse during interrogation. Some prosecutors believe that all allegations of torture are manipulated by political organizations such as the PKK and claim that detainees fabricate torture claims and injure themselves to accuse and defame the security forces.

Under the criminal procedures law, prosecutors may 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. Finally, in the state of emergency regions, any prosecution or legal action directed at government authorities must be approved by the state of emergency Governor. Approval is rare.

In February the then-chair of Parliament's Human Rights Committee, Sema Piskinsut, and two other Members of Parliament (M.P.'s) led an unannounced early morning raid on an Istanbul police station. This unprecedented raid was based on tips that this particular police station was notorious for torture, gathered during a prison research trip from women and children who were prisoners. The M.P.'s seized several instruments of torture,

including a so-called "Palestinian hanger," and required the police chief to sign a statement affirming that these were found in his station. She showed the torture implements to the press and publicly called for an investigation. When the investigation appeared to be stalled, another M.P. on her committee pressed the Interior Ministry for action. According to the Turkish National Police, the many administrative processes necessary to investigate the sub-provincial security director and the chief of the police station, were nearly complete at year's end. However, the public prosecutor decided not to pursue a judicial case against the two officials. The police station has been pulled down and a new station is being constructed, according to an Istanbul M.P. Soon after the raid, Interior Minister Tantan met with Parliament's Human Rights Committee and said publicly that "it is a mistake to define human rights only as violations by security forces."

A higher court reversed a January decision by the Iskenderun chief public prosecutor not to prosecute antiterror police accused of sexually harassing, raping with a truncheon, and torturing two female high school students arrested in March 1999. The trial of the four police officers began in March. However, at the same time, the conviction of the two girls on grounds of belonging to a terrorist organization and firebombing a bus—a conviction based solely on the confessions allegedly obtained under torture—was upheld by the Court of Cassation in June. The girls are serving 12-year and 18-year sentences.

Five defendants in Istanbul have been jailed since 1995 without having been convicted (they are accused of being members of TIKKO). Their trial is pending the outcome of a case against five police officers accused of torturing them. At a September hearing in the case, none of the accused police officers appeared in court, the case was postponed again, and the detainees were sent back to jail.

Songul Yildiz was acquitted in 1997 on charges of being a PKK member. In 1997 two policemen received 10-month suspended sentences for mistreatment and were suspended from the police force for 21/2 months; both were still on duty by year's end.

A case against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees continues, but charges may be suspended under a new law (see Section 4).

On November 15, the Manisa court sentenced 10 policemen to between 5 and 10 years in jail for torturing 15 teenagers in Manisa in 1995. The court found that the students exhibited evidence of physical and psychological torture while under detention; lawyers for the teenagers said that their clients were tortured by means of beating, electric shocks, hosing with cold pressurized water after having been stripped, and sexual abuse. The policemen previously had been acquitted twice due to lack of evidence, but each time the appeals court overruled the acquittal and ordered a retrial. The policemen cannot appeal the November decision again, but have applied to the Court of Cassation to reduce their sentences. The case against the students at the State Security Court in Izmir ended with their acquittal in late November. The Court of Cassation had overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students originally were acquitted.

Police harass, beat, and abuse demonstrators (see Section 2.b.). Police also harass and abuse journalists (see Section 2.a.).

The ECHR ruled against Turkey in several cases of torture from previous years. In one case the victim had suffered brain damage. The ECHR noted that domestic legal remedies were insufficient because prosecutors had not taken adequate steps to investigate the torture claims.

Prison conditions remain poor. With some exceptions (i.e., for high-profile political prisoners or for those with gang connections), prisons remain plagued by overcrowding, underfunding, and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults sometimes are incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial.

In most cases, prisons are run on the ward system. Prisoners with similar ideological views are incarcerated together and, in some cases indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. The Ministry of Justice said publicly in December that it has not fully controlled the prisons since 1991. Efforts by the Ministry of Justice over the past year to construct and transfer inmates to a small-group "F-type" cell system were criticized strongly by human rights groups and prisoners' groups. Groups linked to terrorist organizations claimed that the ward system was a more humane form of incarceration. Critics of the F-type cells claim that these cells allow authorities to isolate single inmates or small groups of prisoners from other inmates, and to control prisoners' access to water, food, electricity, and toilets.

In November and December, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, claiming that they intended to starve themselves to death. The Government entered the prisons in December, after the fast had reached its sixtieth day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and 2 Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths—including those who allegedly set themselves on fire on the order of their organization—is unclear. The Government, not following normal practice, refused to allow prisoner families or lawyers to see autopsy results. No open investigation has been planned, although there may be internal disciplinary proceedings for some prison officials. Some prisoners were transferred to newly-opened cell-system prisons. Two members of the Parliamentary Human Rights Committee visited one of the new prisons at the end of the year. According to their report, 341 prisoners from 5 other jails had been transferred to the new cell-system prison. Some of them, as well as prisoners in other jails, continued their hunger strikes while many others complained of brutal handling by the authorities or inadequate medical treatment. Prisoners' strikes and

demonstrations by supporters' groups and human rights organizations, particularly the HRA, continued and in many cases led to detentions. Four offices of the HRA were closed in November and December for activities relating to the prison protests (see Section 4.)

During an attempt to bring prisoners to their court appearances in July, prison authorities injured 61 inmates at Burdur Prison. One prisoner's arm was torn off by machinery used to break down a wall. Inmates alleged that they were tortured following the incident.

In May and June, the Parliament's Human Rights Committee, under then-chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. In October Piskinsut was not re-appointed to chair the committee. Some critics of the Government claim that this was in response to her activism. She was replaced by Huseyin Akgul of the MHP. The reports were based on 2 years of visits by the committee (which includes members from all 5 political parties represented in Parliament) and interviews with over 8,500 inmates. The reports, which also included evaluations of some detention sites such as police cells, alleged that torture remains widespread in the prison system and that those in positions of authority, including prosecutors and provincial governors, were not doing enough to ensure adequate living conditions for inmates. AI noted that these reports represented a significant step forward by officials in documenting torture as well as prison conditions.

The Government permits prison visits by representatives of some international organizations, such as the European Committee to Prevent Torture and the U.N. Special Rapporteur on Torture. The CPT visited in July, and again in December. However, the Government does not allow NGO's to visit prisons except for individuals acting in their capacity as lawyers. A delegation from AI visited in April and Human Rights Watch (HRW) conducted research into prisons over the course of the year. Delegations from AI and HRW met with Turkish officials as part of their research into prison issues; however, AI and HRW assert that during their return visits in December, following the prison crisis, government officials declined to meet with them.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare. According to the HRA, there was significant improvement in the first 8 months of the year in numbers of detentions (21,866) compared with the same period in 1999 (40,380). However, the HRF claims that in the final 2 months of the year there was an upsurge in unregistered detentions in connection with prison protests.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities do not always respect these provisions and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror-Law must be brought before a judge within 48 hours. 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, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. Current regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

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 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 some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused of violent crimes, but

there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials.

On several occasions, the police beat and detained peaceful demonstrators (see Sections 1.c. and 2.b.). During a September protest over prison conditions officers beat the relatives of prisoners. The police also beat and detained members of political parties (see Section 3). Students detained while making a press statement in Istanbul in June claimed that they were tortured, and one alleged that the police broke her arm.

The Government does not use forced external exile. It 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 general law courts generally act independently of the executive and legislative branches; however, various officials acknowledge the need for legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the NSC periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. 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 composition of the High Council could impact the independence of the judiciary; although the Constitution provides for security of tenure, the High Council controls the career paths of judges through appointments, transfers, promotions, and other matters, and its decisions are not subject to review. Various government and judicial officials during the year discussed the need to adopt legislative changes to strengthen the independence of the judiciary.

The judicial system is composed of general law courts, military courts, the SSC's, and the Constitutional Court, the nation's highest court. The Court of Cassation hears appeals for criminal cases, including from the SSC's. The Council of State hears appeals of administrative cases or those between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and may try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft.

SSC's are composed of panels of five members: Three civilian judges and two prosecutors. SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the Court of Cassation (Appeals Court) dealing with crimes against state security. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and Section 312 of the Criminal Code. Human rights observers cite prosecutions of leaders of the political Islamic movement, nonviolent political leaders associated with the Kurdish issue, and persons who criticize the military or the Government's practices as evidence that the SSC's often serve a primarily political purpose.

PKK leader Abdullah Ocalan, sentenced to death in 1999, remained in prison at year's end. Carrying out the death sentence still requires action and approval by the Justice Ministry, the Council of Ministers, Parliament, and the President. The Government in January decided to agree to the request of the ECHR to suspend the death sentence process until the court completes its judicial processes. In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in the country.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts.

Prosecutors are charged with determining which law has been broken and objectively presenting the facts to the court. Defense lawyers do not have equal status with prosecutors. There is no jury system; a judge or a panel of judges decides all cases. Trials for political crimes or torture frequently last for months or years, with one or two hearings scheduled each month. Proceedings against security officials often are delayed because officers do not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations.

In January a "prisons protocol" signed by the Ministries of Justice, Interior, and Health called for intensified searches of those entering prisons, including lawyers and prosecutors. The Bar Association claims that defense

lawyers are searched intensively, in contrast to other personnel, and that the new rule permits prison officials to confiscate documents from prisoners that may relate to their defense. The State is required to return the documents if they are defense-related. The Government issued a second circular, in March, requesting that those who conduct the searches do so in a respectful manner and bear in mind the right of access and of private correspondence between a client and his attorney.

Defense attorneys routinely are denied access to files that the State asserts deal with national intelligence or security matters, especially in cases heard by SSC's. Furthermore, attorneys defending controversial cases have been subject to legal charges, including spurious accusations that they are couriers for clients who are alleged terrorists. Hasan Dogan, a Malatya attorney who frequently defends suspects in SSC cases, was acquitted in 1999 of charges by an informer that he was a member of the PKK or assisted the organization. An appeals court reversed his acquittal and he was sentenced to 3 years and 9 months. He has appealed this verdict and the case was still pending. He also faces the same charge in another case, and was sentenced in December to 3 years, 9 months. He has applied for a suspension of this punishment. Another case was opened against him for insulting the military; results were still pending at year's end. The trial of 25 Diyarbakir lawyers charged in 1993 and 1994 for aiding and abetting the PKK, and in a few cases with membership in a terrorist organization, continued at the Diyarbakir SSC (see Section 4).

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. In practice only a tiny percentage of defendants have lawyers. Bar Associations in large cities, such as Istanbul, have attorneys on call 24 hours a day. Costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities. Legal proceedings are conducted solely in Turkish with some interpreting available; however, some defendants whose native language is not Turkish may be disadvantaged seriously. Turkey recognizes the jurisdiction of the ECHR. During the year, Turkey lost 23 cases to which it was a party, most of which pertained to free expression, deaths, past disappearances, and torture and was fined \$1.2 million (812 billion TL). In 11 additional cases, mostly relating to failure to ensure due process of law, Turkey accepted a friendly settlement and paid \$150,000 (about 1 billion TL); and the court dismissed a further five cases.

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

International humanitarian organizations are allowed access to political prisoners, provided the organization can obtain permission from the Ministry of Justice. With the exception of the Committee to Prevent Torture of the Council of Europe, which has good access, in practice few such permissions are granted.

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; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected outside the state of emergency region. If delay may cause harm to the case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels. According to a 1999 law that permits wider wiretapping, a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor can grant permission. The wiretap can last only 3 months, with two possible extensions of 3 months each.

In the 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 maintains that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Seven 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 the improved security situation, the use of roadblocks in the southeast decreased.

With the diminution of PKK terrorism, the formerly widespread practice of evacuating villages to prevent their giving aid to the PKK has lessened; however, there was a report of one village re-evacuation occurring in October (see Section 1.g.).

Some elements of society complain that a ban on the wearing of religious head coverings in government offices, other state-run facilities, and universities interfered with citizens' religious observance (see Sections 2.b. and 2.c.).

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

Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians. In response, police, Jandarma, village guards, and the armed forces conducted an intense campaign to suppress PKK terrorism. However, since 1999 almost all such violent activity by the PKK

has ceased, although some armed clashes between the two sides continued to occur. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK. There continued to be few reports of government and PKK human rights abuses committed against noncombatants. According to statistics from the governor of the state of emergency region, 23,415 PKK members, 5,029 security force members, and 4,460 civilians have lost their lives in the fighting since 1987. During the year, 29 members of the security forces and 15 civilians died, according to the military.

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

In October the governor of Tunceli formally abolished the food embargo in that region, the last large-scale rationing in the region. Food rationing also had been justified as a means of denying logistical support to the PKK. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures.

Unlike in the previous year, there were no credible allegations of serious abuses by security forces during the course of operations against the PKK.

The Government organizes, arms, and pays a civil defense force in the region of more than 65,000 persons, which is known as the village guards. Participation in this paramilitary militia is mainly voluntary, but villagers faced danger from both the PKK and the Government when choosing whether or not to join the guard force. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is significantly lower than in the past.

There was a report of one village re-evacuation during the year (see Section 1.e). Five residents of Akcapinar hamlet said Jandarma burned 16 tents, one home, and crops there in early October. Residents had apparently returned to the hamlet in May after having received permission from local officials but without the requisite permission from higher levels within the Government. Between 1984 and 1999, and particularly in the early 1990's, a large number of persons were displaced forcibly from villages. The practice was justified by the Government as a means of protecting civilians or preventing PKK guerrillas from obtaining logistical support from the inhabitants. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures. The Government reported that 378,000 persons had "migrated" (it disputes the term "evacuation") from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. The highest credible estimate of displaced persons is as high as 1 million. Voluntary and assisted resettlements have begun in the region. In some cases, persons may return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned, but there is a noticeable increase in the pace of returns.

After the middle of the year, there appeared to be an upsurge in the rate of returns and return requests. About 10,000 persons returned to their villages between June and August, according to the state of emergency governor. In July he declared that 65,000 of the 131,000 return requests filed with his office were "appropriate." According to the Jandarma, over 28,000 persons returned to the OHAL region and adjacent provinces during the year. They state that there are an additional 238,900 applications for returns to 621 villages and 461 smaller hamlets, but only about a third of these claims are appropriate (mainly for security reasons) at this time. A July HADEP "migrant commission" report claimed HADEP had over 23,000 additional requests for returns, each petition representing a family. However, some persons included on return petitions may not have been aware that a request had been made for them. Furthermore, many evacuees have neither the will nor the economic means to return.

Despite the increased pace, returns to date represent a fraction of the number of persons who may wish to return. Governors continued to provide building materials to some returnees. Activists remain critical of government efforts to resettle villagers in government-constructed "central villages" instead of original village sites. Local Jandarma impose limitations on some resettlement efforts. According to news reports, in January Jandarma prevented the return of 15 families to a village in Simak province. The families claimed that the village guards who currently occupy their village had burned their homes and cut down their orchards.

The Government continues to deal with the problem of the hundreds of thousands of persons displaced from their villages and hamlets. According to the Government, its "East and Southeast Anatolia Action Plan" began in May. The Plan, as well as other government programs, has focused on providing assistance to displaced persons and support for return to villages or relocation to new, centralized villages. Over 4,000 persons now live in centralized villages. From June to October, financial and other assistance (including young trees, animals, beehives, and looms) was provided to over 14,000 persons in 96 villages and 87 hamlets.

Regional cities in the southeast have doubled and tripled in size in the past decade, without a commensurate increase in services such as schools. Many persons from the area went to major cities in the West of the country. A 1998 parliamentary committee investigation concluded that the State was partly responsible for the displacements and had failed to compensate adequately villagers who had lost their homes and lands in the

region. However, regional officials report that flows of migrants nearly stopped during the year due to waning PKK activity in the countryside.

In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces and as many as 80 to 100 in Diyarbakir (most schools in the southeast employ a shift schedule for classes to accommodate the large numbers). According to the Government, in the southeast there was a noticeable improvement in the number of students able to attend classes, partly due to improved availability of teachers and schools, and partly due to the requirement for an 8-year education. During the 1999 to 2000 school year, there were 270,000 students in secondary education in the southeast, compared to 240,000 the year before. In the state of emergency region, 450 schools are closed, although none were closed during the year. Although the Government has built boarding schools in the region's larger towns, these new schools have not met the demand. Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. Despite a longstanding tradition of boarding schools in the rural areas of the country, some ethnic Kurdish leaders have expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation. According to press reports, soldiers in one command of the state of emergency region repaired 167 village schools in preparation for the 2000 to 2001 academic year and during the past year spent about \$700,000 (300 million TL) on health, education, and infrastructure projects in the region.

During the year, Turkish ground forces with air support conducted several operations in northern Iraq against the PKK. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan cooperated with the Turkish Government in shutting down certain PKK facilities in northern Iraq. Turkish government policy is to target only PKK fighters in northern Iraq; however, Turkish planes accidentally killed 38 civilians in Sedakan, northern Iraq, during an operation in August against the PKK. The Government is taking steps to compensate the victims' families. At the end of the year, an operation against the PKK involving hundreds of Turkish soldiers continued in northern Iraq, according to press reports.

In February Parliament renewed legislation allowing members of terrorist organizations (and criminal gangs) to apply for amnesty or reductions in sentences, if they provide useful information that helps lead to the dissolution of the organization. Government figures are not available for the number of persons who applied for the amnesty, but human rights attorneys speculate that the number is above 2,500. According to press reports, many applicants, including some who were members of Turkish Hizbullah, have obtained sentence reductions or release.

The PKK remained almost completely inactive during the year. There were reports of internal divisions over jailed PKK leader Ocalan's call for ending the armed struggle, but by year's end no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of 8 to 10 former militants turned themselves in to the authorities, asking for amnesty. They are all currently standing trial for charges relating to membership in the PKK. Although PKK attacks against civilians and law enforcement personnel in the southeast have virtually ended, the military did engage the PKK, killing several alleged terrorists. Government authorities acknowledge that the level of violent conflict is considerably lower than in the past and that the main reason is an absence of PKK activity and the fact that the security forces were able to effectively end Hizbullah operations.

Other terrorist organizations, most notably DHKP-C, conducted attacks mainly against police targets.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Constitution leaves open the possibility of restrictions to these freedoms on the basis of defense of the secular, unitary, state and protection of public order. The Government, particularly the judiciary, limits freedom of expression through the use of restrictions in the 1982 Constitution and numerous laws such as the following: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code Articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors bring dozens of such cases to court each year, judges dismiss many charges brought under these laws. These cases constitute a form of harassment against writers, journalists, and political figures.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, are widely available. The newspaper business is extremely competitive. Government censorship of foreign periodicals is very rare.

Electronic media reach nearly every adult, and their influence, particularly that of television, is correspondingly great. According to the High Board of Radio and Television, there are 229 local, 15 regional, and 16 national officially registered television stations, and 1,036 local, 108 regional and 36 national radio stations. Other television and radio stations broadcast without an official license. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation.

Internet use is growing and faces no government restrictions; in fact, some banned newspapers can be accessed freely on the Internet. Parliament passed legislation in September 1999 suspending for 3 years the

sentences of those convicted of crimes in the media, such as journalists, writers, and party officials who published articles. The Islamist opposition party Fazilet challenged the constitutionality of the law because it did not apply to those who committed similar crimes through speech. In September the Constitutional Court ruled that this complaint had merit and ordered the Government to correct the problem. In mid-December, the Government passed the "Provisional Suspension of Sentence Law," which in addition to leading to the eventual release of thousands of ordinary criminals, may effect the release, and suspension of trials, of many persons prosecuted on charges related to free expression. The suspension only applies to those whose "criminal act" took place before April 23, 1999.

Although hundreds of those prosecuted or convicted for free expression crimes had their sentences or trials suspended, some writers remain in jail. Esber Yagmurdereli, for example, remains imprisoned because his conviction in 1998 was for a speech, although his case may fall under the "Provisional Suspension of Sentence Law." The CPJ reported that 14 journalists were imprisoned at year's end, compared with 18 in 1999. According to the Ministry of Interior, 43 journalists were in jail in July, of whom 26 had been convicted and the rest were still standing trial. The Chairman of the Press Council said, after studying the list, that his organization considered only four of these to be "imprisoned for their journalistic practices." Other journalist associations note that some who are imprisoned for crimes in the media are political activists with only tenuous journalistic credentials.

Under the suspension law, charges are dropped if the journalist or writer does not commit the same crime again during the 3-year period; if a second offense is committed during this time, the suspension is revoked. Human rights advocates, journalists, and other writers consider that the conditions for the suspension amount to censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish. The High Board of Radio and Television (RTUK), created in 1994 to regulate private television and radio frequencies, monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures. In December RTUK banned broadcasts of Ozgur Radio for 180 days, claiming that the station had slandered Turkish Cypriot leader Rauf Denktaş in a July broadcast.

The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. Throughout the year, the RTUK penalized radio and television stations over 210 times for noncompliance with broadcast regulations, according to testimony given by the RTUK chairman to a Parliamentary committee in November. In general RTUK suspended television broadcasts for a day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The human rights monitoring group Mazlum-DER recorded closures of 26 television stations for a total of 208 closure days, and closures of 24 radio stations for a total of 3,725 days, while the Government provided RTUK closure figures of 62 television stations closed for 704 days, and 67 radio stations closed for 3,889 days.

RTUK decisions may be appealed to the provincial administrative court and then to the Council of State (Danistay). In some cases, this is successful. In February the RTUK gave a 1-day closure punishment to CNN TURK, in response to a January broadcast in which a commentator asked a program guest if PKK leader Ocalan could be compared with former South African President Mandela. According to the RTUK, the broadcast "threatened the existence and unity of the Turkish state" and "encouraged separatism." CNN TURK appealed the decision and won. Another RTUK closure order, against Channel 6 for its criticism of the Government's response to the August 1999 earthquake, was also overturned by the Danistay.

Despite the Government's restrictions, the media criticize government leaders and policies daily and have developed a more adversarial role vis-a-vis the Government. Lively debates on human rights and government policies continued, especially on issues relating to Turkey's EU membership process; the role of the military; political Islam; and the question of ethnic Kurds as "minorities." Nevertheless, persons who write or speak out on such highly sensitive topics risk prosecution.

Government decree 430 gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, lead to self-censorship on some issues.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. Prosecutors closed numerous journals or suspended their operations during the year. The police frequently raid offices of small leftist publications, while distributors of the pro-Kurdish journals Evrensel and Yeni Gundem outside the state of emergency region claim regular harassment and the confiscation of their newspapers by the police.

Journalists, including those from mainstream and western media, were harassed periodically and subjected to police abuse while covering stories. Two Swedish journalists were arrested, and their film confiscated, while visiting a small town near Diyarbakir in April. Their film was returned and they were released after the Swedish Government protested.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints.

In April a group of 24 intellectuals sought to challenge legal restrictions on expression by republishing the formally banned book "Freedom of Thought" under the new title "Freedom of Thought--2000." The group, which consists of well-known human rights activists, actors, journalists, and academicians, notified officials at the Istanbul SSC of their actions. The court indicted the group in May, demanding sentences ranging from 7 to 15 years' imprisonment for 16 persons on various charges, including supporting a terrorist organization and inciting hatred and enmity. The case was ongoing at year's end. In December musician and human rights activist Sanar Yurdatapan and Nevzat Onaran, Chairman of the Contemporary Lawyer's Association's Istanbul branch, each served 24-day sentences given by a military court in connection with the publication of a previous "Freedom of Thought" pamphlet.

Nadire Mater was acquitted in September of charges that she "insulted the military" with her publication, "Mehmet's Book." Copies of the book were seized in 1999 on order of the Istanbul SSC, and Mater and her publisher were charged under Article 159 of the Penal Code, with a possible prison sentence of 2 to 12 years. Since part of the acquittal was based on the Suspension of Sentences Law for the book's early editions, she faces a 3-year "probation" period, and if she commits the same crime she theoretically would face a resumption of her trial. The prosecutor appealed the acquittal, and the ban on the book continues. "Mehmet's Book" is a compilation of interviews with retired conscripts who had served in the southeast. The book records without commentary the soldiers' experiences in the field. These rank-and-file stories allege corruption, drug abuse, and dishonest handling of the press. As many as 40,000 to 50,000 copies have been sold, and although the book remains banned it is available in some bookstores.

The Istanbul SSC brought charges of "supporting separatist and terrorist propaganda" against the distributors of the CD-Rom version of National Geographic magazine's full collection in late 1999. The collection included a 1992 article on Kurds that showed a map of the region most populated most heavily by Kurds; the article was published and circulated in Turkey. In February the court suspended the case in line with the "suspension of sentences" law, because the publication date was before April 1999.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a speech he had made in 1994 in which he referred to parliamentarians as "infidels." He was sentenced to 1 year's imprisonment, but his punishment was suspended under the "probational suspension of sentences law" passed in December. Human rights groups and some politicians criticized the verdict as undemocratic, but the judiciary and many mainstream politicians defended it. Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and non-believers." His sentence was suspended.

Abdurrahman Dilipak, a veteran columnist with the Islamist daily Akit, faced multiple charges during the year for articles criticizing the Government's policy, especially on religious head coverings and the alleged activities of a military group that reportedly monitors political Islam. He was convicted in January by the Malatya SSC and sentenced to 1 year's imprisonment related to a 1998 conference in Malatya. Appeals continued at year's end.

Former chairman of the HRA Akin Birdal reentered prison in March after a 6-month release on medical grounds. He was released on September 23 after serving a total of over 9 months' imprisonment on charges related to free speech (see Section 4).

Hasan Guzel, head of the small Rebirth Party and an outspoken former Education Minister under the pro-Islamist Refah Party government, was released from jail in May after serving 5 months of a 1-year sentence for "inciting religious and ethnic enmity," based on a controversial 1997 speech. In January he was convicted on the same charge in a different case relating to a 1998 speech.

Poet Yilmaz Odabasi entered prison in March to serve a 7-month sentence for contempt of court, for having said that he was "ashamed to live in the same age and country" as the court that convicted him in 1997 for "disseminating separatist propaganda" with his book "Dream and Life." He was released in June.

Cases may be continuing against Dogu Perincek, chairman of the Workers' Party, for convictions concerning a 1994 speech delivered at the HRA general convention and slandering former Prime Minister Tansu Ciller. In September Perincek was acquitted on charges of assisting the PKK and possessing secret state documents.

The trial of Dr. Veli Lok, president of the HRF's Izmir branch, for violation of the press law, ended in June. Dr. Lok, Bahri Akkan (spokesman for the Izmir Democracy Platform), and Fikret Ilkiz (an editor at Cumhuriyet newspaper) were convicted on the basis of an article published in October 1999 in Cumhuriyet, in which Lok and Akkan were quoted regarding a trial involving other HRF members. Publicly commenting on an ongoing court case is forbidden under the Press Law. The Ministry of Justice sent a letter to the Izmir prosecutor in November 1999, asking him to review the Cumhuriyet article and determine if a crime had been committed. The indictment followed shortly. Lok and Akkan were sentenced to pay a fine of about \$200 (120 million TL); Ilkiz is to pay about \$210 (124 million TL). Lok's sentence was suspended for 5 years, and he has appealed.

In October a Syriac priest was charged under Article 312 for "inciting religious, racial and sectarian hatred" for comments he made to the media about legislation under consideration at that time by the U.S. Congress that referred to Armenian genocide. The trial of the priest, who spoke in favor of the legislation, began in December. He spent one night under arrest but otherwise has been free to continue his pastoral duties.

In April the pro-Kurdish daily Ozgur Bakis ceased publication, blaming government pressure (including closure orders, fines, investigations of 124 out of 370 editions, and court cases against editors). In its place Yeni

Gundem newspaper began publication in May and was banned in the emergency region a week later. Also in April, the state of emergency governor banned four magazines (Ozgur Halk, Yasamda Ge. jlik, Ozgur Kadinin Sesi, and Rewsen) from the emergency region. In May the governor banned distribution of four newspapers and eight journals, including Evrensel Kurdish-language weekly Azadiya Welate (which had been banned previously). However, these publications can be accessed in the emergency region on the Internet. Throughout the country some potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies.

Kurdish-language cassettes and publications are available commercially, although the periodic banning of particular cassettes or singers continued, especially in the state of emergency region. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. One radio station broadcasts in Kurdish but is widely believed to be government-sponsored. Kurdish music is played on radio and television programs with certain restrictions, especially in the emergency zone and adjacent provinces. The state of emergency regional governor frequently bans from the region Kurdish recordings that may be played legally elsewhere in the country. In August he issued an order banning the sale of 242 music recordings, most in Kurdish. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems.

Pro-PKK Medya-TV, which is banned, broadcasts in Kurdish from Europe and nevertheless can be received via satellite dish. Another station, Kurdistan-TV, based in northern Iraq, can be received via satellite, and is not banned. The ECHR ruled against Turkey on some cases of free expression, such as the conviction of a newspaper editor for "disseminating separatist propaganda" in 1993.

The Mesopotamian Cultural Center (MKM), an NGO that seeks to promote Kurdish language and culture, continues to operate. Some officials alleged that the organization is linked to the PKK. The group's centers in the southeast remain closed. Police exert pressure against the groups and hinder their activities, and local officials monitor and often interrupt their cultural events. Some MKM branches report that they were prevented from selling Kurdish-language music cassettes and were warned against organizing cultural events. On December 30, however, for the first time the Governor of Hakkari province in the southeast allowed a Kurdish-language music concert, organized by an MKM-sponsored band. Five thousand persons attended the concert.

The Kurdish culture and research foundation (Kurt-Kav) remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition. In February Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdish-speaking students. A second case on the same charges, based on cooperation with a Swedish university to promote study of the Kurdish language, still was pending in the courts at year's end.

Academic freedom generally is respected; however, there is believed to be some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. The authorities may deny permission if they believe that a gathering is likely to disrupt public order. Significant prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

The police beat, abused, detained and harassed some demonstrators, but showed restraint in other instances. The police appeared to be acceding to a November 1999 Security Administration directive that called for the use of minimum force in dispersing demonstrations. In February, following the arrests of three HADEP mayors in the southeast (see Section 3), supporters of the mayors held large, peaceful protests in Diyarbakir's center. Police allowed the demonstrations to continue even though they were not approved, and there was no violence. Police detained several dozen demonstrators during the 3-day protest period.

In contrast to the previous year, the March 21 Kurdish Nevruz ("New Year") celebrations were marked by calm and respectful behavior among participants and security forces. According to press reports and initial contacts with activists in the southeast, the police detained several hundred unauthorized demonstrators in Mersin, Sanliurfa, Siirt, and Adana, but there were reportedly no arrests nor excessive use of force (as there had been in the previous year). The authorities for the first time granted permission for a major celebration a few miles outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and police treated the crowd well, according to a Kurdish activist. Istanbul municipal authorities denied permission for a celebration there because the organizers referred to "Newroz," on the grounds that since there is no letter "w" in Turkish, this was a Kurdish spelling.

On World Peace Day, September 1, the authorities denied permission for peace demonstrations in Diyarbakir, Izmir, Ankara, Mersin, and Antalya. In Diyarbakir the police reportedly broke up a gathering, detaining 30 participants and injuring 10. In Van the police detained 27 persons, including the HADEP provincial chairman. In Mus the police reportedly detained, beat, and tortured the former district president of HADEP. In Tunceli a group of 200 persons was allowed to demonstrate, and in other cities events took place peacefully.

In October police disrupted a professional conference in Izmir of the Turkish Medical Association (TMA) on the grounds that the meeting, which was to have discussed the issue of prison health, was illegal. International observers present for the conference noted that police officers demanded to videotape all of the proceedings. The TMA cancelled the conference.

Police have detained and, on occasion, mistreated members of groups that protested prison conditions, the Ulucanlar prison incident in September 1999 (see Section 1.c.), and the installation of "F-type" small cells to replace the current ward system. In June the police broke up an anti-prison rally and detained 20 participants, including the chair of the Istanbul branch of the HRA, Erin Keskin; when critics started to protest those detentions, the police broke up that second rally and detained another 30 persons. However, in early August the Minister of Justice spoke to demonstrators in front of his Ministry and invited some of them to visit a new F-type prison, which they did the following day. In August an association of families of political prisoners left Istanbul for Ankara by bus to protest F-type prisons and warn against the potential of hunger strikes and violence in jails (see Section 1.c.). The group alleges that it was stopped while en route several times by police and Jandarma, and that some parents were beaten with clubs and had to be hospitalized. Hundreds of protesters were temporarily detained during the period of hunger strikes in the prisons in November and police intervention in December.

In December, following a terrorist attack on a police bus that killed two anti-riot police, thousands of fellow officers staged protest marches in all of the country's major cities. The marches occurred over several days, despite efforts by senior police officials to bring them under control. Several hundred police officers have been charged with disobeying orders and marching without a permit; they faced disciplinary and judicial proceedings at year's end.

Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center; Gunseli Kaya, who also works at the Center; and 66 others face charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Ayan, Kaya, and 12 others were held in detention for 3 months before being released at the start of their trial in January. The trial continued at year's end.

Six school children, between the ages of 12 and 14 years, were acquitted in March of charges of holding an "unauthorized demonstration" in 1998. The children had held a sign that said "We Want Teachers" during a rally after no teachers came to school that day and previous days.

The Constitution provides for freedom of association; however, associations and foundations must submit their charters for government approval, which is 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 the private dissemination of religious ideas, and the Government generally observed these provisions in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet, which some groups claim reflects the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulates the operation of the country's more than 70,000 mosques. Local and provincial imams, who are civil servants, are employed by the Diyanet. The Government states that the Diyanet treats equally all that request services. During the year, partly in commemoration of the Christian jubilee, the Diyanet sponsored several ecumenical events among major religious groups, including a meeting in Tarsus in May, which produced a document that called for intercommunal understanding.

A separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu), regulates some activities of religious minorities, including those established under the Lausanne Treaty in 1923 (Greek Orthodox, Armenian Orthodox, and Jewish), and their affiliated churches, monasteries, and religious schools. The Vakiflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. The Vakiflar oversees 160 minority religious foundations, including Greek Orthodox (about 70 sites); Armenian Orthodox (about 50); and Jewish (20); as well as Syrian Christians, Chaldeans, Bulgarian Orthodox, Georgians, and Maronis.

In May a court allowed a Protestant church in Istanbul to establish itself as a "foundation." Normally all "religious" foundations need to have been in existence since the early days of the republic in order to be deemed as such.

The population is about 99 percent Muslim, primarily Sunni. In addition to the country's Sunni majority, an estimated 12 million Alawis (an offshoot of Shi'a Islam) freely practice their faith and build "Cem houses" (Alawi places of worship). Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis also charge that there is a Sunni bias in the Religious Affairs Directorate and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, some Sunni Islamic political activists charge that the secular State favors and is under the influence of the Alawis. The Government periodically allocates funds to the Alawi community and funds Sunni activities.

There are several non-Muslim religious minority groups; most are concentrated in Istanbul and other large cities. These include an estimated 50,000 Armenian Orthodox Christians, 25,000 Jews, and roughly 3,000 Greek Orthodox adherents. There are approximately 3,000 Protestants; 10,000 Baha'is; an estimated 15,000 Syrian Orthodox (Syriac) Christians; and a small, undetermined number of Bulgarian, Chaldean, Nestorian, Georgian, and Maronite Christians. The number of Christians in the southeast has declined as the younger generation, especially among Syrians, leaves the area to live in Istanbul, Europe, or North America. In

December President Sezer issued a message to Turkey's minority religious groups on the occasion of Christmas and Hanukah.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 3). The National Security Council (NSC)—a powerful military/civilian body established by the Constitution to advise senior leadership on national security matters—categorizes fundamentalism as a primary threat to public safety and order. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. In October the military dismissed 44 officers suspected of sympathizing with Islamic groups or Kurdish rebels. At a meeting in March, the NSC discussed a report that claimed that fundamentalist Islamic elements had increased their activities in a number of areas, including infiltrating government ministries. However, the same NSC report noted that legislative measures have been taken on only 5 points of the February 1997 18-point program against fundamentalism. In August President Sezer twice refused to sign a "decree with force of law" that would have streamlined the procedures for firing civil servants suspected of fundamentalist or separatist tendencies, explaining that such a measure should be reviewed by Parliament.

In a widely publicized August 30 "victory day" statement, armed forces Chief of Staff General Huseyin Kivrikoglu issued a strong message to the Government to take action against Islamic fundamentalism. In a reference to the civil servants decree turned back twice by President Sezer, Kivrikoglu said that the Government and the Parliament should take immediate action to address the problem of "thousands" of civil servants whose fundamentalist views were threatening the secular state. He noted that the military had an effective means of getting rid of suspected fundamentalists or separatists from its ranks and that the civil service should adopt similar measures. Kivrikoglu alleged that the leader of a moderate Islamic Tarikat, Fetullah Gulen, plans to undermine the state and said that 11 of the 44 officers recently dismissed by the military for fundamentalist proclivities were Gulen supporters. Kivrikoglu claimed that Gulen supporters had infiltrated the judiciary as well, a charge denied by the Minister of Justice.

Tarikats and other mystical Sunni Islamic, quasi-religious, and social orders were banned in the 1920's but largely were tolerated until the 1997 call by the National Security Council for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. However, prominent political and social leaders remain associated with Tarikats.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a 1994 speech in which he referred to Parliamentarians as "infidels." He was sentenced in March to 1 year's imprisonment (see Section 2.a). Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and nonbelievers." His sentence was suspended. The Istanbul SSC ordered the confiscation of the June 28 issue of the reportedly anti-Semitic newspaper Akit and the June 23-29 edition of its related weekly publication Cuma for "inciting religious hatred," for its treatment of the death of a prominent military official known for his secular views. Akit had reported in its coverage that it "did not forgive" the official for his actions against imam-Hatip schools, Koran courses, and students who wear headscarves.

Religious and moral instruction in state primary and secondary schools is compulsory for Muslims. Students who complete primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran courses.

Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempted by law from Muslim religious instruction. They may hold their own classes or if they want to attend Muslim courses, may do so with parental consent. Syriac and other Christians whom the Government does not consider to be an official Lausanne Treaty minority are not exempted. In August the Syriac community reiterated a 1995 appeal to the Government to be considered a Lausanne Treaty minority.

Government authorities do not interfere in matters of doctrine pertaining to minority religions, nor do they restrict the publication or use of religious literature. While the Government does not recognize the ecumenical nature of the Greek Orthodox Patriarch, it acknowledges him as head of the Turkish Greek Orthodox community and does not interfere with his travels or other ecumenical activities.

The authorities monitor the activities of eastern Orthodox churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening the seminary on the Island of Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. However, coreligionists from outside the country have been permitted to assume leadership positions.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often take place in nondesignated places of worship. However, police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations. On May 24 in Istanbul, several persons (including non-Turks) were detained overnight following a police raid on a private apartment where a group was holding Protestant services. Most of the participants were released the next day and charges were dropped; two Turks were held for several days before being released. Currently the attendees face charges for unauthorized meetings and unauthorized establishment of an education center.

Minority foundations, including those of religions recognized under the Lausanne Treaty, may not acquire

property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the Vakıflar takes over direct administration and ownership. There have been no reports of minority religions losing their houses of worship or other facilities during the year. If such minorities can demonstrate a renewed community need, they may apply legally to recover their properties. Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to existing religious facilities. Restoration or construction may be carried out in buildings and monuments considered "ancient" only with authorization of the regional board on the protection of cultural and national wealth. Syriac Christians have been allowed to renovate their historic buildings in Mardin, although their efforts remain closely monitored by the authorities. In May Syriac Christians gathered in Elazığ to celebrate the completed restoration of a 1,800-year-old church.

The Baha'i community currently is fighting a legal battle against government expropriation of a sacred Baha'i site near Edirne. The site was granted cultural heritage status in 1993 by Edirne's board of natural and cultural riches, a branch of the Ministry of Culture. However, in January the Ministry of Education notified the Baha'i community that the property had been expropriated for future use by the adjacent primary school. The Ministry has deposited funds in the Baha'i community's bank account for the expropriated property. In April the local administration court in Edirne rescinded its temporary stay of execution and allowed the Ministry of Education to implement expropriation, although it has not done so. The Baha'i appeal of the expropriation continued at year's end.

There are legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property.

No law explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. There are no known estimates of the number and religious affiliation of foreign missionaries in the country. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, especially when such activities are deemed to have political overtones. The police sometimes arrest proselytizers for disturbing the peace; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily. In a case in March, two Turkish Christians were detained for a month on the charge of "insulting Islam" by distributing Bibles; they were released in May at their first hearing when witnesses refused to stand by their signed statements. Their trial continued in one of four jurisdictions where cases were opened.

The Government continued to enforce a more than 50-year-old ban on the wearing of religious head coverings at universities or by civil servants in public buildings. Some women who wear head coverings, and both men and women who actively have shown support for those who defy the ban, have lost their jobs in the public sector as nurses and teachers; some others were not allowed to register as university students. The Council of State (Danıştay) ruled in a 1999 case that universities are public institutions and, as such, have an obligation to protect the country's basic principles, including secularism. In making its ruling, the Danıştay referred to its understanding of a ruling by the ECHR in favor of Turkey, which noted that students had to abide by university dress codes, and that the wearing of a headscarf could be construed as pressure on other students. According to Mazlum-DER, during the year 127 teachers lost their jobs for wearing head coverings and there were dozens of small-scale protests this school year against the headscarf ban.

Merve Kavakcı, elected an M.P. in April 1999 from the Islamist Fazilet (Virtue) Party, unsuccessfully sought in May 1999 to be sworn in to Parliament wearing an Islamist-style head covering. Kavakcı's case highlighted the ongoing dispute over the ban on wearing religious-style clothing in official settings. She later was stripped of Turkish citizenship on the grounds that she had assumed another country's citizenship without notifying proper authorities and lost her parliamentary privileges. She appealed the verdict on her citizenship, and in February the highest administrative court upheld the lower court's ruling. The issue of headscarves in Parliament, in terms of legislation that would give a final definition to the parliamentary dress code, remained unresolved.

The case to close the Islamist Fazilet Party, which was filed in May 1999, was still pending at the Constitutional Court at year's end (see Section 3). Although religious affiliation is listed on national identity cards, there is no official discrimination.

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; however, at times the Government limited some of these rights. 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. As the security situation continued to improve in the southeast, security officials decreased use of roadblocks and vehicle and passenger searches.

Although there is no legal internal exile, since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 15 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast this year, according to press reports. In July security officials in Batman took the passports of two visiting British parliamentarians who were looking into the issue of the Ilisu dam, and also took documents of a Republican People's Party (CHP) official and some accompanying journalists.

When Turkey ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which have the force of domestic law, it exercised the option of accepting the Convention's obligations only with

respect to refugees from Europe. Although it has not lifted subsequently the geographic limit of its treaty obligation, since 1994 the Government has granted temporary asylum to all those recognized as refugees. Asylum-seekers apply to the Government for temporary protection and to the U.N. High Commissioner for Refugees (UNHCR) for resettlement. If both procedures recognize the asylum-seeker as a refugee, UNHCR proceeds with resettlement and submits the case to other countries. European refugees are given temporary residence permits by the Government, renewable until they achieve resettlement or a durable solution.

Furthermore, the UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, there were 5,681 asylum seekers during the year; out of these cases and some from previous years, UNHCR rejected the asylum applications of 4,471 and accepted 2,709.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as an asylum-seeker. The time limit for registration in the Government's asylum program is implemented strictly and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. During the year, 25 refugees and asylum-seekers were returned to a country where they feared persecution, compared with 46 in 1999 and continuing a steady decline since 1995, according to the UNHCR. The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." This year the UNHCR considered that there were approximately 100 refugees not registered with the Government. The UNHCR and government authorities continue to work to resolve this problem and to find ways to allow greater access of all asylum seekers to this procedure.

If they comply with the asylum regulation's requirements, asylum seekers are registered by the Government and processed for eligibility determination. Late in the year, the Council of State confirmed administrative court rulings since 1997 that concluded that failure to submit an asylum claim within a fixed time limit could not be a reason not to address the application or grant asylum. The UNHCR has no information on discrimination by the Government on the basis of nationality. The UNHCR maintains a branch office in Ankara and field presences in Istanbul, Silopi, Van, and Agri.

The mass influx in 1999 of 18,000 Kosovars fell under the 1994 asylum regulation. The Government allowed Kosovars to enter the country freely and de facto allowed them "first asylum"—to stay until they repatriate or resettle voluntarily. An estimated 2,000 persons from Bosnia-Herzegovina and several hundred from Kosovo were granted a special temporary "guest" status; 42 Kosovars and 74 Bosnians still reside in former refugee camps. Because there are no visa requirements, thousands of Iranians remain in the country for extended periods. The Government generally does not allow similar mass influxes from Iraq but allows some individuals and families to settle in or transit the country en route to permanent resettlement.

Cooperation between the UNHCR and the Government has continued since 1998 in the field of training border guards and other government officials responsible for asylum-seekers and refugees. During the year, approximately 150 officials received UNHCR-sponsored training in Bursa, Izmir, Antalya, Ankara, and Van. The training is very successful and has led to increased contact between UNHCR and local, military, and judicial authorities. The UNHCR works with local partners including the Turkish Red Crescent Society, the Association for Solidarity with Asylum Seekers and Migrants, and the Anatolian Development Foundation to integrate refugees into society.

The country continues to be a transit and departure point for illegal migrants and asylum seekers of various nationalities en route to Europe, who travel in small groups utilizing land routes, boats, and ships.

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, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them minuscule), 5 of which are represented in Parliament. Parliament elects the President as Head of State every 7 years or when the incumbent becomes incapacitated or dies.

In addition to these bodies, in accordance with the Constitution, the NSC, which includes both military and civilian government leaders and is chaired by the President, plays a significant role in shaping government policy.

The Government neither coerces nor forbids membership in any political organization; however, the chief public prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The chief public prosecutor opened cases in 1999 to close two significant parties, Fazilet and HADEP, alleging that they were centers of illegal activities. These cases were unresolved at year's end.

Government pressure against HADEP continued, based on the Government's belief that many HADEP supporters had ties to the PKK or supported their agenda. Throughout the year, the police raided dozens of HADEP offices, especially in the state of emergency region, and detained provincial officials and elected HADEP mayors. For example, in September the chair of HADEP'S Simak branch and a dozen other executives were arrested, and police raided HADEP offices in Istanbul, Diyarbakir, Adana, Mersin, and Van. In June HADEP secretary general Ahmet Turan Demir was convicted under Article Eight of the Anti-Terror Law for "separatism," for a speech he gave in October 1999; in November Demir was sentenced to 1-year's imprisonment and a fine of \$1,168 (800 million TL), and in November he was convicted of "making separatist

propaganda" in a 1998 speech and given another 1-year sentence, reduced to 10 months. He has not yet gone to jail for either conviction. During the year, the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda." A case against Cihan Sincar, Mayor of Kiziltepe, on the grounds that she had referred to "Kurdistan" in an interview with a Swedish newspaper, ended with her acquittal in November. In December the Ankara SSC opened an investigation against HADEP on the grounds that its November party congress had extended support for the PKK.

In February Jandarma arrested the HADEP mayors of Diyarbakir, Siirt, and Bingol, mostly based on testimony by the deputy mayor of Diyarbakir who allegedly was tortured while in police custody (see Sections 1.c., 2.b., and 4). The mayors were charged under Article 169 of the Penal Code with supporting an illegal organization (the PKK) through fundraising activities in Europe and Turkey. The mayors were held for 3 days, and the Interior Ministry removed them from office but reinstated them after peaceful public protests began. The mayors remained free and in office at year's end, pending the outcome of their trial, which began in April. They were allowed to travel outside the country, although some HADEP officials have been barred for years from international travel. In September another aide to the Diyarbakir mayor was arrested by the anti-terror police on charges of links to the PKK.

The military and judiciary, with support from some other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 2.c.).

In August Islamist leader Fetullah Gulen was indicted for "separatism" and "forming a criminal gang;" however, an Istanbul court annulled this indictment on appeal. Two weeks later Ankara SSC Prosecutor Nuh Mete Yuksel brought another indictment of trying to "change the characteristics of the republic as specified in the Constitution." Yuksel is seeking the maximum 10-year sentence against Gulen under the Anti-Terrorism Law and alleges that Gulen was trying to "infiltrate" the military.

The trial continued in Ankara of a group of 33 Islamist politicians and business figures who had formed a group called the National View Organization. The group, many of whom were members of the banned Refah Party, were charged in 1999 with attempting to impose a "religious order" in contravention of Article 146.1 of the Penal Code (forcibly trying to change the constitutional order); some of the defendants face the death penalty. The case continued at year's end.

The Democratic Mass Party (DKP), which the Government closed in February 1999, had not yet had its closure decision published. Party members cannot legally form or join another party until the closure decision is officially published.

Reports continued of corruption and the abuse of power in the security forces, including ties with illegal organizations. The Government mounted 21 operations in the final 3 months of the year into corruption in banking, exports/imports, rural affairs, drugs, and other areas, leading to hundreds of detentions and over 100 arrests. In June parliamentary committees cleared former Prime Ministers Yilmaz and Ciller of a range of corruption charges relating to their activities while in office. Some trials linked to corruption charges, involving former Interior Minister Mehmet Agar and M.P. Sedat Bucak, began in 1998 but were halted in April 1999 when both were elected to the new Parliament and gained automatic legal immunity (which had been lifted by the previous Parliament). During the year some M.P.'s proposed in Parliament that their immunity be lifted. In June Parliament also voted to clear Agar of charges of "establishing a criminal gang" relating to the 1996 Susurluk scandal. In September an alleged 1998 memorandum from senior military sources was made public by the media and human rights groups. The memo details a plan of discrediting government critics, including HADEP and Fazilet parties, the HRA, and specific politicians and journalists. In some cases, actions occurred that were similar to the memo's recommendations.

In February a former Batman provincial governor admitted that during his 1993 to 1997 term, his office acquired weapons worth \$2.6 million (1.5 trillion TL) to equip extraordinary units fighting the PKK. He said that most were given to the Jandarma and some to the police; some allegedly were given to village guards as well. The then-Prime Minister agreed to fund the purchase in order to "protect the State," she explained, although the Ministry of Interior had not agreed. The foreign-made weapons entered the country without clearing customs. The extralegal aspects of the transaction fueled speculation that some weapons may have disappeared. There was no parliamentary investigation following the revelations. In December, however, a case was opened against four officials from the Foreign Trade Undersecretariat's General Directorate of Imports for "allowing illegal importation of weapons by the Batman governorate." The defendants face sentences of between 1 and 4 years.

There are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically; however, women are underrepresented seriously in government and politics. There are only 22 women in the 550-seat Parliament, there are no female ministers in Prime Minister Ecevit's 35-member Cabinet, and there are no female governors. However, one of the five major political parties is headed by a woman.

There are no legal restrictions on political activity by minorities; however, some minorities are underrepresented in government and politics.

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

Nongovernmental organizations operate in many regions but face government obstruction and restrictive laws regarding their operations, especially in the four provinces that comprise the state of emergency region. The

Associations Law governing the activities of most NGO's (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The nongovernmental HRA has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the HRF, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, 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, the Turkish Medical Doctor's Association, human rights centers at a number of universities, and Mazlum-DER, which is the Organization of Human Rights and Solidarity for Oppressed Peoples. Human rights organizations are represented on the Provincial Human Rights Councils currently being formed.

Human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA's Diyarbakir branch was reopened in April after having been closed for 3 years. However, several weeks later the state of emergency region governor's office ordered the branch closed for 3 months. Police allowed the reopening in August but within minutes revealed orders to close it for 3 months. The Diyarbakir governor allowed it to reopen 2 months later in October. The HRA branch in Van was also closed for 3 months in May but reopened in August without incident. In February the authorities closed the Malatya HRA branch indefinitely for possessing illegal publications (such as banned issues of otherwise legal newspapers). However, in April a court ruled that there were no criminal grounds for closure, and it reopened in June. At the end of the year, mostly for reasons linked to ongoing protests over F-type prisons (see Section 1.c.), authorities closed HRA branches in Malatya, Gaziantep, Van, and Konya.

Mazlum-DER's Sanliurfa branch reopened in April. The office had been closed since December 1998 after members had made allegedly "separatist" statements in the press regarding the ban on headscarves in public buildings. The Malatya branch remained closed.

In September an international summer program held by the Helsinki Citizen's Assembly (HCA) in Canakkale was closed by Turkish authorities two days after opening. Although no official reason was given for closure, it is possible that the participation of Armenian students may have played a role. The HCA generally has not experienced this kind of closure problem.

The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, in February was given written permission by the Mersin governor to reopen. The Kurdish-led organization assists migrants from the southeast. Goc-Der had been closed pending a verdict in a case accusing its founders of several technical violations of Turkey's Associations Law and of possession of illegal publications. In December 1999, a court acquitted the defendants of all but one minor charge and fined them \$2 (1.5 million TL).

In May student associations at Diyarbakir's Dicle University and Van's Centennial University were closed for 3 months, along with two Diyarbakir "cultural centers." In September the leaders of an Islamic youth organization (National Youth Foundation) said that the police ordered the closure of 28 regional offices of their organization. The National Youth Foundation is affiliated with the Islamist Fazilet party.

The harassment of lawyers involved in political cases in the southeast continued. An increased number of attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, attorneys in several cases were charged with various offenses (such as acting on behalf of illegal organizations), and were detained, searched, or threatened. The lawyer for the teenagers tortured in Manisa (see Section 1.c.) was put on trial for allegedly showing pictures of the accused policemen to the media, although her lawyer claimed that the television cameras had viewed an open case file. In November attorney Zeki Ruzgar, who was convicted in December 1999 of "membership in an illegal organization" and sentenced to 15 years in jail, was acquitted of all charges by the Court of Cassation.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993 to 1994 with "aiding and abetting the PKK" and "membership in an illegal terror organization." Allegations in the indictment include legal behavior such as filing a petition with the ECHR. Some 16 of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers were free pending trial at year's end. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast (see Section 1.e.).

In Elazig two lawyers had not yet stood trial based on their 1999 indictment for "slandering government officials." The new Prosecution of Civil Servants law prohibits making false accusations against public employees based on "enmity, hatred, or slandering;" the lawyers are charged with having stated publicly that an alternative medical report showed that their client had been tortured by security officials. No new cases are believed to have been opened under this provision during the year.

Dr. Seyfettin Kizilkan filed his second appeal to the Court of Cassation for a reversal of the Diyarbakir SSC's reconfirmed decision to sentence him to more than 20 years' imprisonment for "assisting and sheltering an illegal organization." Dr. Kizilkan was the director of Diyarbakir's largest hospital and was arrested after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that

the police planted the evidence. He has been transferred out of the state of emergency region to a government hospital in the Black Sea region and was free pending the outcome of his appeal at year's end. The case against Dr. Zeki Uzun, who was accused of aiding illegal organizations by providing medical reports and treatment, ended with his acquittal in March (see Section 1.c.). Some observers claim that Uzun, and others associated with the Izmir HRF Torture Treatment Center, have been harassed for their work with torture victims.

Former HRA Chairman Akin Birdal, who was released from jail in September (see Section 2.a.), faces additional charges in two cases. He is accused of "insulting the moral being of the State" based on a 1998 speech in Urfa to the HRA, while the other trial is based on a 1995 speech in Tarsus for "inciting racial or religious enmity."

A court case was opened in 1998 against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees. The case was due to continue with the next trial session in March 2001, but may be suspended under the newly-passed law for probational release of prisoners since the charge was mistreatment (Penal Code Article 245) rather than torture (Article 243). Legal proceedings against some of the organizers ended in 1998 with an acquittal.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance for reasons that may include an effort to intimidate those they meet, as well as legitimate protection concerns. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations. There were no public reports of officials representing foreign governments being denied permission for such visits.

In May State Minister for Human Rights Mehmet Ali Irmecelik resigned. He was replaced by Rustu Kazim Yucelen. In September Minister Yucelen began a series of meetings with governmental and civil society leaders. Ten meetings were held in provinces throughout the country and were designed to allow all provinces an opportunity to send representatives. The first meeting, in Tunceli, was attended by more than 200 government and NGO representatives who discussed human rights problems. Participants in other meetings noted the importance of establishing such a dialog, and a range of human rights groups took part. In late November, the Government passed regulations establishing permanent Provincial and Sub-Provincial Human Rights Councils, which will institutionalize consultations among NGO's, professional organizations, and the Government. These councils are being formed and some have held introductory meetings.

In February the High Council for Human Rights Coordination (HCHRC) drafted a report on the reforms needed in order for Turkey to comply with the EU's "Copenhagen Criteria" of democratization and human rights. The report, also known as the "Demirok Report," was adopted by the High Council (composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries, along with representatives of the security forces). The Cabinet adopted the report in September as a working and reference document. The report details dozens of constitutional, legislative, and administrative reforms necessary for compliance with EU political standards and underlines the immediate importance of reforms in the area of free expression.

The mandate of the Parliamentary Human Rights Committee is to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports. The Committee undertook a review of systemic human rights problems, including but not limited to problems in prisons and other places of detention such as police stations (see Section 1.c.). In December the Committee formed permanent sub-committees on prisons and the Provincial/Sub-Provincial Human Rights Councils.

In August the Government signed two U.N. covenants, on Civil and Political Rights and on Economic and Social Rights. They had not yet been ratified by year's end.

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; however, discrimination remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

Women

Violence against women is a problem. Spousal abuse is serious and widespread. According to the Family Research Institute in the Prime Minister's office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation that made spousal abuse illegal, complaints of beatings, threats, economic pressure, and sexual violence continue. According to a survey done in April by Istanbul University, at least 10 percent of women experience violence on a daily or weekly basis.

Spousal abuse is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. The 1998 law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials note that this program has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses, and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

There are 9 shelters and 6 consultation centers for battered women; in addition the child protection and social services agency provides services to victims of domestic violence through its 19 social centers. Several private shelters that had previously been in operation closed due to lack of funds.

Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. Although national police statistics show about 1,200 complaints of rape through November, there is no information on what percentage of rape incidents are reported. "Honor murders"—the killing by immediate family members of women who are suspected of being unchaste—continue in rural areas and among recent immigrants to cities; according to media reports, there may be dozens of such murders every year. Under the law, killings that were "provoked" (such as honor killings) can receive a lighter sentence than other types of murders. Because of further sentence reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing. Government authorities have tried to send a clear message of intolerance for this practice through the prosecution of those responsible for the murders, but it continues. Another dimension of this problem is suicides among young girls forced into marriage. Such suicides are most common in the southeast, where suicides have risen more than 50 percent since 1993 and where 80 percent of suicides are by women. The traditional practice of "virginity testing" continues, despite governmental regulations prohibiting it unless requested by the woman.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Some laws still discriminate against women. 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. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child; a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, and her children receive the rest. According to a 1994 government survey, households headed by women have 50 percent less income than those headed by men.

The literacy rate for women is 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women, according to 1999 statistics. One reason for this is that men must serve in the army, and if they do not know how to read they are taught upon entry.

Particularly in urban areas, women continue to improve their position, including in the professions, business, and the civil service. They constitute 35 percent of the students in universities. However, they continue to face discrimination to varying degrees. Women are generally underrepresented in managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination to become governors or subgovernors; several are subgovernors.

Independent women's groups and women's rights associations continue to increase in number. There are many women's committees affiliated with local bar associations. Other organizations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities.

Children

The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family issues oversees implementation of the Government's programs for children. During the year, the Government established a Children's Rights Monitoring and Assessment High Council to focus on children's rights issues.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia, 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 (see Section 1.g.).

The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving about 20 percent of families and their children without coverage, according to the June UNICEF report on "The State of Women and Children in Turkey." Persons not covered by insurance may use a special program to access public health care. In terms of immunization, infant mortality, and malnutrition, Turkey's standards remain at levels that are not compatible with the level of development and resources in the country, according to the UNICEF report. Currently, only about 40 percent of children aged 12 to 23 months are fully immunized. Infant mortality has rapidly declined over the past decade, and as of 1998

stood at 43 per 1,000.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention. In September the Minister of Justice and the head of Ankara's Bar Association signed an agreement allowing the Bar Association to inspect two children's prison facilities in Ankara, the first such arrangement.

Children have suffered greatly from the cycle of violence in the southeast. The migration—forced or voluntary—of many families, past 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 provide basic, mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom (see Section 1.g.). The Government has built regional boarding schools to help deal with this problem, but they are insufficient in number.

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

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People with Disabilities

The law does not mandate accessibility to buildings and public transportation for the disabled. According to the June UNICEF report on women and children in Turkey, welfare institutions "provide limited financial, employment and educational support to the handicapped." According to the report, the number of disabled persons is unknown. The Ministry of Education reports that there are 1.1 million disabled children in the country. Although there are many institutions for the disabled, most attention to disabled persons remains at the individual and family level. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. 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 denominations are generally free to practice their religions and report little discrimination in daily life. However, there are restrictions on clerical training and on the Orthodox Patriarch in Istanbul, and police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations.

The Government restricts the Orthodox Patriarch by requiring that he be a Turkish citizen and that his selection be approved by the Government. In addition in 1971 the Government closed the only remaining Orthodox theological seminary in the country. As a result, Orthodox citizens have no access to theological training—requisite to become an Orthodox Priest—in Turkey.

In May police raided a small Christian congregation in the Avcilar district of Istanbul and arrested six Turkish citizens, an American, and an Australian. They were charged with opening a Christian training institute without legal permission. The defendants were charged with violating Law 2911, which "prohibits unauthorized meetings and demonstrations." The defendants maintained that they completed the required applications to hold meetings with the assistance of local police officials. The case is currently pending.

Jews and numerous Christian denominations freely practice their religions and report little discrimination in daily life. Some incidents still occur, and extremist groups or individuals target minority communities from time to time. However, during the year no attacks were reported on minority community properties. No perpetrators have been arrested or charged in a 1998 arson attack on the Orthodox shrine, now a museum, at Saint Therapon where the custodian was killed; nor in the December 1997 bombing at the Orthodox Patriarchate. Police protection increased after the 1998 attack, and investigations continue. In June, 33 persons were convicted and given the death penalty for "trying to change the constitutional regime," for their role in setting a July 1993 fire in which 37 secularist intellectuals (mainly Alawi Muslims) died.

No laws prohibit religious conversion. Nonetheless individuals contemplating conversion, especially to Christianity, often face family and community pressures, and proselytizing remains socially unacceptable. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation. There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy, and officers must be graduates.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

National/Racial/Ethnic minorities

The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many M.P.'s, senior officials, and professionals are Kurds; however, Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain risk public censure, harassment, or prosecution. In March the Court of Cassation for the first time affirmed a lower court decision to allow a Turkish citizen to change registry records and give his daughter a Kurdish-language, rather than Turkish, first name. Kurds who are long-term residents in industrialized cities in the West are in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds 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.

Private spoken and printed communications in Kurdish are legal; however, 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 (see Section 2.a.); these restrictions are invoked arbitrarily. Although some senior politicians, including the Prime Minister, Deputy Prime Minister Yilmaz, Foreign Minister Ismail Cem, and the head of the intelligence service have asserted that the Government should allow Kurdish broadcasting, no changes to the applicable laws were made.

The Government circumscribes the activities of organizations such as the MKM, a corporation with branches in several cities outside the southeast, which was established to promote Kurdish language and culture (see Section 2.a.).

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

No accurate accounting of the Romani population exists, but it may be significant in regions near Bulgaria and Greece. No incidents of public or government harassment directed against Roma were reported. However, experts claim that Roma experience discrimination, for example, regarding employment. In June the head of the Diyanet issued a circular instructing muftis to educate the public about Turkish Roma and stressing that Islam considers all persons born equal and without any sins. The circular instructed muftis to dispel myths that lead to discrimination against Roma.

Section 6 Worker Rights

a. The Right of Association

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

The Constitution stipulates that no one shall be compelled to become, 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. Unions are independent of the Government and political parties. They must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court in 1998 banned the Disk-affiliated union in the leather sector, Deri-Is, because it violated this article in the Constitution and prohibited it from appealing to a higher court. It applied to the ECHR for redress. The International Labor Organization (ILO) Committee on Freedom of Association has stated that this provision is extremely prejudicial to the interests of the trade unions and has urged that it be repealed.

Just over 13 percent of the total civilian labor force (15 years of age and above) are unionized. The labor force numbers around 22 million, with approximately 43 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There are also 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests.

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

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years of a company's operations in the nine free trade zones (see Section 6.b.).

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. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout

but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

According to the Labor Ministry, from January through November there were 19 strikes in the public sector involving 11,879 workers and 32 strikes in the private sector involving 6,565 workers. During the same period there were also 2 lockouts in the private sector involving 2,483 workers.

Public and private sector workers throughout the country went on strike during the summer to protest efforts by the Government and employers to keep pay raises in line with the Government's planned inflation rate of 25 percent.

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. Legislation providing the right to strike for civil servants was introduced in the last parliamentary session but was not adopted. Civil servants currently have the right to organize and engage in collective bargaining.

All defendants were acquitted in the trial, begun in 1996, against Turk-Is Chairmanship Council officials who were charged with violating the Associations Law when Turk-Is announced support for political parties during the 1995 election. No action has been taken in a second trial against Turk-Is officials charged with holding illegal demonstrations in 1995 to protest a deadlock in collective bargaining.

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

b. The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus 1 of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor.

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

The ILO has called on the Government to rescind this 10 percent rule, stating that it violates ILO Convention 98. However, both Turk-Is and the Turkish employers' organization favor retention of the 10 percent rule, since each confederation has an established membership area and does not want the status quo upset. 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. However, since then the Government has taken no further action.

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

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. A total of 414,000 workers in the public sector were dismissed within the last 2 years. As a result of the privatization of 128 entities in 12 sectors, 10,746 workers were laid off.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in four provinces. 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 (two), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones. However, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor

disputes that cannot be settled by the parties are subject to compulsory arbitration. Workers inside the zones are paid in foreign exchange rather than in 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, and the Government generally enforces these provisions in practice; however, trafficking in foreign women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

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

The Constitution and labor laws forbid the full-time 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 states that "no one shall be required to perform work unsuited to his/her age, sex, and capacity." With this article and related laws, the Government undertakes to protect children from work unsuited to their age and capacity, such as underground mining and from working at night. According to Article 67 of the Labor Law, children who attend school can work no more than 7 1/2 hours a day, inclusive of school time. The Ministry of Labor effectively enforces these laws only in large-scale industrial and service sector enterprises. Children working in agriculture, in household-based establishments, in establishments with three or fewer workers, in apprenticeship training centers, and those working as domestic servants are subject to the Code of Obligations, which fails to provide a minimum age of employment. However, according to Article 174 of the Code of Obligations, children between the ages of 12 and 16 years may not work at night and may work for no more than 8 hours a day.

Child labor is widespread. According to a June United Nations Children's Fund report, 1.07 million children between the ages of 6 and 14 and 2.4 million children between the ages of 15 and 17 are in the labor force. This represents about six percent of all children aged 6 to 14, and 60 percent of those aged 15 to 17. According to an October 1999 State Statistics Institute report, 961,000 children work in family businesses and do not receive wages, 257,000 are seasonal workers, and 387,000 are wage earners. Some 1.1 million of the working children are boys. Child labor is used most often in small-sized enterprises. According to official data, 87 percent of working children are employed by small-sized enterprises having 1 to 9 workers, 7 percent work in medium-size enterprises (10 to 24 workers), and 6 percent are employed by large-scale enterprises (more than 25 workers).

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan, which ran through this year, committed the Government to enact legislation to restrict further child labor and to adopt legislation to conform to relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions.

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

With the introduction in 1998 of the 8-year compulsory education program (previously, 5 years were compulsory), the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. As yet, no statistics are available concerning the impact of the mandatory 8-year education on child labor.

Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. Currently there are 318 centers located in 80 cities. These centers provide apprenticeship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

The Constitution prohibits compulsory labor, including that performed by children, and the laws generally are enforced; however, trafficking in foreign girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of work

The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent years, it has done so annually. However, during

the year there were two adjustments: the nominal minimum wage was increased in January by 15 percent and again in July by 10 percent, compared with an annual inflation rate of nearly 34 percent. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. The monthly gross minimum wage rates, which became effective in July, were approximately \$180 (118.8 million TL) for workers over age 16, and \$110 (75 million TL) for workers under 16.

The minimum wage does not provide a decent standard of living for a worker and family. 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. According to the results of an August survey conducted by the Public Workers' Labor Union, a four-member family requires \$834 (534 million TL) per month to live above the poverty line. Workers covered by the labor law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 37.3 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 per 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.

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

f. Trafficking in Persons

The Government deals with the problem of trafficking in persons through laws relevant to prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, especially the immigration and organized crime authorities, enforce antitrafficking laws. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits enticement to prostitution; however, penalties are light (up to 2 years' imprisonment). A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. These laws, and those dealing with illegal immigration, are most relevant to trafficking in persons.

Turkey is a major destination and transit country for trafficking in women and girls for the purpose of forced prostitution. The International Organization for Migration (IOM) and domestic NGO's stated that most trafficked women in the country are from Albania, Bulgaria, Moldova, Romania, and Ukraine. Arrests (and in most cases, deportations) of nationals from Moldova, Romania, and Ukraine rose from 6,700 in 1998 to approximately 11,000 in 1999, according to IOM. According to the Turkish National Police, 232 Moldovan, 293 Romanian, and 175 Ukrainian women were extradited in 2000. African and Asian women use Turkey as a transit point to other countries in Europe.

Organized crime groups appear to be the primary trafficking organizations. The Ministry of the Interior's organized crime department is responsible for combating trafficking. According to NGO's, victims of trafficking receive no governmental assistance and the trafficking cycle continues. Many women and girls come to the country believing that they have legitimate work as models, entertainers, governesses, or translators. In some cases, girls from Romanian orphanages have been kidnaped. Most of the activity occurs in Istanbul, Izmir, and Trabzon. Once in the country, the trafficked women and girls are in debt bondage to their traffickers, who are members of the mafia (mainly Russian). Women who attempt to escape often are beaten, gang-raped, or killed. The Government addresses this problem with laws relating to illegal migration and unregistered prostitution; registered prostitution is legal.

Reportedly there is almost no trafficking in Turkish women or girls. There were no reports of trafficking in children for the purpose of forced labor; legislation in this area addresses the issue (see Section 6.d.).

There is little formal interagency cooperation in dealing with the problem of trafficking. Representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, have met on this issue. The Alien's Department of the police is the most active governmental entity addressing this problem.

The Government does not provide any formal protection, aid, or education to victims of trafficking. Since the women being trafficked are not usually from Turkey, preventive education is less applicable. Women's shelters are open to women regardless of citizenship.

[End.]