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BACKGROUND REPORT ON
REFUGEES AND ASYLUM SEEKERS FROM
TURKEY

UNHCR
CENTRE FOR DOCUMENTATION AND RESEARCH
GENEVA, OCTOBER 1997

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UNHCR Report
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PREFACE

Turkey has been an important source country of refugees and asylum-seekers over a number of years. This paper seeks to define the scope, destination, and causes of their flight.

In the first part, the paper provides a statistical overview of Turkish refugees and asylum-seekers in Western European States, describing current trends in the number and origin of asylum requests as well as the results of their status determination. The data are derived from government statistics made available to UNHCR and are compiled by its Food and Statistical Unit.

The second part of the paper contains information regarding the conditions in the country of origin, which are often invoked by asylum-seekers when submitting their claim for refugee status. The Country Information Unit of UNHCR's Centre for Documentation and Research (CDR) conducts its work on the basis of publicly available information, analysis and comment, with all sources cited.

1. REFUGEES AND ASYLUM SEEKERS FROM TURKEY IN EUROPE AND THE UNITED STATES, 1990-1996: A STATISTICAL OVERVIEW

1.1 General comments

The statistics contained in the tables attached to this paper are based on the reporting by governments to UNHCR. While every effort has been made to ensure that the data are accurate, they should be considered as provisional and subject to change. The decisions (grants of asylum/refugee status, humanitarian status and rejections) usually refer to decisions in the first instance only. Most of the statistics refer to the number of persons, while those for the United Kingdom and the United States of America refer to the number of cases (c). A zero ('0') may indicate that the value is zero, rounded to zero, or not available. In the case of Bulgaria, the Czech Republic, Hungary, Poland and Australia, the zero indicates that the data are not (yet) available.

1.2 Main conclusions

Approximately 264,000 Turkish nationals applied for asylum in the countries listed during the period 1990-1996, with a peak in 1990, when their number nearly reached 50,000. In 1996, total applications for asylum by Turkish nationals numbered 38,300, or 8 per cent of all asylum applications. Germany received nearly two-thirds of all Turkish applications during 1990-1996. Unlike the other receiving countries, Germany experienced an increase in asylum applications by Turkish nationals in 1995-1996, and it received more than 80 per cent of all Turkish asylum-seekers.

In 1996, the Convention recognition rate for Turkish asylum-seekers was approximately 19 per cent, equal to the recognition rate for all asylum-seekers (19 per cent). When other non-Convention statuses are taken into account, the recognition rate for Turkish asylum-seekers becomes about 20 per cent, slightly lower than that for all nationalities (26 per cent).

The majority of Turkish asylum-seekers granted protection in the countries listed are granted Convention rather than humanitarian status. In 1996, about 7,800 Turkish asylum-seekers were granted Convention status, and 460 others were granted humanitarian (non-Convention) status. In total, almost 8,000 Turkish asylum-seekers were granted Convention or humanitarian status in the countries listed during 1996, of which 5,900 (76 per cent) were recognized as such by Germany. While Turkish asylum applications constituted approximately 8 per cent of all asylum applications in 1996 in the countries surveyed; in Germany they constituted 21 per cent of all applications.

2. RECENT POLITICAL DEVELOPMENTS

Political developments in Turkey are currently revolving mainly around two major issues: (a) the struggle between the defenders of the secular state, founded in the 1920s by Kemal Atatürk, and those who favour a greater role for Islam in all areas of society, and (b) the continuing armed conflict between the Turkish security forces and the separatist Kurdish Workers Party (PKK) in the Southeast of the country and with the

2. RECENT POLITICAL DEVELOPMENTS

Political developments in Turkey are currently dominated by two major issues: the struggle between the defenders of the secular state founded in the 1920s by Kemal Atatürk, and those who favour a greater role for Islam in all areas of society, and the continuing armed conflict between the Turkish security forces and the separatist Kurdish group, the Kurdish Workers Party (PKK) in the Southeast of the country and the consequent Turkish military incursions into Iraqi territory. In addition, there are public concerns about widespread corruption following a November 1996 traffic accident in the town of Susurluk, involving members of the Government, the security forces and organized crime.

2.1 The struggle between the secularists and the Islamists

On 7 July 1997, Turkish Prime Minister Mesut Yilmaz presented the 55th Government's Programme to the Grand National Assembly (Turkish Government's home page on the Internet). In its introduction it stated that:

The Motherland Party, the Democratic Left Party and the Democrat Turkey Party have come together and formed the 55th Coalition Government in order to save the country from the regime and state crisis created by the 54th Government; to eliminate social frictions by reinstating deteriorating credibility both at home and abroad, to strengthen the social order, to put an end to moral debasement and decadence in public administration, to materialize the aspirations of the public for a clean society and honest administration, to make sure that the economy recovers and becomes productive, to ensure the credibility of the State and to strengthen the secular Democratic Republic (*Ibid.*).

Mr. Yilmaz's nomination to head the three-party coalition marked the return to power for Turkey's secularists after one year of rule by the country's first Islamist Prime Minister, Necmettin Erbakan, whose Welfare Party (WP) had won more than 21 per cent of the votes in the December 1995 general elections, making it the largest party in parliament (*Reuters*, 12 July 1997; *Economist Intelligence Unit*, Country Profile, 1996-97). However, the Welfare Party's 158 seats in the 550-member Parliament were not enough to enable it to form a majority government (*New York Times*, 26 December 1995; *The European*, 28 December 1995-3 January 1996). Attempts to block the Welfare Party from power, through the formation of a coalition government including Tansu Çiller's True Path Party (TPP) and Mesut Yilmaz' Motherland Party (MP), were short lived as the two leaders failed to agree on who should be Prime Minister (*International Herald Tribune*, 11 January 1996). What followed instead was another coalition government, known as Refahyol, formed by the Welfare Party and the True Path Party, an arrangement that was to give Mr. Erbakan the premiership for the first two years of rule (*Ibid.*).

The Welfare Party's emergence as the largest group in Parliament is seen as the culmination of a process that began in the 1940s when President Ismet İnönü, who succeeded Kemal Atatürk, allowed the formation of political parties (*Middle East International*, 11 July 1997) and the founding of religious schools (*Info-Türk*, mars-

avril 1997). Thereafter, the period of Democratic Party rule in the 1950s saw the foundation of Quranic schools, Islamic brotherhoods and an opening up to the influence of Saudi fundamentalism (Ibid.; *The Middle East and North Africa* 1997, p. 988). Thus, despite the three military coups d'état (in 1960, 1971 and 1980), the Islamic movement penetrated all corners of the country, and in the 1980s the military junta added a special article to the Constitution calling for compulsory instruction in religious culture and moral education in primary and secondary schools, under State supervision, and also promoted the construction of new mosques (Ibid.; *Middle East International*, 11 July 1997). Consequently, although previously relegated to a marginal role, the Islamic movement in Turkey has reportedly grown into a force including "political parties, professional associations and interest groups, educational and welfare foundations, religious sects and orders, financial and investment institutions, publishing houses and newspapers, television and radio stations and a new generation of Muslim intellectuals" (Sayari, S., *Middle East Quarterly*, September 1996).

However, during Prime Minister Erbakan's first year in office, tensions mounted between his government and the secularist establishment and the military, and he was therefore forced to resign on 18 June 1997 after his government failed to comply with a list of 18 "recommendations" presented months earlier by the National Security Council (NSC)¹, which aimed to "halt the country's drift towards radical Islam" (Keesing's *Record of World Events*, March 1997). Some of the NSC "recommendations" called for, *inter alia*, the strict adherence to existing legislation banning religious attire; the monitoring of financial organizations controlled by religious sects in order to prevent their becoming significant economic forces within the country; a limit on the number of religious schools, which should in turn be controlled by the Ministry of Education, and surveillance of the Islamic press (Ibid.).

Upon taking office, Mr. Yilmaz' new government began to implement the NSC "recommendations". In early August 1997, the Turkish parliament voted into law a proposal to extend compulsory education from five to eight years, a move that will result in the closure of most of the 560 *imam hatips* throughout the country, which were initially opened to train imams for Turkey's mosques (*Middle East International*, 8 August 1997) and from which many supporters of the Welfare Party have graduated (*The Economist*, 14 June 1997). Approximately 500,000 children are said to attend these *imam hatips* (Reuters, 30 July 1997). The decision has brought thousands of Islamist protesters onto the streets (Reuters, 30 July 1997), leading to clashes with the police and vows from the government to crack down on "outlawed demonstrations" (Reuters, 20 August 1997).

¹ Article 118 of the 1982 Constitution states that the National Security Council is composed of the prime minister, chief of the general staff, the ministers of national defense, internal affairs, and foreign affairs, the commanders of the army, navy and air force, and the general commander of the gendarmerie, under the chairmanship of the president of the republic. The NSC submits to the Council of Ministers its views on making decisions and ensuring necessary coordination with regard to the formulation, establishment, and implementation of the national security policy of the state. In turn, the Council of Ministers shall give priority consideration to the decisions of the NSC (Heper, Metin and Aylin Güney, *Armed Forces and Society*, Summer 1996).

In addition, Turkish prosecutors have begun to investigate a charitable organization, the National Youth Foundation (MGV), believed to be closely associated with the Welfare Party and, as such, engaged in activities against the secular nature of the state (Reuters, 11 August 1997). Then, in April 1997, a Turkish court sentenced 122 members of the Aczmendi sect to up to four years' imprisonment because they reportedly formed an illegal group, insulted Kemal Atatürk and disobeyed a ban on Islamic dress (Keesing's, April 1997).

At a recent High Military Council meeting, the General Staff reportedly expelled 76 officers for disciplinary reasons, with 73 of them accused of Islamist sympathies (Middle East International, 8 August 1997). Similarly, on 26 May 1997, the Supreme Military Council reportedly expelled 61 officers and 100 non-commissioned officers from the armed forces, most of them suspected of having links with Islamic organizations (Middle East International, 30 May 1997).

2.2 The armed conflict with the Kurdish Workers' Party (PKK)

The armed conflict between the separatist Kurdish Workers' Party guerrillas and the Turkish government forces is now in its 13th year. Since the fighting began in 1984, PKK attacks followed by Turkish army reprisals have claimed an estimated 26,000 lives (Reuters, 22 August 1997). The PKK campaign has led to the migration of Kurds from exposed villages to district and provincial centres, or out of the Southeast altogether, while forcible evacuations by Turkish security forces have led to the destruction of nearly 3,000 Kurdish villages in the region (Human Rights Watch/Helsinki, June 1996; Minority Rights Group, November 1996). As of 1995, according to Mr. Francis Deng, the Representative of the Secretary-General on Internally Displaced Persons, more than two million people had been uprooted "following the Turkish Government's campaigns against the Kurdish Workers' Party (PKK) guerrilla movement" (A/50/558, 20 October 1995).

In response to the PKK's attacks, Turkish security forces, consisting of members of the army (140,000-150,000), the air force (10,000), the police (40,000), the gendarmes (40,000-50,000), and "village guards" (67,000) have waged their own campaign of terror in the Southeast, targeting not only hardened PKK guerrillas, but any Kurd suspected of supporting or even sympathising with the PKK's aims (Human Rights Watch Arms Project, 1995, p.44; Human Rights Watch, 1994). The police and gendarme forces, which are formally under the control of the Ministry of the Interior, play a major role in the Kurdish provinces, maintaining the martial law that was imposed in 1984, then changed to a state of emergency in 1987 and has been in effect ever since (Kürkçü, Ertugrul, Middle East Report, April-June 1996; HRW Arms Project, 1995, p. 44). At present, the state of emergency remains in six southeastern provinces: Diyarbakir, Hakkari, Siirt, Sirmak, Tunceli and Van (Amnesty International, telephone interview, 17 October 1997).

Also under Ministry of the Interior control are the Special Teams, or *Özel Tim*, consisting of approximately 15,000 to 20,000 "heavily armed security force members trained for close combat with guerrillas" (Amnesty International, 22 July 1994; operations (HRW Arms Project, 1995, p. 52), as well as a system of "village guards", or *Koruku*, established through two articles added to the Village Law in April

1985, initially to patrol their own villages but nowadays constituting an active part in offensive military operations (HRW Arms Project, 1995, p. 56). The Special Teams are described as "a well-paid all-volunteer force drawn from the ranks of elite units such as army commandos . . . an ideologically motivated force dedicated to destroying the PKK . . . drawn from the ranks of Turkey's ultranationalist right-wing groups, which harbor a deeply-held antipathy towards the Kurdish nationalist movement . . . [and] . . . have a history of being used by the government to combat its enemies" (Ibid., p. 53). The "village guards" are armed and paid by the authorities to fight the PKK guerrillas and to deny them access to logistical support from the villages in the area. While many villagers are reluctant to serve as "village guards" for fear of reprisals from the guerrillas, they equally fear reprisals from the security forces if they refuse. In theory, the recruitment into the village guard corps is voluntary, but refusal by individuals or entire villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas (U.S. Department of State, Country Reports for 1996, 1997; Middle East International, April-June 1996; Minority Rights Group, November 1996).

The security forces' campaign against the PKK included a six-week armed incursion into Northern Iraq in 1995 which drew international condemnation (Middle East International, 30 May 1997), and another in May 1997, code named "Operation Hammer", purportedly involving 25,000 to 50,000 troops (Ibid.). On this occasion, the Government reportedly denied the press access to the region and provided no detailed information about the operation. Instead, both the army and the PKK claimed major victories and cited heavy losses inflicted on the other (Ibid.).

The Turkish security forces have also pursued the practice of forcibly evacuating villagers from their homes in the Southeast, leaving nearly 3,000 villages and hamlets fully or partially depopulated (Human Rights Watch/Helsinki, June 1996; Financial Times, 1 August 1997). The number of forcibly displaced people in the Southeast is estimated to be between two to three million (Ibid.; Minority Rights Group, November 1996; U.S. DOS Country Reports for 1996, 1997). This has resulted in the appearance in most Turkish cities of "ramshackle slums on their outskirts, *gecekondu* 'houses built in one night' (World Refugee Survey, 1997 [electronic format]). Elsewhere, according to the U.S. Committee for Refugees,

[m]any of the displaced Kurds in provincial cities and towns crowd into homes of relatives, sometimes with more than 30 people residing in dwellings intended for a single family. Some are accommodated in tents, others homeless and destitute in the streets. A minority are housed in resettlement projects sponsored by the government (Ibid.).

While Article 125 of the Constitution states that "[t]he administration shall be liable for damages caused by its own acts and measures" (Human Rights Watch/Helsinki, June 1996), and Article 1 of Law 2953 of 25 October 1983 adds that "actions for compensation in relation to the exercise of the powers conferred by this law are to be brought against the Administration before the administrative courts" (Ibid.), programmes to compensate the forcibly evacuated villagers have reportedly been

inadequate mainly because of poor funding (Ibid.; U.S. DOS Country Reports for 1996, 1997).

2.3 Allegations of corruption

In November 1996, the Government faced allegations of State involvement in criminal activities following a traffic accident in the northwestern town of Susurluk, involving a car shared by a senior police officer, a wanted member of the mafia, Abdullah Catli, a pro-Government Kurdish deputy, Sesdat Bucac (of Tansu Çiller's True Path Party), and a former beauty queen (Europa World Yearbook 1997, Vol. II, p. 3262; Info-Türk, marz-avril 1997). A few days after the accident the Minister of the Interior, Mehmet Agar, resigned, and subsequent investigations revealed that Abdullah Catli was involved in drug trafficking as well as intelligence work for the state, possibly including the assassination of left-wing activists during the 1980s (Europa World Yearbook 1997, p. 3262). Moreover, there was evidence that Agar had held meetings with members of organized criminal groups and had secured Catli a gun license (Ibid.). Allegations of links between the drug underworld and politicians, and public calls for a full investigation have apparently not been heeded (Middle East International, 26 September 1997; The Middle East, October 1997, p. 21;). According to one observer, although the accident occurred during the rule of Necmettin Erbakan, and his Welfare Party, having been kept from the centres of power, could legitimately claim not to have any involvement with the incident, it is believed that the Prime Minister chose to protect his coalition partner, Tansu Çiller (Middle East International, 26 September 1997). Another observer notes that the Parliamentary Commission charged with the investigation yielded to pressure from the WP-TPP, and that its report, which was submitted on 3 April 1997 to the President of Parliament, "confirms the existence of gangs supported by State security officials, but rejects any insinuations that numerous criminal organizations had been funded by the State itself" (Info-Türk, marz-avril 1997). It adds that the report also failed to mention the names of mafia-linked politicians, allegedly because of the "hard-line position adopted by the WP-TPP" (Ibid.). Hopes that the government of Prime Minister Mesut Yilmaz would pursue the investigation appear to be fading following a September 1997 court decision to release a former deputy head of the police "Special Teams", Ibrahim Shahim, and his men, who had been charged in connection with the "Susurluk affair" and who, on their release from prison, were reportedly greeted as heroes by members of the Grey Wolves ultranationalist group (Middle East International, 26 September 1997).

3. HUMAN RIGHTS CONCERNS

3.1 International Legal Framework

Turkey has ratified the 1951 Convention relating to the Status of Refugees (CSR51), with a geographical limitation; the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); the Convention on the Rights of the Child; the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR50) and its additional Protocols 1, 2, 3, 5 and 8; the Convention on the Elimination of all Forms of Discrimination Against

Women, and the European Convention for the Prevention of Torture (ECPT). Turkey has not ratified the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of Racial Discrimination.

3.2 National Legal Framework

The Constitution

Article 15 (Chapter One) of the 1982 Constitution of the Republic of Turkey states that

in times of war, mobilisation, martial law, or state of emergency the exercise of fundamental rights and freedoms can be partially or entirely suspended, or measures may be taken, to the extent required by the exigencies of the situation, which derogate from the guarantees embodied in the Constitution, provided that obligations under international law are not violated.

State of Emergency Decree 430

Since the start of the separatist PKK's attacks against the Turkish authorities in 1984, most of the Kurdish-inhabited provinces in the Southeast have been ruled under a State of Emergency (HRW Arms Project 1995, p.19; Europa World Yearbook 1997, p. 3263; The Middle East and North Africa 1997, p. 998; U.S. DOS Country Reports for 1996, 1997). Under the State of Emergency, each province comes under the jurisdiction of a district governor who may "censor news, ban strikes or lockouts, and impose internal exile" (U.S. DOS Country Reports for 1996, 1997). The district governor is answerable to a regional governor who, in turn, is authorized to "exercise certain quasi-martial law powers, including restrictions on the press and removal from the area of persons whose activities are deemed hostile to public order" (Ibid.).

Codified in 1990, Decree 430 doubles the sentences of those convicted of cooperating with separatists; it rewards informants and convicted persons who cooperate with the State by making them eligible for reduced sentences, and permits only a limited judicial review of the decisions of the State of Emergency governor (Ibid.).

The Anti-Terror Law (No. 3713)

According to the U.S. Department of State, the 1991 Anti-Terror Law, with its broad definition of terrorism, continued to be used in 1996 to "detain alleged terrorists and others on the charge that their acts, words, or ideas constituted dissemination of separatist propaganda" (Country Reports 1996, 1997).

Article 1 (Chapter 1) of the Turkish Anti-Terror Law defines "terror" as

every action, either by an individual or several people belonging to an organization whose goal is to change the nature of the Republic as specified in the Constitution, be it its political, judicial, social, economic or lay system; to threaten the territorial or national indivisibility of the State;

to threaten the existence of the State and of the Turkish Republic; to weaken, destroy or subvert the authority of the State; to eliminate the fundamental rights and liberties or threaten the internal and external security of the State, public order or public health, through the use of coercion, force or violence, terror, intimidation, repression or threats (Anti-Terror Law, as published in the journal "Resmi Gazete", 12 April 1991; unofficial translation).

Article 7 prohibits activities by associations, foundations, unions and other similar institutions supporting terrorist activities, adding that these institutions will be closed by decision of a tribunal, and their goods confiscated.

Article 8 deals with propaganda against the indivisibility of the State and continued to be used to prosecute and imprison people for peacefully expressing their opinions (Amnesty International Report 1996 1996, 1997). However, in response to concerns that its application was conducive to violations of human rights, Article 8 was amended by Law 4126 of 27 October 1995 (Council of Europe, Parliamentary Assembly, 22 December 1995). Accordingly, the amendment "introduced the notion of 'motive' or 'intention' to disrupt the integrity of the country, reduced the upper and lower limits of imprisonment, converting prison terms into fines or suspending future prison terms" (Ibid.). In its new version, Article 8 reads as follows:

"Written and oral propaganda and assemblies, meetings and demonstrations aimed at damaging the indivisible unity of the state of the Turkish Republic, its territory and as a nation, are forbidden. Those conducting such an activity are to be punished by a sentence of between one and three year's imprisonment and a fine of between 100 to 300 million Turkish Lira. In the case of re-occurrence of this offence, sentences shall not be committed to fines" (Ibid., Addendum, 8 March 1996).

Demonstrations Act of 1983

The Demonstrations Act of 1983 sets down limitations on the right to freedom of expression collectively and publicly, with permission required before holding a demonstration (Rumpf, 1993). However, it is reportedly difficult to obtain permission to protest against government policies, as they are usually forbidden or postponed for reasons of "public order", and spontaneous demonstrations are illegal and punishable by imprisonment of up to three years (Ibid.).

Military Criminal Law

Article 63 - Dealing with draft evasion, Article 63 stipulates that: in times of peace, conscripts and draft evaders who absent themselves from their military duties without valid reason shall be imprisoned for one month. For those who report after seven days but within three months the prison term shall be three to twelve months, but if they are arrested within those initial three months their prison term shall be four to 18 months. Those who report after three months shall be imprisoned for four months to two years, but if they are arrested their punishment shall be six months to three years of heavy imprisonment. Heavy imprisonment is a sentence that cannot be converted to a fine, whereas the other punishments foreseen in the law can be converted to fines

or postponed, according to the character of the offender and the circumstances of the offence.

Article 66 (amendment 3574 of 14 June 1989) sets out the penalties for desertion. (A) one to three years' imprisonment for (1) those who leave their units or stations for more than six days without official authorization, and (2) those who, having official leave, do not return to duty within six days following the end of such leave. (B) A minimum of two years' imprisonment will be imposed on (1) those taking away arms and equipment belonging to the army, (2) those who escape while serving, and (3) repeat offenders.

Article 67 (amendment 3574 of 14 June 1989) sets out the conditions and circumstances under which persons believed to have fled the country will be punished. (A) Terms of three to five years' imprisonment will be imposed on: (1) military personnel who leave the country after a three-day absence (during war, this period is one day); (2) those who, no longer being prisoners of war, do not approach a unit or military authority, either deliberately or through negligence; (3) those who, having become separated from a Turkish ship or airplane abroad, either deliberately or through negligence, do not approach a Turkish warship, the nearest Turkish consulate or the office of an allied government. (B) Terms of five to ten years' imprisonment will be imposed on (1) those who take away arms, ammunition, vehicles or equipment, animals or any other property of the army; (2) those who escape while in service; (3) repeat offenders, and (4) those who escape during mobilization for war.

3.3 Political Parties of Turkey

The Law of Political Parties (Law No. 2820), Article 81, stipulates that

[p]olitical parties may not (a) claim that there are any national minorities based on differences of national or religious cultures or on differences of sect or language on the territory of the Republic of Turkey; (b) pursue the objective of disrupting the national integrity by creating minorities . . . by means of protecting, developing or promoting any language or culture other than the Turkish language or carrying out any activities to that effect (Minority Rights Group, November 1996).

ANAP - *Anavatan Partisi* - (Motherland Party - MP)

Founded in 1983, merged in 1986 with the newly founded Free Democratic Party. The party's leaders are Mesut Yilmaz and Ekrem Pakdemirli. It reportedly supports "a free-market economic system, moderate nationalist and conservative policies, integration with the European Economic Community, and closer ties with the Islamic world (Middle East Report, Spring 1996).

CHP - *Cumhuriyetçi Halk Partisi* - (Republican People's Party - CHP)

Founded by Kemal Atatürk in 1923, the party was dissolved in 1981 and reactivated in 1992. In 1995 it merged with *Sosyal Demokrat Halkçı Parti* (Social Democratic People's Party, SHP). Its leaders are Deniz Baykal and Adnan Keskin (Ibid.).

DSP - *Demokratik Sol Partisi* - (Democratic Left Party - DLP)

Led by Bülent Ecevit, it is supported by members of the former Republican People's Party, CHP (*Ibid.*). The party reportedly advocates a harder line on the Kurdish question and is "more lukewarm towards Europe" (EIU Country Profile, 1996-97).

DYP - *Dogru Yol Partisi* - (True Path Party - TPP)

Founded in 1983 to replace the Justice Party, which had been founded in 1961 and banned in 1981. One of its leaders is Tansu Çiller (*Ibid.*).

MHP - *Miliyetçi Hareket Partisi* - (Nationalist Movement Party)

Founded in 1983. Its leader, Alparslan Türkeş, died in April 1997 (EIU Country Profile, 1996-97; Keesing's, April 1997). The new leader is Devlet Bahçeli.

RP - *Refah Partisi* - (The Welfare Party - WP)

Founded in 1983 by Necmettin Erbakan (Middle East Report, Spring 1996). The Welfare Party is the successor of the National Salvation Party (NSP) which was founded in 1972 by Mr. Erbakan and dissolved by the military leadership in 1981 (Ayata, S., 1996). An Islamist party, it opposes integration with the European Union and favours closer ties with neighbouring Islamist states (Middle East Report, Spring 1996). WP is said to be widely regarded as the most efficient and elaborately organized of the political parties, with "highly motivated, well-disciplined and strongly committed activists [who] believe in their political cause as a mission ordained by God" (Ayata, S., 1996). Because it offers people an ideology, material benefits and sympathy, it has been strengthened by a supportive grassroots membership (*Ibid.*; Sayari, S, Middle East Quarterly, September 1996). Mr. Erbakan became Turkey's first Islamist prime minister in 1996, and was forced to resign in June 1997 "under pressure by the secularist establishment led by the powerful military" (Reuters, 11 August 1997). In May 1997, Turkey's Appeals Court prosecutor requested the Constitutional Court to close down the party for "creating a 'civil war atmosphere'" and attempting to undermine the country's official secular order (*Ibid.*; Middle East International, 30 May 1997). The case is still under review (Reuters, 11 August 1997).

HEP - *Halkın Emek Partisi* - (People's Labour Party)

The HEP was the first legal Kurdish political party, established in 1990 by former members of the SHP (Social Democrat Populist Party) after their expulsion from the SHP (van Bruinesen, Martin, 1996). Although it could not openly proclaim itself as a Kurdish party, its platform was "based implicitly on Kurdish nationalism" (*Ibid.*). The party is now illegal (Middle East Report, Spring 1996), and a number of its leaders have been victims of alleged assassinations in the past several years (Bozarslan, Hamit, 1996).

DEP - *Demokrasi Partisi* - (Democratic Party)

The party was closed by a court order in 1994 and its 14 members of parliament either were imprisoned or left the country (Economist Intelligence Unit, Country Profile 1996-97). Several of its leaders have allegedly been assassinated in the past several years (Bozarslan, H., Middle East Report, Spring 1996).

HADEP - *Halkın Demokrasi Partisi* - (People's Democratic Party)

A successor to the HEP and DEP, it is reportedly the most popular party in the Kurdish areas of Turkey (Middle East Report, Spring 1996). In the 1995 elections, the party campaigned on a Kurdish platform, "lambasting the state for burning Kurdish villages, for denying Kurds the right of free expression, for maintaining a draconian emergency rule in the Southeast, and for its unwillingness to investigate scores of unresolved murders of mostly Kurdish activists" (Barkey, H., World Policy Journal, Spring 1996). Its leaders were jailed in 1996 (EIU, Country Profile, 1996-97).

DHKP/C - - (Revolutionary People's Liberation Party/Front)

Founded in the early 1990s as an offshoot of the defunct *Dev Sol* (Revolutionary Left) urban guerrilla group. The party is outlawed. One of its leaders, Nezihi Altinay, was killed along with seven other guerrillas in a clash with security forces in the province of Sivas in January 1996 (Turkish Daily News, 3 February 1996). During 1995 the group reportedly staged 589 "incidents", of which 178 were acts of violence (Turkish Daily News, 8 January 1996).

TBKP - Türkiye Birlesik Komünist Partisi - (The United Communist Party of Turkey - UCPT)

Founded in 1988 through the merger of the Communist Party of Turkey (*Türkiye Komünist Partisi* - TKP) and the Workers' Party of Turkey (*Türkiye İşçi Partisi* - TIP). Its leadership included Nihat Sargin and Haydar Kutlu. The party was dissolved in 1991 by order of the Constitutional Court on the grounds that it violated Article 14 of the Constitution, which prohibits "establishing the hegemony of one social class over others" (Revolutionary and Dissident Movements, 1991; U.S. DOS Country Reports for 1993, 1994).

SP - Sosyalist Parti - (Socialist Party - SP)

The Socialist Party was reportedly a small, Maoist and anti-American radical party, which apparently provided legal cover for radical Kurdish organizations. It was led by Dogu Perincek, a journalist who founded several Communist journals during the 1980s, one of which was accused by the authorities of carrying Kurdish separatist propaganda. The party was dissolved on 10 July 1992 by the Constitutional Court on the grounds that it, too, violated Article 14 of the (Ibid.).

DS - Dev-Sol - Devrimci Sol - (Revolutionary Left)

The Revolutionary Left, described as a "Marxist-Leninist" party, was founded in the late 1960s. It was reportedly the major non-Kurdish organization committed to armed struggle, although there were alleged operational links between *Dev-Sol* and the PKK (Ibid.).

PKK - Partiya Karkeren Kurdistan - (The Kurdish Workers' Party - KWP)

Founded by Abdullah "Apo" Ocalan on 27 November 1978 in the Lice district of Diyarbakir province. Following the 1980 coup d'etat the party moved its headquarters to the Bekaa valley in Syrian-controlled eastern Lebanon, with Abdullah Ocalan residing in Damascus ever since (Middle East Report, July/August 1994). The most militant of the Kurdish political groups, the PKK advocates armed struggle to achieve an independent Kurdish state slicing through Turkey, Syria, Iraq and Iran (Ibid., EIU Country Profile, 1996-97). It reportedly differs from other Kurdish political parties in that its social base includes a "sizeable portion of workers and peasants" (Middle

East Report, July/August 1994.), and "detrified", educated Kurds from poor backgrounds (Revolutionary and Dissident Movements, 1991), as well as thousands of women (Middle East Report, July/August 1994). At the end of 1996, Abdullah Ocalan is reported to have called for negotiations with the Turkish Government, indicating that the PKK was prepared to settle for autonomy and cultural rights for Turkey's estimated 10 to 15 million Kurds (Reuters, 23 December 1996).

3.4 General Respect for Human Rights

According to Human Rights Watch, human rights violations continued to take place mainly in the Southeast of the country, either by state actors or by others, and the unrest expanded west to the rural Alevi villages of Sivas province as the PKK and other armed groups clashed with security forces (Report 1997). In its report on Turkey for 1996, to the U.S. Department of State indicated that

"Human rights abuses were not limited to the Southeast. Extrajudicial killings, including deaths in detention, from the excessive use of force, in safe house raids, and 'mystery killings', continued to occur with disturbing frequency. Disappearances also continued. Torture remained widespread: [p]olice and security forces often abused detainees and employed torture during periods of incommunicado detention and interrogation. Prolonged pretrial detention and lengthy trials continued to be problems" (Country Reports for 1996, 1997);

The same report also refers to the increased awareness of the human rights issue in the Turkish Government, Parliament, the media, academia, business circles and the general public, who recognize existing inadequacies and the need to bring policies in line with international obligations and commitments as well as with popular aspirations and demands (U.S. DOS Country Reports for 1996, 1997). Human Rights Watch adds that the Government took some actions in 1996 to investigate and prosecute allegations of human rights abuses: State Minister for Human Rights, Adnan Ekmen reportedly brought charges against officers implicated in the killing of Metin Gotkepe, a journalist of the leftist Istanbul daily "Evrensel", who was detained by police in front of other reporters as he was covering the 8 January 1996 funeral of prisoners beaten to death in a prison unrest, and whose body was found hours later in the sports center where he had been detained, bearing signs of internal bleeding due to blows (Annual Report 1997; Amnesty International, Report 1996, 1997). In April 1996 a trial was launched against the village guards implicated in a 5 February 1996 killing in Diryarbakir. In June 1996 a trial was started against ten officers charged with torturing 16 high school students in Manisa the previous January. In late September Justice Minister Kazan ordered an investigation after a prison riot in Diryarbakir took ten lives, and suspended three senior prison officials (Ibid.).

Arbitrary arrest

Although the Turkish Constitution stipulates the right of detainees to speedy arraignment and trial, judges have reportedly ordered a large number to be detained indefinitely, sometimes for years (U.S. DOS Country Reports for 1996, 1997). In some instances, people are held for up to 30 days without formal charges, and lawyers

complain that they do not get access to people held for political crimes and that detentions are not registered for days (Reuters, 5 February).

Moreover, **Amnesty International** claims that children have been victims of abuses by both the state forces and the PKK, and that violations against children as young as 12 years of age appear to be on the increase (November 1996). Children and juveniles detained on suspicion of minor offenses have been reportedly tortured, and children from less advantaged backgrounds appear to be particularly at risk (Annual Report 1996, 1997).

Disappearances

In its last report to the Commission on Human Rights, the Working Group on Enforced or Involuntary Disappearances indicated that of the total 132 reported cases of disappearance transmitted to the Turkish Government since 1990, most of them occurred in 1994 (E/CN.4/1996/38, 15 January 1996). It added that despite a decrease in the reported number of disappearances since 1994, these continue to occur, especially in the context of the clashes between the security forces and the PKK, with the Southeast of the country the most affected region (Ibid.). According to **Amnesty International**, at least 23 people disappeared while in the custody of police and soldiers during 1996. As an example, it cites the April 1996 "disappearance" of a man after being abducted in Diyarbakir by two men, and the November 1996 disappearance of two men after being detained in the same city (Annual Report 1996). On the other hand, the U.S. Department of State reported that the PKK were responsible for at least 23 disappearances during 1996 (U.S. DOS Country Reports for 1996, 1997).

Extralegal executions

Amnesty International reported numerous deaths in prison due to severe beatings: in January 1996, when police and gendarmes were brought in to quell unrest, and in September 1996 in Diyarbakir prison, as a result of premeditated assault by security forces (Annual Report 1996). Commenting on the latter incident, the U.S. Department of State added that a parliamentary commission investigated and recommended that 68 police and security personnel be tried for their role in the violence, and that they be charged with manslaughter (U.S. DOS Country Reports for 1996, 1997). In a separate incident, a man was allegedly shot in February 1996 for formally complaining about the November 1995 forced evacuation and destruction of his village (Amnesty International, Annual Report 1996).

In addition, armed members of the PKK were said to be responsible for numerous deliberate and arbitrary killings, as was the Revolutionary People's Liberation Party-Front (DHKP-C) (Ibid.). Both the PKK, the DHKP-C and other armed groups such as the Turkish Workers' and Peasants' Liberation Army (TIKKO), reportedly used the threat of murder as a form of party discipline (Ibid.). The U.S. Department of State added that PKK terrorists "murdered non-combatants, targeting village officials, teachers and other perceived representatives of the State and committed random murders in their effort to intimidate the populace" (U.S. DOS Country Reports for

1996, 1997). The PKK "murdered 447 people in several operations, including at least 109 unarmed civilians, and wounded 900 other people" (Ibid.).

Freedom of expression

Limits on freedom of expression are reported to remain a concern: 135 journalists were detained, of whom eleven were formally arrested (Ibid.). These limitations reportedly also extended to academics, students, members of parliament and intellectuals (Ibid.). Alleged terrorists and others were said to have been detained under the 1991 Anti-Terror Law on charges that "their acts, words or ideas constituted dissemination of separatist propaganda" (Ibid.).

Torture

Many human rights observers report that torture stands out as one of Turkey's most serious human rights offences and that the practice is facilitated by its domestic law, which restricts rights to due process and freedom of expression, which allows prosecutors to hold certain suspects for up to 15 days, or 30 days under a state of emergency, without access to counsel or appearance before a magistrate (Physicians for Human Rights, August 1996; Human Rights Watch, Report 1996). They note that the government's failure to aggressively prosecute those responsible for torture and its coercion of health professionals to refrain from reporting it have enabled Turkish officials to deny that torture is systematically practiced in Turkey (Physicians for Human Rights, August 1996; Human Rights Watch, Report).

According to other observers, during 1996 there were "well-documented" incidents of police, gendarmes and security forces torturing people, including children and juveniles, held in incommunicado detention either for common offences or for those falling under the Anti-Terror Law (Amnesty International, Report 1996); U.S. DOS Country Reports for 1996, 1997). Physical torture is said to be inflicted early in the detention period, which allows for a period of two or more weeks for any visible signs to disappear before an examination by a physician for an official medical report (Physicians for Human Rights, August 1996, 55). Moreover, detainees claiming to have been tortured seldom have their injuries properly documented by doctors working for the state, and there is frequent intimidation of independent doctors (Amnesty International, December 1996; Physicians for Human Rights, August 1996). Some of the most frequently used torture methods allegedly include high pressure cold water hoses, electric shocks, severe beatings, including beating on the soles of the feet, or *falaka*, beating of the genitalia, various forms of suspension, blindfolding, sleep deprivation, deprivation of clothing, isolation, immobilization, mock executions, vaginal and anal rape with truncheons and gun barrels, threats to friends and family, being forced to witness the torture of others (U.S. DOS Country Reports for 1996, 1997; Physicians for Human Rights, August 1996).

3.5 The Situation of Minorities

According to the World Directory of Minorities, the following groups constitute the main minorities in Turkey: Kurds (13 million - 22%), Alevis (10 million - 17%), Zaza language group (3 million - 5%), Balkan origin (2 million - 2.2%), Arabs (1.2 million -

2%), and Turkoman groups (500,000 - 0.8%) (Minority Rights Group, 1997). The main religious minority groups are the Alevis, the Greek, Armenian and Syrian Christians, and the Jews. Of these, only the Greek and Armenian Christians and the Jews were formally acknowledged as minorities under the 1923 Treaty of Lausanne (Ibid.). At that time, Turkey also agreed not to impose any restrictions on the "free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings . . . or orally in court" (Ibid.).

Alevis (Alawis)

A minority Muslim sect that deviates from traditional Sunni interpretations of Quranic principles. Of an estimated three to five million Alevis in Turkey, one-third are said to be Alevi Kurds (McDowall, D., 1992). While they are strong supporters of the secular state, Alevis have felt discriminated against in areas such as education, where religious lessons have reportedly ignored their interpretation of Islam, and in the government's allocation of funds to Sunni mosques, which have left Alevi prayer houses (*cemevis*) dependent upon donations (Marcus, A., Middle East Report, Spring 1996). Despite generally good relations between Sunnis and Alevis, two highly publicized massacres of Alevis took place in 1978 and 1992: in 1978, hundreds of Alevi Kurds in Marash were reportedly killed by members of a group known as the Grey Wolves (National Action Party), and in 1992 Islamic militants in Sivas started a fire that burned to death 37 Alevi intellectuals (EIU Country Profile, 1996-97; McDowall, D., 1992; van Bruinesen, M., 1992). Following the 12 March 1995 shooting spree into Alevi coffee houses by "anonymous gunmen" which resulted in two or three deaths and 15 injured (Keesing's, March 1995; Middle East International, 17 March 1995; The Economist, 18 March 1995), an Alevi protest against the police in the city of Gazi turned violent, with youths tossing petrol bombs at police and the latter opening fire into the crowds, resulting in 14 to 20 additional deaths (InterPress Service, 13 April 1995; Marcus, A., 1996; van Bruinesen, M., 1996). Some Alevis who participated in the demonstrations were reportedly imprisoned, and at least one of the detainees, Hasan Ocac, a Kurd, is said to have died while in custody, with his body allegedly "[bearing] torture marks" (Middle East International, 31 March 1995; InterPress Service, 23 May 1995). Alevi Kurds in the province of Sivas have reportedly been forced to evacuate their villages by the security forces in their search for Kurdish separatists (Turkish Daily News, 7 February 1996).

Armenians

Armenians constitute one of the recognized non-Muslim minorities of Turkey under the Treaty of Lausanne (Bundesamt für Flüchtlinge, January 1994). There are about 30,000 Armenians remaining in the country, mostly in Istanbul. Although they have inhabited the land for more than 2,000 years, they are reportedly regarded as foreigners by most Turks, yet have difficulty registering their children as Armenians (Ibid.). The Armenian Patriarchate is said to have reported incidents of harassment against their churches in Istanbul, or of "encroachment by certain Muslim extremist groups on lands belonging to the Armenian community (U.S. DOS Country Reports for 1996, 1997).

Jews

Approximately 25,000 Jews are said to remain in Turkey, mostly in Istanbul, with small numbers in Izmir, Ankara, Bursa and other places. The community is reported to be dwindling progressively as younger Jews tend to marry other non-Jewish members of the community (Ibid.). The EIU indicates that Sephardic Jews "still play an important and respected role in business and the professions" (Country Profile, 1996-97).

Kurds

The Kurdish minority is said to constitute the fourth most numerous people in the Middle East and is one of the largest minority groups in the world (World Directory of Minorities, 1990). Out of a total Kurdish population of approximately 25 million (spread out over areas of Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan), in Turkey they are estimated to number about 13 million (The Middle East and North Africa, 1992; Middle East Report, July-August 1994; World Directory of Minorities, 1997). The Turkish Constitution does not recognize Kurds as a national, racial or ethnic minority. While there are no legal barriers to their participation in political and economic affairs, those who publicly assert their ethnic identity risk harassment or prosecution (U.S. DOS Country Reports for 1996, 1997). The Kurdish language is allowed only in "non-political communication" and political debates must be in the Turkish language (Ibid.).

Syrian (Suryiani) Orthodox Church (also referred to as Assyrians)

Approximately 4,000 Suryianis are believed to remain in Turkey, mainly in the province of Mardin. Denied official recognition by the government, the group's numbers continue to decline because of "pressure from Islamic revivalists, Sunni Kurdish landlords who seek to acquire their lands, and local security forces which consider Christians 'un-Turkish' and therefore turn a blind eye to local harassment" (Ibid.; Amnesty International, 13 July 1996). Moreover, Assyrians are said to be caught in the middle of the fighting between the Turkish military and PKK guerrillas, with 30 of them dying in the crossfire since the start of that conflict (Ibid.). In June 1996 four Assyrian men were reportedly arrested by the Turkish military on grounds of providing food and shelter to PKK guerrillas (Amnesty International, 13 July 1996).

Greek Christians

There are an estimated 3,000 Greek Christians remaining in Turkey, out of a population of 80,000 in 1963. Their decreasing numbers are reportedly due to "formal expulsions, police harassment and a climate of fear and popular animosity" (Ibid.). Moreover, they are said to have no control over their schools, as permitted by the Treaty of Lausanne, and their press is subjected to censorship. Islamic revivalist hostilities, official manipulation and the denial of their ethnic identity are reported to be additional difficulties (Ibid.).

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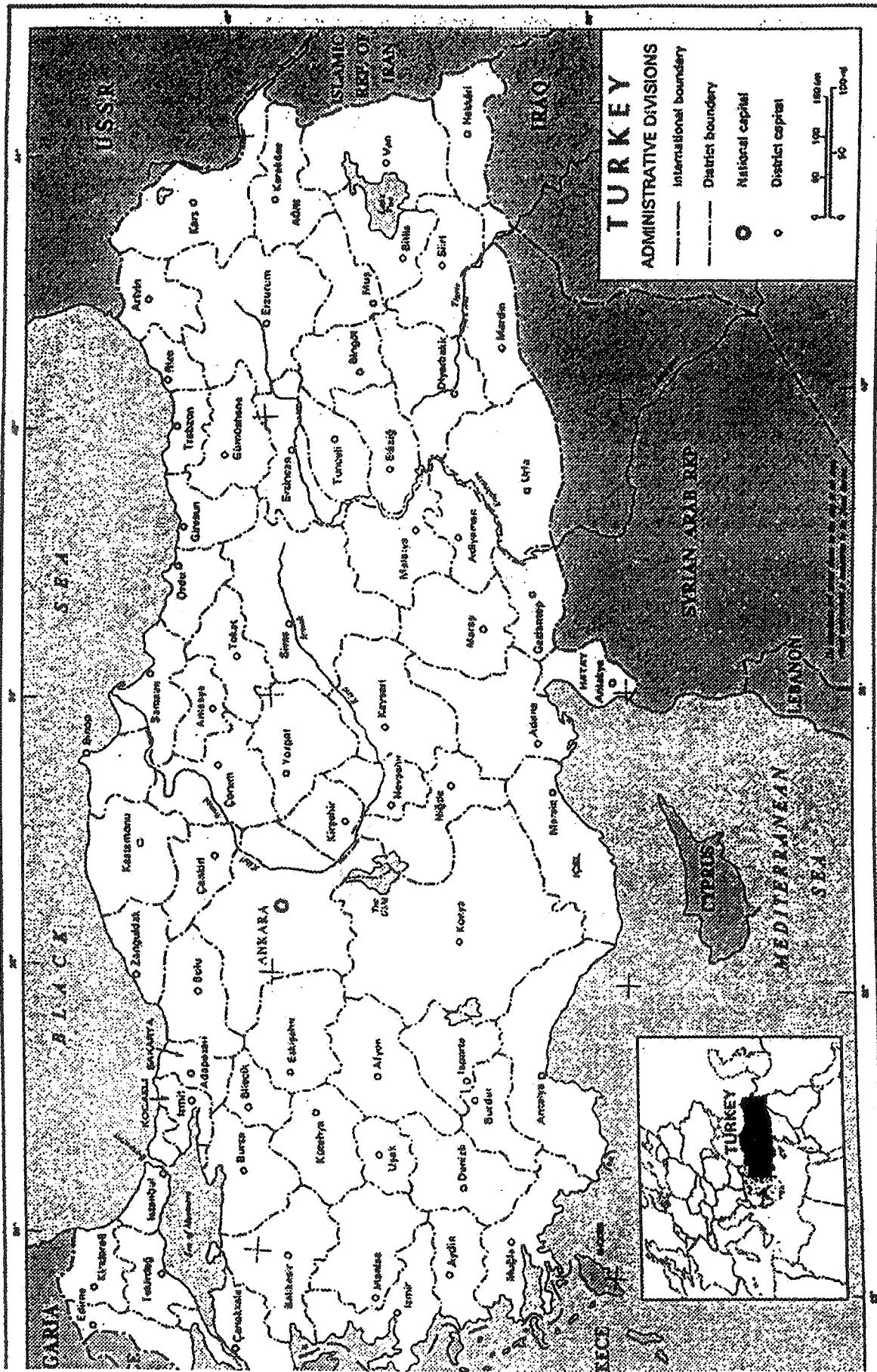
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Map 3 UNITED NATIONS

