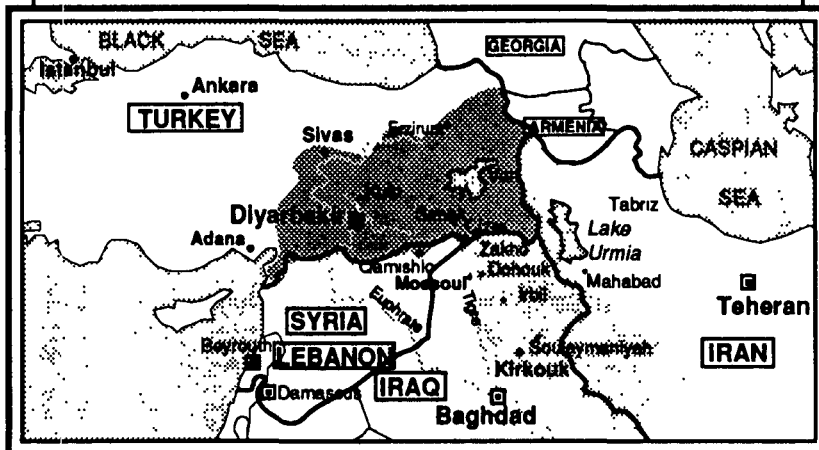


INSTITUT
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DE PARIS



**THE SITUATION IN
TURKISH KURDISTAN**

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The tragic fight of the Kurdish people, which has lasted for such a long time, has its origins in the principle right of every population to auto-determination. This is why it is a righteous fight.

I call open all governments, organizations and citizens of all countries as well as the international organizations to become aware ; in their relations with the countries where Kurds live, they should become aware of the real politics conducted by the leaders of these countries and their politics concerning the Kurds.

No manifestation of cruelty, no national or social injustice, no impinging on human rights and no genocide should go unnoticed. Neither should it remain without consequence for those countries allowing these actions.

Andrei Sakharov

Excerpt from Mr. A. Sakharov's message at the
International Conference in Paris:
"The Kurds: Human Rights and Cultural Identity,"
October 14-15, 1989.

THE SITUATION IN TURKISH KURDISTAN

- From repression to “total war”
- A few basic facts
- The destruction and evacuation of Kurdish cities and villages
- Assassinations of Kurdish civilians
- Censorship
- Turkish points of view
- Western testimony

FROM REPRESSION TO "TOTAL WAR"

A toll established by the Turkish daily *Cronhuriyet* (Turkish equivalent to *Le Monde*) dated December 12, 1989 under-scores the massive character of the repression: 650,000 (six hundred and fifty thousand) persons, (in the majority Kurds), have been in police custody from September, 1980 to December, 1989. Detention, which could last up to 90 days, resulted in 210,000 (two hundred ten thousand) trials. The use of torture was systematic; 171

persons died as a result of torture; thousands of prisoners were handicapped for life. The number of "suspicious deaths" in prison is more than 300. Fourteen prisoners died during hunger strikes started to protest against the inhuman conditions of detention. Thirty thousand persons were obliged to flee the country for political reasons. Approximately 14,000 lost their Turkish citizenship by decree of the Council of Ministers. Three hundred eighty-eight thousand citizens are forbidden to have passports. The number of citizens labeled as "little trustworthy" or "suspicious," therefore forbidden all public employment, would number in the millions.

It is on this background that armed fighting could break out in

Since the military coup of September 12, 1980, operations of massive repression carried out in the Kurdish provinces have resulted in the exodus of 5 to 6 million Kurds to the western provinces of Turkey and the emergence of a guerrilla movement in Turkish Kurdistan as of August, 1984.

Kurdistan, often at the initiative of their children or those close to victims of that savage repression. The start of the guerrilla, at its turn, opened the way to more pronounced military and police control in the Kurdish provinces, submitted to a state of emergency.

The hopes aroused in April, 1991 by the announce of the search for a political solution to the Kurdish question were quickly disappointed. Certainly, a law forbidding even the oral use of the Kurdish language was abolished, but a law called "anti-terrorist," proclaimed at the same time, assimilated publications, teaching and radio diffusion in Kurdish as terrorist acts. Even books in Turkish about Kurds continued to be confiscated. (Cf. the incomplete list

of banned and confiscated books). At the same time, thanks to a general pardon, about 40,000 (forty thousand) prisoners were released, but they could not recover their civil rights. In particular, Kurdish militants, who had often already spent 11 years in prison for the offense of "separatist" opinions, remain deprived of their political and civil rights for the rest of their lives. Kurds exiled in Europe remain stripped of their citizenship.

The government coalition formed after the elections of October, 1991 has not kept its promise of "recognition of the Kurdish reality in Turkey" either. No concrete step has been taken in this direction. None of the reforms in the direction of democratization announced with a great deal of publicity in the media has been implemented. One even notices a very strong toughening in Turkish policy. (Cf. the speech of the president of the Court of Appeal). **The civil power has given the army and the police a free hand to lead a total war on Kurdistan as they like.**

In effect, since spring, 1992, it is no longer a question of repression or of limited operations carried out against the Kurdish guerrilla, but of a war mobilizing more than half the

Kurdish aviation troops assisted by special anti-riot units (TIM), of more than 30,000 *korucu* (backup troops of farmers paid by Ankara) and death squads. The aviation bombs and sets fire to forests and villages in Turkish Kurdistan. **Up to now, 296 villages have been evacuated by the army;** several dozens have been burned (cf. attached list). In a process that is reminder of Saddam Hussein's destruction of Iraqi Kurdistan, the Turkish army, using various pretexts, now destroys Kurdish frontier towns and cities located in the mountains and obliges their inhabitants to go live elsewhere, preferably in Turkish Anatolia, in order to increase the depopulation of Kurdistan. To this day, 4 cities—Sirnak, Çukurca, Kulp and Varto—have been destroyed by the Turkish army (cf. testimony gathered by the press and international organizations). **Faced with the absence of significant international reactions, Ankara could systematize this policy of destruction and evacuation of Kurdistan.**

Assured of total impunity, Turkish special units make terror reign in Kurdish cities known to be "strongholds of Kurdish nationalism." **In one year, more than 350 Turkish civilians, including 9 journalists,**

doctors, engineers, professors, etc. **have been assassinated by death squads put in place by special units of the Turkish kontrgerilla.** None of the authors of these crimes has been pursued; those arrested by the population and handed over to the police have been freed quickly because of "insufficient evidence." Because of this, the victims' families, who have lost all confidence in the justice of the Turkish state, no longer lodge complaints. Turkish power in Kurdistan is less and less saddled with arrests and trials; it privileges summary executions of "suspicious" Kurdish militants more and more.

The Turkish authorities who have carried out a "holy union" with the army at the political level, have also succeeded in mobilizing almost all the written press, radios and televisions for their outrageous propaganda. The few magazines and revues concerned with being independent are either stifled economically by frequent confiscations, or prevented from going to the Kurdish provinces by various assassinations and threats. In this context of control of information, only the version given by the military command is diffused by the media. This obviously favors all the killings

and manipulations. Thus, several atrocious massacres of Kurdish villagers and bus passengers attributed to the PKK revealed themselves to be the work of special units disguised as Kurdish guerrillas or as backup troops (*korucu*) commanded by the army.

An advantage counted on by this Machiavellian psychological war: mobilize public opinion around a "just war" of the army while killing a maximum of Kurds and by forcing others to flee the region from terror.

This frantic propaganda is beginning to have as a consequence to dress the Turks against the Kurds, including in Turkish metropolis (Istanbul, Izmir, Adana). It risks to progressively provoke a Kurdo-Turkish war with consequences that are that much more incalculable as **more than half the 15 million Kurds of Turkey now live in Turkish Anatolia.**

If the international community and its institution: (UN, CSCE, EEC, Council of Europe, etc.) do not react now, rapidly and energetically, to put a stop to this infernal spiral, in the near future they risk to find themselves with a war much more murderous than the Yugoslav conflict, with probable prolongations in the heart of the EEC, that houses 1.5 million Turks and nearly 650,000 Kurds.



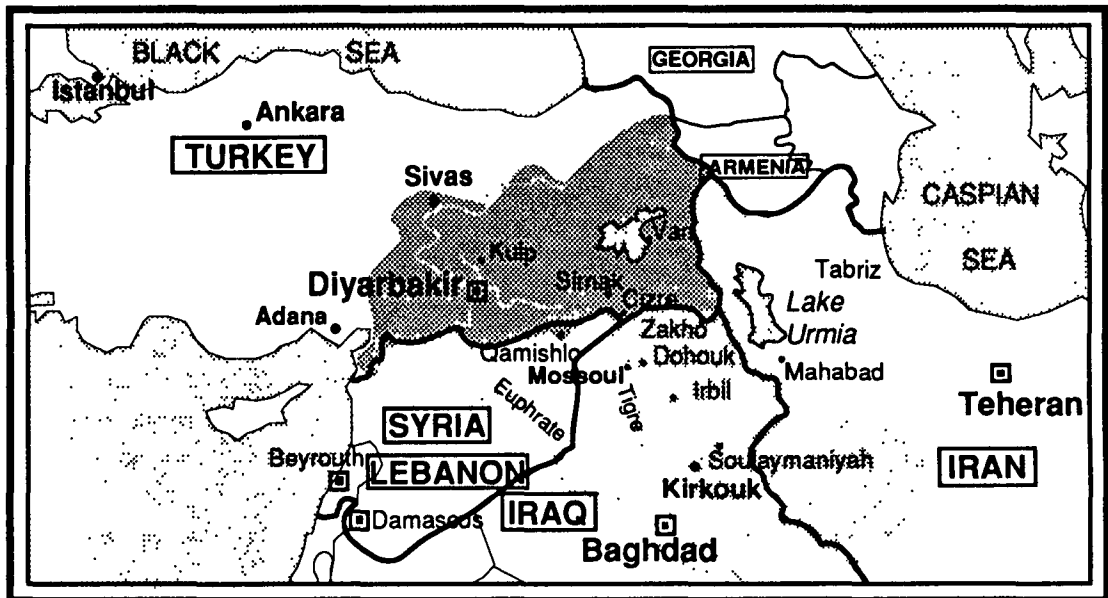
A FEW BASIC FACTS

The Kurdish population

in Turkey: 15 million
(25% of the total population of Turkey)
(57% of the entire Kurdish population in the Near East)

Turkish Kurdistan

Surface: 234,000 km²
(30% of the total surface of Turkey)
(44% of the total surface of Kurdistan)



TURKEY : ALARMING REPORT ON HUMAN RIGHTS

In its December 12th issue, the Turkish daily, Cumhuriyet, published an alarming report on human rights covering the past ten years. The report speaks for itself. This is how the paper, widely held to be the Turkish equivalent of the French daily "Le Monde", assesses the situation since the coup on September 12th, 1980 :

- 650 000 people were kept in police custody for various reasons. But no public statement has been issued by the High Command of the State of Siege regarding the people held for questioning. 210 000 proceedings were initiated.

- Millions of people were put on file. During the period 338 000 people were refused the right to obtain a passport.

- According to official sources, in compliance with law N°1, 402 of the State of Siege, 4, 891 public servants were dismissed, 4,509 others were transferred. However, in view of the various specific regulations that were implemented, the total number of civil servants who were sanctioned (for misdemeanour of opinion) approximates 50 000.

- During the proceedings at the military courts, the prosecutor demanded the death penalty against 6,353 defendants. 50 people were executed. The death sentence was confirmed in 255 cases and will be carried out upon ratification by Parliament.

- Over a 100 000 people were summoned to appear before the courts, accused of violating laws N° 141, 142 and 163 of the Turkish penal code (i.e. the main articles punishing misdemeanours of opinion).

- There is evidence of 171 cases of death by torture. The amount of suspicious deaths numbers over 300. Thousands of other persons remained for ever handicapped after having been tortured. The High Command of the State of Siege brought to trial

5,058 individuals guilty of torture : a mere 544 of them were sentenced.

- There are still 52 000 people, including approximately 5,000 are political prisoners, detained in 644 jails, whether they be open, semi-open, special or of type E.

- 14 people died in prison following hunger strikes. Thousands of others become invalids.

- 30 000 people left the country for political reasons. Among them 14 000 were stripped of their nationality by decision of the Council of Ministers.

- 8 newspapers were temporarily banned for 195 days. The ANAP (Mr. Özal's ruling party) was in power for five and a half years ; during that period 2 000 years of prison sentence were demanded against 2,792 writers, translators and journalists. In all, 458 publications were seized and 368 others banned from sale by legal decision.

At the trials of these writers, translators and journalists, fines reaching billions of Turkish pounds were demanded. Proceedings were initiated against no less than 13 of the daily papers with the largest circulation. Fines of 60 billion pounds were demanded in accordance with the "anti-nuisance" law. If one takes into

account all of the press publications, the total number of trials reaches 1,428; moreover, 2,127 daily papers were subject to pressure of one kind or another. amends reaching thousands of Turkish books have been required.

• 133,000 books were burned and 118,000 others were pulped.

• 18,000 civil servants, 2,000 magistrates, 4,000 policemen and 5,000 teachers were dismissed or forced to resign.

• 937 films were banned, among which 114 films by Yılmaz Güney. Halit Refig's film "the Tired Warrior" was burned by order of at the time Prime Minister Bülent Ulusu.

• The wage-earners share in the distribution of national wealth has dropped to 14% and that of agriculture to 12%, whereas that of capital income, interests and bonds has reached a high of 74%.

• 23,667 associations and organi-

zations were banned and dissolved.

• Reports of human rights violations against women and children were published by international organizations.

• Contrary to the international norms and principals as defined by the I.L.O., the right to form unions, to establish collective agreements and to strike has been restricted considerably. The majority of the wage-earners have been deprived of these rights.

Cumhuriyet
12. ARALIK 1989

TÜRKİYE'NİN 10 YILLIK İNSAN HAKLARI BİLANÇOSU

10 yılda 650 bin kişiye gözaltı

Askeri mahkemelerde 6553 sanığın idamı istendi. 50 kişi idam edildi. 171 kişinin işkence sonucu öldüğü kanıtlandı. Kuşkulu ölümlerin sayısı ise 300'ü geçti. 644 cezaevinde halen 52 bin tutuklu ve hükümlü bulunuyor. 14 bin kişi yurttaşlıktan çıkarıldı.

ANKARA (Cumhuriyet Burosu) — Türkiye'nin 12 Eylül 1980'den bu yana geçen son 10 yıl içerisinde saptanan "insan hakları bilançosu" şöyle:

• 650 bin kişi çeşitli nedenlerle gözaltına alındı. Ancak, sıkıyönetim komutanlıklarının gözaltına alınanlara ilişkin verileri resmi olarak açıklanmadı. Bu gözaltılar sonucunda 210 bin dava açıldı.

• Milyonlarca insan fişlendi. Yalnız bu dönemde 388 bin kişiye pasaport yasağı konuldu.

• 1402 sayılı Sıkıyönetim Yasası uyarınca resmi açıklamalara göre 4891 kamu personelinin işine son verildi, 4509 kişi sürgüne gönderildi. Ancak bu sayının, özel yasalardan kaynaklanan uygulamalarla 50 bine yaklaştığı kaydedildi.

• Askeri mahkemelerde açılan davalarda 6353 sanığın idamı istendi, 50 kişi idam edildi, 255 kişinin kesinleşen idam dosyaları da TBMM'de bulunuyor.

• 100-bini aşkın kişi TCK'nın 141, 142 ve 163. maddelerinden sanık sandalyesine oturdu.

• 171 kişinin işkence sonucu öldüğü belgelerle kanıtlandı. Kuşkulu ölümlerin sayısı ise 300'ü aştı. Binlerce kişi de bu nedenle sakat kaldı. Sıkıyönetim komutanlıklarına yansıyan işkence olayları sonucu 5058 görevli yargılandı, bunların 544'ü mahkûm oldu.

• Açık, yarı açık, kapalı, E tipi ve özel tip olmak üzere 644 cezaevinde halen 52 bin tutuklu ve hükümlü bulunuyor. Bunların yaklaşık 5 bininin siyasi olduğu belirtiliyor.

• 14 kişi cezaevlerindeki açık grevleri sonucu yaşamını yitirdi, binlercesi sakat kaldı.

• 30 bin kişi siyasal nedenlerle yurtdışına çıktı, bunların 14 bini Bakanlar Kurulu kararıyla yurttaşlıklarını yitirdi.

• 8 gazete 195 gün süreyle yasaklandı. Yalnız 5.5 yıllık ANAP iktidarı döneminde 2792 yazar, çevirmen ve gazeteci 2 bin yıla yakın hapis istemiyle yargılandı. Toplam 458 yayın için toplatma kararı verildi, 368 yayın için de mahkemelerden müzadere kararı çıktı. Yine bu yazar, çevirmen ve gazetecilerin açılan davalarda milyarlarca lirayı bulan para cezalarına çarptırılmaları da istendi. Yalnız 13 büyük gazete için 303 dava açıldı. Muzır Yasası uyarınca açılan davalarda istenen para cezası miktarı 60 milyar buldu. Tüm basın organları dikkate alındığında açılan dava sayısı 1428'i bulurken, gazetelerle ilgili soruşturma sayısı da 2127'ye ulaştı.

• 133 bin kitap aynı gün yakıldı, ayrıca 118 bin kitap imha edildi.

• 18 bin memur, 2 bin yargıç-savcı, 4 bin polis ve 5 bin öğretmen işten atıldı ya da istifa ettirildi.

• 937 film yasaklandı. Bu filmlerin 114'ü Yılmaz Güney filmleri oldu. Halit Refig'in "Yorgün Savaşçı" filmi, dönemin başbakanı Bülent Ulusu'nun emri ile yakıldı.

• Ulusal gelir dağılımında ücretlilerin payı yüzde 14'lere düşerken, sermayenin kâr, faiz ve rant olarak payı yüzde 74'lere yükseldi, tarımın payı yüzde 12'lere düştü.

• 23 bin 667 dernek faaliyetten alıkonuldu ve kapatıldı.

• Çocukların ve kadınların insan hakları ihlalleri, uluslararası raporlarda yer aldı.

• Sendikal örgütlenme, toplu pazarlık ve grev hakları, uluslararası normlar ve ILO ilkelerine aykırı olarak büyük ölçüde budandı. Büyük işçi kesimleri örgütlenme, toplu pazarlık ve grev kapsamı dışında bırakıldı.

Özgür Gündem—October 21, 1992

Turkish soldiers machine-gunning young Kurds who are already dead



Toll of operations against the guerrilla

(September 30, 1992)

5086 dead, of whom 1832 persons killed during the first 9 months of 1992. Out of these 1832 persons, 1171 presumed PKK militants, 475 Turkish soldiers and 180 civilians.

Source: the Turkish daily, *Milliyet*.

Özgür Gündem —October 17, 1992

and drags the bodies of the wounded behind tanks (image diffused by German television)

Gündem 17 Ekim 1992

İnsanlık sürükleniyor



Yaralı



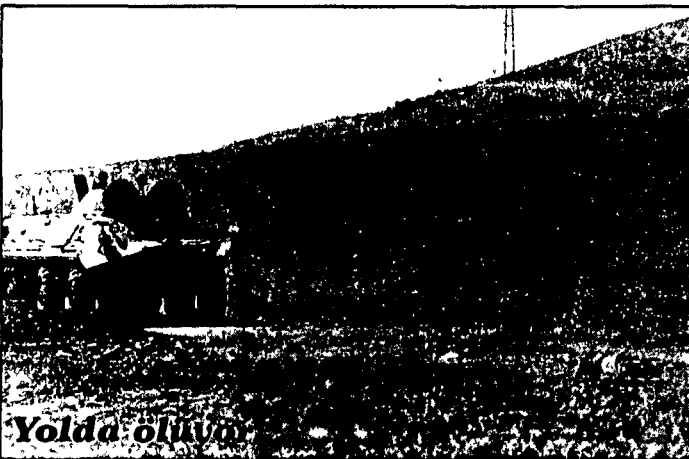
Bağlanıyor



Halatın arkasından sürülüyor



Sürükleniyor



Yolda ölüyor



Teşhi

Hükümete ithaf Cizre'nin Şeyh Değirmenci Köyü yakınlarında 6 Eylül 1992 tarihinde PKK gerillaları ile askerler ve özel tim ekipleri arasında meydana gelen çatışma sırasında yaralanan Mesut Dundar, bir halatla Alman yapımı BRT marka panzere bağlanıp sürüklenerek öldürüldü. Ceset, aynı şekilde sürüklenerek Şeyh Değirmenci Köyü'ne getirilip teşhir edildi. Bu sırada operasyonun fotoğrafları çekildi. Gündem'in ele geçirdiği bu fotoğraflar, Güneydoğu'da sürdürülen kırı sa-

vasın hangi boyutlara ulaştığını hiçbir yorumu yer bırakmayacak şekilde ortaya koyuyor. Bu insanlık dışı davranış, bırakın bir güvenlik operasyonunu, devletler arasında meydana gelen bir savaşın bile kurallarına aykırıdır. Suçlu bile olsa kendi vatandaşlarına karşı böyle bir davranış reva görülen, bu ülkede demokrasi ve insan haklarından söz edebilirler mi? Bir insana bunu yapanlar bölgede haklı ve meşru bir savaş sürdürdüklerini söyleyebilirler mi? Bu davranış devlet olma sorumluluğuyla, dolayısıyla hukuka bağlı kalma ilkesiyle açıklanabilir mi? Aslında panzere bağlanarak yerde sürüklenen in-

sanlıktır! Devlet adına, bazı vatandaşlarına böyle bir muamele yapanlar, bu ülkede yaşayan Türklere ve Kürtlere vicdanlarını yaralamıştır. Yerde sürüklenen gerçekte Türkler ve Kürtlerdir. Hiç kimsenin bu ülkede yaşayan insanları böyle aşağılamaya hakkı yoktur. Bu fotoğraflar, bölgede görevlendirilen asker ve polislerin, ruh sağlıklarının ne ölçüde bozulduğunun da açık bir kanıtıdır. Bu insanlara da böyle bir kötülük yapılmamalıdır. Bu fotoğrafları, halka özgürlük ve demokrasi vaat eden, Güneydoğu insanını kucaklamaya gidip de sonra sırtını dönen DYP-SHP hükümetine ithaf ediyoruz.

DESTRUCTION AND EVACUATION OF KURDISH CITIES AND VILLAGES

- the destruction of Sirnak,
25,000 inhabitants, August 18, 1992
- the destruction of Çukurca,
7,000 inhabitants, August 28, 1992
- the destruction of Kulp,
6,000 inhabitants, October 4, 1992
- partial destruction of Varto,
30,000 inhabitants, October 7, 1992
- partial destruction of Cizre
50,000 inhabitants, October 18, 1992
- the destruction of Hani
7,000 inhabitants, November 3, 1992

A PARLIAMENTARY REPORT ON THE EVENTS OF SIRNAK

On the first day of the trip the delegation interviewed the Prefect of Sirnak, Mustafa Malay to get his impressions. He declared : "... the night of the incident, at around 7:30-8:00 P.M., when the first shots were fired the electricity suddenly went off, and a few seconds later we began to hear explosions of bombs, shells and other arms, all over the city. The security forces reacted immediately to the PKK's attacks. But we could not tell who was firing on whom. In that blind fight, Sirnak became a battlefield. This issue won't be resolved by force". In answer to our question, he said that according to the information he received, "the city was entirely surrounded, about 500-600 fighters were attacking, and he did not know how the fighters, who had used heavy arms, managed to leave the city. The people suffered major losses, all the stores were totally destroyed and many residential buildings damaged.

After leaving the Prefect, we began to assess the damage to public buildings.

The Prefecture was untouched, but we noticed a large hole which they said was caused by shelling from

A delegation of deputies from Sirnak (Mahmut Alinak, Orhan Dogan and Selim Sadak); from Siirt (Zuberyir Aydar and Naif Günes); and from Mardin (Ahmet Türk, Ali Yigit and Mehmet Sincar), accompanied by journalists, went to Sirnak to investigate the incident which had taken place there on August 18, 1992.

the ceiling of the military barracks in the same park, 30 meters from the Prefecture. We did not note any damage to the Police Department building, apart from a few bullet holes in the walls.

In contrast, all the stores in the center of the city were burned, many destroyed and no longer usable. We saw bullet holes on the outer walls of the Teachers' House, and of the Social Security and Pension building. While we saw major damage and destruction to the building facing the Bureau of Military Conscription, caused by heavy weapons, the Bureau itself, situated right next to the Prefecture building, was not damaged, not even by traces of bullets. The delegation

noticed that public buildings were almost undamaged, while privately owned buildings rented to public services suffered major damage.

The declarations of a Turkish civil servant from the West were striking : "... I didn't see the shelling that destroyed the house. But as you see, to hit that house they had to shoot from the statue of Atatürk, opposite, where I saw a combat tank on sentry duty. Until yesterday, I was opposed to the PKK, but

from now on, I support them. There is no State like this (the Turkish State) anywhere else. I am ashamed to be a citizen of a State like this. »

A resident of Sirnak, Hacı Güngen, stated that his house was searched and then destroyed and partly burned by cannon fire. His wife and daughters, Gulsum and Menice, 6 and 14 years old, were buried under the debris. Their decomposed bodies could not be extricated and buried until 4 days later.

Then we came to the place which the Minister of the Interior had described to the public as "an underground corridor harboring terrorists". We discovered a 100-

year old building, and "the underground corridor" was just a shelter used as an animal pen, and known to everyone. This place had been shown to the press.

The Uludere road wall of the second floor apartment of the Director of Health, Cengizhan Uysal, was completely destroyed by cannon fire. We also saw the building opposite which houses the apartment of the President of the local section of DYP (Party of the Right Way, of Prime Minister Demirel) and the local of the DYP party, which we hit by cannon fire on the wall facing the same road, and had thousands of bullet holes

We also noted thousands of bullet marks on the Uludere road wall of the apartment of Mesut Uysal, member of the Central Council of HEP (People's Worker's Party). His furniture was almost totally destroyed by the shots.

The privately owned building of the Administration of the Municipal Library was bullet riddled and its facade largely destroyed.

According to witnesses, the tanks on sentry duty or moving along Uludere road aimed at all the residences on that main avenue of the city. Another resident, Halil Magrur, told us he left his home the afternoon after the clashes, and from his hiding place followed the movement of the armored vehicles which were shooting in all directions. During the shooting his house was destroyed by two cannon shells before the very eyes of this family and neighbors.

The majority of the security forces, soldiers, police, subordinate officers and officers that we met, who didn't dare reveal their names, openly stated the after the outbreak of the clashes, the forces of order went after the civilian population.

The commander of the regiment, who had been posted there a month before, said that it was not possible to make a clear judgment of the clashes, the city having become a battlefield; that the commander of the brigade, in his role as security chief, was the one most responsible for putting the security measures in place; that the night of the incidents, exploding bombs and rounds of shots were heard everywhere; that he did not know why those who attacked the city were not arrested; and that he thought that the city had already been for nonmilitary solutions to resolve the conflict.

The Post Office building, which they claimed had been seriously damaged, bore no marks. After the allegations of the Interior Ministry and the Governor of the region about the attacks the Brigade suffered, we twice requested an appointment with the Commander of the brigade. In spite of the deputies' showing their identity papers and an hour's wait, we were still not received. The fact that we were not able to visit the Brigade's buildings puts the truth of those attacks into question.

While we observed damage caused by heavy arms on the facade of a building facing the Brigade, the guard house and buildings visible from the Brigade did not show any damage from bullets.

The stores on the main avenue, from *Cumhuriyet* Place to the crossroads of Uludere road, were more seriously damaged, while those situated behind them were less damaged.

All the vehicles on the avenue, including a bus belonging to the Habur Tur agency, suffered irreparable damage. The fact that the damaged bus was parked just in front

of the statue of Atatürk on *Cumhuriyet* Place also struck us. During our tour of residential areas we noticed houses destroyed and burned down by cannon fire or shelling. We also noted that the Mayor's house was among those destroyed and burned.

During a tour around the city which is situated on the side of the mountain, we saw a mosque whose minaret was badly damaged by heavy weapons, and the house of Sahin Kadirhan, a member of the local Council of DYP, destroyed by shelling from a tank and partly burned. At the time of the conflict, that house sheltered not only the family, but also two members of the General Council of Idil of the party Refah, and of Beytusebab of the party SHP, who saw the tank which was placed in front of the statue of Atatürk on *Cumhuriyet* Place shooting in their direction

Sahin Kadirhan told us : "The State attacked us without restraint giving the pretext of an attack by the PKK. It wanted to condemn us to death with its tanks, rockets and shells. If there was not a second Halabja here, it is only because we hid ourselves well, and God wanted to preserve us.

An employee of the Bank Ziraat, Amhet Özen, native of Trabzon (situated on the banks of the Black Sea), who did not hesitate to identify himself to the press, invited us into his home. During the visit we observed a large hole 4 meters in diameter on the wall facing *Cumhuriyet* Place, caused by a bomb made by the State arms industry, MKE. That bomb, which caused major damage in the house, was given to us by Mr. Özen.

A member of the security forces who followed us all during our visit and who was present during the

conversation said : "... Here, we have all become psychopathic. The people, the soldiers, the police have all had enough. It is obvious that this question cannot be resolved that way. Even if we moved to the West, we could not become normal without a long treatment. The PKK attacked the city the night of the incident, but the State did as well." Another policeman said : "I have not slept for 10 days. I have not seen a hot meal, a soft bed. But more than my own situation, I worry for the local people. This is punishment that they do not deserve."

A resident, Abdulaziz Birlık : "I retired after 30 years of service to the State. With what I saved, I built this house that you see destroyed by a shell. With the children, entirely nude, we barely had time to get out, and we saw 5 other neighbors' houses destroyed. This State can no longer have the people's, trust. Since my identity papers say "citizen of the Turkish Republic", the State should ask for an accounting from the security forces which made us suffer that incident. If we are not considered citizens we will try to find other solutions."

The day after our trip, back in Sirnak, we saw thick smoke coming from the village of Balveren and the area around it. We did not manage to get an appointment with the Commander of the Brigade to get permission to visit the villages. We wanted to go without permission, but we were warned that all travel on the road to the village of Balveren was prohibited. We could not make the trip. While alarming news was reaching us of cannon shelling and fires being set in the villages, Ahmet ERK, a man in his 90' s from the village of Balveren, came to see us: "I am from Altinkusak near the village of

Balveren. The soldiers came on August 24, 1992, while we were having breakfast. They asked us: "where is the PKK ?" I said I did not know. They said that they would show me, and then poured liquid from plastic containers on the straw around the house and the wooden parts of it. We wanted to go out, but they wouldn't let us. And suddenly there were flames everywhere. My wife and I got out just in time. There it is, you see my situation. My head, my back, my hands, my clothes, my face, have burn marks. When we fled we saw flames and smoke in the neighboring villages."

Any doubt we still had disappeared completely. It was true, Ahmet ERK had burn marks all over his body.

The ceiling of a house right near a military draft building had completely caved in from the shelling and was 4/5 burned, while the Bureau remained intact. The two little girls who had been in there, Sema and Gulbahar, aged 8 and 12, were burned alive. Their remains, gathered up from the ashes, were returned to their father in a bag. The incident was told to us by the father himself, in tears, full of hatred and bitterness.

CONCLUSION

Since the incident at Sirnak was full of contradictions, doubt and shadowy areas, like all the others which had occurred in this region, we did everything in our power to respect the principles of objectivity and impartiality.

Under the watchful eye of the agents of the State, the people and journalists, we carried out a highly

detailed and open investigation, without discriminating between Turks and Kurds, and without prejudice toward the Prefect, The Military Commander, the officers, the subordinate officers, the soldiers, the Director of Security, The police commissioners and the uniformed and plainclothes police.

In the Interior Minister's declaration on the night of the incident, it was claimed that the city of Sirnak was attacked by 1000 to 1500 PKK fighters.

Unal ERKAN, the chief Prefect of the region who came to the site the next day, declared for his part: "the PKK fighters, numbering about a thousand, attacked in groups with heavy weapons, from different places." Thus, he contradicted his Minister.

The same day, while claiming to have the situation in hand and to have surrounded the city, they contradicted their earlier statements, announcing that 600 to 700 PKK fighters had attacked the city. The declarations of the Interior Minister of the Regional Prefect, sometimes divergent and even contradictory, left the impression of an even more complicated situation. The official declaration made after the incident continued to sow doubt among the members of the press as well.

No PKK fighters was taken, either dead or alive, during what is officially presented as a major operation !

None of the weapons, launch missiles, rockets or bombs used by the PKK was seized!

Our delegation noted that the authorities did not authorize ballistic analyses on the picked up after the attack or on those weapons which were licensed.

Neither has there been a ballistic analysis of bullets taken from the bodies of members of the security forces or civilians killed during the attack, nor on the weapons seized, nor on those used by the security forces.

How did all the PKK fighters manage to break out of the supposed encirclement and flee after 53 hours of confrontation ?

Since no heavy weapons were seized during the searches following the attack, how could the PKK fighters have come to Sirkak with heavy arms without being intercepted ?

Or is the PKK supposed to have used the State's weapons, since the delegation noticed the mark of MKE on the weapons used to destroy the stores and homes ?

It is also interesting to note that they could not arrest any PKK fighters, even though they were reputed to be carrying false identity papers. All those arrested were local people from Sirkak who knew each other. In that case, who carried out the attack ?

All these questions await the authorities' response. Their silence proves that it was the State who attacked the civilian population of Sirkak.

It has been proved that most of the homes on the main avenue were destroyed by the tank parked in front of the statue of Atatürk on Cumhuriyet Place.

It was noted that the houses and homes facing the building which housed the Regiment, the Draft Bureau, the Security Administration and the Police, where the forces of order were stationed, were destroyed by shots coming from that direction.

We think that it was simply a question of provocation (staged) if we globally analyze the way that incident was treated by the press and their conclusions which are close to ours, the declaration made to the daily Zaman by a member of the Intelligence Agency (MIT), and above all the statements made to the press by Mr. KOMAN, former chief of the Intelligence Agency.

Those in power seem to have made a principle of this way of

resolving the Kurdish question: 'The PKK gets its support by terrorizing the people. If the State terrorizes the people more, they will come over to the State's side.' Those in positions of political power, who seem to have decided on putting this idea into action, are hardly willing to take steps to prevent murderous new provocation's like those which occurred at Sirkak.

The State authorities themselves recognize the existence of secret paramilitary organizations ordered to commit anonymous assassinations of political activists and to organize and provoke incidents like those at Sirkak.

Finally, according to the information we were able to obtain on the spot, we estimate that there were 18 to 30 civilian deaths and about a hundred civilians wounded. The amount of material damage is about 750 billion to 1 trillion Turkish pounds (from 100 to 135 million dollars).

Respectfully,

August 27, 1992.



TURQUIE : les affrontements dans le Kurdistan

LE MONDE - 25 août 1992

Sirnak, une ville en ruines...

Après l'attaque à l'arme lourde, par le Parti des travailleurs du Kurdistan (PKK, marxiste-léniniste), de la ville de Sirnak, dans le Kurdistan turc (le Monde du 21 août), les premiers témoignages sur la violence des combats sont parvenus à la fin de la semaine dernière à Istanbul.

ISTANBUL

correspondance

« Je n'ai pas vu une seule maison qui n'ait été atteinte. Sirnak [chef-lieu du département frontalier turco-syro-irakien], ressemblait à une ville en ruines. J'ai vu plusieurs cadavres d'animaux dans les rues. La majorité des magasins étaient brûlés. Les policiers qui nous ont accompagnés lors de cette visite guidée nous ont interdit de parler aux habitants. Il m'est impossible de croire au bilan, annoncé par les officiels, de cinq morts seulement. »

« L'Association des droits de l'homme de Diyarbakir [capitale régionale du Sud-Est anatolien à majorité kurde] a publié ce matin les noms de dix-sept civils tués, continuait ce correspondant d'un journal turc, rentré vendredi 21 août de Sirnak, et qui relatait ainsi ses impressions. Les gens nous regardaient tristement derrière leurs fenêtres. Le couvre-feu était toujours en vigueur vendredi à midi. Les policiers nous ont également interdit de prendre des photos des maisons détruites. Seuls les bâtiments militaires et publics gravement endommagés pouvaient être photographiés. »

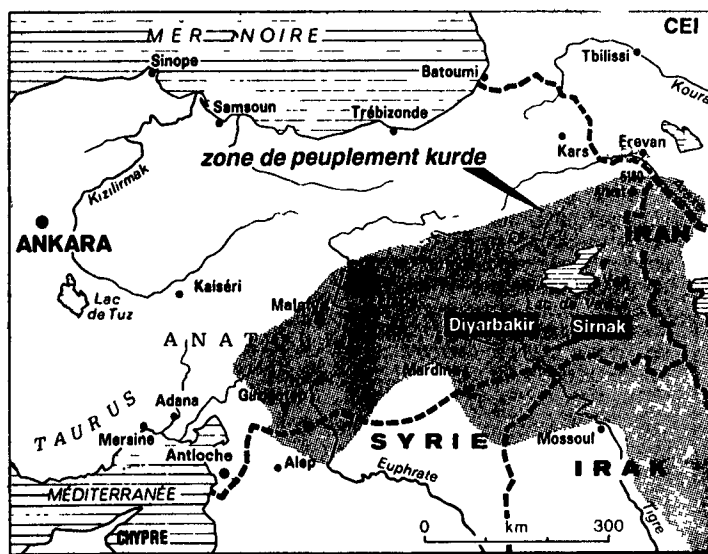
« Nous avons passé la nuit dans

les baraques de la brigade de gendarmerie. Les militaires étaient visiblement en pleine panique. Ils n'arrêtaient pas de s'accuser à haute voix. Pourtant, un colonel avait trouvé la formule magique pour éradiquer le terrorisme séparatiste kurde. Mais la démocratie, les droits de l'homme et les Européens empêchaient, selon lui, l'application de sa formule diabolique : il était sûr que les habitants soutenaient matériellement et moralement ces traîtres. Il fallait donc punir la ville tout entière. »

Les bâtiments militaires, policiers et ceux de l'administration publique ont été détruits par les armes lourdes du PKK et les forces de l'ordre semblent avoir pris leur revanche sur les magasins et les maisons des habitants de Sirnak, réputés être proches, en majorité, du PKK. La punition prononcée par le colonel turc a été ainsi en grande partie infligée aux vingt mille habitants de cette ville du Sud-Est anatolien.

Les délégations de l'Association des droits de l'homme et celles du Parti populaire du travail (gauche, pro-kurde, qui compte dix-huit députés au Parlement, élus sur les listes d'un des partis de la coalition gouvernementale), qui devaient se rendre lundi à Sirnak, essaieront de prouver « la culpabilité des forces de l'ordre ». Le PKK a annoncé qu'aucun de ses militants n'a été tué lors de cette attaque. « Nous nous sommes retirés du centre-ville mercredi à l'aube », a précisé vendredi un porte-parole des rebelles séparatistes kurdes.

Cette deuxième opération punitive de l'armée turque contre Sirnak, un des foyers du PKK, semble montrer aujourd'hui que la première, qui avait eu lieu le 23 mars



dernier, n'avait pas été efficace : le PKK peut encore y attaquer avec parfois plus de cinq cents guérilleros.

Le président de la République critiqué

Le PKK, marxiste et nationaliste, fondé en 1978 par douze étudiants kurdes, était encore un petit groupe qui comptait à peine deux cents militants armés quand il s'est lancé, en août 1984, dans la lutte, les armes à la main, contre le pouvoir central d'Ankara dans l'Est et le Sud-Est anatolien.

Le premier ministre turc, M. Suleyman Demirel, a reconnu vendredi que le PKK comprenait onze mille guérilleros, dont le tiers se trouverait sur le sol turc. Le PKK en revendique vingt mille. « Dans chaque famille kurde, il y a au moins un martyr et plus d'un

guérillero », remarque un député kurde.

En dehors de ces combattants entraînés et équipés en Syrie, au Liban ou en Irak du Nord, le PKK compterait plus de cent mille miliciens, paysans labourant leurs champs dans la journée et prenant le maquis la nuit. « Désormais il y a la guerre entre deux armées. Celle des Turcs et celle des Kurdes », écrivait vendredi Hasan Bildirici, le directeur du nouveau quotidien pro-kurde *Jundem* (35 000 exemplaires).

Le président de la République, M. Turgut Ozal, qui avait proposé, l'année dernière, un débat public sur une éventuelle fédération turco-kurde, est redevenu aujourd'hui la cible principale des critiques des tenants de l'unité de la nation et de l'Etat, partisans de la manière forte, qui l'accusent d'encourager les rebelles. - (Interim.)

TURQUIE : la situation dans le sud-est anatolien

• Le Monde • Vendredi 28 août 1992

La presse s'interroge sur les affrontements de Sirkak

Plusieurs manifestations de Kurdes turcs en Europe ont eu lieu, mardi 25 et mercredi 26 août, pour protester contre l'attitude de l'armée turque dans les violents affrontements dont la ville de Sirkak, dans le sud-est anatolien, a été le théâtre (*le Monde* du

21 et du 25 août). En Allemagne, à Bonn, un Kurde de dix-huit ans s'est grièvement blessé en sautant d'un pont d'autoroute haut de trente mètres à l'issue d'une manifestation qui rassemblait plusieurs milliers de Kurdes. Les affrontements de Sirkak -

qui devaient être évoqués jeudi, à la fois par le gouvernement et par le Parlement - ont soulevé de multiples questions dans la presse turque. La plupart des vingt mille habitants de Sirkak auraient évacué la ville. - (AFP.)

ISTANBUL

de notre correspondant

Combien de militants ont attaqué Sirkak, cette ville devenue désormais une cité en ruines ? Comment les guérilleros, armés de mortiers et de lance-roquettes, ont-ils pu s'échapper du centre-ville alors que la ville fortifiée était encerclée par une brigade de gendarmerie ? Pourquoi aucun rebelle n'a-t-il été tué ou arrêté pendant l'attaque de Sirkak ? Pourquoi les responsables locaux ont-ils interdit depuis une semaine aux journalistes de parler aux habitants de la ville ? Ni le préfet de l'état d'urgence, M. Unal Erkan, ni le premier

ministre, M. Suleyman Demirel, n'ont pu donner de réponses satisfaisantes à ces questions. Le député de Sirkak, M. Mahmut Alinak, a invité une délégation de l'ONU à mener sur place des investigations à propos de ces événements au cours desquels plus de vingt personnes, selon un bilan officiel, ont été tuées.

« Une provocation contre les Kurdes »

La grande majorité des quotidiens turcs, qui, pour la première fois, ont posé des questions critiques aux autorités responsables de la sécurité, n'ont pas omis cependant d'attaquer le président

de la République, M. Turgut Ozal, qui, lundi, a admis publiquement que le Parti des travailleurs du Kurdistan (PKK, marxiste-léniniste) « avait une certaine base populaire dans la région ».

De son côté, le leader du PKK, M. Abdullah Ocalan, a, dans un entretien publié lundi par un quotidien kurde à Istanbul, accusé le président Ozal « d'avoir monté une provocation contre les Kurdes de Sirkak ». « Nos guérilleros n'ont pas du tout attaqué Sirkak », a-t-il affirmé, alors même que, dans un premier temps, un journal pro-kurde avait titré à la « une » que le PKK avait effectué

une « descente » sur Sirkak. (*Intérim.*)

□ **PRÉCISION.** - Après la publication de notre article « Sirkak, une ville en ruines... » (*le Monde* du 25 août), M. Ali Agbaba, président du comité du Kurdistan en France, nous écrit pour contester, notamment, l'indication selon laquelle « le PKK compterait cent mille miliciens, paysans labourant leurs champs dans la journée et prenant le maquis la nuit ». M. Agbaba ajoute : « le monde entier sait que le PKK n'a même pas la moitié » de ce chiffre.

[Notre correspondant nous précise que ce chiffre a été, en particulier, avancé par l'un des porte-parole du PKK en Irak.]

TURQUIE

De nouveaux affrontements dans l'Est anatolien ont fait près de cinquante morts

Quarante-cinq personnes, dont trente-huit rebelles du Parti des travailleurs du Kurdistan (PKK, marxiste-léniniste), ont été tuées et quatre autres blessées en vingt-quatre heures dans l'Est anatolien, à majorité kurde, de la Turquie, notamment lors de deux accrochages dans la région du mont Ararat entre forces de l'ordre et membres du PKK. Le président Turgut Ozal a

affirmé disposer des « preuves » du soutien du président irakien, M. Saddam Hussein, aux rebelles. L'envoyé spécial de l'AFP, Antoine Lazerges, a pu pénétrer samedi, avec une délégation des associations de défense des droits de l'homme de Turquie, dans la ville de Sirkak (sud-est), où de violents affrontements avaient eu lieu le 18 août.

A Sirkak, ville fantôme

Dix-neuf jours après une « action terroriste » et une violente répression militaire qui y ont fait vingt-six morts, Sirkak est toujours désertée par ses habitants qui se disent terrorisés par les forces de sécurité à la recherche de rebelles indépendantistes kurdes. L'envoyé

spécial de l'AFP, entré dans Sirkak avec la délégation précédée dans sa visite en autocar par la police, n'a pu confirmer les affirmations officielles concernant les dommages causés par les rebelles kurdes aux bâtiments publics. Il n'a été en mesure que de constater les dégâts

causés aux habitations et magasins par des balles ou par des obus.

De la rue principale, dont la délégation n'a pu s'écarter, on découvrait l'une des maisons les plus touchées : la permanence du Parti de la Juste Voie [DYP, parti du premier ministre, M. Suleyman

Demirel]. Un des côtés du bâtiment est troué par un obus. La chaussée de la route qui domine la villa est encore jonchée de douilles. Le président local du DYP, M. Orhan Uysel, accuse les forces de sécurité. En vertu de l'état d'urgence, celles-ci ont les pleins pouvoirs dans la région.

M. Salih Bolmus, cinquante-deux ans, épicier, est devant sa boutique calcinée. La façade est trouée par un obus. Lui aussi accuse l'armée. Il affirme qu'il s'est caché avec neuf personnes dans le sous-sol de sa boutique pendant quarante-huit heures. « Ils tiraient sur tout le monde. Il n'y avait pas de rebelle dans la maison. » Les logements des membres des forces de l'ordre, en haut de la ville, que la délégation a pu apercevoir portent quelques traces de balles. Les habitations civiles en contrebas sont, elles, littéralement couvertes d'impacts. Il n'a pas été donné à la délégation de voir les bâtiments publics détruits ou incendiés dont ont parlé les autorités. - (AFP.)

• Le Monde • Mardi 8 septembre 1992

Le Monde • Jeudi 10 septembre 1992 •

TURQUIE : après les récents affrontements

M. Ozal a incité la population kurde à quitter la région de Sirnak

Le président de la République turque, M. Turgut Ozal, vient d'effectuer une tournée dans l'Est et le Sud-Est anatoliens à majorité kurde, où les séparatistes du Parti des travailleurs kurdes (marxiste-léniniste), affrontent quotidiennement les forces de sécurité. Une bombe a explosé, dimanche 6 septembre, dans une maison d'une petite commune de l'Est, Tatvan, peu après l'arrivée du président.

Compte tenu des rivalités qui existent entre le président et le premier ministre, M. Suleyman Demirel, la position de M. Ozal n'est pas forcément alignée sur la politique officielle du gouvernement. Cependant, dans un rapport publié après une enquête effectuée à Sirnak, le Parti de la prospérité (RP, fondamentaliste islamique) accuse le premier ministre de partager les vues de M. Ozal.

Quant à l'attaque contre Sirnak, il n'en existe toujours aucun compte-rendu satisfaisant. La presse et certains hommes politiques mettent sérieusement en doute la version officielle qui impute au PKK les ravages causés à la ville (*le Monde* du 8 septembre). Dans son rapport, le RP a accusé les forces de sécurité d'intimider la population civile et de lutter « non pas contre le PKK, mais contre le peuple ». Des opérations de ratissage se poursuivent dans les villages environnants, accusés par le gouvernement d'aider le PKK, et qui demeurent interdits d'accès à la presse.

ISTANBUL

de notre correspondante

Dans un discours surprenant, prononcé à Uludere, dans la province de Sirnak - théâtre, il y a trois semaines, de très violents incidents - M. Ozal a incité les habitants à quitter cette région pauvre et inhospitalière pour émigrer vers l'ouest du pays, présentant cet exode comme une « événementielle solution » aux problèmes de la région. M. Ozal a cité le chiffre de « cinq cent mille personnes ».

NICOLE POPE

RAPPORT DE LA FIDH- N° 156

Le nom des personnes tuées à Sirnak:

- | | |
|----------------------------|-----------------------------|
| 1- Hatice Katar (8 ans) | 2- Zaunur Uveysal (48 ans) |
| 3- emine AÇAR (18 ans) | 3- Hani Baykal (35 ans) |
| 4- Kadriye Kalkup (17 ans) | 5- Hediye Saglic (65 ans) |
| 6- Nezir Sezek (24 ans) | 7- Ramezan Bayar (80 ans) |
| 8- Belkıs Yumak (19 ans) | 9- Bülent Zeyrek (16 ans) |
| 10- Birsan Özcan (19 ans) | 11- Ömer Dayan (55 ans) |
| 12- Hacer Sen (17 ans) | 13- Mevlî GÜNGÖR (9 ans) |
| 14- Behri Akın (...) | 15- A. Latif Sider (35 ans) |
| 16- Nefiye Ermez (...) | 17- Sefiye Yılmaz (35 ans) |
| 18- Hadi Bahadır (...) | 19- Nure Uysal (25 ans) |
| 20- Bisanık Anık (16 ans) | 21- Halil Baykan (...) |
| 22- Hacer Sen (...) | |

P.S. Le nombre total de personnes tuées seraient 25.

Le nom personnes blessées à Sirnak:

- | | |
|---|------------------------------------|
| 1- Asiye Turan (18 ans) | 2- Tayibet Üstün (...) |
| 3- Ayşe Ercan (13 ans) | 4- Leyla KÜÇÜK (14 ans) |
| 5- Hakkı Kiliç (10 ans) | 6- Birsan Yakup (8 ans) |
| 7- Ali Öngen (18 ans) | 8- Abdülaziz Berin (Baran,...) |
| 9- Rauf Zeyrek (23 ans) | 10- Ahmet Zeyrek (13 ans) |
| 11- Zehra Tunç (...) | 12- Salih Benzer (...) |
| 13- Abdullah Yemez | 14- Fehime Zeyrek (8 ans) |
| 15- Emine Zeyrek (36 ans) | 16- Mehmet Sirin (23 ans) |
| 17- Abdullah Sarap (...) | 18- Muzaffer Balık (31 ans) |
| 19- Zeynep Ördün (14 ans) | 20- Hacı Kiliç (12 ans) |
| 21- Leyla Akici (...) | 22- Mehmet Bayar (12 ans) |
| 23- Resit Bayar (35 ans) | 24- Serdar Konuk (Korun,...) |
| 25- Salih Benzer (...) | 26- Fatma Kayak (Kaya, 65 ans) |
| 27- Cevher Saran (23 ans) | 28- Zeynep Durmaz (Durmus, 50 ans) |
| 29- Abdullah Saran (25 ans) | 30- Ahmet İkinci (40 ans) |
| 31- Ayda İkinci (35 ans) | 32- Ahmet Zogur (Ugur, ...) |
| 33- Kevser Tunç (...) | 34- Hüsnü Ülger (...) |
| 35- Emin Özcan (...) | 36- Halit Oğrak (Ugrak,...) |
| 37- Ali Geçen (...) | 38- Abdullah Busat (Poset,...) |
| 39- Basma Akil (...) | 40- Ramezan Acun (Acu,...) |
| 41- Bireze Berkin (...) | 42- Mesut Akil (...) |
| 43- Ahmet Kaydi (...) | 44- Ömer Orat (Urat,...) |
| 45- Fatim Yumak (...) | 46- Ahmet Bulut (40 ans) |
| 47- Mesallah Bayik (18 ans) | 48- Ahmet İlkeçe (...) |
| 49- Fatma Sevin (...) | 50- Lokman Sevin (...) |
| 51- Farit Sevin (...) | 52- Ali Saran (...) |
| 53- Abdullah Süçen (...) | 54- Mehmet Akil (...) |
| 55- Zeynep Bilgi (...) | 56- Piruze Güngör (...) |
| 57- Rabia ... (...) | 58- Selahattin Akdoğan (...) |
| 59- Zeynep Ördün (...) | 60- Fatma Üstün (...) |
| 61- M. Sirin Bayar (...) | 62- Şehmus Kabul (...) |
| 63- Serif Yalın (...) | 64- Hüseyin Denli (...) |
| 65- Abdullah Baykal (...) | 66- Hamza Atak (...) |
| 67- Ömer Akça (...) | 68- Hezar Özden (...) |
| 69- Halime Öğütök (...) | 70- Birsan Akkus (...) |
| 71- Hezar Tunç (...) | 72- Zehra Teke (...) |
| 73- Fatma Üstün (...) | 74- Hasan Kiliç (...) |
| 75- Merak Bayar (...) | 76- Ali Ülger (...) |
| 77- Osman Özcan (...) | 78- Cahit Saran (...) |
| 79- Süleyman Yumak (...) | 80- Hasan Cavlek (...) |
| 81- Muzaffer Balık (...) | 82- Şehap Geçer (8 ans) |
| 83- Bilal Zeyrek (...) | 84- Abdullah Yemez (...) |
| 85- Halime Zeyrek (33 ans) | 86- Leyla Acun (...) |
| 87- Yusuf Ugur (Président de la section de Sirnak du SHP) | |
| 88- Abdullah Özcan (Président de la section de Sirnak du HEP) | |

TURQUIE

KULP LA KURDE, AU FEU DES REPRESAILLES TURQUES

A la suite d'une embuscade du PKK contre des gendarmes turcs, le 4 octobre, la ville kurde de Kulp a été incendiée. Une pratique courante dans le sud-est de la Turquie où des villages, accusés de soutenir l'organisation indépendantiste, sont systématiquement rasés par l'armée. Reportage.



Namaz, Janvier. Opération de représailles contre le PKK. Au sud-est de la Turquie, Ankara a opté pour une « solution » militaire.

**Kulp (sud-est de la Turquie),
envoyé spécial**

Quelques jours auparavant, les soldats avaient prévenu la population: « Au prochain coup de feu que l'on entendra, nous brûlerons la ville. » Kulp allait donc brûler. Il est 10h40, le 4 octobre, quand un commando du PKK (Parti des travailleurs du Kurdistan, marxiste-léniniste et indépendantiste) mitraille le véhicule de quatre gendarmes dans le haut de la bourgade. Deux soldats sont tués, deux autres

blessés. Pour la petite sous-préfecture et ses 10000 habitants, l'heure du châtiment collectif a sonné.

Située à une centaine de kilomètres de Diyarbakir, la grande ville kurde du sud-est de la Turquie, la bourgade apparaît enfin au bout d'une longue et mauvaise route. Derrière, il n'y a que d'âpres montagnes. A proximité de la ville, puis à ses abords immédiats, l'armée s'emploie à fouiller les habitants qui regagnent leur localité, restée quasiment déserte pendant plusieurs jours. Des blindés et des nids de mitrailleuses cassent encore un peu plus

la rigueur minérale des paysages. La bourgade elle-même est certes pauvre mais loin d'être misérable. L'eau et l'électricité y parviennent et la rue principale est goudronnée. Les militaires sont partout. Et c'est une automitrailleuse qui nous escortera de l'entrée de la ville à la sous-préfecture. Au passage, impossible de ne pas remarquer une enfilade de magasins complètement carbonisés, des dizaines de maisons mitraillées et quelques véhicules incendiés.

La version officielle des événements a le mérite d'être simple. Selon un co-

LIBERATION
13 OCTOBRE 1992

H.H.A/Sipa Press

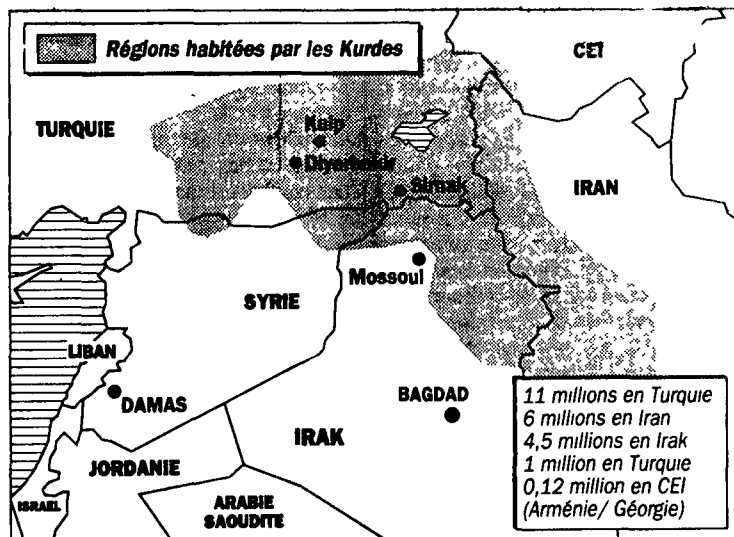
lonel –qui a requis l'anonymat– un commando du PKK, fort d'une cinquantaine de membres, s'est battu jusqu'à la nuit, tirant depuis les maisons du centre-ville. Aussi, face à l'obscurité, l'armée a dû user de balles traçantes, et ce sont elles qui ont provoqué des incendies. C'est aussi le PKK, ajoute-t-il, qui a chassé les habitants de la ville, en leur faisant croire qu'il allait revenir l'attaquer. Le sous-préfet de Kulp confirme la thèse des militaires, ajoutant que l'attaque du commando fait suite à une série d'opérations terroristes, dont l'assassinat, le 21 septembre, du juge et du procureur de la cité.

Si l'embuscade tendue par le PKK aux gendarmes et, antérieurement, l'assassinat des deux magistrats sont établis, la version officielle relatant le martyre de Kulp ne résiste pas un quart de seconde à l'examen. La quarantaine de boutiques, qui ont totalement brûlé, sont toutes situées au centre de la cité, soit à quelques mètres de la sous-préfecture. Or, comme en témoigne sa façade, le bâtiment n'a pas reçu le moindre projectile. De plus, alors que les combats auraient duré quelque sept ou huit heures, aucune autre victime n'est rapportée dans l'un ou l'autre camp. Par ailleurs, aucun «terroriste» du PKK n'a été fait prisonnier.

Mais il n'est pas facile de mener l'enquête à Kulp. Après le passage obligé chez les officiels, et l'invariable discours sur le manque d'objectivité de la presse occidentale, on ne peut visiter la ville que dûment escorté par plusieurs Bérets bleus, fusil d'assaut au poing. Dans l'artère principale, il n'y a qu'une façade qui n'ait été ni brûlée, ni criblée de balles: celle de la... banque. Une dizaine de maisons particulières ont aussi été incendiées. Presque personne dans les rues, sinon une horde d'enfants hâbleurs et quelques vieillards tristes. «*Qu'est-ce que nous allons devenir? Je n'ai plus rien et j'ai une famille de quinze personnes à nourrir*», gémit l'un d'eux.

La présence des soldats ferme toutes les bouches. Ou alors, très vite, elles esquissent un seul mot: «*Doulat*». Le gouvernement. Autrement dit, l'armée. Toutefois, au moment du départ de la ville, s'ouvre soudainement un espace libre entre les gendarmes établis au milieu du bourg et le barrage de l'armée tout en bas. Il y a alors précisément un café, criblé lui aussi, et, sous son auvent, une trentaine de villageois. Cette fois, personne n'a peur de parler. «*C'est vrai, il y a eu l'embuscade du PKK, ils n'étaient pas nombreux et ce n'étaient pas des hommes d'ici. Peu après, l'électricité et le téléphone ont été coupés, puis les soldats ont commencé à brûler les magasins et à tirer, notamment avec des automitrailleuses, sur les maisons. Presque tous les habitants se sont alors enfuis. Les soldats ont tiré pendant quarante-huit heures d'affilée*», raconte un homme.

«*Environ 35 personnes ont couru se*



refugier à l'hôtel. Puis les soldats sont venus. Ils les ont obligés à s'étendre sur le sol et ont versé de l'essence autour d'elles pour les brûler vives. Heureusement, il y avait là un instituteur. C'était un étranger (un Turc, NDLR). Il leur a crié: "Arrêtez, vous n'êtes pas des humains si vous faites cela." Alors, le sergent Regap Djomer est intervenu et a empêché ses hommes d'enflammer l'essence», relate-t-on. «*Ils ont quand même fusillé l'hôtelier. Après, ils ont fait brûler son cadavre et l'hôtel. Les gendarmes l'ont tué parce que son fils et sa fille avaient rejoint le PKK*», ajoute-t-on. A la sous-préfecture, située en face de l'hôtel totalement carbonisé, on indiquera simplement qu'un «*homme non identifié*» a péri brûlé et qu'une enquête est en cours.

Les habitants accusent aussi les gendarmes d'avoir pillé les boutiques. «*Ils ont pris tous les téléviseurs*», assure un cafetier. «*Tout le monde va quitter la ville car nous n'avons plus rien pour passer l'hiver*», ajoute son voisin. Interrogés sur les relations de Kulp avec le PKK, les habitants démentent tout soutien à l'organisation. «*Nous n'avons jamais demandé l'indépendance. Ce que nous voulons, ce sont les mêmes avantages que les gens de l'ouest de la Turquie*», dit un villageois. «*Mais l'armée, elle, nous reproche d'être partisans du PKK et sans cesse les soldats nous cherchent des ennuis*», ajoute-t-il. «*Cependant, il y a des gens de Kulp qui ont rejoint le PKK*», nuance un jeune homme.

Il demeure que l'armée est convaincue que Kulp apporte de l'aide à l'organisation indépendantiste. «*50% des habitants les soutiennent*», affirme le même colonel. «*A Sirkak, ce sont 100% de la population qui lui sont acquis*», ajoute-t-il. Car Kulp n'est pas la seule ville kurde à avoir été dévastée par l'armée turque. Le 18 août, Sirkak, une préfecture de 20000 habitants située près de la frontière irakienne, avait aussi été punie, et d'une façon autrement plus violente. Les accusations du rapport, établi le 27 août par huit parlementaires kurdes, sont accablantes: «*Tous les magasins du centre-ville ont été incendiés, souvent*

détruits. Le montant des dommages matériels serait de 100 à 135 millions de dollars.» Cette fois, c'est avec ses chars que l'armée a tiré, tuant 19 civils et en blessant des dizaines d'autres. Comme en témoigne Hacı Gungen, dont la femme et les filles, âgées de 6 et 14 ans, ont péri ensevelies dans leur maison détruite par un coup de canon. Comme à Kulp, l'armée avait pris prétexte d'une attaque lancée par le PKK pour punir la ville. Là aussi, le téléphone et l'électricité avaient d'abord été coupés. Là encore, les habitants avaient dû fuir la ville et n'y étaient revenus que plusieurs semaines plus tard.

A Diyarbakir, l'association de défense des droits de l'homme (proche du PKK) affirme que l'armée est intervenue de façon similaire dans des dizaines d'agglomérations, dont Cukurca, Uludere, Belveren et Yecilkoy. «*Chaque fois qu'il y a eu une attaque du PKK, les militaires font de toute la population un coupable potentiel*», insiste le responsable de l'association, Sedak Aslantas. «*Comme l'armée ne peut se permettre de véritables massacres, sa nouvelle technique est d'attaquer l'économie de la région, en brûlant les boutiques et les véhicules, en tuant les animaux. Son but est d'éliminer les petites localités pour laisser le PKK sans base et rendre désertes des régions entières*», poursuit-il.

Visiblement, et à Ankara les milieux diplomatiques le confirment, l'armée a reçu carte blanche du gouvernement pour mener comme elle l'entend la guerre contre l'organisation indépendantiste. Le tournant semble avoir été les violents affrontements du 21 mars 1992. La solution politique du problème kurde est – au moins provisoirement – totalement écartée au profit de la situation militaire.

La nuit tombée, la route de Kulp est abandonnée aux convois militaires. Des camions déposent dans un hameau des commandos qui partent en direction des proches collines. Pour nombre de villages, coincés entre l'armée et le PKK, c'est d'abord la peur qui gouverne la région.

Jean-Pierre PERRIN

October 8, 1992

APPEAL

FROM AN ORDINARY KURDISH CITIZEN OF TURKEY

To all human rights organizations,
To the United Nations,
To Amnesty International,
To Madame Danielle Mitterrand,
To Minister Bernard Kouchner,
To all human rights advocates,
To all American and European
protectors of animal rights,

The Kurdish people, who have lived in the Middle East since the very beginning of their history, are now threatened with extinction in Turkey.

The Turkish government is lying when it affirms with an innocent air that it is fighting against terrorists. In reality this government isn't fighting the forces which face it in the mountains, but on the contrary, is organizing massacres against defenseless civilian populations in small towns and villages. Unable to reach the combatants, it takes its revenge on Kurdish civilians. This war which was first waged against the inhabitants of Sirnak has also been imposed on the towns of Çukurca, Kulp and most recently Varto. It consists in a planned attack, led uniquely against civilians as in Sirnak, as in Çukurca, and in Kulp, against a defenseless, civilian population.

Heavy weapons were used in the attacks. Stores were set on fire, the rare pharmacies that existed were destroyed, animals have been

massacred, vehicles smashed under the tanks.

The fact that there have been but few deaths in the towns attacked plays a part of a larger scenario. At the present time, the aim is not to kill civilians or to perpetrate collective massacres. The aim is to deport the inhabitants, to condemn them to misery, to finally accomplish the collective deportation of the Kurdish people and thereby to create a deserted region.

Was my old uncle, Salih SINIR, killed in Varto, a terrorist? He who had never known a police station in his life, who had no other goal but to feed his children and for this reason lived as an immigrant in Varto, he had committed only one crime: that of being a Kurd.

In these attacks by the Turkish State which considers all Kurds to be potential criminals, many other Kurdish civilians, like Salih SINIR, also lost their lives. We have no security for our lives, neither in the cities, nor in the villages.

I address all of humanity,

I beg you to question the Turkish State which ceaselessly repeats: "We are bound to democracy, respectful of human rights..." who wishes with such professions of faith to belong to the European community, who wishes to

give itself this image in the world...but in reality: suspends the European Convention of Human Rights in the region, doesn't distinguish between civilians and combatants, only permits the burial of our dead in the shadow of bayonets, under torture, follows a population drain policy in our regions, promulgates by way of assassination a constant drama for our mothers and sisters and all of our compatriots.

Ask the Turkish State to respect its international engagements in human rights! This human tragedy must be stopped.

I address myself to all these powers, the United States, France, Great Britain and all others, to all those who promised a new world order, don't we, the Kurds of Turkey as members of the international community, have the right to live humanly in peace and security?

Must we for still more decades to come bear further massacres like our Iraqi Kurdish brothers before you turn to the question of our human rights? The arms of destruction delivered to Turkey and used in this barbarous policy have come from you!

I feel I have the right to invite you once again to rise to the call of human duty.

Nouri SINIR
simple Kurdish citizen
nephew of Salih SINIR
assassinated in Varto.

THE LIST OF KURDISH VILLAGES IN TURKEY EVACUATED BY THE TURKISH ARMY

Sub-prefecture of Eruh

- 1- Geliya Osman
- 2- Newiyan
- 3- Daran
- 4- Tarham
- 5- Milan
- 6- Garisan
- 7- Bana
- 8- Benguv
- 9- Qesra Cello
- 10- Sikoftan
- 11- Çeme Gevir
- 12- Mehke
- 13- Emte
- 14- Bingöl
- 15- Oeüe
- 16- Genor
- 17- Sisil
- 18- Gere
- 19- Bingof
- 20- Emte
- 21- Sexiurk
- 22- Zeve
- 23- Kaniya Biye
- 24- Geli
- 25- Elazi
- 26- Yusufhan
- 27- Serkari

Sub-prefecture of Pervari

- 28- Hot
- 29- Nejec
- 30- Zoravan
- 31- Hol
- 32- Keleh
- 33- Ceman
- 34- Medrese
- 35- Axer
- 36- Koçnis
- 37- Sariyaprak
- 38- Inceler
- 39- Baglica
- 40- Hestan
- 41- Mexes
- 42- Bosta

- 43- Kal
- 44- Besa
- 45- Kundes
- 46- Omyanus
- 47- Kesrik
- 48- Kevzin
- 49- Hoje
- 50- Axiyan
- 51- Xirbike Bestan
- 52- Xware Sero

Sub-prefecture of Beytussebab

- 53- Zoravan
- 54- Kutnis
- 55- Gelikan
- 56- Sexbubukir
- 57- Surge
- 58- Gevok
- 59- Hevsebe
- 60- Komir
- 61- Kelehok
- 62- Suxurpasa
- 63- Bilbesi
- 64- Setkar
- 65- Newale Genima
- 66- Pirdoda
- 67- Xira Beldas
- 68- Hacelya
- 69- Kaçete
- 70- Melixa
- 71- Govike
- 72- Heme Pire
- 73- Hewsa Bere
- 74- Bersikera
- 75- Sirke
- 76- Gurgavik
- 77- Bordikel
- 78- Pirrana
- 79- Holukar
- 80- Mehri
- 81- Dıra Hinê
- 82- Torane
- 83- Xenzorik
- 84- Hoz

- 85- Xuzirut
- 86- Gundikê Siparkiyân
- 87- Henke
- 88- Hemoloris
- 89- Kevzanke
- 90- Giro Gabolya
- 91- Mirkitikê
- 92- Perpatavinê
- 93- Xintorek
- 94- Gebe
- 95- Selbekê
- 96- Giviljoke
- 97- Suxurpasa
- 98- Birman

Sub-prefecture of Gercus

- 99- Gundikê Kolan
- 100- Acibe
- 101- Çalan
- 102- Zivirga Abirbinyâ
- 103- Malmihe
- 104- Beheve
- 105- Derefe
- 106- Bakolina
- 107- Xina
- 108- Zeviya Sor

Sub-prefecture of Çatak

- 109- Turanis
- 110- Kelehe
- 111- Gova Hedlan
- 112- Ferxines
- 113- Bezanis
- 114- Çiçan
- 115- Martenis
- 116- Komur
- 117- Kuk
- 118- Destan
- 119- Bezanis
- 120- Haçeroj
- 121- Hecibey
- 122- Xwarg
- 123- Turbeset
- 124- Ezdinan

125- Enines	District of Mukus	- Taslık
126- Xumar	164- Memode	- Degirmen
127- Kete	165- Telefon	- Çemenli
128- Cenefe	166- Kanixumar	- Merkez
129- Zeferan	167- Perz	- Hari
130- Sul	168- Gundo Zilan	- Igdeli
131- Salat	169- Giyanis	- Gümüslü
132- Koranan	170- Malesuwar	- Orta Derecik
133- Orik	171- Zoravan	- Berus Kilisesi
134- Konargeh		- Doganlı
135- Mele Keles	Sub-prefecture of Hizan	- Gelinli
	172- Serik	- Geçimli
Department of Siirt	173- Pista Resa	- Serriya
136- Dergalip	174- Giradifin	- Bağlıca
137- Qesrik	175- Giyaziyalet	- Kost
138- Geravis	176- Cinda	- Rezok
139- Dodayis	177- Aviyan	- Ünlüce
140- Kalender		- Kınık
141- Biloris	Department of Hakkari	- Knadil
142- Gevat	178- Beyyurdu	- Karasu
143- Tavlik	179- Binevsyan	- Gülüce
	180- Göksu	- Benekli
Sub-prefecture of Kurtalan	181- Bergezil	- Küçük Köy
144- Beytil	182- Nivaner	- Sergeli
145- Kendala	183- Geliye Suxe	- Tahi
146- Kasirke	184- Suware Xelo	- Cemtag
147- Lafe	185- Manefan	- Comme
148- Huseyni	186- Çiçekli	- Türbeli
149- Gozik	187- Suvar	- Lata
150- Tavilke	188- Korta Xane	- Çeltik
151- Çemkurik	189- Samunan	- Herge
	190- ördekli	- Zerekli
Department of Bitlis	191- Nergiz	- Melota
152- Suwe	- Tasbası	- Çeltepe
153- Gomsek	- Çanaklı	
154- Herde	- Su	Department of Sirkak
155- Ingol	- Sulak	192-Gundike Remo (Alinmis)
156- Peremate	- Yüce	193-Mendikeyan (Basagaç)
157- Hevene	- Gelezo	194-Kendali (Çadırlı)
158- Keveke	- Giri Dina	195-Nerey (Dagkonak)
159- Miryanes	- Kitina	196-Bina Butiyan (Güneyce)
	- Selmana	197-Gilindor (Kemerli)
District of Norduz	- Yayla Deresi	198-Ustuveskur (Sarıdallı)
160- Difne	- Yukarı Piriñçeken	199-Firisan (Atbası)
161- Geregir	- Genis Dere	200-Biyasan (Gürmeç)
162- Lafena	- Pınarlı	201-Kurum (Araköy)
163- Bergane	- Sarp	202-Spindarok (Boyunkara)

203-Siliyan (Çakırsögüt)	236- Xrabalisa	269- Cemê Mezin
204-Aviyan (Dereler)	237- Binderuk	270- Rauran
205-Mafiyan (Güneyçam)	238- Baska	271- Dehrebun
206- Hema	239- Gire köyleri	272- Kurta Xanê
207- Gazerok	240- Gerne	273- Grok
208- Dira	241- Basrit	274- Bacrit
209- Bakartali	242- Biyava	275- Tengi
210- Geliya Kazri	243- Dastel	276- Diryan
211- Bani Cindiya	244- labmeydin	277- Kola
212- Zeytunik	245- Guvere (Kuskonak)	278- Çala
213- Dihde	246- Avka Meziyan (Toptepe)	279- Mehujki
214- Mindikera	247- Çinete (Balpınar)	280- Rerenis
215- Mendik	248- Karni (Günedönmüş)	281- Bicizi
216- Sara	249- Basrete (Inceler)	282- Sorgoza
217- Xudan	250- Spivyan (Karageçit)	283- Berkesir
218- Destik	251- Serelfi (Karabuyun)	284- Bekirine
219- Xaribzu	252- Bezoke (Kocagılı)	285- Talika
220- Atlabil	253- Gundike Mitrip (Tekçınar)	286- Serefi
221- Kani Fersko	254- Kopanli	287- Besuke
222- Ziruin	255- Kavuncu	288- Gardila
223- Berezan	256- Dostdelalan (Kırkkuyu)	289- Mavyan
224- Benabyn	257- Bane Mihenda (Koçbeyi)	290- Avh
226- Gundike Remo	258- Mistaxe	291- Masya
226- Spindarok	259- Zivingok	292- Sax
227- Çire Çolya	260- Zihe	
228- Sartitme	261- Nanif	Department of Mardin
229- Derik	262- Amuryan	293- Kaniya Sêx (Kaynak)
230- Semka	263- Girisbi	
231- Gundike Osu	264- Dumilya	District of Kasuri
232- Zifka	265- Turkiz	294- Zavite
233- Deriya Kera	266- Rusur	295- Sifrezan
234- Divin	267- Sehraon	296- Betkar
235- Ziyaret	268- Buluzê Caniver	

TURKEY:

Eight Journalists Killed Since February; A Ninth Critically Wounded

Helsinki Watch is appalled by the killing of eight journalists in Turkey since February and the critical wounding of a ninth. All but one of these journalists wrote for left-wing or pro-Kurdish periodicals that cover the on-going guerrilla warfare in southeast Turkey between the PKK (the separatist Kurdish Workers' Party) and security forces. Four of the reporters wrote for *Ozgur Gundem* (Free Agenda), a journal that began publication on May 30, 1992; three of the four were shot between July 29 and August 9. These murders suggest an on-going campaign to silence the dissident press in the southeast.

In none of the cases has an arrest been made; moreover, there is little evidence that serious investigations are taking place. The government's attitude was revealed in a comment by Prime Minister Suleyman Demirel, who declared on August 11, "Those killed were not real journalists. They were militants in the guise of journalists. They kill each other."

The four most recent cases are:

- CETIN ABABAY, the Batman correspondent for the journal *Ozgur Halk* (Free Public), who was shot in the head at 7:30 p.m. on July 29 by three unidentified men while on his way home; he died in Diyarbakir University Hospital on July 30.
- YAHYA ORHAN, 30, the Gercus (Batman Province) correspondent for *Ozgur Gundem*, who was shot and killed by unknown assailants on July 31 at about 10:30 p.m. *Ozgur Gundem* reported that Mr. Orhan had been stopped on the street and threatened. According to his family, Mr. Orhan received a phone call at his home on July 31 in which he was told, "We have removed all journalists. Now it is your turn." Sounds of gunshots were then heard on the telephone.
- HUSEYIN DENIZ, 36, the Ceylanpinar (Urfa Province) correspondent for *Ozgur Gundem*, who was critically wounded by one bullet fired into his neck while on his way to work on August 9. He died on August 10. Mr. Deniz was also the regional correspondent for the daily, *Cumhuriyet*.

- BURHAN KARADENIZ, 19, a Diyarbakir correspondent for *Ozgur Gundem*, who was critically wounded by a bullet in his neck fired by unknown persons on August 5 in Diyarbakir; he is paralyzed below the waist. Mr. Karadeniz had been detained by police for five days following the visit of several HEP (People's Labor Party) deputies to Diyarbakir on July 10 on the anniversary of the death of Vedat Aydin, a human rights activist and HEP member.

In June 1992, Helsinki Watch issued a newsletter entitled: "Turkey: Five Journalists Killed; Free Expression Restricted." The five journalists whose deaths were reported were:

- HALIT GUNGEN, 22, a reporter for the left-wing weekly journal, *2000'e Dogru* (Toward 2000), who was killed in the Diyarbakir office of *2000'e Dogru* at 8:00 p.m. on February 18, 1992. The February 16 issue of the journal had featured a cover story on the purported relationship between the Hizbullah (Party of God), an Islamic terrorist group, and the counter-guerrillas, an armed force allegedly linked to security forces.

- GENGIZ ALTUN, 24, the Batman correspondent for the weekly pro-Kurdish newspaper, *Yeni Ulke* (New Land), was killed by six bullets fired into his back on February 24 as he was on his way to work. A *Yeni Ulke* official alleged that Altun had recently been threatened with death at Gercus Gendarmerie Station. Mr. Altun had written articles about the alleged activities of government-backed counter-guerrillas; the most recent had been published in the February 2-8 issue.

- IZZET KEZER, a journalist for the mainstream daily, *Sabah*, was shot and killed by security forces in Cizre on March 23, during violence that followed the celebration of the Kurdish New Year, *Nevroz*. During a state-imposed curfew, Kezer and other journalists emerged from their hotel waving white flags. No shooting was going on at the time. Kezer, at the head of the group, reached an intersection and was shot dead by security forces who fired from an armored personnel carrier.

- The body of MECIT AKGUN, a reporter for *Yeni Ulke*, was found hanging from a telephone pole near Colova village in Nusaybin on June 2. Akgun had been missing for three weeks, having last been seen in Nusaybin. According to the Anatolia News Agency, an autopsy showed that Akgun had been strangled ten days earlier. A statement found on his body saying that "he was punished because he was a traitor" was allegedly signed by the PKK.

- HAFIZ AKDEMIR, a reporter in the Diyarbakir office of *Ozgur Gundem*, was killed by a single bullet shot into the back of his head on June 8. Akdemir was shot at 8:00 a.m., fifty meters from his home in Diyarbakir. *Ozgur Gundem* began publication on May 30, 1992; reporters stated that they had received telephoned threats for several days--several addressed to Akdemir. Mr. Akdemir had recently interviewed human rights delegations visiting the region and had written about them, as well as about the workings of the counter-guerrilla forces in the region.

Helsinki Watch is deeply disturbed by what appears to be a systematic campaign to silence the press about events in southeast Turkey. We urge the government to take immediate steps to investigate these killings and to prosecute those responsible.

* * *

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PRESS RELEASE

*Paris, September 20, 1992
11 p.m.*

THE ASSASSINATION OF THE KURDISH WRITER MUSA ANTER IN DIYARBAKIR

Musa Anter, 74, Kurdish writer and dramatist of Turkey, was killed tonight at about 8 p.m. local time, in Diyarbakir, politico-cultural capital of Turkish Kurdistan, where he was present in order to participate in a "cultural week." Another Kurdish intellectual, Orhan Miroglu, 39, who accompanied him, was seriously injured and is at present in a coma.

Lawyer, writer, journalist, author of a Kurdish-Turkish dictionary as well as of numerous plays in Kurdish, Musa ANTER was one of the leading figures of the Kurdish movement in Turkey. His defense of the cultural and political rights of the Kurdish community of Turkey earned him over twelve prison terms in Turkish jails. As for Orhan MIROGLU, he had just spent 11 years in Turkish prisons for his peaceful defense of the rights of the Kurdish people.

According to information gathered from a reliable source, the assassination of Musa Anter is the work of the counter-guerrilla, a special unit of the Turkish army that has assassinated over a hundred Kurdish intellectuals, journalists, writers, doctors and engineers in the last year, including 8 in the last week. Despite all the official declarations of the Turkish government, none of the authors of these assassinations has been arrested or troubled by the police.

POUR LA DEFENSE D'UNE CULTURE MILLENAIRE EN PERIL

Comité de parrainage : Simone de BEAUVOIR †, Maurice BÉJART, Elena BONNER, Sean MAC BRIDE †, Gérard CHALIAND, Bernard DORIN, Miguel Angel ESTRELLA, Bernard KOUCHNER, Jean LACOUTURE, Claude LANZMANN, Claude LEFORT, Jean MALAURIE, Léo MATARASSO, Edgar MORIN, Henri NOGUERES, Adolfo PEREZ ESQUIVEL, Madeleine REBERIOUX, Maxime RODINSON, Andrei SAKHAROV, Laurent SCHWARTZ, Paul THIBAUD, Germaine TILLION, Jean-Pierre VERNANT, Pierre VIDAL-NAQUET, Gunter WALRAAF, Marguerite YOURCENAR †.

Le Monde — 7 septembre 1992

Ancien maire de Diyarbakir

M. Mehdi Zana s'inquiète de la dégradation de la situation des Kurdes en Turquie

De nouveaux affrontements entre l'armée turque et des séparatistes kurdes du Parti des travailleurs du Kurdistan ont fait vingt et un morts (vingt rebelles, un gendarme), jeudi 3 septembre, dans le Sud-Est anatolien à majorité kurde, a indiqué vendredi l'agence semi-officielle Anatolie. Pour la première fois, une chaîne de télévision privée a diffusé, vendredi, des images d'une opération militaire importante, en cours depuis trois jours, contre le PKK.

Ancien maire de Diyarbakir, la capitale régionale du sud-est de la Turquie à majorité kurde, M. Mehdi Zana, l'un des représentants les plus en vue de cette minorité de quelque douze millions de personnes, a passé plus de dix ans en prison. En 1983, notamment, il avait été condamné à vingt-quatre ans d'emprisonnement, pour tentative d'établissement d'un Etat kurde indépendant.

Libéré il y a un an, M. Zana a été de nouveau arrêté le 30 juillet et placé en garde à vue jusqu'au 11 août. M. Zana, dont l'épouse est député de Diyarbakir, est officiellement accusé d'être un sympathisant du Parti des travailleurs du Kurdistan (PKK, marxiste-léniniste) et d'être un collecteur de fonds pour ce mouvement.

Encore sous le coup de plusieurs inculpations, mais laissé en liberté, M. Zana, de passage à Paris, nous

a donné sa propre version des faits, tout en développant une analyse de la situation politique qui confirme la dégradation des relations entre la population turque et les Kurdes de Turquie. Selon lui, les hommes qui se sont présentés à son domicile, le 30 juillet à 4 heures du matin, voulaient tout simplement « le tuer ». Il s'agissait, dit-il, d'une « équipe spéciale ». Même le poste de police du quartier, selon lui, ignorait cette intervention. Sauvé, d'après son récit, par une porte blindée qui a résisté aux assauts, il a eu le temps d'alerter par téléphone journalistes et hommes politiques. A 8 heures du matin, l'équipe spéciale a été remplacée par des policiers « normaux » qui l'ont arrêté.

M. Zana souligne que les autorités turques, depuis sa libération, ont tout fait pour qu'il quitte le pays et, faute d'avoir obtenu son départ, « essaient tout pour le faire disparaître ». Il est, dit-il, loin d'être le seul dans ce cas : « Ils essayent de tuer tous les intellectuels progressistes patriotes kurdes. »

Vers de nouveaux « massacres » ?

Face aux violences du PKK, M. Zana, dans le passé, faisait figure de modéré. Il rappelle ses désaccords avec les dirigeants de cette organisation, qui « ont commis des erreurs », mais affirme aujourd'hui, compte tenu de la détérioration de la situation des Kurdes, qu'il faut appuyer le PKK — qui, comme d'autres, fait partie

du « mouvement national » — car « la population le soutient ». Au passage, M. Zana accuse l'armée et l'Etat turcs d'organiser eux-même des « massacres » sous le nom du PKK, afin de le discréditer. Pourtant, M. Zana ne partage pas l'inspiration marxiste-léniniste du PKK : « Cette idéologie n'est pas bonne, elle n'apportera rien au mouvement national » kurde.

« Tout le pays », tient à rappeler l'ancien maire, sait qu'il a toujours été partisan d'une politique de réconciliation entre les deux communautés : « Pourquoi le peuple kurde ne vivrait-il pas avec le peuple turc dans des conditions d'égalité ? », s'interroge-t-il. Mais il constate aujourd'hui qu'aucune « réponse positive » ne vient du gouvernement ni de la population turque. Il pense même que de nouveaux « massacres » pourraient avoir lieu, aussi bien dans le Sud-Est que dans les villes de l'ouest du pays, où vivent plusieurs millions de Kurdes. Déjà, dans certaines de ces villes, des commerçants kurdes seraient victimes d'un boycott organisé, et des attaques contre ces populations — « des sortes de pogroms », précise-t-il — seraient en préparation.

Après des années de lutte, le constat que dresse M. Zana est amer. Selon lui, le fossé entre les Kurdes et les Turcs continue de s'agrandir. M. Zana ne cache pas que, si la situation des Kurdes de Turquie ne s'améliore pas, il se ralliera à l'idée de l'indépendance.

J.-L. A.



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(New York) October 6, 1992 — Helsinki Watch, a division of Human Rights Watch, is deeply dismayed by the murder of Musa Anter, a well-known Kurdish writer and journalist. Mr. Anter, 74 years old, was shot and killed in Diyarbakir on September 20, 1992. Mr. Anter was the ninth journalist killed in Turkey since February 1992.* All but one of these journalists wrote for left-wing or pro-Kurdish periodicals that cover the on-going guerrilla warfare in southeast Turkey between the PKK (the separatist Kurdish Workers' Party) and security forces.

Jeri Laber, the Executive Director of Helsinki Watch, said, "We are truly shocked at the mounting death toll among journalists who report on events in southeast Turkey. All but one of these journalists appear to have been deliberately targeted in an effort to silence the dissident press and to hide from public view the escalating carnage in the southeast."

Musa Anter, who had published four books, was a columnist for the pro-Kurdish daily, *Ozgur Gundem* (Free Agenda) (four of whose journalists have been shot and killed this year), the weekly *Yeni Ulke* (New Land) (which has lost one journalist to assassination this year), and the Kurdish newspaper, *Welat*.

* See Helsinki Watch newsletter, *Turkey: Eight Journalists Killed Since February; A Ninth Critically Wounded*, August 1992, for details on the earlier killings.

A graduate of the Istanbul University Faculty of Law, Mr. Anter was a founding member of the People's Labor Party (HEP) and the Kurdish Institute, and was a member of International PEN. He had been arrested three times for his writings—in 1959, 1970 and 1980. Mr. Anter had gone to Diyarbakir to sign copies of his books at the Culture and Art Festival of Diyarbakir.

According to Orhan Miroglu, who was shot in the neck and the legs during the attack against Musa Anter:

Musa Anter was a relative of mine. I invited him to my home. He wanted to rent out a field that he owned. At that time a person about 25 or 30 years old came to the hotel where Musa Anter was staying and said that he would take us to some people who were interested in Mr. Anter's field. We got into a car with him and started driving toward Seyrantepe. After a while we were outside the city. I asked the man where he was taking us. Uncle Musa became angry and said, "If you don't know where we are going, why are you driving us around?" The driver apologized and we returned to Silvan Road. Later we arrived in an area with squatters' houses and got out of the car. Then the man who drove the car started shooting at us.

Musa Anter was shot four times: in the head, close to the heart, and twice in the left leg. He died in an ambulance en route to Diyarbakir Hospital. Orhan Miroglu remains hospitalized in Diyarbakir. Three correspondents for the Diyarbakir newspaper, *Soz*, who went to the scene to investigate the killing were removed from the area by police and beaten.

Oktay Eksi, chief columnist for the mainstream newspaper *Hurriyet* and president of the Turkish Press Council, issued a statement in which he said:

When I visited Diyarbakir, my colleagues expressed their belief that the killings in the region were the work of the terrorist organization "Hizbullah" and the state's security services who cooperate with it and use Hizbullah militants as their hit men. Up until now I regarded these claims with reserve. After the Musa Anter killing I, too, am inclined to believe them. I cannot help but believe that Anter too has been killed by the notorious state force called "counter-guerrilla" or the "Special Warfare Department," unless it is proven to the contrary.

The Vice-Governor of Diyarbakir told newsmen that since there were no witnesses, no claims could be made about the murder; as indicated above, however, Orhan Miroglu witnessed the murder. Interior Minister Izmet Sezgin was quoted as saying that there was no evidence that a counter-guerrilla force exists.

Helsinki Watch is appalled at the government's failure to investigate the killings of journalists who are writing about the guerilla war continuing in the southeast. We urge the government to investigate promptly and thoroughly Musa Anter's killing and those of the eight other journalists who have been killed since February.

* * *

THE "SPECIAL WAR" IN TURKISH KURDISTAN A TOLL OF CIVILIAN ASSASSINATIONS PERPETRATED SINCE JANUARY 1, 1992

January 5

Assassination by gunfire of Eboubekir Kotan, mechanic at the Direction of public roads, in Diyarbakir by unknown parties.

January 6

Gunfire assassination of Ibrahim Kizmaz, school teacher and of one of his pupils, Emine Turan, by persons unknown in Mardin.

January 8

Gunfire assassination of Salih Tatli, student from Nusaybin, by unknown persons in Sanliurfa.

January 12

Gunfire assassination of Abdulsemet Cetin, student in Diyarbakir.

January 13

Adil Bayik was assassinated by unknown parties in Nusaybin.

January 20

The body of Harbi Arman (member of the executive committee of the Malazgirt section of the HEP Party) was found on the Diyarbakir-Ergani road, riddled with bullets.

January 20

Abdurrahman Sögüt (member of the executive committee of the Nusaybin section of the HEP Party), was assassinated by unknown persons in Nusaybin.

Most of the murders attributed to the Turkish kontregerilla Death Squads were committed in the cities of Silvan, Batman, Diyarbakir, Nusaybin, and Kiziltepe, considered by the authorities as the strongholds of Kurdish nationalism, thus to be punished in priority. By aiming at democratic intellectuals, tradesmen, and young people, the kontregerilla seeks to terrorize the entire population and force it either to migrate to the west or go underground.

January 23

Abdurahman Ircik was assassinated by unknown persons in Nusaybin following an armed attack.

January 24

Unknown persons assassinated Hüseyin Taysu (nephew of the town mayor, Levent Taysu) in Sirmak, Ahmet Bayram in Bingöl, Nizam Kisin in Mazidag (Mardin), and Hüseyin Pamukçu in Batman.

January 25

Ismet Çelik was assassinated by unknown persons in Batman.

February 2

Oktay Türkmen (dentist and secretary of the Nusaybin section of the SHP Party) and Necim Yarci were assassinated by unknown persons in Nusaybin.

February 10

Metin Elekçi was assassinated by unknown persons in Batman.

February 15

Ahmet Bayhan (a teacher and member of the Egitsen union) was assassinated by unknown persons in Diyarbakir.

February 18

Halil Güngen (correspondent of the weekly 2000'e Dogru [Towards the Year 2000]), was assassinated by unknown persons in his office in Diyarbakir.

February 25

Cengiz Altun (correspondent of the weekly Yeni Ülke [New Country]) was assassinated by unknown persons in the center of town in Batman.

February 27

In Silvan, Seyhmus Akinci (member of the Tüm, Saglik-sen union) and in Nusaybin, M. Emin Narin were assassinated by unknown persons.

April 12

M. Emin Saman was assassinated by unknown persons in the center of town in Nusaybin.

From March 21 to March 28

Four chauffeurs were assassinated in Antep with the same arm and in the same way. The assassinated drivers are: Abdo Zeren, Takir Mat, Mehmet Taskin, and Serif Bayram. Another driver, Resit Bötür, was wounded by bullets.

From March 26 to April 13

In Silvan, following armed attacks committed by unknown persons, the following persons were assassinated: Hemdüsena Ipekçi, Hacı Biçer, Ramazan Yavuzkikiç, Menaf Simsek, Bayram Güleç, Sehmus Akinci, Ercan Karadag, Nihat Kadinhan, Ahmet Turan, Hanifi Kutlu. The following persons were wounded: Ayhan Kurkan, Fahri Gösteris, Nimet Bolatag, Halis Yüce, Selim Selki, Ali Dede, Cevat Gül, İzzet Simsek. All the victims were civilians.

April 6

Vahap Asma (restaurant owner, 36) was assassinated by unknown persons in Batman, in the center of town.

April 14

Abdülselem Çiçek (electrician at the region's boarding school for high school students) was assassinated by unknown persons in Silvan. The three authors of the attack were arrested by the population and handed over to the police. No trial proceedings have begun.

April 20

The minibus of the village of Calpinar/Midyat was attacked by government militia of the village on the road to Nusaybin. The military fired on the

passengers of the minibus. The following persons were killed: Hasan Akan, A. Kadir Akan, Mehmet Akan, Süleyman Akan, İsmet Acar, Sabri Acar, Mehmet Agarman. The following persons were wounded: İbrahim Akan (mayor of the village), Semra Akan, Ahmet Acar, Salih Acar, M. Emin Acar, Yusef Acar, Süleyman Acar, Zeve Acar, Resit Acar. These farmers had refused to enroll in the units of the governmental militia. The same day, on the Mardin-Midyat road, another minibus (registration number 47 AV 704) was machine-gunned by governmental militia. The following persons were killed: Hamza Bulut (3 years old), Mehmet Candan, Abdurrahman Yesilman (12 years old), and Hacı Badur.

April 23

Baha Dogru was assassinated by unknown persons in the Bağlar quarter of Diyarbakir.

May 3

İsmail İrmak, a tailor, was killed by "unknown" persons in Nusaybin in the Mardin province.

May 7

In Nusaybin, three children died following an explosion of mines laid down by Turkish forces in the frontier zone separating Nusaybin from Syrian Kurdistan. In the same town, Ahmet Aydın, 35, was killed by "unknown persons."

May 19

In Maras, near the village of Sançukur, the bodies of two farmers, aged 22 and 18, were found riddled with bullets near a bridge. In Midyat, at about 10 p.m., 3 men were killed by members of the special units, and a police superintendent was killed in retaliation.

May 20

A 27 year-old Kurd was assassinated by unknown persons in Batman.

May 21

Ahmet Ayaz, Social Democratic Party (SHP) candidate for mayor of Gözpinar, was killed. In Kiziltepe, in the Mardin province, "unknown persons" burst into the village of Sirkak at about 9 p.m., took a 38 year-old farmer, Ahmet Turgay, from his home and riddled him with bullets at his doorstep.

May 25

Two women and two children died during an army raid in Idil, in the Sirkak province. In Kiziltepe, İsmail Sertkaya, a tailor, was killed at close range by a bullet fired in his head by an "unknown person." In Batman, two persons in a vehicle without license plates killed İbrahim Demir, 22, who was walking down the street.

May 26

A young man of 16 was killed by the police in Kiziltepe. In Cizre, Turkish forces machine-gunned a minibus, killing a man and wounding several passengers. The tradesmen closed their shops to protest against the killing.

June 1

Abdullah Ay, mayor of a village, was killed by "unknown persons" on the Silvan marketplace, in the Diyarbakir province.

June 3

The body of Mecit Akgün, correspondent at Nusaybin for the weekly, *Yeni Ülke*, and reported missing for twenty days, was found hanging from an electric pole near the village of Çölova. The same day, the body of another Kurd, P.N. Alptekin was also

found hanging from an electric pole near the village of Sümer, in the province of Mardin.

June 4

During police raids in 5 houses in Elazığ, 3 Kurds suspected of belonging to the PKK, 2 of whom were women, were killed. In Sirnak, the body of Abdurrahman Ay, ANAP party candidate for the municipal council, was found hanging from an electric pole. In Batman, H. Erdogan, a 34 year-old Kurd, was killed in the street by an unidentified person.

June 5

The body of A. Oktay, a young man of 20, was found hanging from an electric pole in Idil, in the Mardin province. In Lice, in the Diyarbakir province, a farmer, M. Turan, was found killed by unknown persons.

June 9

Assassination in Diyarbakir of the Kurd journalist, Hafız Akdemir, 27, correspondent of the new opposition daily, *Özgür Gündem*, killed at about 9 a.m in the middle of the street by shots fired in the back. H. Akdemir was inquiring about the mysterious assassinations carried out by the Death Squads of the Turkish secret police. He had received several threats concerning his family and his newspaper. His assassination is the work of the sadly famous *kontrgerilla* and its death squads.

June 11

In Kokarsu, in the province of Bitlis, a minibus transporting farmers returning home from the market, was stopped and its 13 passengers killed. The only witness to this massacre, a shepherd named Sabri Arınç, declared to the weekly, *Azadî*, dated June 21, that the 5 killers all wore

masks, which is the usual procedure for Turkish anti-riot, special unit forces. Three thousand persons participated in the victims' funeral and denounced the terrorism of the Turkish state.

June 12

In Silvan, Dr. M. Emin Ayhan, 38, was killed in the street at about 11:30 p.m. by a commando of 3 killers while he and his wife were returning home from a dinner with friends. There is dismay in this city where this humanistic, politically independent Kurdish doctor was greatly loved. It is also a city where assassinations carried out by the *kontrgerilla*, which incidentally also manipulates fundamentalist groups, have literally destroyed the local elite.

June 13

Two new murders in Silvan (N. Kurkan and M. Emin Ülkü) while in Kiziltepe in the province of Mardin, the Sehmus brothers and Hasan Ibrahimoglu were killed by unknown persons.

June 22

Two Kurd militants, including Siddik Tan, leader of the Human Rights association, were assassinated by unknown persons in Batman. Another Kurd, Tekin Ala, was killed at about 1 p.m. in Nusaybin in the Mardin province.

June 23

I. Direkçi, a 32 year-old butcher, was killed by unknown persons on the doorstep of his store in Batman.

June 29

A 25 year-old University of Diyarbakir student, A. Aksoy, was killed at close range by unidentified persons. In Batman, a 35 year-old worker, A. Dal, was killed by unknown persons as he was returning home from work.

Relatives of the victims accuse the Death Squads.

June 30

Two shepherdesses aged 20 and 17 were blown up by bombs thrown by Turkish bombers in Semdinli in the Hakkari province.

July 2

In Silvan, 3 persons attending the funeral of the Kurdish militant Ramazan Yüce, assassinated 3 days earlier in Diyarbakir by the Death Squads, were killed in the middle of the street by a Death Squad unit.

July 3

In Urfa and Midyat, 2 Kurdish civilians were killed by unidentified persons apparently belonging to the Death Squads.

July 7

In Midyat a judge who is particularly opinionated and daring revealed proof, notably ballistic, that the massacre of 8 passengers in two minibuses carried out on April 20, that the Turkish government and press attributed to the PKK "is unfortunately the work of village protectors" (the pro-government militia). He decided to arrest the 10 militiamen responsible for the killing. In a country where the press is generally content with military press releases on the war in Kurdistan and where the justice has been the docile arm of the army, this unexpected announcement by a little Turkish judge leads a number of observers and Turkish intellectuals to ask themselves about the extent of damage of the psychological war. It also leads them to ask themselves how many massacres of Kurdish civilians related with heavy publicity have not in fact been committed by special anti-riot units or

local militiamen acting as army substitutes.

July 13

In Istanbul, the director of the association of human rights, Ozcan Sapan, indicated that according to studies conducted by his organization, 999 extra-judicial executions have taken place in Turkey. This macabre toll is divided as follows: 483 deaths while in police custody, 246 deaths by shooting, 48 deaths by hanging, 160 deaths by other means, and 62 deaths following inhuman detention conditions. In Kiziltepe the bodies of two women killed on July 10 in unspecified circumstances were found. In the hamlet of Balkis near Cizre, two children aged 9 and 11 were blown up by the explosion of a mine. In Mersin, a Kurd suspected of being a member of the PKK was killed during a police raid.

July 16

In Silvan, a house was fired on; 1 civilian was killed, two others wounded.

July 20

Two civilians were killed by unidentified persons in Batman and Nusaybin. The families accuse the Death Squads.

July 24

In Semdinli, in the province of Hakkari, 11 persons suspected of PKK membership were killed by the army. Seyhmus Güneşli was assassinated by unknown persons in the center of Silvan.

July 25

On his way back from the funeral of Seyhmus Güneşli, Salih Güneşli, 35, was killed in the street in Diyarbakir. Cevdet Tasan, Nezim Ormanci and

Mahsun Erol were assassinated in Batman. Bedirhan Güneş, 28, was killed in the back by unknown persons in Nusaybin.

July 26

In Kiziltepe in the province of Mardin, another Kurd militant, Y. Yoltan, 55, a technician, was killed in the same way. His family accuses the Death Squads. In Batman, Tahir Baysal, a shopkeeper, was seriously wounded during an armed aggression.

July 27

Yakup Yöntem, 54, a dentist, was assassinated on his way to his office in Kiziltepe.

July 28

In Hakkari, a car was fired on by masked men, toll: Naciye Özer (8 months pregnant) and Nurcan Özatak, 2 years old, died. Sadi Özatak, Sema Özatak and Fatam Özatak were seriously wounded. In Midyat, Fevzi Akar was assassinated by a group of 5 unknown people. The families accuse the Death Squads.

July 29

In Kiziltepe, Salih Yıldiz was assassinated by unknown persons. In Bismil, the body of Abdulkadir Özalp was found riddled with bullets. In Batman, Çetin Ababay, Özgür Gündem journalist, was assassinated by two unknown armed men.

August 9

In Urfa, Hüsseyin Deniz, Özgür Gündem correspondent and member of the PEN club, was assassinated by unknown persons.

August 10

The body of Ayten Öztürk was found riddled with bullets in the Elazig cemetery.

August 16

Naim Demir, 28, was assassinated by unknown persons in Midyat.

August 17

The body of a young man, his hands tied behind his back, riddled with bullets and burned, was found on the Diyarbakir-Ergani road.

August 19

Seyithan Kardes was killed by unknown persons in Nusaybin.

August 20

Hassan Güllünay in police custody; no news since then...

August 24

Ekrem Gümrü, son of the HEP, İzzetin leader, was assassinated by unknown persons in Batman.

August 25

Ali Yıldiz and Sait Keskin, truck driver, were assassinated by unknown persons in Batman.

August 27

Sükrü Keskin, 55, was assassinated in Nusaybin by two unknown young men aged between 20 and 25.

August 29

Ali Basak, 32, restaurant owner, was killed at work by unknown persons in Batman. As he was leaving a café in Diyarbakir, A. Sikkik Turhalli was arrested by so-called "policemen" who shot and killed him a few minutes later.

September 1

At 4 a.m. in Kiziltepe, Halef Basaran and his son, Murat, were attacked by unknown persons who seriously wounded the father and killed the son.

September 3

Ahmet Koyen, a 30 year-old school

teacher, was killed by unknown persons in Nusaybin.

September 7

The body of Reis Adiyaman was found riddled with bullets near Adimova (Agri).

September 9

In Silvan, Emin Inanç, 27, a worker for the city, was killed near the prefecture by shots in the back at 10:30 a.m.

September 16

Semsettin Aytimur, 42, was killed by unknown persons in Nusaybin. In Cinar, Sehmuz Kaya and Haci Ali Kaya were killed by a group of 4 or 5 persons. During the attack, Cahide Kaya, mother of 9 children, was seriously wounded.

September 17

In Kiziltepe, the director of the local branch of the Banque Centrale, Ahmet Arikan, 47, was killed at noon while he was on his way home. In Silvan, Medeni Aslan, 27, was killed by unknown persons while he was on his way home that evening.

September 19

In Silvan, Ercan Buhan, 21, was killed by unidentified persons at about noon in the center of town. The same day, also in Silvan, two high school students, Fuat Tasasin, and Hanifi Poyraz, both 19 years old, were killed near their school.

September 20

In Diyarbakir, the Kurd writer and journalist, Musa Anter, 74, was killed by an unidentified assailant who also seriously injured his companion, Orhan Miroglu. Basing their opinion on specific testimony, the press and NGOs attribute the assassination to

the Turkish *kontregerilla*. Also in Diyarbakir, Saif Mentec, nephew of the president of the Diyarbakir federation of the HEP party, was very seriously wounded by gunfire. In Batman, Selahattin Kinis, 49, was assassinated by unknown persons at about 12:30 p.m. while another civilian, Mehmet Agir, 30, was seriously wounded by gunfire.

September 21

In Silvan, Dersim Tanis, 19, a barber, was killed by unknown persons at about 6:30 p.m. while he was on his way home. In Batman, Mahmut Oguz, 30, was killed by unknown persons while he was on his way home. In Nusaybin, Suleyman Sah, 25, was assassinated on his doorstep by two unidentified killers.

September 22

In Batman, Edip Kiliç, 32, was killed in front of the Peygamber mosque by unknown persons while a grocer, Salih Kutlu, was killed in front of his stand. In Silvan, M. Serif Merik was killed and two other civilians, Sakir Turk, 28, and Ayhan Turk, 14, were seriously wounded by bullets fired by unknown persons.

September 23

In Diyarbakir, Ibrahim Karaaslan, 40, was killed by an unknown assailant. In Ergani, in the Diyarbakir province, Ismet Demirci, 43, imam of the Asagi Camii mosque, was taken aside by a group of attackers who bludgeoned him to death. The imam was known for his refusal to lend himself to anti-Kurd governmental propaganda. In Batman, Sami Isik, 32, taxi driver, was killed by unknown persons. In Silvan, Ceval Kalkan, 29, was seriously wounded by shots fired by an unidentified person.

September 27

Fevzi Erdem, 30, was killed as he was leaving his home in Batman.

September 30

In Silvan, Ihsan Budak, 20, and Medeni Budak, 18, brothers, were killed near their home by assailants, one of whom was recognized by the population as a member of the TIM (special anti-riot unit). There were no judicial proceedings following the killing.

October 5

In Silvan, Saif Isçi, 40, a municipal fireman, was killed by unidentified persons. In Diyarbakir, Zülküf Sanli, 31, office worker, was killed at close range by an unidentified person who seriously wounded his friend, Necati Gunes, 39.

October 11

In Batman, Besir Alsan, 36, was killed as he started to get on a mini-bus. Fevzi Duruk, 28, was killed in front of his post by an unidentified person while another civilian, Mehmet Emin Basaran, 39, was assassinated by unknown persons while he was on his way home.

October 12

In Batman, Mehmet Siddik Öztekin and Abdullhalim Kaplan, 19, were killed by unknown persons. In Silvan, Ismet Öztürk was assassinated near City Hall while another civilian, Recep Hekimoglu, was seriously wounded by unknown persons in the same place. In Midyat, in the province of Mardin, Hasim Levent, 45, school teacher, was killed by an unidentified person.

October 14

Kasim Ete, 27, taxi driver, was

abducted by unknown persons; his beaten body was found in the thermal baths of Billori in Siirt.

October 15

Sah Tangüer, 30, was assassinated by unknown persons in Batman. In Silvan, two workers, Mehmet Ihsan Yazaydik and Nuri Beskisiz, were killed by unidentified persons.

October 18

In Batman, M. Serif Gabci, a shop owner, was killed by unknown persons while he was on his way home.

October 19

In Batman, Metin Tan, 22, and Necmettin Keles, 20, were killed by unknown persons, while two other civilians, Abdulkair Ekinci, 26, tailor, and Mehmet Selvi were seriously wounded by gunfire. In Nusaybin, Mecit Pektaş, 25, barber, was killed in his shop while another civilian, Sinan Demirtas, chauffeur, was seriously wounded by three unknown persons. In Diyarbakir, Hikmet Aktug, school teacher, was seriously wounded by bullets shot by an unidentified person.

October 23

In Nusaybin, Hasan Çetin, 39,

blacksmith, was killed at about 7:30 p.m. by an unidentified killer as he returned home.

October 24

In Diyarbakir, the body of M. Sirin Kaya, 36, a school teacher, was found riddled with bullets near a suburb of the city.

October 25

In Batman, Sehmuz Kursun, 30, was killed in a café at about 6:30 p.m. by unidentified persons.

October 26

In Batman, Sükrü Kiliç, 51, who was talking a walk on one of the boulevards of the town with his son, İrfan Kiliç, 26, and Anter Yalçın, 32, was killed at about 1:30 p.m. by unidentified assailants. His two companions were seriously wounded.

October 31

As he was on his way to work in Diyarbakir, Sevki Kaya, entrepreneur, was killed by an unidentified assailant aged about 18.

November 1

In Batman, the body of Ali Teymur, 40, chauffeur, was found in the mini-

bus he used. He had been killed with a revolver.

November 2

In Cizre, in the Sirnak province, Resul Sakar, member of the Workers Party (new name for the Socialist Party, banned last July), was killed by shots in the back at about 5 a.m. while he was on his way to work. In Mazidag, in the Mardin province, Selman Kuray, 43, a nurse, was killed by unknown persons on the doorstep of his home at about 7 p.m.

November 3

In Diyarbakir, M. Saiit Erdem, a fabric salesman originally from Mazidag, was killed by an assailant aged around 18. In Gaziantep, Abdülsemet Sakik, former president of the federation of the HEP Party for that city, was assassinated by an unidentified assailant aged about 17 or 18.

November 6

In Diyarbakir, Abdülbaki Kisin, 27, worker, was shot in the back and killed by two unidentified killers at about 6 a.m. as he was on his way to work.

CENSORSHIP APPLIED IN ACCORDANCE WITH THE “ANTI-TERROR” LAW PROMULGATED APRIL 12, 1991, IN PARTICULAR, ARTICLE 8 WORDED AS FOLLOWS:

Propaganda against the indivisibility of the state

Article 8. All propaganda, whether written or verbal, all meetings, demonstrations of other acts which adversely affect the indivisible integrity of the territory and the nation of the State of the Turkish Republic, shall be forbidden, whatever the methods, goals and ideas thereof. Violators are subject to a prison term

of from two to five years and to a fine of from fifty to one hundred million pounds.

Where the crime of propaganda is committed by a periodical, under the meaning given to such term in Article 3 of the law n° 5680 on the press, the owner thereof shall also be subject to a fine equal to 90% of the actual average sales during the preceding month, where the periodical is published at least one per month, and

for those publications which are not periodicals or for those periodicals which have recently been created, said fine shall be 90% of the amount of sales of the largest daily printing referred back to the average sales during not be less than one hundred million pounds. Moreover, the editors of such publications shall be subject to a fine equal to one-half of the fine levied on their owners, and to a prisons term of from six months to two years.

LIST OF TURKISH-LANGUAGE BOOKS THAT WERE BANNED AND CONFISCATED BECAUSE OF SEPARATIST PROPAGANDA

Mirzali Çimen
Dünü ve Bugünüyle Gerikalmisluluk Sorunu
(The problem of under-development yesterday and today).
Ed. Özge, Ankara, 1991

Ismail Besikçi
Bilim-Resmi Ideoloji-Devlet-Demokrasi ve Kürt Sorunu,
(The Kurdish Question from the Point of View of Science, Official Ideology, the State, and Democracy)
Ed. Alan, İstanbul 1990.

Ismail Besikçi
Cumhuriyet Halk Firkası'nin Tüzüğü (1927) ve Kürt Sorunu
(The Kurdish Question in the Statutes

of the Popular Republican Party created by Atatürk).
Ed. Yurt, Ankara, 1991.

Ismail Besikçi
Ortadogu'da Devlet Terörü
(State Terror in the Middle East)
Ed. Yurt, Ankara 1991.

Ismail Besikçi
Kürt Aydınları Üzerine Düşünceler
(Thoughts about the Kurdish Intellectual).
Ed. Yurt, Ankara, 1991.

Ismail Besikçi
UNESCO'ya Mektup
(Letter to UNESCO Concerning the Fate of Kurds in Turkey
Ed. Yurt, Ankara, 1991.

Ismail Besikçi
Kürtler'in Mecburi Iskani
(Forced Relocation of the Kurds in the 1930's)
Ed. Yurt, Ankara, 1991.

Ismail Besikçi
Zihnimizdeki Karakolların Tikilmesi
(The Police Who Is Watching in Our Minds).
Ed. Yurt, Ankara 1992.

Ismail Besikçi
Doğu Anadolu'nun Düzeni
(The Socio-Economic Order of Eastern Anatolia)
Ed. Yurt, Ankara, 1992.

Ismail Besikçi
Baskıldınmnin Kosulları

- (Conditions for an Uprising).
Ed. Yurt, Ankara, 1992.
- Ismail Besikçi
Devletlerarası Sömürge Kürdistan
(Kurdistan: an Inter-state Colony).
Ed. Alan, İstanbul, 1990.
- Ismail Besikçi
Kürdistan üzerinde emperyalis Bölüşüm Mücadelesi (1915-1925)
(The Imperialist Fight for the Division of Kurdistan).
Ed. Yurt, Ankara 1992.
- Celilê Celil
XIX. Yüzyıl Osmanlı İmparatorluğu'nda Kürtler
(The Kurds in the Ottoman Empire in the XIXth Century).
Ed. Özge, Ankara, 1992.
- Musa Aner
Hatıralarım
(Souvenirs)
Ed. Doz, İstanbul, 1991.
- Kadri Cemil Paşa (Zina Silopi)
Dkoza Kurdistan
(The Kurdistan Cause).
Ed. Özge, Ankara, 1991
- Edrim Cemil Paşa
Muhtasar Hayatım
(My Life, a Brief Account)
ED. Beybun, Ankara, 1992.
- Dr. M. Nouri
Dersim'e ve Kürt Milli Mücadelesine Dair Hatıratım
(My Souvenirs about Dersim and the Kurdish National Fight)
Ed. Özge, Ankara, 1992
- Rafet Ballı
Kürt Kosyasi
(The Kurdish File)
Ed. Cem, İstanbul, 1991.
- Mehmet Bayrak
Kürt Halk Türküleri
(Popular Kurdish Songs).
Ed. Özge, Ankara, 1991
- Cemsid Mar
Kürt Destanları/Koçgiri/Agri/Dersim/Newroz
(Kurdish Legends).
Ed. Özge, Ankara, 1991
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TURKISH POINTS OF VIEW

- Yashar Kemal, writer.
- The Turkish Association of Human Rights
- Ismet Ocakçioglu, President of the Turkish Court of Appeals
- Pr. Mahir Kaynak, former high official in the Turkish Secret Service (MIT)
- The confessions of a Turkish soldier home from the front of the war in Kurdistan

Text published in the Istanbul daily Cumhuriyet, October 2, 1992

*Translated from Turkish by the
Kurdish Institute of Paris*

THE KURDS DEMAND THEIR HUMAN RIGHTS

Perhaps I have a strange conviction. I could not believe that any man, whether he is bloodthirsty, a torturer or a hangman having committed hundreds of murders, could attack people such as Musa Anter. I knew Musa Anter when I was about twenty-three years old. Our friendship has lasted since then. He was a man who always had an optimistic outlook on the world. Even in the darkest, most oppressive days, he was always radiant, always full of hope and always firm in his convictions. He sought and found a positive side in the most loathsome man and tried to understand and care for that man because of his minute positive side. He looked for and managed to find a spark in the deepest shadows and in the midst of the most dense pessimism, he radiated hope.

HE WAS NEVER A RACIST

He belonged to an afflicted people who knew so much suffering, so many persecutions and who was not conquered by oppression, pain, and humiliations. He personified the radiance and honor of those who, despite it all, could not be conquered and do not curb their spine. It is a feeling of pride not to have ever accepted submission that founded in large part his exceptional personality.

by Yachar Kémal

He believed in the culture of his people. He also believed that its culture made a contribution to world culture. He did not mix nationalism and racism. He remained a socialist and a democrat until the end. The Kurds called him "Apê Musa" ("Uncle Musa"). He was a gentle man. He always took on the most disagreeable remark or attitude with gentleness; sometimes—but that happened very rarely—his anger prevailed over his gentleness. He held onto his opinions with obstinacy until the end. He was opposed, with all his heart, to the annihilation of his culture and his identity. His combat lasted, continuously, until the end, until his death.

And it is for this that he died. Uncle Musa died happy. He could not see the end of his combat, but he did see its influence. I have already said that he was accustomed to seeing the light in the most dense darkness.

THOSE WHO REDUCED THE CITY OF SIRNAK TO RUINS

Those who killed him, those who had him killed, did not do a good deed. Those who killed him, who had him killed, hurt Turkey as well. Just like those who attacked the city of Sirnak and reduced it to ruins, like those who

provoked a blood bath in Göle. Like those who transformed Eastern Anatolia to a lake of blood. Those who did this have hurt Turkey badly. They want to kill it (...). Turkey should not have attacked a city of twenty thousand inhabitants. That is a deed worthy of bloodthirsty dictators, conquerors of countries, massacring millions of persons. Turkey should not have been engaged on that path. Our faces should not have been soiled with that black spot at a time when we enter the twenty-first century. In this century, humanity cannot accept this kind of inhuman action and can never forgive them.

Turkey and humanity will not forgive the death of doves of peace such as Musa Anter. Because after so much oppression, so much blood shed, how to reconcile? I beg you, for the respect of the blood of Musa Anter, for the love of our millenarian (Kurd-Turkish) fraternity, in the name of hope for our future fraternity, let us stop this chain of events while the way is still near, while all has not yet been consumed. It is not so difficult to have Turks and Kurds agree. What makes this affair so difficult is the archaic oppression that martyred the Turkish and Kurdish peoples for the last seventy years (ed. note: since the creation of the Turkish Republic). Those who inflict this calamity on us today are the heirs of these demented oppressors.

**THE LAND OF ANATOLIA
IS FERTILE**

The land of Anatolia is a fertile land where tolerance, fraternity, and democracy can flourish and where various elements can merge. Let us not, by stupidity, violate the cultures and the tolerance of this land.

One does not stop asking what the Kurds want. I know quite well what they want. I know what the Musa Anters, what the Kurdish people want. They don't really ask for so much in this century. They ask for the free use of their language! Some say: come on, they already speak their language? Yes, they speak it. It was however, the glorious generals who banned speaking this language! Glorious generals and patriots...

Freedom of language does not consist only in its spoken use. The single usage of the language of a community could not be merely oral. This language has its written and oral literature. During all the Ottoman era and until the installation of the Republic, the Kurdish language had both a written and oral literature. To exist, the language of a community must have its own schools. From primary school until the university level. It must have academies, institutes, linguistic institutions.

As for the Kurds, they have a literature that has produced geniuses in the past. They have world-renowned poets. Ehmedê Khani, the great XVIth century poet is one of these. Then the great poets of the XIIIth century court: Mela Cezerî, Feqîyî Teyran.... All his life, the latter dedicated his poems to birds and composed a number of poems about birds. The tombs of the poets I have just mentioned are in Eastern Anatolia (ed. note: read "Kurdistan in Turkey") and are venerated places of pilgrimage such as the

sepultures of saints and prophets. Every year, hundreds of thousands of people visit these tombs and sacrifice sheep.

The oral literature of the Kurds is equally very rich. Honorific epics still survive today in two nations of today's world: the Kurds and the Kirghizes. And then the Kurdish songs, elegies, melodies, tales, fables, and folklore are just as rich as Turkish folklore. The world is a garden of culture with a thousand flowers. Each flower has its own color, form, and scent. If one of the thousand flowers were to be missed, human culture would be impoverished of a color, a scent. If a hundred were to disappear, Kurdish culture would be impoverished. Until the arrival of imperialism, cultures sustained themselves mutually, contributed to their reciprocal flourishing and enrichment.

If Kurdish culture and language had been authorized, wouldn't these two cultures (ed. note: Kurdish and Turkish) that develop on the same land and breathe the same air nurture themselves mutually, blossom from its fate? Wouldn't Anatolia have become the homeland of authentic cultures? During the last seventy years, Kurdish culture would have no doubt given humanity a Nâzîm Hikmet, a Saîd Faik, an Orhan Veli, an Ahmet Arif, a Melih Cevdet, a Fethî Naci. Would such a culture have been a bad thing for Anatolia? "Except for Mustafa Kemal Atatürk, have all of them given all the necessary attention to Turkish national culture and language?" The oppression that has lasted for the last seventy years has passed like a steamroller on Turkish culture as well, without being able to crush it. However, the oppression that bans Kurdish language and culture has not been able to ban popular Turkish culture as well.

I believe that there are no two peoples in the world so closely linked together, who have lived fraternally for

a thousand years like the Kurdish and Turkish peoples. So why this conflict?

It is a question of democracy and nothing more. There is also a little racism. A problem of fanaticism, of the inability to understand today's world. The Kurds demand their human rights. They also want the governments to grant the East a tenth of the investments that they devote to the West. For, say the Kurds, this (the East) is also a part of the homeland. My fellow patriots, have you understood what the Kurds are saying? Don't your ears not want to dismember this country? Have you also understood this well?

I would like everyone to hold my words in their ears, like a ring in an ear: a more conscious humanity is entering the twenty-first century. Humanity has become conscious of the fact that the world is a garden of flowers with a thousand and one colors. That consciousness is organized around the annihilation of these diverse cultures. Just as it has become aware of the necessity of protecting nature to ensure our survival, humanity has known for a long while that the preservation of cultures is equally indispensable for survival and fights for this.

From now on, humanity will not allow the annihilation of any language, of any culture. Today, humanity is one way or another on the side of the wounded Kurdish culture, victim of oppression and it fights for its survival. The fight will still develop. Humanity will not permit throwing its flowers and those who produced them to the four winds. And no force will be able to stop humanity in this stubborn combat.

I would like to pose another question; what are we going to lose in awarding the Kurds their linguistic rights and in favoring the development of their culture? What have we lost because of this during the entire

Ottoman era? I say that it is our culture which will benefit from this.

There is also the Apo problem (ed. note: a PKK chief). As long as Apo has not stopped confrontations, it would not be possible to grant the Kurds their democratic rights. Not only the crows, even the titmice would laugh at such an opinion, at such a logic. What does our democracy have to do with Apo? Would it be because he now claims cultural and human rights for Kurds? Perhaps you don't know that our country has signed just about all the international agreements and conventions concerning human rights. Is there an "Apo clause" in these texts? My God, what a lack of logic!

It is also said that if the Kurds are granted their human rights, they will end up by demanding independence. And if they are not recognized, couldn't they claim their independence?

Wouldn't they be even more right in the eyes of humanity? Won't great humanity fight in their favor?

But where has our recognition of Kurdish reality gone? Would this be our recognition? By provoking a blood bath in the country? Is the Kurdish reality recognized by transforming the country into a torture chamber, a house of torture?

We are obliged to dry up this lake of blood by drying up the source.

But how? By sitting around a table? With whom? With the Kurds? But which Kurds? This is a technical question, easy to solve.

With everybody, all the elected representatives of the region? One could always find people who could represent a community of fifteen million people, and what's more, very close to us. Let me tell you: if Musa Anter had not been killed, the

question of peace would have been much easier; his consciousness would have been able to represent both the Turkish and Kurdish peoples at the peace table.

If there are still men able to reconcile Kurds and Turks in Turkey, if, as our journalist friends say, an organization protected by the government (ed. note: allusion to the Death Squads of the Special Units of the army) does not assassinate them. It would be good to act quickly. Each day that goes by, this stupid war, this dirty war, costs us dearly. This guerilla war, as similar experiences in the world prove, will not end easily. It will not stop. And then there is the genocide as certain mentally retarded propose, such as those who declare that grass will never grow again on Mount Djoudi (ed. note: a PKK maquis), those who assert that Sirnak (ed. note, city of 25,000 inhabitants practically destroyed and evacuated by the army) is only a beginning.

However, it isn't possible to kill all fifteen million Kurds in the country. It is also not possible to make fifteen million Kurds renounce their human rights. You cannot, in any way, by any fear, persecution, or death, intimidate, make people who claim their identity and who are ready to die for it renounce it.

Oh, my brothers, my compatriots, leftists, rightists, people of this or that, I beg you, this plague that sweeps down on us is the result of bad policies conducted for seventy years (ed. note, since the imposing of Turkish nationalism, denying any specific rights to non-Turks in Turkey, by Mustafa Kemeal as the official ideology of the State). If I told you what is awaiting us, what will happen to us a few years from now, ill-intentioned, malevolent persons will

say that I am holding up threats. Come, my brothers, unite our efforts. The Kurds demand rights that they will either finally take from us or that we will willingly award. Let us not deprive our brothers of these rights any longer. Haven't they been our brothers for a thousand years? (ed. note, allusion to the arrival of the Turks in Asia Minor in 1070).

Let us not enter the twenty-first century with blood-stained hands. Let us not enter the twenty-first century with fratricide. Let us not enter the twenty-first century with the black spot of the blood of fratricide on our forehead. Let us avoid entering with our head bowed (from shame) before humanity. In the twenty-first century, humanity will be even more vigilant concerning human rights and the protection of humankind's culture. The world has now become small. At the other end of the world, you will be asked to account for the humiliations, persecutions that you have conducted against people that you deprive of their rights. In our era, to be governed by democracy is the supreme honor for a country. How can you carry out democracy without granting human rights to fifteen million people?

From now on, one does not say, one can no longer say and you will not be allowed to say: "Either I'll be lucky, or my body to the vultures." (ed. note, popular Turkish saying that characterizes people tempted by all or nothing.)

Can we really love our country as Musa Anter did?

And democracy? We will be delivered of these deadends. Because I have a lot of confidence in the Musa Anters of this country. Whether they are Turks, Kurds, or of other origins: long live the Musa Anters, the Uncles Musa.

Kürtler insani haklarını istiyor

Cumhuriyet-HAFTA, 2-8 Ekim 1992

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**'YA DEVLET BAŞA
YA KUZGUN
LEŞE' DEĞİL
YAŞAR KEMAL**

Benimki belki de bir tuhaf inanç. Ben, hiç bir insanın, gözlerini kan bürümüş de olsa, işkenceci de olsa, yüzlerce insanın katili de olsa, Musa Anter gibilerine kıyabileceğine inanmazdım.

Musa Anter'i yirmi üç yaşlarındayken tanıdım. Dostluğumuz o gün bugündür sürüyordu. Dünyaya hep iyilikle bakan bir kişiydi. En karanlık, en zalim günlerde bile o hep aydınlık, o hep umutlu, hep inançlı olurdu. En kötü insanda bile bir iyi yan arar bulur, o insanı o küçücük iyi yönüyle sevmeye, anlamaya çalışırdı. En koyu karanlıkların sonunda, en ucunda bir ışık arar, bulur, en yoğun karamsarlıkta bir umut parlatırdı.

Hiçbir zaman ırkçı olmadı

O çekmiş, acılar yaşamış, zulümler görmüş, zulme, acılara, aşağılanmalara yenilmemiş bir halktı. Yenilmemişliğin, boyun eğmemişliğin aydınlığını, onurunu taşıyordu. Ermiş kişiliği, boyun eğmemişliğin büyük onur payından kaynaklanıyordu. Halkının kültürüne inanıyordu. Bu kültürün dünya kültürüne katkısı olacağına da inanıyordu. Hiçbir zaman ırkçı olmadı. Ulusalçılıkla ırkçılığı birbirine karıştırmadı. Hep sosyalist, hep demokrat kaldı. "Ap Musa..." Kürtler ona hep "Musa Amca" derlerdi, yumuşak huylu bir kişiydi. En yakın bir söze, bir davranışa hep yumuşaklıkla bakardı. Kimi zamanlarda, bu çok az olurdu, öfkesi yumuşaklığının derecesini aşardı. Düşüncelerine sonuna kadar, inatla bağlıydı. Etiyle kemiğiyle kendi kültürünün, kimliğinin yokolmasına karşıydı. Savaşımı sonuna kadar, ek-silmeden, ölümüne kadar sürdü. Ölümü de işte bu yüzden oldu. Ap Musa mutlu öldü. Savaşımının sonunu görmedi ama ışığını gördü. Daha önce söyledim ya, onun huuydu karanlıkların ardındaki, hem de yedi kat karanlığın ardındaki ışığı görmek.

Şırnak'ı yerle bir edenler gibi

Onu öldürenler, onu öldürtenler hiç iyi etmediler. Onu öldürenler, onu öldürtenler Türkiye'ye de kıydılar. Aynen Şırnak'ı basıp yerle bir edenler gibi. Göle'yi kan gölüne çevirenler gibi. Doğu Anadolu'yu kan gölüne dö-nüşürenler gibi. Bunlar Türkiye'ye

çok kötülük ediyorlar. Türkiye'nin kanına ekmek doğruyorlar. Türkiye yirmi bin nüfuslu bir ilini basamamalıydı. Bu, ülkeler zapteden, milyonlarca insanı öldüren kanlı diktatörlerin işinin tıpkısı bir iştir. Türkiye bu yola sokulmamalıydı. Yirmi birinci yüzyıla girerken bu kara leke alnımıza sürülmemeliydi. Bu çağda işte insanlık böylesi insanlık dışı davranışları kabul edemez, hiçbir zaman da bağışlamaz.

Türkiye ve insanlık, Musa Anter gibi barış güvercinlerinin de ölümünü bağışlamaz. Çünkü, bu kadar zulmü yaptıktan, bu kadar kan döktükten sonra nasıl birbiriyle bağdaşır? Amanın daha yol yakinken, amanın daha her şey bitmemişken, Musa Anter'lerin kanlarının hatırı için, bin yıllık kardeşliğin sevgisi uğruna, gelecekteki kardeşliğin güzelliği umuduna bu işe son verelim. O kadar zor bir iş değil Türk-Kürt anlaşması. Böylesine, bu işi zora sokan, Türk halkını da, Kürt halkını da yetmiş yıldır inleten kadim baskıcılıktır. Bugünlerde de başımıza bu belayı açanlar, bu gözü dönmüş baskıcıların kalıntılarıdır.

Anadolu'nun toprağı bitedir

Anadolu toprağı hoşgörünün, kardeşliğin, çeşitli öğelerin kaynağı, demokrasinin boy atabileceği biter topaktır. Ahmaklık yapıp da bu toprağın kültürlerine, hoşgörüsüne kıymayalım.

Kürtler ne istiyorlar, diye hep soruyorlar. Ben bunu iyi biliyorum. Musa Anter'ler ne istiyor, Kürt halkları ne istiyor biliyorum. Artık bu çağda çok şey istemiyorlar: Dillerini istiyorlar. Kimileri diyor ki, işte dillerini konuşuyorlar ya! Konuşuyorlar. O konuşmayı da şanlı generaller yasaklamışlar ya! Şanlı ve vatansever generaller...

Dil istemek, konuşabilmek değildir. Bir topluluğun bir dili olması, salt konuşmakla olmaz. O dilin sözlü ya da yazılı edebiyatı olur. Bütün Osmanlı çağından cumhuriyete kadar Kürt dilinin hem sözlü hem yazılı edebiyatı olmuştur. Bir topluluğun dilinin olabilmesi için, o dilin okulları olması gerekir. İlkokuldan üniversiteye kadar. Akademileri, enstitüleri olması gerekir. Dil kurumları olması gerekir.

Kürtlere gelince; geçmişinde geliş-

miş, dâhiler yetiştirmiş bir yazılı edebiyatı var. Dünyaca ünlü şairleri var. 16'ncı yüzyılın büyük şairi Ahmed Hani bunlardan biridir. Sonra 12'nci yüzyılın büyük divan şairi -bunlar şiirlerini hep Kürtçe yazmışlardı- Melle Cizrevi, Fagiy Deyyar... Fagiy Deyyar, bütün ömrü boyunca şiirlerini hep kuşlara adanmış, kuşlar üstüne şiir söylemiştir. Bütün bu andığım şairlerin türbeleri, Doğu Anadolu'da, evliya, peygamber türbeleri gibi ziyaret edilir. Her yıl bu türbeleri yüzbinlerce kişi ziyaret eder, kurban keserler.

Kürtlerin sözlü edebiyatları da çok zengindir. Homerik epöpler dünyada iki ulusta yaşıyor daha: Biri Kürtlerde, öteki Kırgızlarda. Sonra Kürt türküler, ağıtları, halay türküler, masalları, hikayeleri... Kürtlerin folklorları da Türk folkloru kadar zengindir.

Dünya bin çiçekli bir kültür bahçesidir. Her çiçek bir renk, bir çeşitlilik, bir koku taşır. O bin çiçekten biri eksik olursa insanlık kültürü bir renk, bir koku yitirir. Yüz tane yitirirse, insanlık kültürü fakirleşir. Emperyalizme kadar kültürler hep birbirlerini beslemiş, birbirlerinin gelişmesine, zenginleşmesine yardımcı olmuştur.

Yetmiş yıldır Kürt kültürüne, diline izin verilyeydi, bu iki kültür, aynı toprakta geliştikleri için, aynı havayı soluduklarından dolayı birbirlerini besler, geliştirmezler miydi? Anadolu, özgül kültürlerin vatani olmaz mıydı? Kürt kültürü yetmiş yıl içinde belki de insanlığa bir Nâzım Hikmet, Sait Faik, bir Orhan Veli, bir Ahmet Arif, bir Melih Cevdet, bir Fethi Naci sunabilirdi. Böylesine bir kültür Anadolu için kötü bir şey mi olurdu? "Türkler, Mustafa Kemal Atatürk'ün dışında, ulusal Türk kültürüne, diline gereken önemi verdiler mi?" Yetmiş yıllık baskı, Türk kültürünün üstünden de silindir gibi geçti ya ezemedi. Kürtlerin dilini, kültürünü yasakladığı gibi, Türklerin halk kültürünü yasaklamak baskının elinden gelmedi de, onun için.

Sanırım dünyada Kürt halkıyla Türk halkı gibi içiçe geçmiş, etle tırnak olmuş, bin yıldır kardeşçe yaşayan iki halk daha yoktur. Öyleyse bu kavga 'dövüş ne?

Bu, bir demokrasi sorunudur, başka hiçbir şey değil. Biraz da bu bir ırkçılık sorunudur. Bir bağnazlık, bir bugünkü dünyayı kavrayamama sorunudur.

Kürtler, insani haklarını istiyor. Dilini istiyor, kültürünü istiyor. Bir de hükümetlerin batıya verdiği ekonomik önemin onda birini de doğuya vermesini istiyor. Çünkü, diyor Kürtler, burası da vatan toprağıdır. İyice anlaşıldı mı, Kürtlerin bu dedikleri, vatansever kardeşler? Kulağınız duyuyor mu, Kürtler bu vatani bölmek istemiyorlar, bu da, bu da iyice anlaşıldı mı?

Kulağıma küpe olmasını istediğim aşağıdaki sözleri herkesin bilmesini istiyorum: Yirmi birinci yüzyıla insanlık daha bilinçlenerek giriyor. İnsanlık, dünyanın bin bir renkli bir çeşek bahçesi olduğunun bilincine vardı. Türlü kültürlerin yok edilmesine karşı bu bilinç de örgütleniyor. Doğamızı korumanın yaşamımızın birinci koşulu olduğu bilincine nasıl varmışsa insanlık, kültürleri korumanın da aynı olduğunun bilincine çoktan vardı ve savaşım veriyor.

Bundan sonra insanlık hiçbir dilin, kültürün yok edilmesine izin vermeyecektir. Bugün insanlık ya şöyle ya da böyle ezilmekte olan yaralanmış Kürt

lüne dönüştürülerek mi olur? Ülke bir işkencehaneye, zulümhaneye çevriler mi tanınır Kürt gerçeği?

Bu kan gölünü kurutmak zorundayız, kaynağını keserek...

Nasıl mı? Masaya oturarak. Kiminle mi? Kürtlerle. Hangi Kürtlerle mi? O, kolay bir teknik sorun. Herkesle, bölgelerden seçilen temsilcilerle... Ne bileyim ben, on beş milyonluk güçlü, sağlıklı bir kitleyi temsil edecek kişileri bu ülkede her zaman bulabiliriz, hem de yakınımızda. Bakın size söyleyim; Musa Anter öldürülmemiş olsaydı, söylediğim barış işi daha kolaylaşmış olurdu. Barış masasında onun vicdanı, hem Türk, hem Kürt halkını temsil

Gelin kardeşler hep bir olalım Kürtler eninde sonunda elimizden alacakları, ya da bizim severek vermemiz gereken haklarını istiyorlar. Kardeşlerimizi, daha uzun bir süre bu haktan mahrum etmeyelim. Yazık. Onlar bizim bin yıllık kardeşimiz, değil mi?

Bakın, yirmi birinci yüzyıla bu kanlı ellerle girmeyelim. Yirmi birinci yüzyıla kardeşleri birbirlerine öldürterek girmeyelim. Yirmi birinci yüzyıla almıza kardeş kanının kapkara lekesiyle girmeyelim. İnsanlık karşısında boyunumuz bükük olmasın. Yirmi birinci yüzyılda insanlık, insan hakları, insan kültürü üstüne daha çok titreyecek.

► Ape Musa. Kürtler ona böyle diyordu. "Musa Amca..." Ermiş kişiliği, boyun eğmemişliğin büyük onur payından kaynaklanıyordu. Halkının kültürüne inanıyordu.

Bu kültürün dünya kültürüne katkısı olacağına da inanıyordu. Hiçbir zaman ırkçı olmadı. Ulusalcılıkla ırkçılığı birbirine karıştırmadı. Hep sosyalist, hep demokrat kaldı.

► Yirmi birinci yüzyılda insanlık, insan hakları ve insan kültürü üstüne daha çok titreyecek. Artık dünya çok küçüldü. Burada aşağıladığın, zulmettiğin, haklarından mahrum ettiğin kişilerin haklarını, dünyanın öbür ucundan soruyorlar.

kültürünün yanındadır, savaşımını vermektedir. Bu savaşım daha büyüyecektir. İnsanlık çiçeklerinin, kendini var edenlerin har vurulup harman savrulmasına izin vermeyecektir. Bu inatçı dövüşünde de insanlığın önüne geçecek hiçbir güç olmayacaktır.

Bir şey daha sormak istiyorum; şu Kürtlerin dilini versek, kültürünün gelişmesine yardımcı olsak ne zararımız olur? Bütün Osmanlı çağında ne zararımız olmuş ki!.. Bundan kültürümüzün çıkarı olur, diyorum.

Bir de Apo sorunu var. Apo ateş kesmedikçe biz Kürtlere demokratik hak veremeyiz. Böyle bir düşünceye, mantığa kargalar değil, serçeler bile güler. Apo'yla bizim demokrasimizin ne ilgisi var? Kürtlerin kültürel, insani haklarını istiyor diye mi? Bilmiyorsunuz, biz dünyadaki, aşağı yukarı bütün insan hakları anlaşmalarını imzalamış bir ülkeyiz. Orada bir Apo maddesi var mı? Yarabbi ne mantıksızlık.

Bir de Kürtlere insan haklarını verirken sonunda bağımsızlık isterler, deniyor. Şimdi Kürtlere insani haklarını vermeden isteyemezler mi? Üstelik de insanlık karşısında haklı çıkmazlar mı? Büyük insanlık onların yanında döğüşmez mi?

Hani Kürt realitesini tanıdık mı? Tanımadık böyle mi olur? Ülke kan gö-

debilirdi.

Gazeteci arkadaşların dedikleri gibi, hükümetin korumasındaki bir örgüt öldürmezse eğer, Kürtlerle Türkleri barıştıracak daha birtakım insan var Türkiye'de. Elimizi cabuk tutarsak iyi olacak.

Gün geçtikçe bu anlamsız, bu pis savaş bize çoğa mal oluyor.

Bu gerilla savaşı, deneyler bize gösterdi ki, yani dünyadaki deneyler, kolay bitmiyor. Bitmeyecek de... Bir de Jenosid var, bir kısım aklı evvellerin önerdikleri gibi, yani Cudi Dağı'nda ot bitirmeyeceklerini söyleyenlerin söyledikleri gibi, Şırnak'ın bir başlangıç olduğunu söyleyenlerin davrandıkları gibi.

On dört milyon Kürdün hepsini öldürme olanağı yok. On beş milyon Kürdü insan haklarından vazgeçirmek olanağı da yok. Kendi kimliklerini isteyen, buna kelle koymuş insanı hiçbir biçimde, herhangi bir korkuyla, zulümle, ölümle sindiremez, isteklerinden vazgeçiremezsin.

Kardeşler, vatanseverler, solcular, sağcılar, şucular, bucular; gözlerinizi seveyim, başımıza yetmiş yıllık kötü yönetimler açtı bu belayı. İşler çok kötüye gidiyor. Başımıza geleceği, birkaç yıl içinde başımıza geleceği söylesem, tehdit ettiğimi söyleyecek bazı kötü niyetli ağzıkara çıkacaktır.

Artık dünya çok küçüldü. Burada aşağıladığın, zulmettiğin, haklarından mahrum ettiğin kişilerin haklarını, dünyanın öbür ucundan sana soruyorlar.

Bu çağda demokrasiyle yönetilmek bir ülkenin en büyük onurudur. On beş milyon insanın, insani haklarını veremezsen, demokrasiyi nasıl gerçekleştirebilirsin?

Artık insanlık, "Ya devlet başa ya kuzgun leşe" demiyor, diyemiyor, dirtirmiyorlar.

Gerçekten biz ülkemizi Musa Anter kadar sevebiliyor muyuz? Ya demokrasiyi?

Bu çıkmazdan kurtulacağız. Çünkü ben bu ülkenin Musa Anter'lerine çok güveniyorum. Türk olsun, Kürt olsun, kim olursa olsun; yaşasın Musa Anter'ler, Ape Musa'lar.

A REPORT FROM THE TURKISH ASSOCIATION OF HUMAN RIGHTS ON THE SITUATION IN EASTERN TURKEY

November 4, 1989

The delegation, composed of Mrs. Leman Firat, Vice-president of the association, Mrs. Melahat Sarptunali, and Mr. Kamber Soypak, members of the Istanbul section of the association, went to the field from October 2 to 7, 1989 (...).

Because of the time spent and security imperatives (impossible to circulate at night), the delegation was only able to visit Diyarbakir, Mardin, Cizre, Silopi, Derik, Kiziltepe, Van, Siirt, Erurh, and Sirnak. This report translates only a precise account about a small part of the realities of the region in question.

Grave and massive attacks on human life were noted daily and at every hour of the day in the regions where a majority of Kurds live. This is why this report mentions only attacks on the right to life, torture, and deportations and barely mentions attacks on the right to instruction in one's mother tongue, the right to practice one's own culture, etc. (...).

For reasons of security, we will not publish the names of persons who gave testimony.

ATTACKS ON THE RIGHT TO LIFE

Here are some striking examples:

The Silopi affair: 9 persons were killed during an army operation. The identity of 3 of them could not be

The Istanbul section of the Association for Human Rights decided to send a delegation to the east and south-east of the country to establish a report destined for Turkish and world public opinion on human rights violations.

established, and the 6 others had no link with the PKK. A judicial inquiry was opened following protests by villagers.

The Bangir affair: In the valley of Bangir, soldiers in operations meet 2 shepherds and order them to lie face down. Then they shoot them, and one of the shepherds, named "Zahit," shot in the head, dies immediately. We are mentioning this affair to attract the attention of authorities and public opinion on the necessity of verifying the accuracy of facts.

The Derik affair: Inhabitants whom we met in Derik indicated the assassination in the middle of the day of a farmer whose assassins have long terrorized the population: September 25, 1980, the Abdo's

son, accused of being a member of the PKK, is assassinated and Abdo is sent into exile by the "Metinan" tribe. Having returned to the village after several years' absence, Abdo was killed by the village guardians (ed. note, government militia) belonging to the Metinan tribe.

The Gurpinar affair: Nedim Öner was killed and Mehmet Öner was wounded by the police. Kaya Öner, head of the tribe and Nedim's elder brother, made the

following declaration to us about this affair: *"The soldiers who arrived in the village shot the sheep, and the shepherds were just above the village. My brother, speaking to the soldiers, said that the flock belonged to the village and said he would get them while going towards the car. At that precise moment, the soldiers shot at him. He was killed, and Mehmet, wounded, was arrested."*

As you know, just after the unfolding of this affair, the prefect of the exceptional state region made a declaration in which he presented these two persons as terrorists. The social and political position occupied by Kaya Öner led to alerting the press and proving that it was not a question of terrorists but of simple farmers.

Pressure was put on farmers who testified in this affair, and it was said that they had a record. While some time before, Kaya Öner had participated in a meeting organized by the commander of the military garrison for tribal chiefs in the region with the aim of organizing them against the PKK. Would someone with a record been invited?

We were told that at Semdinli, State leaders would have asked persons being sought for civil offenses were asked to kill PKK militants in order to be pardoned. Thus Cemil Yilmaz, after having killed an innocent villager, walks around free. Encouraging such practices by the State allows bandits to kill innocent farmers and then present them as PKK members.

The persons we met with in our rounds are unanimous in declaring that even to alert the press about these inhuman practices of which they are the object, one must have a great deal of influence.

We would like to draw attention to three points concerning attacks on human life:

- Public opinion is condemned to silence as soon as it is declared "that such and such a person was killed during skirmishes with the army." No one thinks about the way these combats take place any more. Were the victims armed or not? Was it possible to take them alive? There are therefore persons killed, innocent villagers or presumed PKK members, with no form of trial. As it is considered that there is a war and enemies, doubt always remains about the reality of facts.

- A state prosecutor informed us that, as prosecutors, they are always informed last. Until he goes to the place where the event occurred, all traces and proof are gotten rid of by

the police and the autopsy, ordered late, gives no results.

- Each person killed is immediately labeled a terrorist by the prefect of the state of exception region, and public opinion is thereby fashioned thanks to the complicity of the radio, television and written press.

VILLAGES DEPORTED

In the regions we visited, we saw villages emptied of their inhabitants and met populations who could not return to their villages. At 17 km. from Siirt, the village of Biloris, where the constructions are in very good condition, is totally empty of its population.

Also in Siirt, the villagers in transhumance told us that they are prevented from returning to their village, forced to sell their flocks at very low prices and that for the last three days they have not had a drop of water. They also say that they are not the only ones in this situation(...).

In Derik (sub-prefecture of Mardin), on September 8, 1989, a package bomb was taken apart by the police without the least precaution or help of a specialist. Fifteen "suspects" were arrested and tortured, only three of whom were sent to trial but later cleared of all suspicions. The persons who were arrested think that it was a police provocation as the police would have told them "We know it isn't you, but tell us who would have done this? Who is responsible for the propaganda in the cafés?" (...)

Persons who were arrested make declarations when the interrogations under torture are conducted in agreement with the prosecutor and the official doctor. That is why it is never possible to prove that torture took place. The utilization of the

family name not being very usual with Kurds, in case of denunciation, several persons with the same first name are arrested.

DEPORTATIONS IN SIIRT

One of the greatest mechanisms of persecution in the region is the deportation of persons. The cruelty of that method aside, if these persons were really guilty, instead of deporting them, they should be sent to trial. The fact that the deportation sentence, eliminated from the Turkish penal code many years ago, is still applied in the region, shows the Middle Age attitude of the State towards the population that lives there.

Here are a few examples we were able to note:

- In Çatak, by mistake, the house of a woman judge and a doctor is fired on by the police. The judge and the doctor leave the city because of fear.

- The guardians of the village block the roads and arbitrarily make identity checks. Because of the splits within the tribes, the controls increase tension. These practices take place daily in Hakkari.

- A group of PKK militants invest the village of Dagbasti and asks the mayor to call the police on the phone or they will set fire to the village school. The police tell the mayor that they cannot go out at night and that it is up to the villagers themselves to protect their village. The PKK militants wait until morning and leave the village, setting fire to the school. The police arrive in the morning, gather all the inhabitants, and beat them.

CONCLUSION

- The most basic principle of the right to life is seriously threatened.

Our fears that these attacks are widely practiced in the region are founded.

- We have serious fears concerning arbitrary executions by the police without any form of trial.

- The prosecutors, guardians of State law in the region, are always informed last about the events; and when they are informed, objective conditions for their work no longer exist.

- All those who are killed during or outside skirmishes with the police are declared to be "terrorists" by the exceptional state prefect. This type of assassination is thus legalized.

- The deportation of villages, having become State policy, condemns villages to economic and social poverty.

- The villagers declared to us that,

caught between persecutions coming from the State on the one hand, and from the PKK on the other, they do not feel safe for their lives.

- Using the principle of the "secret of the inquiry," relatives of persons who are arrested cannot be informed about what happens to them. This reinforces fears about allegations and practices of torture. Despite the decree of the Minister of Justice authorizing "the presence of a lawyer during the inquest" there is no question of requesting it in this region, while it is only partially applied in large cities. Torture during an inquiry is spoken of as habitual practice.

- Deportation is a practice contrary to human rights. Those who are deported and their families are reduced to poverty.

- In the region, activity stops at sundown. It is impossible to take a walk at night.

- It is a fact that TIM (ed. note: special anti-riot units) and police methods, by the practice of torture and persecutions, provoke a reaction from the population.

- The right to life is sacred for every human being. This is why arbitrary executions, whether it is a question of PKK militants or villagers, must stop.

The practices that we have noted show that the police consider the population to be the enemy.

The delegation considers that human rights are widely ridiculed in the region: massive attacks on the lives of human beings are exercised, and the population has no means of defense.

HARSH REACTION OF THE COURT OF APPEAL

OPINIONS DIVIDED IN 30 CHAMBERS GATHERED IN THE APPEAL COURT

During the ceremony marking the new judicial session in presence of the Prime minister, Suleyman Demiral, the president the the National Assembly, Husamettin Cindoruk, the President of the Constitutional Court, Yekta Güngör Özden, Ministers of State Ekrem Ceyhan, Serif Ercan, and the Minister of the Justice, Seyfi Oktay, the presidents and members of the High Courts as well as members of the judicial milieu, the president of the Appeal Court, Ismet Ocakçioğlu, pronounced a diversely appreciated speech in which he notably declared:

• **Our mother tongue is Turkish:** "The state cannot speak to its citizens in a language other than Turkish. No language other than Turkish can be taught or dispensed to Turkish citizens as a mother tongue. The diffusion, in each part of the country, of the Turkish language which is the language of the Turkish people constituted as a compact unit is the natural consequence of the principle of a united state."

• **The nation is unitarian:**

According to the inalienable and absolute principles written in the constitution, the State, the Republic, the Nation, the people are each unitarian, and all this represents the Turkish nation and people. One must not dream of a first and second Republic. Any important modification of the Constitution or elaboration of a new Constitution cannot mean changing the republic. As for the principles of the Republic, they can never be modified. For these reasons, the discussions about the numbers of republics, if they are not expressly directed against the unity of the state and against its indivisible country and nation can only be whimsical."

• **The spirit of the War of Liberation:**

If the constitution imposes a ban, it also provides the means to make it respected. For these reasons, the creation of political parties against the indivisible integrity of the State with its territory and nation cannot be authorized. Those who wish to divide the state will find themselves confronted with the unbendable will of the Turkish

nation and forces of the State. If necessary, these principles will naturally be defended in the spirit of the War of Liberation. History is a witness to what the Turkish nation can do in difficult times."

• **Utilization of terrorist methods against terrorists themselves:**

"The utilization of terrorist methods by the State, with the aim of preventing terrorism, conforms to the rules in practice by a democratic state of law."

• **Inquietude about the project of reform of the penal procedure code:**

"The project of reform of the code of penal procedures requires carefully thought-out adaptations, especially in the present situation concerning (the integrity of) the State. It is with anxiety that I look at the recent propositions of modification concerning the defense of the unity and integrity of the country. (ed. note: This report aims notably at reducing police custody to 24 hours and giving the detained person the possibility of having a lawyer present in order to reduce the practice of torture in police headquarters. At present custody can last 15 days, renewable in the Kurdish provinces.)

Coupure originale du quotidien turc Milliyet du 9 septembre 1992

Yargıtdan sert tepki

ANKARA, ÖZEL

ADLI yılın açılış törenlerinde konuşan Yargıtay Başkanı İsmet Ocakçıoğlu, yargı ve siyaset çevrelerini karıştırdı.

Yargıtay'da yapılan ve TBMM Başkanı Hüsamettin Cindoruk, Başbakan Süleyman Demirel, Anayasa Mahkemesi Başkanı Yekta Güngör Özden, Devlet Bakanları Ekrem Ceyhan, Şerif Ercan ile Adalet Bakanı Seyfi Oktay, yüksek yargı organlarının başkanı ve üyeleri ile yargı çevreleri katıldığı açılış töreninde Ocakçıoğlu değişik kesimlerde tepkiyle karşılanan konuşmasında şu konulara değindi:

■ **Ana dilimiz Türkçe:** "Devlet vatandaşlarına Türkçe'den başka bir dille hitap edemez. Türkçe'den başka hiçbir dil, eğitim ve öğretim kurumlarına, Türk vatandaşlarına ana dilleri olarak okutulamaz ve öğretilmez. Türkçe'nin tek bir bütün oluşturulan Türk halkının tümünün dili olarak ülkenin her karşı topraklarında yayılması devletin teklifi, ilkesinin doğal sonucudur."

■ **Millet tektir:** Anayasa'da belirlenen değiştirilemeyecek nitelikleriyle birlikte devlet de tektir, cumhuriyet de tektir, millet de tektir, halk da tektir ve bu da Türk milleti, Türk halkıdır. Birinci Cumhuriyet, İkinci Cumhuriyet gibi heveslere kapılmamak gerekir. Anayasa'daki her değişiklik, büyük kapsamlı olsa veya yeni bir Anayasa yapılsa dahi, cumhuriyet değişiklikleri olarak nitelendirilemez. Cumhuriyetin nitelikleri ise asla değiştirilemez. Bu sebeplerle işi sayıya dökmek, devletin teklifine (üniterliğine), ülkesi ve milletleyle bölünmez bütünlüğüne yönelik özel bir kasta dayanmıyorsa, sadece bir özütünden ibaretir."

■ **İstiklal Savaşı ruhu:** "Anayasa bir yasa getirilmiştir onun yaptırımını da kendi bünyesinde mevcuttur. Bu sebeplerle devletin ülkesi ve milletleyle bölünmez bütünlüğüne aykırı amaçlara yönelik bir siyasi partinin

● Yargıtay Başkanı İsmet Ocakçıoğlu, yeni adli yılın açılış ile ilgili olarak düzenlenen törende yaptığı konuşmada, CMUK konusunu üzerinde hassasiyetle durulması gerektiğini belirtirken, "yeni düzenlemeleri devletin ülkesi ve milletleyle bölünmez bütünlüğünü koruma açısından, büyük kaygı ile karşılıyorum" dedi



KAPIDA KARŞILAMA Yeni adli yıl Yargıtay binasında yapılan bir törenle açıldı. Törene Başbakan Demirel de katıldı. Yargıtay Başkanı Ocakçıoğlu, Demirel'i kapıda karşıladı.

kuruluşuna cevaz verilemez. Devleti bölmek isteyenler karşısında Türk milletinin sarsılmaz iradesi başta olmak üzere devletin güçlerini bulacaktır. Gerekteğinde İstiklal Savaşı ruhu içerisinde bu prensipler elbette korunacaktır. Türk milletinin en güç zamanlar neler yaptığına tarih tanır."

■ **"Teröre karşı terörün yönetimi":** "Devletin terörü önlemek için teröristlerin kullandıkları vasıta ve yöntemleri kullanması demokratik hukuk devleti kurallarına da tamamen uygundur."

■ **"CMUK'tan kaygılıyım":** "Ceza Muhakemeleri Usul Kanunu (CMUK) tasarı özellikle içinde bulunduğumuz ortamda devletin durumu açısından üzerinde hassasiyetle durulması gereken düzenlemeler getirilmektedir. Yeni düzenlemeleri ülkenin birliği ve bütünlüğünü koruma açısından büyük kaygıyla karşılıyorum. Tasarı bir kez daha gözden geçirilmeli."

■ **"Laiklik":** "Laiklik ne dinseliktir, ne dini inançlarını yerine getirenler genicidir ve İslam dini de asla gericiği telkin etmez."

dolu dolu bir konuşma, içinde yararlanabileceğimiz fikirler var. Hükümet, eleştirilmek için vardır. Biz her türlü eleştiriye açığız.

■ **Adalet Bakanı Oktay:** Böylesine coşkuyla kullanması gereken bir günde böylesine bir konuşmanın, hem de Yargıtay Başkanı tarafından yapılması beni çok üzdü. Tartışmaya girmek istemiyorum. Sadece şunu söyleyebilirim ki, zamanı gelince bu konuşmaya cevabımıza vereceğiz.

Türkiye Barolar Birliği tarafından alınmış bir kararın hazırlanan Adli Yıl açılışında bir konuşma yapan Anayasa Mahkemesi Başkanı Yekta Güngör Özden ise Yargıtay tarafından düzenlenen Adli Yıl açılış töreninde Ocakçıoğlu'nun Anayasa Mahkemesi konumu konusundaki sözlerini bir daha değerlendirdi. "Anayasa Mahkemesi'ne akıl vermek kimsenin hakkı değildir" dedi. Özden, savunmasız adalet olmayacağını ifade ederek, "avukatlarla meslek örgütü baroları, yargının dışında görmek ağır bir yanlıdır. Kimsenin yargı söz getirme hakkı yoktur. Hakimler ve Savcılar Yüksek Kurulu'nun 1982 yılından kalan yapısı değiştirilmelidir" dedi.

Özden, şunları söyledi: "Duygusal bir yaklaşımla bazı gerekçeleri saptırılmış, yasaya ve Anayasaya aykırı yorumlar yapılmıştır. Anayasa konusunda yorum yapmak, sadece Anayasa Mahkemesi'nin hakkıdır. Anayasa Mahkemesi'ne akıl vermek kimsenin hakkı değildir."

Türkiye Barolar Birliği Başkanı Önder Sav da alternatif açılışa yaptığı konuşmada, "Yargıtay Başkanı istese de istemese de avukatlar yargının bir unsurudur" dedi.

Dil ve Tarih Coğrafya Fakültesi'nde yapılan törene, TBMM Başkanı Hüsamettin Cindoruk, Devlet Bakanı Mehmet Karaman, Adalet Bakanı Seyfi Oktay, Yüksek Yargı Organları Başkanı, Serdikta Başkanları, Askeri Yargı temsilcileri, milletvekilleri, baro başkanları ve çok sayıda avukat katıldı.

Konuşmasında, Yüksek Mahkemeler arasında ayrıcalık yaratılmaması gerektiğini, anayasa mahkemesi'ne bu konuda ayrıcalıklar verilmemesi gerektiğini savunan Yüce Divan yetkisinin Anayasa Mahkemesi'nden alınarak, Yargıtay'a verilmesi yönündeki görüşünü yinelledi.

Adalet Bakanlığı'nda üst düzey atamalarda Cumhurbaşkanı Turgut Özal'ı devre dışı bırakan by-pass yasasını eleştiren Ocakçıoğlu, Hakimler Savcılar Yüksek Kurulu'nun bağımsız olmadığına dikkat çekti. Bağımsız Türk Cumhuriyetleri ile ilişkilerin geliştirilmesinde fayda olduğunu işaret etti. Çevre konusundaki görüşlerini de aktarıırken Türkiye'nin 25-30 yıl sonra çölleşeceğine dikkat çekti.

Ocakçıoğlu'nun konuşması, törende gergin bir hava esmesine neden olurken çeşitli çevreleri de rahatsız etti. CMUK'nda yapılan değişikliklerin yanı sıra hükümetin terörle ilgili uygulamalarını da eleştiren Başkan'a ilk tepkiler şöyle:

■ **Başbakan Demirel:** Çok uyar ve

PROFESSOR MAHIR KAYNAK FORMER HIGH OFFICIAL IN THE TURKISH
SECRET SERVICES (MIT), ANALYSES THE KURDISH QUESTION:

**“GERMANY IS FOR A KURDO-TURKISH CONFRONTATION;
THE UNITED STATES PREFERS A MILITARY COUP”**

Political life in Turkey has become rather tormented. While provocations continue, rumor abounds on the subject of an eventual military coup. A specialist of the question, former head of the Secret Service, Mahir KAYNAK, who is getting ready to create a new political party with Aydin Menderes (ed. note: the son of the former Prime Minister, who was hung following the 1960 coup) answered our questions on the problem of the South-east (ed. note: Turkish Kurdistan) and on the politics of the PKK and the state the day after the assassination of the Kurdish intellectual, Musa Anter:

Q. What is happening in the South-East at present?

A. Two different points of view, Kurdish and Turkish, are being confronted. The Turkish state sees separatism in the events in the South-east. It is convinced that the Kurds no longer want to live in the same state with the Turks and that this war is a war of secession. But from the Kurdish point of view, we do not encounter this desire; they say they want to live within a democratic Turkey and that they are not pursuing a separatist aim. It is obvious that the protagonists do not understand each other. To tell the truth, the Turkish state is not interested in what the Kurds say and seeks rather to guess at their intentions, decide in their place, and elaborate appropriate strategies.

**“(TURKISH) STRATEGY IS
ERRONEOUS”**

Q. From your point of view, is Turkey's strategy good?

A. It is erroneous. This is due to two reasons: the first is that the state knows the problem. That is, it knows that the Kurds do not want independence. But it refuses to listen to their demand, expressed in terms of a democratic Turkey. So, to mobilize public opinion, it makes the Kurds say what they do not say. Therefore, the state deliberately makes an erroneous diagnostic. Or, it doesn't understand what is happening.

Q. What do you think of the assassination of the Kurdish writer, Musa Anter? Accor-

ding to you, who assassinated him?

A. In my opinion, that assassination resembles the assassination of Abdi İpekçi (ed. note: Managing director of the daily newspaper, Milliyet) which took place before 1980. Abdi İpekçi, a socialist, was against armed action by the left and for peace. He was an important symbol for all those enamored with peace; and in addition he had a serious and influential newspaper available. By making him disappear, they definitively closed off the road leading to peace. And then, we had the 1980 coup. One can say then, in looking at the road taken, that Abdi İpekçi was killed by those who wanted a coup d'état. I cannot give a name or designate a person or a group, but those who killed İpekçi are the organizers of the coup. Musa Anter incarnated the same symbols for the Kurds. Although a Kurdish nationalist, Musa Anter was a man who did not want a separation, but demanded democratic rights for Kurds and, going even further, he expressed the necessity for democracy in all of Turkey. His disappearance is the work, in my opinion, of those who do not want a pacific solution for the regulation of the Kurdish question. We can define an organization that does not want a pacific solution to the Kurdish question as follows: in the

eyes of Turkish public opinion, designate the Kurds, as much as possible, as enemies and then obtain the support of Turkish public opinion in an attempt to crush the Kurds. This hypothesis seems highly probable to me. For, there exists in Istanbul a number of actions that one can qualify as provocation: setting fire to an empty ship, a strange non-functional bomb placed in a box of wash powder.... All these actions are designed to spread the idea that the PKK also commits crimes against the innocent. This shows that a branch favorable to stamping out the Kurds does exist.

Q. Do you exclude PKK participation in actions carried out in large cities?

A. Absolutely. Up to now, the Kurds have carefully avoided actions that could lead to a Kurdo-Turkish confrontation. I can affirm with certainty that it is easier to shoot at civilians than to fight soldiers.

THE COUNTER-GUERILLA

Q. What is the role of the counter-guerilla (ed. note: Special unit of the Turkish army) and the organization called "Special war section of army staff" in the unfolding of these events?

A. I would have preferred to have proof before affirming that the state commits terrorist acts. With me it is a principle not to judge (without proof). That is why I cannot say that it's the state, but I can affirm, on the other hand, that an anti-PKK force does organize provocative actions. I would not know who.

Q. Is it the work of those who want a coup?

A. Putschist forces can exist. In saying that, I'm not thinking of the army. Others can want to incite the army to carry out a coup.

Q. What do you mean by "others," sources in Turkey or abroad?

A. It can be both. They can also want to ready the ground for a coup. That is highly possible. I would like to say only this: a coup d'état is not possible with Turkey's internal dynamics alone. It would have an absolute need for external support.

Q. It is said that the "Hizbullah" organization that is active in the region is an emanation of the state. Does this seem possible to you?

A. The Hizbullah is an organization controlled throughout the world by Iran. But it has been seen that at least a part of the Hizbullah active in the Southeast is used against the PKK, outside Iran's initiative. It is probable that this wing, at least, receives state support. But even if the state does not organize it, it is possible that it considers it with benevolence.

Q. Can we say then that it is not the state that created Hizbullah, but that it gives it support from time to time?

A. Yes, it's possible. One can say that.

Q. What is the is the PKK's goal; what should one think of the PKK phenomenon?

A. It can be analyzed in various ways. The most probable according

to me: the Kurdish question is in reality a means used to influence internal Turkish policy. If it were necessary to make a comparison, I would say that at present the Kurds occupy the situation in which the left found itself before 1980. In my opinion, the PKK phenomenon could not create an independent or federative Kurdistan in Turkey, but could be at the origin of important modifications in internal Turkish policy to end, finally, with the recognition of Kurdish identity. This would also result in the limitation of the army's power in Turkish interior policy. Turkey could become a more democratic country. Those are the expected consequences. If you also pay attention to discussions going on about the first republic and the second republic, the philosophy of the state and its conception of the world in existence since 1923 could, eventually, be modified. I think that the Kurdish movement is used to reach these objectives.

Q. It follows then that in a way, the PKK contributes to the democratization of Turkey?

A. In fact, it is used for that. The missions given to Turkey at present necessitate another evolution of Turkish thinking. In the future, Turkey is called to play a role beyond its frontiers. It must take into account changes in frontiers. It will play a more and more active role in world problems from Central Asia to the north of Iraq to the Balkans. To be present, it must change its style of organization and thinking. It will need an army that is rid of political and ideological missions, controlled by the state and not discussing its policy, disposing of a

force much larger than is actually the case.

Q. Is the PKK used by forces that want the democratization of Turkey?

A. I can express it differently. In order to accomplish the roles assigned to it, Turkey must change its structure (appearance, face?). The PKK is a means used in that perspective.

Q. Who uses it?

A. In my opinion, the United States.

Q. Then, what is the policy of the state and the government in the South-east, and what are they doing?

A. The political power does not want to take the responsibility for the South-east. It seems that it withdraws. For it could not hope to conduct such a combat alone. It did not feel strong enough to approach important changes. This is why, to settle the question, it has withdrawn in favor of the army. And the army has gotten involved in a war without taking into account the specificities of a guerrilla combat and has ended by losing the support of the population in the South-east.

Seeing itself at present in a bad situation, it would like to pursue the war at a higher level. That is, a wide scale operation in the Dersim style. In the case of such an operation, the West would intervene and would not allow it to be carried out. That is to say, the beginning of that operation and the intervention of the West would take place at the same time. That is why I caution them (Turkish leaders) from now on.

Q. Taking into account these developments, can one say that Turkey is in a period of pre-coup d'état?

A. All the conditions for a coup d'état are in place. Except one: outside support.

OUTSIDE SUPPORT

Q. Do you think it is possible to obtain outside support?

A. It is possible. The Kurdo-Turkish confrontation is unacceptable in the eyes of the world. To avoid (this confrontation), a coup d'état could be supported for a specified period of time.

Q. Do those who support the PKK want a coup d'état in Turkey or a change?

A. They want change. They would not push for a coup d'état if they could make change in this precise framework. But if there is ever a Kurdo-Turkish confrontation, they will quickly push for a coup d'état.

Q. If one analyzed, one by one (the policies) of countries such as Iran and Iraq at first and Syria, England and the United States afterwards, what is their degree of interest concerning the Kurdish question and what do they want exactly?

A. Iran is conscious that this question will turn itself against it one day. It knows that a Kurdish state created in the north of Iraq would find itself under Turkish influence. That is why Iran would not give a lot of support to the Kurdish problem in Turkey. The (Turkish)

government is making a mistake. It must not say that Iran supports the Kurds (of Turkey). Iraq, that is to say, the Saddam regime, cannot give its support either. For at present, Saddam's soft underside is the Kurdish question.

WHY MUST SADDAM SUPPORT THE PKK?

Q. The Prime Minister and Chief of Staff have declared that Saddam gives support to the PKK and that they have proof. Is this false?

A. Saddam's support (of the PKK) is not possible. This is a partial misunderstanding (of realities). For Saddam has nothing to gain from a PKK success. This can be false proof or false information. The PKK cannot have the support of Saddam.

Support comes, rather, from northern Iraq. Saddam no longer exists there. If they consider support coming from northern Iraq as support from Saddam, they are wrong.

Syria cannot play a role active in this matter. It is not a pole of decision. We feel that an American scenario exists for the Middle East. It consists in creating a Kurdish state and placing it afterwards under Turkish mandate.

Events develop in this direction. Europe, especially Germany, thinks the contrary. The objective pursued by Germany is Kurdo-Turkish confrontation in Turkey. Such a confrontation will signal the end of the American scenario. That is why I think that Germany will try to carry out this confrontation and the United States will provoke a coup d'état if such is the case.

THE CONFESSIONS OF A TURKISH SOLDIER HOME FROM THE WAR IN KURDISTAN

*Published by the Istanbul daily newspaper
Özgür Gündem, September 19, 20, 21, 1992*

EXCERPTS

□ **Could you introduce yourself to our readers?**

■ I am a commando sergeant in the gendarmerie, class of 1971/1. After seven months of training, including psychological preparation, mountaineering, and shooting, I was sent to the Sirnak* Brigade, and from there to a temporary mission in the city of Idil. The psychological training I had in Foça along with my prejudices incited me to believe that "every Kurd is a militant." The people I met afterwards tried to rid me of this prejudice. The events that I lived through, the death of my friends, the fact that we opened fire on demonstrators and the famous march on August 5 made me understand certain truths. The march on August 5 began in Anitpark to move towards the center of town. There, under the orders of Brigadier General Mete Sayar, we fired on the crowd. Two people were killed; 3 or 4 women were wounded. At the time, that incident did not awaken much in me as I believed that the law was on our side.

□ **Did the crowd fire during the march?**

■ No, they only threw stones. They only wanted to march; we built barricades in front of them. They marched

* Kurdish city of 25,000 inhabitants located at the Turko-Irakian frontier, destroyed by the Turkish army on August 18, 1992.

again; we prevented them again. We flew over them in helicopters. They showed no reactions, did not fire. (...) Lately, in the rocky region of the village of Sulak (city of Idil, province of Sirnak), we arrested 11 guerillas, members of the ARGK (military branch of the PKK). I don't remember the exact date. I think it was in July. Only three of them were armed.

□ **Did they fire on you?**

■ In our ranks, Cengiz Eroglu, a sergeant, was killed. So the state was furious. They didn't even refer to judicial instances. We killed eight of them who were under 18. We didn't even give them water. One wanted to write a letter to his mother; they beat him to death. Those people were killed without being judged, without our trying to convince them that their ideas were wrong; we only thought that as Kurds, they couldn't change. One was 14 years old.

□ **How do you kill them?**

■ We lined them up and shot them. We gave a cigarette to the one who wanted one. We beat those who asked for water. It was a cruel situation. I didn't participate in the execution, but I was (punished) when I wanted to stop (the other soldiers). I wanted to give the boy some water. They insisted a lot (that I participate in the execution). But I had a machine gun. If I had fired, they would have been blown to bits. But as I wanted

to prevent the execution, they shot at me and declared me as wounded in combat. They sent me to Diyarbakir. In addition, I was beaten. It wasn't the soldiers but the officer who shot at me.

□ **What happened to the bodies?**

■ I don't know. But they didn't have any brains left. The soldiers aimed at the heads above all. Each of them got at least a hundred bullets. Their faces were unrecognizable. They didn't show them to the press. But the television came to film them. Before the camera turned, arms were brought from Sirnak and placed next to the bodies. That's the way it usually goes.... According to a rumor, the bodies were thrown to their village by helicopter. According to another rumor, they were thrown into northern Iraq so as not to provoke the population. These subjects are discussed among military pilots. (...)

The commanders give all authorization to their soldiers in such cases. They are pleased to have soldiers attack or rape. And the soldiers want to do it. It's the law of the strongest that reigns there. (...) For example, there was a big attack on December 22, 1991. Forty-two to 43 rockets (RPG) were fired. The next day, the city of Idil was searched house by house. We broke televisions, wardrobes, everything we found in the houses. At first we broke

objects of value, such as televisions with bayonets. We overturned bookcases, tore beds apart. We took out the fathers and shut up the girls that the soldiers raped. We made them open coffers and took gold and silver. It was the state, its gendarmes and commandos that did that, and no one asked "what are you doing? Why are you taking all these objects, this gold?"

□ How does the police behave with the population?

■ The police is bad with the population in these places, to the point of putting the canon of a gun in women's vaginas. Some of them collect ears and noses. Those are the sick ones. They belong to the special teams. After killing someone, they cut off their ears and nose. It's a matter of pride for them. There are some who put marks on their arm. I couldn't give you the names because they have war names like PKK members. They have wives and children. But they live separated. I feel sorry for them.

□ How do they train you psychologically?

■ Psychological training is very important. For example, there are panels reserved for the PKK. The brutality of the PKK, its lance-rockets, the persons it has killed, the soldiers it has abducted, the family of the soldiers, their tears, funerals of martyrs are shown in the form of photo exhibits and slides. There are photos of Abdullah Öcalan; we fire at it. In other words, we see them as our worst enemies. If the Greeks debarked just then, it's possible that we would be {even} kinder with them.

□ Which photos did you fire on?

■ Mazlum Dogan,* Abdullah Öcalan,* Osman Öcalan,* Leyla Zana,** etc.

□ Leyla Zana as well?

■ They are angry at her. If they could, they would show her in pornographic films, they hate her so much. There are also HEP deputies, Mahmut Alinak, Selim Sadak. They have very bad intentions concerning Leyla Zana.

□ Would you like to relive these events?

■ Yes, I would. Few people go through such events in the world.

□ Would to do the same things?

■ No, I wouldn't do the same things. I wouldn't fire on the crowd. I wouldn't do anything bad.

□ During your stay there, did you dream about these events?

■ Yes. I had a sub-officer K.Y. I know that we wake up often. We went down and drank some water. We were in a complete sweat. We asked ourselves: "what happened" He answered: "I dreamt that..." I was in the same situation. K.Y. was from Bogazliyan (from Yozgat). He was a democrat.

□ Is this kind of anxiety common among soldiers?

■ Yes. Some commit suicide. They fire a gun in their head, blow their brains to pieces. Their brains were blown to bits. I had a friend. His name was Aziz. He was from Gaziantep. A woman was arrested with her husband. She told (Aziz) what happened to her: "I was pregnant." They had raped her. Aziz couldn't stand her painful story and committed suicide.

□ What do they tell families after such events?

■ They say: he fell in combat like a martyr. They present their condolences and give them the bodies. But they don't give back the bodies of the ones who die in northern Iraq as they can't recuperate them. Since the PKK completely controls the frontier zone in northern Iraq.

□ You said that people who are arrested are thrown from helicopters. Did you see this?

■ The wounded are tied up and thrown out alive. The officers come to their cries.

□ In your opinion, what is the image that soldiers have of Kurds back there?

■ They see them on one model. They say "Kurd" therefore separatist. They say that the "Kurds cannot be recuperated." They say "PKK." They say "the Kurds are made to be beaten, sworn at, and abducted. There won't be any problems afterwards."

□ Rumors say that after the assassination of his brother, General Mete Sayar began to behave in a vindictive way with the population. What do you think?

■ Mete Sayar is the king of these places. Life and death depend on him. Mete Sayar is a phenomenon in these regions. He makes 18 helicopters take off and land at the same time. Afterwards he says: "Thank you. It was a maneuver." He orders tanks to open fire. No one can predict what he'll do. If Mete Sayar gives the order, the soldiers will destroy a whole city.

* PKK leaders

** Kurdish legislator from Diyarbakir, wife of Mehdi Zana

□ You were in Sirnak during the latest events. How did that take place?

■ During the latest events, the PKK took us by surprise. We weren't expecting it. We thought that we had taken everything away from them after the events of Newroz, that they didn't have any more mortars or rockets. We were drunk with victory. We were drinking. Mezes were being passed around. The guards relaxed their attention. In any case, during Newroz, there was real plundering. The stores, encircled by tanks, were pillaged. Go into a store, take televisions, radio, money, everything you find. Load up the cars. I took a hi-fi myself. We were listening to music. (...)

In the latest events in Sirnak, they began by firing mortars and finished with rockets. The soldiers didn't respond. Once the firing stopped, the tanks came in from the outskirts of town. 40 tanks. They encircled the city and fired day and night.

□ Did you know whether there were PKK members in the houses or did you fire blindly?

■ We fired. I fired, myself. We thought there could be militia inside. We were using American arms. M-16s, A-4s, MG-3s, A-3s. These are powerful weapons. In my opinion, about a hundred people died. Among them there were maybe a few PKK members. The others were civilians.

□ How did you behave with the wounded?

■ On the cordless telephone we asked: "We have sick people. What should we do." The commander answered: "Treat them." "Treat" means kill.

□ Were there other coded messages?

■ They said "give them their health back." That meant that if there were women among the prisoners, rape them.

□ When the HEP deputies came on the scene, how did you behave? Did you protect them or not?

■ We were tough with them. We encircled their villages. Like the village of Sulak. We particularly attacked the houses they were in so as to intimidate them.

□ Were there specific orders?

■ We didn't need orders. Everybody knows what he must do. The aim was to provoke damages.

□ How did you behave during demonstrations or funerals?

■ Very tough. First, we fired a warning. Then we fired on the crowd. We fired in full knowledge. We aimed at the leaders in particular, those who mobilized them. But God knows who would be hit. When we fired on the crowd, we didn't discriminate.

□ What did the soldiers of Kurdish origin do then?

■ They acted as interpreters. They stayed relatively outside the events. They didn't participate in assassinations, but only in the beatings.

□ How did you find people in the South-east? What were they like?

■ They are very hospitable. They offer everything they have. People who are good.

□ Didn't you feel anything when you shot at people whom you define as good?

■ Do you think it's easy to accept to kill? I don't know if anyone close to

you has been killed. When someone you love dies in your arms, maybe you will be able to kill too. It's a psychological state that destroys us. We realize that one day, we're going to die too. One day, they'll get us; our bodies will leave here; we won't be able to start a family.

□ Was there opposition on the part of certain soldiers or did everyone keep quiet?

■ You don't see many people who dare speak out. But I'm doing it because I have pull. My uncle is an officer near Diyarbakir.

□ Does he do the same things?

■ Yes.

□ Since you have an uncle like that, how do you dare say all this?

■ My uncle will protect me. He has a lot of protection. He'll give me weapons. His four sons are in the police. My aunt's son is also in the police. Another is in the process of becoming a policeman. (...)

□ How did you behave with newspaper correspondents? Do you know anything about the assassination of correspondents from our daily, Gündem?

■ We were brutal with the correspondents, especially male journalists. We try to be a little more polite with the women. We would take their cameras and break them. In my opinion, the assassins of the Gündem journalists are part of the counter-guerilla.

□ Have you carried out any investigations on this subject?

■ You can't do that.

□ How does the counter-guerilla function?

■ Freely. What you call the counter-guerilla is the Special Action Organization of the army. Its members walk around with M-16s. They are very free.

□ Do you distinguish between newspapers?

■ The journal *Türkiye* has a privileged position. We can't do anything against *Milliyet* and *Hürriyet* as they are relatively well placed newspapers.

□ How do the Special Action teams work?

■ They have their own camouflage. They color half of their face green, the other half white. The paint comes from the United States. Their M-16s are also American as are their F.N.M.s, their Pounters, their instruments capable of seeing at night.

□ Do they participate in operations with you?

■ They are trained at Gölbaşı in Ankara. They are set up in Mardin and Sirnak. One of their two superintendents is Kurdish; the other is from Sivas. They have their own

telephone lines, their weapons, and their own training program. They can penetrate our lines. They decide whether they will participate in our operations themselves. They depend directly on the Ministry of the Interior; and in the region on the prefect and sub-prefect.

□ Do they inform the prefects and sub-prefects after operations they carry out?

■ No, they don't inform anyone.

□ What did you do when you found evidence during searches?

■ You could do what you wanted. No one stopped you. For example, you go into a house. You see a man with a beard, suspected of being a guerilla. You throw a few bullet shells down in his house. So we said "we found kalachnikov shells. What does that mean? You shoot at night." I had shells in my pocket myself. When I felt like beating a child, I put a few in my pocket.

□ Did you do things like that often?

■ When we were bored. It's not so

difficult. You are the correspondent of a journal. If I leave a few shells, you won't even notice. Then we can say: "What does this mean? You've been using arms. You're a guerilla who's infiltrated us."

□ Have you often done things like that?

■ Yes, unfortunately. But beat a man is also a pleasure. Kill a man is equally a pleasure.

□ Were you paid for the men you killed?

■ I got 500,000* per head. I had 6 heads. My salary was 700,000. In addition, we had a 100,000 pound bonus for weapons, 500,000 for housing.

□ Did you give a receipt for that money? How did the state give you the money?

■ I got it from an information sub-officer.

□ Who held the record?

■ There was a boy who had 16 heads (he had killed 16 Kurds).

* About 320 FF.

WESTERN TESTIMONY

- Lord Avebury, President of the Parliamentary Human Rights Group
- I.F.H.R.
- Jerry Laber & Lois Whitman, Helsinki Watch
- Amnesty International

Desolated and profaned

A report by

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and

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*on their mission to the Kurdish region of Turkey,
September 3 to 8, 1992.*

'Let the Turks now carry away their abuses in the only possible manner, namely by carrying off themselves. Their Zaptiehs and their Mudirs, their Bimbashis and their Yuzbashis, their Kaimakams and their Pashas, one and all, bag and baggage, shall I hope clear out from the province they have desolated and profaned' .

W E Gladstone

The Bulgarian Horrors and the Question of the East, 1876.

Introduction

This report arises from a visit we made to the Kurdish region of Turkey between September 3 and 8, 1992. Our immediate concern was the large scale renewal of the violence by the military against the civilian population, which had occurred at the time of the Kurdish New Year festival of Newroz on March 21, 1992, and thereafter. We had reported on this following a visit to the region from April 15 to 22, 1992, and on that occasion we had limited ourselves to the individual human rights violations we saw and heard about. However, we believe that it is impossible to form a balanced view of those events, and the continuing violence dealt with in the present report, unless the political and historical context of the events under examination is taken into account. Indeed, as a general observation, one cannot hope to understand the human rights problems of many countries and territories without such a perspective. Kashmir, Punjab, Tibet, East Turkestan, Inner Mongolia, Punjab, East Timor, Aceh, West Papua, Eritrea, Western Sahara, and Bosnia, are examples of territories in which gross and persistent violations of human rights have occurred, and all of these, like Turkish Kurdistan, illustrate the fact that *'the effective exercise of a people's right to self-determination is an essential condition for the genuine existence of all other human rights and freedoms'*.¹

The Turkish authorities refer to the armed Kurdish separatist PKK (Kurdistan Workers' Party) as 'terrorists'. Our impression is that, whether or not they support the PKK itself, the vast majority of the Kurdish people want to decide their own political future. They cannot do so within the framework of the existing Turkish constitution, and even the most casual visitor to the country must be immediately struck by the implacable resistance by most Turks to the suggestion that Kurds have a separate linguistic, cultural and ethnic identity, which should naturally be reflected in their political institutions. It is the refusal by the Turkish majority to consider the reality of the situation that has driven many Kurds towards armed opposition, and it is wrong to use the word 'terrorism' in this context. We naturally deplore all violence and loss of life, but we recognise the right of peoples living under 'colonial and alien domination' to assert their claim to self-determination, in accordance with several Resolutions of the United Nations General Assembly.

Political and historical background

During the period of Ottoman rule, the words 'Kurd' and 'Kurdistan' were used to denote the Kurdish people and the region they inhabited. But in 1923, the Treaty of Lausanne superseded the Treaty of Sèvres (1920), which had given the Kurds a limited right of self-determination, in line with President Wilson's 'Fourteen Points'. This was a turning point in the history of the Kurdish people. The Treaty of Lausanne stipulated that *'appropriate facilities will be provided for any non-Turkish speaking citizen of Turkey to use his own language before the courts'*. (Section III, Articles 37-44). However, Articles 40-45 specify that the minorities in question are *'non-Muslim minorities'*, ie Armenians, Greeks etc. Thus in the following years, the promises made by Mustafa Kemal Atatürk to the Kurds during the war against the Greeks in Anatolia were forgotten, and the existence of the Kurds as a people, and Kurdistan as a geographic entity, were systematically denied. From 1925 to 1938, several Kurdish uprisings were bloodily suppressed, and laws were passed to facilitate the deportation of Kurds to areas where there was a majority Turkish population, and to replace them by Turkish immigrants. A systematic policy of assimilation was set in motion, children being taken from their villages and being educated in barrack-like boarding schools, and banned from speaking their mother tongue. The whole region east of the Euphrates was closed to foreigners until 1965.

The military coup of 1960 was followed by the compulsory renaming of Kurdish ^{villages and} towns with Turkish names, although the new constitution seemed to allow the publication of some journals in the Kurdish language for *a time*. In the mid-sixties there was an illegal Kurdish political party, and the Turkish Workers' Party attracted support from Kurdish activists with advocacy of economic development in the region. Meetings of up to 25,000 people were held in the region. Then a further military coup on March 12, 1971, closed down all the left parties, including the Turkish Workers' Party. In 1974, there was a general amnesty, with the release of left-wing and Kurdish activists. Many Kurdish political groups were formed in the late seventies, some of which still exist.

¹Hector Gros Espiell, *The Right to Self-Determination*, United Nations, New York, 1980.

In 1978, the PKK was founded, and this was one of the factors that led to yet another military coup in 1980, when the coup leaders announced that Kurdish separatism and the danger of communism were the main threats to the integrity of the Turkish state. The new constitution promulgated by the military stated that Turkey was a unitary state and that the mother tongue of all its people is Turkish. It reiterated the *'indivisible integrity of the Turkish Republic and its people'*

Of course, any political demands concerning the rights of the Kurds as a people were prohibited throughout the whole of the post-war period by the notorious Articles 141 and 142 of the Turkish penal code. These provisions made 'propaganda undermining national pride' a criminal offence, punishable by a maximum prison sentence of ten years, and the concept was used to stifle any expression of Kurdish identity. But the Anti-Terror Law, which replaced those Articles in April 1991, created a new substantive offence, under the heading 'Propaganda against the indivisible unity of the state', which provides that:

'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 nation are forbidden, regardless of the method, intention and ideas behind it. Those conducting such activities are to be punished by a sentence of between two and five years imprisonment, and a fine of between 50 million and 100 million Turkish liras'. [£1 = 14,000 Turkish lira].

Since 1984, the Kurdish Workers' Party (PKK) has been waging an armed campaign against the Turkish state, and some concessions have been won. The ban on speaking Kurdish was lifted in 1991, and 22 MPs from the People's Labour Party (HEP) were elected to the Turkish Parliament on an openly Kurdish platform at the elections of October 1991. However, the HEP deputies are inhibited from voicing demands for the right of self-determination of the Kurdish people, as this would violate the constitution and the Anti-Terror Law. Even the moderate expression of Kurdish aspirations has brought down upon them the wrath of the Chief Public Prosecutor, who has filed an action demanding the closure of the HEP in the Constitutional Court. The allegation is that the HEP has *engaged in, and incited others to engage in, activities with the aim of challenging Article 3 of the Constitution, which expresses the indivisible integrity of the Turkish state, its territory and people.* The Prosecutor also claims that the HEP is engaged in *activities designed to change the principle of the unitary state on which the State of the Turkish Republic is based, and 'claiming the existence of minorities based on language, race or national culture'*. The HEP are accused of:

'pursuing a goal and engaging in activities designed to ensure the collapse of national unity by creating minorities in the territory of the Turkish Republic through protecting and developing languages and cultures other than the Turkish language and culture'.

This case is a violation of the Helsinki Accords, of which Turkey is a signatory, as well as Article 19 of the UN Covenant on Civil and Political Rights, and Article 2 of the Convention on the Elimination of all forms of Racial Discrimination.

The destruction of Sirnak

On Saturday September 5 we arrived in Sirnak, escorted in by several truckloads of armed soldiers. At the entrance to the town there was a police checkpoint, where we were told by a police officer that we could not enter the city because only those having written permission from the regional governor could pass the checkpoint. A bus with human rights officials from all over Turkey was also stopped. We told the unshaven plain clothes officer in charge that on the occasion of our previous visit in April, the Regional Governor had said that we were welcome to return any time we liked. The chairman of the Ankara Human Rights Association tried to telephone the Regional Governor's office but could not get through. We waited at the checkpoint, for another attempt to ring the Governor's office, when suddenly the policeman reappeared and said that permission had been granted. Our two cars, the bus carrying the human rights workers, and the police car, set off in convoy to the main street, where everybody tried to interview the mayor simultaneously. He uttered some platitudes about the need to rebuild the city, and his confidence that the government would pay compensation to those whose property had been damaged. We were allowed to take still pictures of the damage, but not to use video for any purpose. That required separate written permission.

The convoy then resumed its progress through some of the streets of Sirmak, ending up back at the police checkpoint without further stops. The human rights bus then sped off for Ankara, and we asked the policeman if we could visit the hospital. This was agreed after some hesitation, and there we found an elderly lady who had been injured in the back and thigh when a bomb had fallen on a tent she was occupying in the village of Balveren, killing one of the occupants and injuring many others. The police officer refused to leave the room so that we could talk to the patient in private, but told her that she could say anything she liked to us.

On the way back from Sirmak to Cizre we stopped to visit a family living under canvas in the desert near the roadside. Their house, as well as a shop and hotel they owned, had been destroyed by a German Leopard tank on August 19. Mr A told us:

'We had just sat down to dinner at about 8 pm on August 18 when we heard shots. At first we thought it was a renewal of the attacks on neighbouring villages - Balveren, Toptepe, Geçitboyw and Yogurtçular - which had been fired on during previous evenings. This campaign had been targeted on places where the inhabitants had refused to join the village guards, and was designed to frighten people and prevent them joining the PKK.'

'After a few minutes we heard Panzers, and we knew the PKK hadn't attacked, because the Panzers are not deployed against the PKK, which has rocket launchers. We decided to shelter in the basement, in a room normally used by the animals, which had to be pushed out into the street.'

'The following day, August 19, the firing stopped at 12.00, and an announcement was made over loudspeakers that terrorists had entered the town and were being cleared out. We emerged from the cellar but had to go back there half an hour later when the firing resumed. Our house, which is opposite the police headquarters, was being hit by rockets. [This confirms the Turkish Daily News (TDN) report of Thursday September 1, that 'Most of the buildings shattered by rocket and mortar fire face the Sirmak military regiment or buildings used by the security forces]. By now we had been joined by neighbours whose house was severely damaged, and there were about 60 of us in one room, without food. Then a tank arrived in the graveyard, from where it began firing on our house. Two shells hit the house, one crashing into the room next to us. We were almost asphyxiated by the dense clouds of dust and smoke. At that point we decided to leave, and we all fled to a mud house which was not in the direct line of fire from the police HQ. Miraculously, only one person was hurt during the evacuation, with a shrapnel wound in his head.'

'The state sees us as enemies, though we have no relatives in the hills and we are not supporters of the PKK. The cows were shot dead: are they members or supporters of the PKK? This is state terrorism.'

Mr Nihat Borcin, member of the management committee of Sirmak Human Rights Association, reported to us as follows:

'On the evening of August 18 it was announced that 1,500 PKK 'terrorists' had attacked Sirmak and that there was a gun clash. An hour later our relatives in Sirmak started telephoning us in Cizre to say their houses were being fired on by rockets, bombs and bullets.'

'The day after we listened to the news continuously and it was reported that PKK terrorists were still in the city and people were sheltering in the basements. Relatives were ringing to say they were still sheltering and were beginning to run out of food, but that day telephones were being cut off, until there were only 3 or 4 telephones working in the whole city. Mr Yusuf Basan's neighbour, who works in a state concern, told me on the telephone that Mr Basan's house had taken a direct hit, and then he saw Mr Basan leave his house holding up a white flag, calling for help because his house was on fire and his children were trapped. Then he saw military fire at Mr Basan from a panzer and he saw Mr Basan fall to the

ground. Two or three others reported in similar terms, saying that Mr Mehmet Ataman's house had been destroyed, all his children were injured. Mr Salih Balik's family were all injured, and the houses of Mr Salih Ozgurpinar and Mr Nurettin Sokmen were destroyed. Three children of Mr Sokmen, age 3, 6 and 9, names Guler (f), Sema (f) and Veysi were severely injured, two of them died, we aren't sure which ones. Mr and Mrs Sokmen and the surviving child are thought to be somewhere in the area, probably staying with relatives. It hasn't been possible to follow these cases up, because of the general chaos, the total interruption of all telephone communications, and my preoccupation with the fate of my own relatives'.

'Three members of our Human Rights Committee were arrested, and others went into hiding'.

'The younger brother of one of the leading village guards in Sirnak, Ali Han Tatar, rang the general and asked why the military were firing on his house, and the general replied 'The son of a pig is still a pig, the son of a snake is a snake, and you are still Kurds - don't bother me again'. The two or three children of this man were injured'.

'On August 22 I went to Sirnak, when the curfew was lifted, and we took food in a convoy of 15 cars. We couldn't walk on the streets because we kept slipping over the cartridge cases, marked 'MKE'. [Initials of a state-owned concern]. My maternal uncles were very pleased to see me, and they hugged me as they explained that their shops had been burned. They said the people living opposite the shops had seen soldiers breaking the windows with their bayonets, pouring some (presumably inflammable) liquid in and setting the shops alight. Other witnesses said they had seen the same thing happen all along the Uludere Street'.

'The authorities claimed they had captured 20 guerrillas in an underground tunnel, but these were people sheltering in a store basement which many houses in Sirnak have. One was a lawyer and his family'.

'In Sirnak there were burnt out vehicles, and others which had been crushed by tanks, as well as widespread destruction of buildings. This assault made the Newroz incident look trivial'.

We were also given reports of interviews conducted with refugees from Sirnak in Cizre by members of the Turkish Human Rights Association, and translations of these are as follows:

'I work in Sirnak in one of the government buildings. Our house was burnt and destroyed. We only just managed to escape. We have nothing left. I took my children and I came here. The military chief and police chief of the region are the biggest culprits for this'. (Civil Servant)

'It was about 8 o'clock in the evening that the first shots were fired, and the shooting continued for three days. [Actually, it was 41 hours]. Haci Yusuf Basan's house was hit by a mortar and the house was set on fire. He threw the burning mattresses out of the window and was shouting for help. We heard his voice, then shots were fired. Later, we learned that he had been killed. They even see poor civilians as terrorists. They have declared that we are all terrorists because our mother tongue is Kurdish, and they see us as criminals. They beat up our children because they can't speak Turkish. They should have some sense'. (Civil Servant's wife)

'We are fed up with the way we live. For years, they have been coming to our houses, destroying our goods, stealing our jewellery This is how it has always been'. (Woman, in Kurdish)

'Yogurtcu, Dagkonak and Yuzveren villages were destroyed, knocked to the ground by bulldozers. We were imprisoned in Sirnak for three days and three nights and not allowed to go out. The shooting continued for the whole of this period. Unless the military and police chiefs of the region are removed from their posts, I will not return to Sirnak. We have taken refuge here [Cizre]. We don't know what to do. There is no work, nothing to do'. (Another Sirnak resident).

'During the three days of the attack, I had to move from house to house four times to be safe. We heard the sound of the Panzers. The government created this situation. It's got nothing to do with the PKK, and there's no evidence for that. Even if there had been a raid by the PKK on the city, during the three days curfew on the city all the bombardment of the houses was by the security forces. We could hear the shouting between the soldiers. The military headquarters and the agricultural office are next to one another. There is not a single bullet hole in the military headquarters. I saw this myself. I do not know the exact numbers of dead and wounded. According to the death register in the hospital, the number of dead is 15, but after the curfew was over, some people buried their dead secretly'. [Teacher]

'I swear to God that everything was committed by the Government. They shot up our houses with guns and with Panzers. They would drive off and then come back and fire again and again. The soldiers were looting the goods in the shops and then setting them on fire. I wouldn't lie at my age. It took the military two days to clear away the corpses of the animals killed in the street. We fled Sirnak in fear of our lives. People who had transport fled in that. Other people ran away. From what I have learned, Haci Gungen, his wife and two children were killed. For four days, our children were too afraid to go out even to get water. The bomb which hit our house destroyed it; I still wonder how we survived. God save us. They reduced Sirnak to rubble. After we ran from Sirnak, our family was split into five groups, and each group had to go in a different direction'. [Ms Nuriye Basak, age 75].

'They bombarded our village with artillery from all sides. We were forced to flee and come here. Our village is next to Sirnak. Most of the artillery shells landed in open space in front of our houses. Thanks be to God they didn't hit us. There are about 60 houses in our village, but now it is totally abandoned. Everyone fled the village, leaving everything behind. We've got nothing with us. I've never left my village before. God will punish those responsible. The military are always coming to the village accusing us of belonging to the PKK. Are the animals members of the PKK too, and is that why they killed them? They bombed the next door village as well. We have nobody to protect us - please help us. [Hevse Acu, age 60, from Toptepe].

'Even if the Russians had come to Sirnak, they wouldn't have left it in the state it's in now. There's not a single house undamaged. Some of the houses are totally demolished. The security forces made no effort to distinguish, they just fired on all the houses. There are 18 of us in my family, and we all fled the city. We don't want to go back to Sirnak. It's a lie that the PKK attacked Sirnak. I swear to God that not one single PKK member attacked Sirnak. Everyone knows this was committed by the state. My friend Haci Yusuf Basan, age 60, was killed by the state. There are hundreds of bullet holes in my house. God saved us from death..... One of the soldiers said "You can't kill these sons of bitches like this. Next time we have to come in and shoot them one by one". After I heard that, I got frightened, and I gathered my family and fled the city. We got half way here [Cizre] on foot, and were then picked up by a vehicle from Cizre. We had no food or water for four days. The villages of Hestan, Nerax, Zorova and Sax were all bombed'. [Ismail Adiguzel, age 58]

'We were in our house in Yeni Mahalle when the firing occurred. A mortar hit our house and destroyed it. After the house was destroyed, we took refuge in my grandfather's house nearby. When this, too, was hit, we took refuge in the basement of another house, where we were arrested. There were 26 of us in the basement. After the shooting stopped, the security forces told us that they would address the people, and they took us out of the basement. They put us all in a Panzer, where we lay on top of one another. They took us first to the police station, and later, to the military headquarters. They announced that they had captured PKK members in a bunker, but the 'bunker' was our basement and the 'PKK members' were me, my father, four of my uncles, a lawyer Mr Abdurrahman Demir, and other neighbours. I know all of these people, who are from our own neighbourhood. They tortured us while we were in detention'. [High school student, age 16]

According to Interior Minister Ismet Sezgin, speaking in a special Parliamentary debate called by the main opposition Motherland Party on August 29, the PKK had tried to create an uprising in Sirmak last spring but had failed. "So this time they attacked and bombed the city for two days and called it 'the resistance of the people to state forces'"². In an interview the following day, Mr Sezgin declared that the military were 'obliged to intervene to halt a recent separatist onslaught on the south-eastern province of Sirmak, because the gendarmerie were unable to cope with this unexpected incident'. He said that according to intelligence reports, the PKK's aim had been to capture a city or township and hold it for a short time, thereby attempting to improve their image. "They tried to do that at Sirmak, but thanks to the local regiment, they failed", he added. "General Mete Soyar did his duty. We would have sought his punishment had he failed to intervene and left the job to the police and the gendarmerie. I wish we had more generals like him". Mr Sezgin stressed that, during the early stages of the clashes, the local military authorities were unsure about the number of 'PKK militants' involved in the attack on Sirmak. "At first there were reports that 1,500 terrorists were involved in the assault. There was much confusion, as the fighting continued for nearly two days", the Minister explained.³

Immediately after the 'battle of Sirmak', however, some awkward questions began to be asked. When the government were asked how 1,500 well-armed terrorists could have entered the city unobserved, it was claimed officially that some had arrived posing as students wishing to sit the Lycée examinations. But only 300 people were going in for these exams, and the number of 'terrorists' was revised downwards, first to 700, and then to 500, where it remained.⁴ But although 500 people were at first arrested, only 146 remained in custody at the time of our visit, and none had been charged.

A house to house search of the whole city produced 70 handguns, but none of the heavy artillery, mortars and rocket launchers said to have been used by the PKK in the assault.⁵

In two days of heavy fighting, the PKK apparently left no dead behind. Interior Minister Sezgin explained this by saying that the PKK carried their dead out of the city with them when they left. This leads to a further question, however: how could the 'terrorists', weighed down by tens of dead bodies, and many kilograms of spent cartridge cases for each man (noting that the survivors would also have had to carry the cartridge cases belonging to their dead comrades), have eluded the thousands of police and military surrounding and occupying the city, and the surveillance of dozens of military helicopters?⁶

Three soldiers and a policeman were killed, according to Sirmak Governor Mustafa Malay, all of them on the night of Tuesday August 18, and none in the 41 hours of gunfights which followed. It is inconceivable that a heavily armed band of even 500 were unable to kill a single member of the police and security forces in some 30 hours of intense fighting.⁷

Mr Sahin Kadirhan, a Sirmak Provincial Council Member of Prime Minister Demirel's True Path Party (DYP) was quoted as saying that the alleged terrorist attack never took place. "They lined up the tanks beside the Atatürk statue and opened fire. They destroyed our houses", he was reported as saying.

The death toll from the bombardment, on the other hand, was surprisingly light, because most of the inhabitants had taken shelter when the firing began. The official death toll, including the soldiers and policeman, was only 14⁸, but we have been given the names or identities of 17 civilians killed, as at the date we prepared this report, as follows:

² TDN, August 30, 1992, p. 12

³ TDN September 1, 1992, p. 1.

⁴ TDN August 24, 1992, p. 5

⁵ *Ibid*

Hezni Erkol	Zehra Koval (f)	Halil Kurtel
Suleyman Kurtel	Abdul Kadir Besin	Yusuf Basan
Yusuf Vatan	Salih Balik	Salih Özgurpinar
Nurettin Sökmen	Guler Sökmen (f), age 3	Sema Sökmen (f), age 6
Lorry driver from Van	Bus driver, of HABUR tours	Second bus driver, HABUR tours
Conductor, HABUR	Mehmet Akaman	

It is disturbing that the authorities have not published any list of casualties, nor, as far as we are aware, has any proper inquiry into the deaths and injuries been launched. (We are aware of the internal military investigation mentioned by General Dogan Güres, in conversation with the Editor-in-chief of the TDN, which found that no misconduct on the part of the military had occurred, and we hope this will be published; but it would not be a substitute for a tribunal at which evidence could be given by eyewitnesses). We recall that one of the recommendations in our report on the Newroz atrocities was that 'the Turkish Government should establish an independent judicial tribunal of inquiry into the circumstances in which a large number of civilians were killed and injured during and after the Newroz celebration in the Kurdish region..', and we fear that the Government's failure to respond to that proposal indicates that now, too, the policy will be to cover up and shield the military from any criticism.

Other attacks on towns and villages

While in Sirnak we talked to Ms Duriye Yildiz, a patient in the state hospital, who told us:

'I was in a tent in the village of Balveren with 30 other people, and just as we were about to go to bed, one mortar shell exploded near us, and a second came through the roof of the tent, killing Safiye Coban, age about 40, and injuring several of us. I suffered wounds to my back and thigh. The shells came from the direction of a military post.'

'Another home in the village was hit by a shell, killing one person and injuring four others.'

On Sunday, September 6, we visited two villages in the district of Silvan. Near one of these villages, Dacilar, there had been a clash between the army and some guerrillas on Thursday September 3, which lasted from mid-afternoon to nightfall, when the guerrillas withdrew. The following day soldiers arrived and attacked several villages in the neighbourhood. In Dacilar, they burned piles of hay, killed a mule belonging to Abdullah Aktarli, and then gathered the whole population in the centre of the village, where they made everyone, including women and children, lie face down on the ground. The soldiers swore at them and hit them, and arrested 14 people, seven of whom were later released. Four men and three women were still in custody.

At the second village, we arrived at the same time as a busload of people who came to offer condolences to a family whose 18-month old daughter had been killed by a rocket launched from a helicopter on Friday September 4. Three other children of the same family were injured in the same attack and were being treated in hospital in Diyarbakir.

In the light of these observations, we believe that the military operations against other villages, ostensibly to 'flush out terrorists', are actually designed to intimidate non-combatants, and to force them out of the region. It was reported that the villages of Erkonak, Yonurtcular and Balveren had been attacked, and the people had fled.⁹

Attacks on journalists reporting the Kurdistan situation

Following the unsolved murders of at least seven journalists in Turkey this year, Wednesday September 9 was designated a Day of Action by free speech organisations who were asking the

the murders. In at least one case, the killer is known, but the investigating magistrate has not even questioned him.

Most of the victims worked for *Özgür Gündem* (*Free Agenda*), a radical daily which reports the facts of state repression and violence in the Kurdish region of Turkey.

Since May 30, when it was launched, *Özgür Gündem* has reported factually on the dirty war, and as far as it can, on the political background to the struggle. For this, its journalists have been systematically harassed, threatened and murdered, and there is evidence to suggest that the agents who commit these crimes enjoy the protection of the Turkish state.

Hafız Akdemir (27), from Diyarbakir, capital of the region, was shot dead on June 8, as he walked from his home to Gündem's offices at 08.30.

Vahap Aslan, from Nusaybin, was arrested at 05.00 on June 18 and tortured in Nusaybin Police Station.

Abdullah Arisoy and Sait Arisoy, reporters from Cizre, and their brother Halil, were detained by police who arrived at their house on July 1 at 03.15 in an armoured car. Sait and Halil were released after 20 hours in custody, but Abdullah was held for 13 days and subjected to the 'Palestinian hanging' and electric shock tortures.

Irfan Ucar, from Istanbul, was detained on May 5, before the paper was even launched. Held for seven days, he was blindfolded, tied naked to a plastic armchair and subjected to electric shocks.

Faruk Sakik, a stringer from Mus, was arrested in the Hotel Zengök on July 3, because during a routine search, police found some photographs in his bag of a guerrilla's funeral.

Burhan Karadeniz (19), from Diyarbakir, is paralysed in a German hospital after being shot in the neck on July 5, as he walked to work.

Bahattin Özen from Mardin was detained on July 25 and questioned for 2 hours in Nusaybin. On his release, he drove to Mardin, where he was questioned at Police HQ for two hours about why he worked for *Gündem*. His films were destroyed. Then at 03.00 the next morning, he was taken from his bed again to Mardin Police HQ where he was tortured so badly that he could hardly stand up.

Yahya Orhan (28), Gündem's reporter from Gercüs, was killed by an 'unidentified' gunman using an automatic weapon as he walked home at 23.00 on July 31. The site of the murder was 100 metres from Gercüs military Police HQ.

Celal Pekgöl (24), brother of *Gündem's* Batman reporter Metin Pekgöl, was shot dead by 'unidentified' gunmen. It is suspected that Celal was mistaken for his brother.

Hüseyin Deniz, a well-known writer and reporter for *Gündem* in Ceylanpinar, was shot dead on August 9 by a single bullet in the head. Hüseyin was a member of International PEN, and had published many books and articles on Kurdish history.

Apart from the *Gündem* journalists, others who wrote for left or liberal papers have been assassinated: Halit Gungen of *2000'e Doğru*; Cengiz Altun of *Yeni Ülke*; and Cetin Ababay of *Özgür Halk Dergisi*. And there have been many others who died in suspicious circumstances, such as Izzet Kezer of *Sabah*, who was shot as he emerged from a house in Cizre during the Newroz incidents, with a group of journalists, carrying a white flag. *Sabah* is one of the biggest circulation dailies, yet even they were unable to secure a proper investigation.

The Turkish Ambassador in London ignores letters about the murders of journalists.

We talked to Hasan Bildirici, Chief Editor of *Gündem*, in his Istanbul office on Monday. "All those killed except one have been Kurdish", he told us, "and it's part of the war being waged against the

Kurdish people. With these murders, they are saying that you must write only the official pronouncements of the state, or you will be killed".

Government policy and the Kurdish opposition

Recent statements made by the Government and others add up to a hard line policy of confrontation with the Kurdish people and their representatives. While we were in Batman, President Turgut Özal flew into the town from Ankara, then helicoptered to Uludere, where there had been separatist activity. He told the townspeople there that the region was mountainous and this prevented economic development.

'You will sooner or later move out of this place to the West of the country or to the GAP area (near Urfa)', he said.

A week earlier, on August 27, the President had convened an extraordinary joint meeting of the National Security Council (NSC) and the Council of Ministers at the provincial capital of Diyarbakir, at which the participants undertook to 'deliver the necessary blow against terrorism outside the country as well as inside the country, a threat which was widely interpreted as meaning cross-border operations in Iraq or Iran.¹⁰ Then on the 70th anniversary of Victory Day the Chief of General Staff, General Dogan Güres was reported as saying that the Turkish armed forces would 'overcome any internal or external threats against the integrity of the nation'.¹¹ It was reported, and then denied, that Turkish troops had entered Iranian territory in pursuit of PKK 'terrorists' who had attacked the military post in the village of Alan in Hakkari province, and Turkish planes had raided a PKK base in northern Iraq.¹² Iranian forces were said to have fired across the border, and President Özal, speaking in Alan, said that he would have ordered Turkish troops to open fire on the Iranian border post if he had had the authority to do so.¹³ While we were in Batman, we saw a very large column of armoured vehicle transporters heading south towards the Iraqi border.

Meanwhile, Chief Justice Ismet Ocakoglu, in an extraordinary outburst, said that it was legitimate for the state to use the same tools and methods as the 'terrorists', and that anybody who portrayed the state's attitude as one of hostility to human rights, either inside or outside Turkey, was not entitled to legal protection. He suggested an equation between 'terrorist organisations' and those who 'opposed the indivisible integrity of the state', and he denied that the Turkish nation was formed by different peoples.¹⁴

This confirmed the comment made to us by the chairman of the People's Labour Party (HEP), that the ideology of the Turkish unitary state denies the existence of the Kurdish people.

Last month, he told us, the HEP had met leaders of all political parties, to propose a Parliamentary Commission, located in the Kurdish region, to record facts and thus prevent violence. This was greeted positively, but the parties demanded that first the HEP denounce the PKK as 'terrorists'. In fact, the PKK were not terrorists, because they were supported by the people. The HEP faced an insoluble problem, because the political solutions they would like to propose were not capable of being expressed legally. 'You can be prosecuted for saying the Kurdish people exist', he emphasised, 'and under Article 125 of the penal code, the maximum penalty for advocating a separate Kurdish state is death'. Already, a case had been opened against the HEP for allegedly violating the constitution, and it was doubtful whether the HEP could continue to exist as a political party.

We met MPs from the HEP, who explained the difficult circumstances under which they operated. They were unable to speak freely on behalf of their constituents in Parliament; they were denied the state funding available to all the other parties; they were liable to be stopped by the police and searched at gun point, as happened to 5 MPs at Ortakoy on the Iraqi border on July 28; they could not

¹⁰TDN, August 28, 1992, p. 1.

¹¹TDN, August 31, 1992.

¹²TDN, September 4, 1992.

¹³TDN, September 8, 1992.

¹⁴Ibid.

travel freely even within their own constituencies; they received threatening letters and telephone calls in their offices and at home; their constituency officers are arrested and disappear; and because some had been ill-treated by the police, they were afraid to take up cases of human rights violations affecting their constituents.

The chairman of the HEP in Batman, Mr Salih Özdemir, told us that since Newroz, 61 people had been killed in the Batman area. Mr Burhan Serikli, who was arrested on March 4 in the village of Sexosele, died in custody in Batman on March 8. The official cause of death was that he hanged himself with his blindfold, and it was stated that there was no trace of torture on his body. However, the family noted that the marks on his neck were horizontal, indicating that he was strangled rather than hanged. Following complaints by the chairman of the Bar Association in Batman, Mr Zeki Elmen, the public prosecutor was posted elsewhere, but a letter from the chairman of the Human Rights Association, Mr Sedat Özevin, to the Minister for Human Rights, Mr Mehmet Kahraman, remains unanswered. (See Appendix I)

Mr Özevin told us that 17 people had been arrested at the same time as Mr Serikli, and all the others except Mr Sukru Yilmaz (age 37) were released on March 9. Mr Yilmaz' brother interceded with the governor, and Mr Yilmaz was released on March 14. A private doctor confirmed that he had been tortured.

Another detainee from the March arrests, Mr Mehmet Yilmaz (age 65), also died in custody. The official report said that he died as a result of a brain haemorrhage suffered when he fell downstairs while in custody.

Mr Özevin gave us details of the case of Mr Sevki Akinci, a 15-year old who was severely burnt by the military on April 9, 1992, near the town of Dargecit. He was stripped and forced onto a bed of red-hot coals, and suffered extensive burns, as can be seen from photographs taken shortly afterwards. Mr Özevin made a press statement on this case, a copy of which is given as Appendix II.

The Turkish police in the Kurdish region have a two-year tour of duty, which means separation from their families. *'They are not happy to be here'*, writes Ismet G Imset, TDN Assistant Editor. A member of the special forces tells him *"You would not believe how many people have been divorced because of this service. Most of our friends have serious problems at home and cannot even function with a clear mind"*.

Because it has proved impossible to maintain a large enough force in the region to defeat the guerrillas, Ankara hit upon the device of recruiting Kurds themselves as auxiliaries. These 'village guards' are armed, and they are also used as spies, and as scouts or human shields in military operations against the guerrillas. The Turkish authorities managed to bribe a few tribal leaders into supporting the village guard policy, and thus getting their clan members to participate in it. Although in Turkey the feudal loyalty of the Kurds to their tribal chiefs is not as strong as in Iraq, there are still remnants of that tradition, which is exploited by the Turks. We spoke to one village guard, who was anxious to give up his post (though it brought over 1.5 million Turkish Lira a month, (roughly £110) quite a substantial income compared with the average in the region), but would not do so unless his tribal chief gave the order.

Conclusions and recommendations

From the talks we had during two visits to the Kurdish region of Turkey, from our study of the history of the Kurdish people, and from what we have read of the struggle which has been conducted by the Kurds of Turkey since 1984 for their liberation, we are convinced that the overwhelming majority of the Kurdish citizens of Turkey want the power to determine their political status for themselves. It is not for us to say whether this should be some form of home rule or complete independence, but we believe that the only way of resolving the problems of the region is for the Turkish Government to allow free discussion of the alternatives, leading to an internationally supervised referendum on the proposals made by representatives of any substantial number of voters. This means, of course, that the 'inviolable integrity of the Turkish state', within the borders achieved by Atatürk, would have to be put on the line, and we fully recognise that after decades of propaganda about the permanence of Atatürk's

dispensation, this may be highly unpopular with the Turkish people. But the alternative is to continue the bloody and destructive conflict indefinitely, inflicting grievous hardships on the Kurdish people, and on the servants of their oppressors as well. As with the Americans in Vietnam, and the Russians in Afghanistan, there must come a time when Turks decide that the sacrifices they are called upon to bear are disproportionate to the political objectives they have sought for years in vain. In the meanwhile, we hope that by emphasising the causes of the human rights catastrophe in the Kurdish region of Turkey, we may at least help to promote a debate on the wider issues in Turkey and beyond.

We reject the use of the word 'terrorism' to describe the military opposition of the PKK to 'colonial and alien domination' by Turkey. We unreservedly condemn the killing and wounding of non-combatants by either side in this war, but we note that whereas the PKK attack the Turkish armed forces, police and their village guard allies, the Turkish armed forces use indiscriminate violence against the Kurdish civilian population of the region. This is state terrorism, and it occurs so often and on such a scale that it must be sanctioned at the highest level. The immediate endorsement of the attack on Sirmak by the Minister of the Interior; the denial of access to outside observers; the failure to institute an impartial inquiry into the unjustified use of force by the military in the region; the murders and intimidation of journalists who try to report the violence; the widespread use of detention without trial, and the torture of detainees, all add up to a deliberate and systematic onslaught on the Kurdish people and their identity. In our last report, we appealed to the Turkish authorities to launch a judicial inquiry into the events of Newroz. We now realise that nothing we say will have the slightest effect on the minds of the Turkish Government, and only the strongest international pressure could stand any chance of persuading them to change course.

We therefore appeal particularly to EC countries, and to our own Government during this period of UK Presidency, to condemn the atrocities against the Kurdish people and to demand that Turkey fulfil her international obligations. In the war situation which exists in the Kurdish region, we are concerned that the Geneva Conventions be observed, and we suggest that the EC send a mission to the region to report back to member states on the pattern of human rights violations there.

In the meanwhile we deplore the ending of the German arms embargo and we recommend that the United Nations consider a comprehensive arms embargo, to last until the Turkish Government enters into a dialogue with the representatives of the Kurdish people.

We call on the United Nations Human Rights Commission to propose a mission by Professor P Kooijmans, the UN Rapporteur on Torture, to the Kurdish Region, and we also call on the UN Working Party on Enforced and Involuntary Disappearances to undertake an investigation into recent disappearances in the region.

We request the newly liberated countries of Africa, Eastern Europe, and the former Soviet Union to take up the cause of the Kurdish people in the United Nations.

We demand the mobilisation of international humanitarian agencies to help the thousands of people in the Kurdish region who are injured, bereaved and dispossessed, particularly the 30,000 bombed and shelled out of their homes in Sirmak and the surrounding villages.

Finally, in view of the continuing hostilities by the Turkish military against the civilian population of the Kurdish region, we appeal to other human rights organisations to send their own missions there, and to report back to the public in their own countries.

INTERNATIONAL FEDERATION OF
HUMAN RIGHTS

FEDERACION INTERNACIONAL DE
LOS DERECHOS DEL HOMBRE

الفدرالية الدولية لحقوق الانسان

**MISSION D'ENQUETE INTERNATIONALE
DANS LE SUD-EST DE LA TURQUIE**

17 AU 24 SEPTEMBRE 1992

Monsieur
William B O U R D O N,
Avocat au Barreau de Paris

Mademoiselle
Carine J A C O B Y,
Avocat au Barreau de Paris

Monsieur
Ralph C R A W S H A W,
Ancien Chef de la Police d'Essex Grande Bretagne,
Consultant auprès du Département des Droits de l'Homme de l'Université d'Essex (G.B)

INTRODUCTION

Du 5 au 7 juillet 1992, M. William Bourdon s'était rendu en qualité d'observateur judiciaire pour assister au procès de M. Yavuz BINBAY à Diyarbakir, mandaté par la Fédération Internationale des Droits de l'Homme.

Si M. Yavuz BINBAY et les 58 autres inculpés avaient été libérés par le Tribunal de Sûreté de l'Etat de Diyarbakir le 6 juillet 1992, à l'occasion de son rapport M. William Bourdon avait stigmatisé l'accélération de la répression dans le sud-est de la Turquie et, notamment la multiplication des assassinats par des personnes anonymes. à l'encontre de tous ceux qui au sein de la société civile Kurde militent soit pour la démocratie, soit tout simplement pour la promotion des Droits de l'Homme.

Au nom de la Fédération Internationale des Droits de l'Homme M. William Bourdon devant la Sous-Commission des Droits de l'Homme de l'ONU à Genève avait présenté un rapport demandant à la Sous-Commission de tirer toutes conséquences nécessaires, au vu de la dégradation de la situation dans le sud-est de la Turquie.

Il a été rappelé à cette occasion, le caractère systématique de l'utilisation de la torture et l'impunité absolue dont jouissent les responsables de violations des Droits de l'Homme, qu'ils soient civils ou militaires.

La presse internationale et les différentes organisations de Droits de l'Homme ont recueilli depuis des informations extrêmement

alarmantes confirmant la dégradation rapide de la situation sur place. Plus précisément des informations ont été communiquées au terme desquelles pendant plus de 48 heures à compter du 18 août 1992, les habitants de Sirmak et des villages limitrophes au raient été l'objet, dans des conditions mystérieuses, d'une vaste opération de représailles menée par l'armée et les services de police à la suite d'une attaque imputée au PKK.

Dans le même temps les autorités Turques imputaient exclusivement au PKK la responsabilité de la destruction partielle de la ville et de l'assassinat de dizaines de ses habitants.

La presse internationale et Turque, après avoir repris à son compte les affirmations du commandement militaire Turc, se faisait l'écho de nombreuses questions quant à la responsabilité de ces exactions.

C'est dans ces conditions que la Fédération Internationale des Droits de l'Homme, a mandaté les signataires du présent rapport, aux fins de se rendre à Diyarbakir et à Sirmak, d'évaluer la situation des Droits de l'Homme dans la région et aux fins également de tenter d'identifier les responsabilités et plus précisément celles attachées aux événements de Sirmak.

Il convient de rappeler que cette mission s'est effectuée à un moment loin d'être anodin puisque la Turquie préside le Conseil de l'Europe depuis le mois de mai 1992, son mandat devant s'ache-

ver en novembre 1992, et alors que de vastes négociations sont entreprises aux fins de permettre progressivement au gouvernement Turc de présenter sa candidature à la Communauté Européenne.

Cette période est également cruciale, dans la mesure où le Parlement Turc a, le 26 juin 1992, prolongé de 6 mois la durée de stationnement des forces alliées sur son territoire dans le cadre de l'opération «Provide Comfort» destinée à assurer la protection des populations Kurdes du Nord irakien.

Enfin, pendant la durée de la mission et postérieurement, différents événements sont intervenus dans la région susceptibles de modifier les cartes du jeu.

Notamment l'accord qui aurait été passé entre les Kurdes Irakiens et Ankara, ayant conduit, début du mois d'octobre, les Peshmergas à mener une violente attaque contre les bases du PKK au Kurdistan Irakien, avec l'appui au minimum tactique des forces militaires Turques.

Deuxième événement; l'accord dont le contenu n'est pas complètement connu, passé entre le gouvernement Syrien et Ankara aux fins de limiter, sinon de priver le PKK de ses bases arrières en territoire Syrien.

Enfin pour être complet, la commission d'enquête, a été conduite à évaluer le fossé existant entre les premières déclarations de M; Demirel à l'occasion de son arrivée au pouvoir après les élections

du 20 octobre 1991, et la situation sur le terrain

Il avait ainsi présenté un premier vaste programme de démocratisation mais dans le même temps avait prolongé l'«état d'urgence, étant précisé que quelques jours avant la publication du présent rapport, soit le mardi 6 octobre 1992, M. Turgut Özal dans un discours prononcé à Diyarbakir n'avait pas exclu une éventuelle application de la loi martiale pour résoudre le «problème du sud-est anatolien».

Ce même jour, M. Özal avait également indiqué:

«Lorsqu'il s'agit de l'intégrité territoriale de notre pays, nous pouvons prendre toutes les mesures nécessaires, en tenant à l'écart la Communauté Internationale si les conditions l'exigent».

C'est dans ce contexte que la Commission d'enquête composée de Maître William Bourdon et Maître Carine Jacoby, Avocats au Barreau de Paris, Monsieur Ralph Crawshaw, ancien chef de la police d'Essex (Grande Bretagne), s'est rendu dans le sud-est de la Turquie du 17 au 24 septembre 1992.

Il convient d'ajouter que les réserves faites par le gouvernement Turc sur les articles 5 et 6 de la Convention Européenne des Droits de l'Homme (interdiction d'arrestations arbitraires et droit aux procès équitables) à l'occasion de l'acceptation du recours individuel de l'article 25, ajoutées au maintien de l'état d'urgence, à l'utilisation massive de la loi du 12 avril 1991, ainsi qu'à l'impunité générale des auteurs des violations des Droits de l'Homme, font de la région Kurde en Turquie quasiment une région «de non droit».

Enfin, pour être complet, la Turquie a signé la déclaration reconnaissant la compétence du comité contre la torture, (sous les Articles 21 et 22, de la convention contre la torture et traitements cruels, inhumains et dégradants).

Ainsi la Turquie figure parmi les pays signataires du plus grand nombre d'engagements internationaux.

Pourtant, toutes les missions qui se sont succédées ces dernières années en Turquie, et également notre Commission, n'ont pas manqué de réunir des preuves au travers de témoignages similaires et concordants que l'usage de la torture par la Police et les Forces de Sécurité est routine et systématique.

Le recours à la torture et aux mauvais traitements, tant à l'encontre des prisonniers politiques que de Droit Commun, reste fréquent dans tout le pays.

Pourtant, bien que fréquemment mise à l'index pour ses faits de tortures, nous avons eu la surprise de constater lors de notre mission, que pour la plupart des témoins entendus, la torture était un phénomène «minime» au regard des exécutions extrajudiciaires et des

I - LES ENGAGEMENTS INTERNATIONAUX DE LA TURQUIE

La Turquie a signé et ratifié les textes internationaux suivants:

- La Convention Européenne de sauvegarde des Droits de l'Homme et des libertés fondamentales
- La convention pour la prévention et la répression du crime de génocide
- La déclaration sur l'élimination de discrimination à l'égard des femmes
- La convention sur les droits politiques de la femme
- La convention sur la nationalité de la femme mariée
- La convention sur le consentement au mariage, l'âge minimum du mariage et l'enregistrement des mariages
- La déclaration sur la protection de toutes les personnes contre la torture et autres peines ou traite-

ments cruels, inhumains ou dégradants

- La convention relative à l'esclavage, et son protocole amendant la convention en 1953
- La convention supplémentaire relative à l'abolition de l'esclavage, de la traite des esclaves et des institutions et pratiques analogues à l'esclavage
- La convention relative au statut des réfugiés, et son protocole

Par ailleurs, la Turquie, parmi les instruments internationaux de la Charte Internationale des Droits de l'Homme, a simplement signé et non ratifié les deux textes suivants:

- La convention internationale pour l'élimination de toutes les formes de discrimination raciale
- La convention sur les Droits de l'Enfant.

disparitions signalées. L'ampleur et les circonstances de ces assassinats et disparitions, et l'apparente inaction des autorités policières et judiciaires à rechercher et à poursuivre les responsables, constitue une très sérieuse faille de la part du gouvernement Turc à respecter le premier principe:

**LE DROIT A LA VIE DES
CITOYENS D'UN PAYS**

Au surplus, nous avons réuni une telle accumulation de preuves, qu'il convient de dénoncer le fait que ces exécutions extrajudiciaires sont organisées ou protégées par la Police et les Forces de Sécurité de la Turquie.

La responsabilité première de ces cas de tortures et d'assassinats, incombe au gouvernement, lequel semble incapable de maintenir la sécurité intérieure.

Toutes les victimes, leurs familles et les avocats que nous avons rencontrés ont tous exprimé leurs vives craintes quant à l'avenir, et leur incapacité à obtenir auprès des Autorités Judiciaires des sanctions à l'encontre des auteurs de ces violations.

Elles ont toutes ajouté, qu'au-delà même de la sanction, leur protection même n'est plus assurée par ces Institutions.

Par ailleurs, un autre contre-pouvoir important, est en voie de disparition. Il s'agit du droit à l'information. En effet, nous avons réuni suffisamment de preuves concernant la disparition et l'assassinat des journalistes, pour considérer que le droit à l'information, est au minimum ignoré, au pire gravement bafoué.

Pour toutes ces raisons, les membres de la mission considèrent que

les standards internationaux concernant:

- Le droit à la vie,
- La prohibition de la torture,
- Le droit à un recours effectif devant les juridictions nationales compétentes,
- Le droit à la liberté d'opinion et d'expression,

- Le code de conduite pour les responsables de l'application des lois, doivent être respectés impérativement et immédiatement par la Turquie, qui s'y est engagée lors de la signature de la ratification des instruments internationaux.

Pour mémoire, et compte tenu de la force de leur libellé, au regard des exactions et multiples violations constatées en Turquie, la Commission a jugé utile de retranscrire partie de ces textes.

LE DROIT A LA VIE

Il ressort de la Déclaration Universelle des Droits de l'Homme en son Article III:

« Tout individu a droit à la vie, à la liberté et à la sûreté de sa personne ».

Le droit à la vie est également rappelé dans la Convention Européenne dans son Article II-1

« Le droit de toute personne à la vie est protégé par la Loi. La mort ne peut être infligée à quiconque intentionnellement, sauf en exécution d'une sentence capitale prononcée par un Tribunal, au cas où le délai est puni de cette peine par la loi. »

Depuis le début de l'année, environ 180 assassinats, ont été perpétrés dans le sud-est de la Turquie. Les autorités que nous avons rencontrées n'ont pu nous fournir aucune réponse sur les cas d'exécutions extrajudiciaires.

Elles n'ont pas été capables de donner des informations sur le déroulement éventuel d'enquêtes ou de procédures judiciaires en cours.

**SUR LA PROHIBITION
DE LA TORTURE**

La Déclaration Universelle des Droits de l'Homme, en son Article V, stipule:

« Nul ne sera soumis à la torture, ni à des peines ou traitements cruels, inhumains ou dégradants. »

La Convention Européenne à laquelle la Turquie a adhéré reprend ce principe en son Article III:

« Nul ne peut être soumis à la torture ni à des peines ou traitements inhumains ou dégradants. »

Rappelons également que la Turquie a signé et ratifié la Convention Internationale contre la torture et autres peines ou traitements cruels, inhumains ou dégradants dont le premier Article résume les principes:

« Aux fins de la présente Convention, le terme «Torture» désigne tout acte par lequel une douleur ou des souffrances aiguës, physiques ou mentales, sont intentionnellement infligées à une personne aux fins notamment d'obtenir d'elle ou d'une tierce personne des renseigne-

ments ou des aveux, de la punir d'un acte qu'elle, ou une tierce personne, a commis ou est soupçonnée d'avoir commis, de l'intimider, de faire pression sur elle ou d'intimider ou de faire pression sur une tierce personne, ou pour tout autre motif On est sur une forme de discrimination quelle qu'elle soit, lorsqu'une telle douleur ou de telles souffrances sont infligées par un agent de la fonction publique ou toute autre personne agissant à titre officiel ou à son instigation ou avec son consentement expresse ou tacite. Ce terme ne s'étend pas à la douleur ou aux souffrances résultant uniquement de sanctions légitimes, inhérent à ces sanctions ou occasionnées par elles.»

L'Article II, de cette même Convention, est largement bafoué par le gouvernement actuel, puisqu'il stipule:

«Tout état parti prend des mesures législatives, administratives, judiciaires et autres mesures efficaces pour empêcher que des actes de torture soient commis dans tout le territoire sous sa juridiction.

Aucune circonstance exceptionnelle, quelle qu'elle soit qu'il s'agisse de l'état de guerre ou de menace de guerre d'instabilité politique intérieure ou de tout autre état d'exception, ne peut être invoqué pour justifier la torture. L'ordre d'un supérieur ou d'une autorité publique ne peut être invoquée pour justifier la torture.»

L'ordre d'un supérieur ou d'une autorité publique ne peut être invoquée pour justifier la torture.

L'Article IV complète cet arsenal: « Tout Etat Parti veille à ce que tous les actes de torture constituent des infractions au regard de son droit pénal. Il en est de même de la tentative de pratiquer la torture ou de tout acte commis par n'importe quelle personne qui constitue une complicité ou une participation à un acte de torture.

Tout Etat Parti rend ces infractions passibles de peines appropriées qui prennent en considération leur gravité.»

Enfin, les Articles XII et XIII prévoient: «Tout Etat Parti veille à ce que les autorités compétentes procèdent immédiatement à une enquête impartiale chaque fois qu'il y a des motifs raisonnables de croire qu'un acte de torture a été commis sur tout le territoire sous sa juridiction.» (Article XII)

«Tout Etat Parti assure à toute personne qui prétend avoir été soumise à la torture sur tout le territoire sous sa juridiction, le droit de porter plainte devant les autorités compétentes du dit Etat qui procéderont immédiatement et impartialement à l'examen de sa cause. Des mesures seront prises pour assurer la protection du plaignant et des témoins contre tout mauvais traitement ou toute intimidation en raison de la plainte déposée ou de toute déposition faite». (Article XIII).

Cette Convention internationale a été reprise pour partie dans la Convention Européenne du 26 novembre 1987, à laquelle la Turquie a également adhéré.

Ce traité qui n'admet aucune réserve prévoit l'établissement d'un comité international composé de personnalités indépendantes, dotées d'immunité de privilège dans l'exercice de leur fonction.

Les membres de ce comité seront habilités à visiter tous les lieux de détention et pourront établir un rapport contenant des observations, des suggestions d'amélioration. Cette convention, qui complète le système de protection instauré par la Convention Européenne, ne crée pas un nouveau mécanisme judiciaire. Ainsi, en son Article II il est expressément prévu:

« Chaque Parti autorise la visite, conformément à la présente Convention, de tout lieu relevant de sa juridiction où des personnes sont privées de liberté par une autorité publique.»

Les informations recueillies par le comité à l'occasion d'une visite, son rapport et ses consultations sont confidentiels.

Ce qui explique peut-être la raison pour laquelle les autorités Turques, à qui nous en avons fait la demande, nous ont indiqué que pour les visites d'établissements pénitentiaires, seul était habilité ce comité...

Toujours est-il qu'en ce qui concerne l'usage systématique de la torture, notamment pendant la période de garde à vue, de nombreux témoignages ont pu être recueillis par la Commission.

Par ailleurs, tous les avocats rencontrés, nous ont indiqué qu'il était absolument impossible, d'obtenir qu'en cas de dépôt d'une plainte pour torture, des procédures ou au minimum des enquêtes, soient engagées.

Nous avons pu recueillir des témoignages de torture des mineurs de 11 à 17 ans. Leur avocat nous a indiqué qu'elle n'avait pu, dès qu'elle avait été saisie du dossier, introduire une plainte à l'encon-

tre des auteurs des violences commises sur ces enfants.

Enfin, les médecins que nous avons rencontrés, nous ont confirmé que l'établissement d'un certificat médical faisant état de torture mettait en danger les auteurs des certificats.

Les médecins, bien que fortement regroupés au sein de différents conseils, n'ont jusqu'à ce jour, jamais réussi à jouer un rôle dans le processus de dénonciation des mauvais traitements et tortures commis par les forces de police, militaires ou de sécurité.

Le respect de l'intégrité de la personne humaine sur le plan physique et moral figure donc dans tous les instruments internationaux que la Turquie a ratifiés.

Mais ces instruments sont considérés, semble-t-il par la Turquie, comme le simple «ornement» pour la mise en oeuvre effective et promise par chaque nouveau gouvernement, puis repoussée jusqu'aux prochaines échéances...

Ainsi, au mois de novembre 1991, le Premier Ministre présentant le programme de son gouvernement, après des élections générales tenues en octobre, a indiqué qu'il souhaitait accomplir de nets progrès dans le domaine des Droits de l'Homme. Il déclarait à cette occasion:

« La torture est un crime contre l'humanité (. . .) il est de notre devoir d'empêcher le recours à cette pratique. »

SUR LE DROIT A UN RECOURS EFFECTIF DEVANT LES JURIDICTIONS NATIONALES COMPETENTES

La Déclaration universelle des Droits de l'Homme prévoit en son

Article VIII: «Toute personne a droit à un recours effectif devant les juridictions nationales compétentes contre les actes violant les droits fondamentaux qui lui sont reconnus par la constitution ou par la loi».

La Convention Européenne de sauvegarde des Droits de l'Homme et des libertés fondamentales. reprend en son Article XIII les mêmes principes:

«Toute personne dont les droits et libertés reconnus devant la présente Convention ont été violés, a droit à l'octroi d'un recours effectif devant une instance régionale, alors même que leur violation aurait été commise par des personnes agissant dans l'exercice de leur fonction officielle».

Parmi les dizaines de témoignages que nous avons recueillis au cours de notre mission, seul nous a été rapporté un cas, où les autorités judiciaires auraient réellement joué le rôle qui leur est imparti au terme de la convention.

Un juge de Midyat, aurait en effet poursuivi l'auteur de graves violences, à l'encontre de citoyens d'un petit village.

Toutefois, après cette affaire, ce juge a cessé ses fonctions. Il n'a pas été possible pour la Commission de le retrouver et de l'entendre...

SUR LE DROIT A L'INFORMATION

La Déclaration Universelle des Droits de l'Homme prévoit en son Article XIX:

«Tout individu a droit à la liberté d'opinion et d'expression, ce qui implique le droit de ne pas être inquiété pour ses opinions et celui de chercher, de recevoir et de ré-

pandre, sans considération frontalière, les informations et les idées par quelque moyen d'expression que ce soit.»

Ce point est repris dans l'Article X de la Convention Européenne:

«Toute personne a droit à la liberté d'expression. Ce droit comprend la liberté d'opinion et la liberté de recevoir ou de communiquer des informations ou des idées sans qu'il puisse y avoir ingérence d'autorité publique et sans considération de frontière.

Le présent Article n'empêche pas les Etats de soumettre les entreprises de radiodiffusion, de cinéma ou de télévision à un régime d'autorisation. Depuis moins d'un an, douze journalistes ont été assassinés.

Des journaux tels *Gündem*, et *Yeni Ülke*, supposés être proches du mouvement PKK, font l'objet de mesures répressives allant de la saisie à l'interdiction de publier.

Les locaux sont contrôlés constamment par la police; les journalistes fichés, et menacés de mort.

SUR LE CODE DE CONDUITE POUR LES RESPONSABLES DE L'APPLICATION DES LOIS

L'Article 1er de ce code prévoit «Les responsables de l'application des lois peuvent s'acquitter en tout temps du devoir que leur impose la loi en servant la collectivité et en protégeant toutes les personnes contre les actes illégaux, conformément au haut degré de responsabilité qu'exige leur profession».

L'Article II: «Dans l'accomplissement de leur devoir, les responsables de l'application des lois doi-

vent respecter et protéger la dignité humaine et défendre et protéger les droits fondamentaux de toute personne».

L'Article III: «Les responsables de l'application des lois peuvent recourir à la force seulement lorsque cela est strictement nécessaire et dans la mesure exigée par l'accomplissement de leur fonction;»

L'Article V: «Aucun responsable de l'application des lois ne peut infliger, susciter ou tolérer un acte de torture ou quelque autre peine ou traitement cruel, inhumain ou dégradant, ni ne peut invoquer un ordre de ses supérieurs ou des circonstances exceptionnelles telles qu'un état de guerre ou une menace de guerre, une menace contre la sécurité nationale, la stabilité politique intérieure ou tout autre état d'exception pour justifier la torture ou d'autres peines ou traitements cruels, inhumains ou dégradants».

A l'issue de sa mission, la Commission considère que ce code n'est pas respecté par le gouvernement Turc.

La Turquie a ratifié la Convention Européenne le 18 mai 1954.

Le 25 février 1988 la Turquie a ratifié la Convention Européenne contre la torture et le 2 août 1988, la Convention internationale contre la torture.

L'ampleur des exactions commises, et l'apparition des exécutions extra-judiciaires, ainsi que l'absence totale de sanctions à l'encontre des auteurs de ces violations, conduisent la commission à considérer que les textes internationaux auxquels a adhéré la Turquie sont actuellement «lettre morte».

II - CONDITIONS DE DÉROULEMENT DE LA MISSION ET PERSONNES RENCONTRÉES

II-1. CONDITIONS DE DÉROULEMENT DE LA MISSION

La mission s'est déroulée du 17 au 24 septembre 1992 et pour l'essentiel les rencontres avec les victimes de violations des droits de l'homme, journalistes, avocats, parlementaires, témoins, se sont déroulées à Diyarbakir ou à Ankara.

Les autorités Turques ont permis sans entrave aux membres de la mission de rencontrer les témoins; le seul obstacle rencontré par la mission d'enquête qui sera relaté ci-après résidant dans l'impossibilité dans laquelle elle été de se rendre dans la ville de Simak.

Toutefois il convient de préciser qu'à compter du 22 septembre 1992, le climat s'était brusquement aggravé en raison de l'assassinat le 20 septembre 1992 de M. Musa Anter, et de l'irritation croissante que suscitait notre présence à Diyarbakir.

C'est pourquoi, la commission d'enquête, les dernières 48 heures, a fait l'objet d'une surveillance rapprochée de policiers en civil qui l'a accompagnée jusqu'à l'aéroport de Diyarbakir.

Ces précautions prises par les services de police a constitué le premier indice de la volonté des autorités locales de limiter la présence de délégations internationales, puisque ultérieurement, une délégation allemande composée de 5 personnes, dont le député du S.P.D M. JIELPKE a été arrêtée à Diyarbakir pendant plusieurs heures et invité vigoureusement à regagner l'Allemagne.

A cette occasion, le 30 septembre 1992, le commandant militaire de Diyarbakir qui avait rendu visite à la délégation en garde à vue a déclaré:

«Vous devez quitter la ville dans les plus brefs délais.

Je n'accepte plus de délégation.

Les délégations dérangent.

De toutes façons, pour rencontrer des personnes, il faut au préalable en faire la demande et obtenir la permission.

De toutes façons, si vous ne quittez pas la ville, tout peut vous arriver.»

II-2 - PERSONNES RENCONTRÉES

La commission d'enquête a rencontré un nombre considérable de témoins victimes de violations des droits de l'homme, provenant de secteurs sociaux professionnels très diversifiés. Des entretiens ont eu lieu également avec des parlementaires, des membres des associations des droits de l'homme, des journalistes, des médecins, des avocats etc.,

Il doit être rappelé ici que des entretiens ont eu lieu avec:

- Monsieur Mehdi Zana, ancien maire de Diyarbakir
- Monsieur Yavuz Onen, président de la Fondation des Droits de l'Homme
- Monsieur Mahmout Ortakaya, président du Conseil de l'Ordre des Médecins de Diyarbakir
- Monsieur Ünal Erkan, Super-Préfet de la région de Diyarbakir
- Monsieur le Sous-Secrétaire d'Etat à l'Intérieur, au Ministère de l'intérieur à ANKARA le 23 septembre 1992.

Il est à indiquer que compte tenu du climat d'insécurité sinon de

terreur dans lequel vivent les populations civiles Kurdes, l'identité de l'ensemble des témoins rencontrés ne sera pas révélée. Il doit être souligné que ces mêmes témoins ont insisté pour que leur identité ne soit pas communiquée aux autorités civiles si, lors de nos entretiens elles nous demandaient, (ce que d'ailleurs elles se sont empressées de faire), la communication de listes des victimes de la violation aux droits de l'homme.

Nous n'avons donc communiqué que la liste des personnes décédées.

I-3 SUR LE CLIMAT DANS LEQUEL S'EST DEROULEE LA MISSION

Trois faits notables doivent être mentionnés.

-Tout d'abord le fait qu'en raison du climat de peur régnant, les victimes ou témoins de violations des droits de l'homme avaient les plus grandes craintes de rencontrer la commission d'enquête, et d'ailleurs se résolvent de plus en plus difficilement à se faire connaître même auprès de l'Association des Droits de l'Homme locale.

-Deuxièmement, dès lors que chaque jour apportait son lot d'assassinats ou d'exactions, sans aucune espèce de formalisme, nous avons la possibilité de rencontrer des témoins ou victimes de violations aux droits de l'homme qui se présentaient parfois spontanément à nous dans le hall de l'hôtel.

-Troisièmement, la commission ne peut que relever les sentiments de découragement et d'isolement dans lesquels se trouve la population civile Kurde aujourd'hui.

Un exemple, le jeune interprète que nous avons engagé nous demandait chaque fois qu'il nous quittait le soir de l'appeler chez lui pour vérifier qu'il ne lui était rien arrivé.

Il doit être également noté l'extrême diversité des témoignages recueillis provenant de secteurs socio-professionnel des plus variés, qui, tous confondus, vivent dans un climat de terreur.

Il est essentiel de souligner enfin que des pères de famille dont les fils avaient été soit brutalisés par l'armée ou par les commandos spéciaux de la police, soit arrêtés depuis de nombreuses semaines sans qu'aucune nouvelle d'eux ne leur parvienne, sont venus nous faire part de leur désarroi, à l'évidence pour certains d'entre eux, n'ayant pas l'ombre d'un commencement d'engagement ni dans la politique ni même dans la lutte pour le respect des droits de l'homme.

Si ultérieurement, il sera relevé les effets dramatiques causés par la militarisation de la région et par la multiplication des affrontements entre l'armée et le PKK, ainsi que par les exactions commises par le PKK dans certaines régions, la commission entend rappeler que le climat de terreur dans lequel vivent les personnes rencontrées n'a jamais été imputé à l'occasion d'un quelconque témoignage au PKK.

Ceci étant, si une prochaine mission internationale avait la possibilité de se rendre dans des villages aujourd'hui interdits d'accès, elle serait amenée nécessairement à enquêter sur l'état dans lequel se trouve ses habitants, pris sous la double pression du PKK et de l'armée.

III - LE SUD-EST DE LA TURQUIE SOUS UNE CHAPE DE PLOMB

II-1 ENTRAVES A LA LIBERTÉ D'INFORMATION

La commission tient tout d'abord avec gravité à souligner le fait que l'information sur tout ce qui se passe actuellement dans le sud-est de la Turquie, non seulement circule mal à l'intérieur de la Turquie mais circule également mal à l'extérieur.

De multiples moyens sont utilisés pour entraver la liberté d'information.:

- l'assassinat de journalistes qui fait sur ce point du sud-est de la Turquie, une des régions du monde où l'exercice de la profession de journaliste s'effectue le plus au péril de la vie.

- Inexistence de menaces, par tous moyens, exercées à l'encontre des journalistes aux fins de les dissuader d'exercer leur métier.

- conséquences dramatiques de cette situation, les candidats au remplacement de ceux qui tombent sous les balles des escadrons de la mort se font de plus en plus rares.

La commission rappelle ici le nom des journalistes et la date de leur assassinat depuis le 1er janvier 1992 (Annexe 2). On ne peut que rappeler également, que lorsque nous quittions après nos entretiens les journalistes de Gündem, certains d'entre eux n'ont pas hésité à nous dire, sans l'ombre d'une complaisance, qu'ils n'étaient pas du tout certains de nous revoir.

Certains des journalistes assassinés de différents hebdomadaires

ou quotidiens comme M. Hafiz Hakdemir, exécuté le 11 juin 1992, avaient reçu par Fax, par courrier et par téléphone, des messages annonçant leur prochaine exécution. Ces menaces se précisant d'autant plus, dès lors que lesdits journalistes avaient publié leur reportage stigmatisant les relations entre les commandos civils ou para-militaires, qu'ils se fassent appeler Hezbollah ou contre guérilla et les services de police.

Ils peuvent d'autant plus se sentir en danger, que pour les journalistes, (dont le nom a été coché sur l'Annexe 2) ils venaient avant leur exécution de publier des enquêtes approfondies sur cette collusion.

Nous avons pu d'ailleurs avoir accès à l'ensemble de leurs dossiers d'enquêtes et pouvons, après enquête, témoigner du sérieux avec lequel les investigations avaient été menées ainsi que de la qualité du nombre des témoins rencontrés par ces journalistes décédés..

Outre l'entrave à la liberté extrêmement grave qu'elle représente, *La commission tient à lancer un cri d'alarme sur les menaces de mort qui pèsent aujourd'hui sur de très nombreux journalistes Kurdes dans le sud-est de la Turquie.*

La commission n'avait pas les moyens ni la vocation de détailler l'ensemble des mécanismes légaux qui aujourd'hui sont utilisés aux fins de saisie de certains de ces journaux, outre les moyens habituels pour organiser leur asphyxie économique. Une mission spécifique sur la liberté d'information dans le sud-est de la Turquie est souhaitable et souhaitée.

Durant sa présence à Diyarbakir, la Commission ne peut que rapporter le fait qu'elle n'a rencontré aucun journaliste, qu'il soit Turc

ou correspondant d'un journal étranger. Certains des journalistes rencontrés à ANKARA ont clairement indiqué qu'ils ne souhaitent pas être transformés en «passoires» (sic), à l'occasion de leur déplacement à Diyarbakir.

Naturellement le climat de terreur dans lequel vivent les populations civiles Kurdes décourage le plus grand nombre de gens de témoigner sur les violations aux droits de l'homme commises, ce qui explique d'ailleurs que l'association des droits de l'homme de Diyarbakir recueille de plus en plus difficilement aujourd'hui des témoignages des villes de la région (Batman, Silvan etc. . .).

Les habitants victimes de nombreuses exactions, répugnent de plus en plus à se déplacer et considèrent, d'après les témoignages recueillis, que le fait de se rendre auprès des associations de Droits de l'Homme, crée un risque supplémentaire pour leur sécurité.

**II - 2 - PROPAGANDE ET
CONTRE-PROPAGANDE**

Une bataille d'une très grande intensité sur le terrain de l'information est livrée actuellement, et il faut le regretter avec un certain succès, par le gouvernement Turc sur ce qui se passe exactement dans la région.

Au terme de son enquête, la Commission est en mesure d'affirmer que pouvait être attribuée au PKK la responsabilité de différents assassinats commis à l'encontre des villageois soupçonnés d'être des délateurs; assassinats en général revendiqués, ainsi qu'à l'encontre de certaines cibles civiles, et très récemment à l'encontre d'un juge et d'un procureur de la région de Diyarbakir.

A aucun moment, une des personnes rencontrées, n'a attribué les assassinats commis dans la région au PKK, étant précisé que certains des témoignages recueillis proviennent de la frange la plus modérée de la société civile Kurde.

Par contre, Monsieur Ünal Erkan, Super Préfet de Diyarbakir, lors de l'entretien de deux heures qu'il nous a accordé, nous a fourni les explications suivantes:

La commission tient à relater l'essentiel des propos de Monsieur Erkan, tant ils sont éloquents

QUOTE:

La Commission — *«Comment expliquez-vous la multiplication des exécutions sommaires et assassinats dans la région commis à l'encontre d'enseignants, de journalistes etc.»*

M. Ünal ERKAN — *«C'est vrai qu'il y a des victimes du terrorisme. Nous dénonçons aussi ces victimes.»*

La Commission — *«Les organisations les plus sérieuses des droits de l'homme et notre propre Commission ont réuni des preuves au terme desquelles ces victimes ont été tuées par la police, l'armée ou des organisations inconnues et non par le PKK. Quelle est votre explication ?»*

M. Ünal Erkan — *«Les informations que vous avez sur la région viennent des représentants des terroristes en Europe ou des sympathisants des terroristes. La Turquie ne connaît pas de violations aux Droits de l'Homme, sous la loi du gouvernement. Cette année, jusqu'au mois de septembre, 256 victimes des terroristes ont été recensées... Il y a des groupes terroristes qui tuent les*

journalistes. Selon nos informations il y a un conflit entre le PKK et le Hezbollah...»

Question de la Commission sur le cas de M. İzzet Keser, correspondant de Sabah, assassiné le 23 mars 1992 - à Cizre

M. Ünal Erkan — «Ce journaliste a été tué par le PKK à Cizre. Autour de son building il y avait des forces de sécurité chargées de sa protection, mais ils ne l'ont pas tué...» «Les forces de sécurité ne font pas de victimes, ce n'est pas leur mentalité».

La Commission — «Si nous vous avons bien compris, les organisations internationales et même les plus sérieuses qui dénoncent la multiplication des violations des Droits de l'Homme sont manipulées par le PKK ou ses sympathisants».

M. Ünal Erkan — «C'est tout à fait exact».

La Commission — «Est-ce votre réponse officielle?»

M. Ünal Erkan — Evidemment.

Malheureusement la Commission ne peut pas relater l'intégralité de cet entretien qui aurait mérité de l'être. Elle rappelle qu'à la fin de la réunion M. Ünal Erkan a indiqué :

«Si vous avez des allégations sur les victimes, votre organisation ou d'autres, notre porte est ouverte».

Monsieur Ünal Erkan nous a fait remettre un dossier contenant des fiches relatives à une dizaine d'assassinats, leur examen révèle à priori qu'il s'agit pour certains d'entre eux en tous les cas, d'assassinats commis par le PKK à l'encontre de villageois, il n'est pas contesté que le PKK assassine les villageois réputés délateurs ou «mouchards».

La Commission rappelle qu'elle s'est contentée de communiquer pour les raisons qui ont été exposées auparavant la liste de personnes décédées (Annexe 1). Par contre, la Commission avait demandé instamment à M. Ünal Erkan de communiquer un dossier révélant l'existence d'une procédure, une seule avait été demandée au terme de laquelle un responsable civil ou militaire aurait été poursuivi en justice et condamné pour des faits de violations des Droits de l'Homme.

En dépit des promesses faites, Monsieur Ünal Erkan, qui avait enregistré positivement notre demande, ne nous a fourni aucun dossier justifiant de l'existence d'une procédure ayant abouti à l'identification et à la condamnation d'un responsable, qu'il soit civil ou militaire, de violations de droits de l'homme.

La Commission (voir chapitre Sirmak.) a pu récolter des preuves révélant l'existence d'une très grave manipulation de l'information commise par le gouvernement Turc à propos des événements de Sirmak.

Les dirigeants les plus modérés, et pour certains d'entre eux tout à fait hostiles au PKK n'ont pas hésité à nous indiquer qu'ils avaient la conviction que l'armée ou certains commandos spéciaux de la police n'hésitaient pas à prendre le prétexte de l'assassinat de certains villageois par le PKK pour ensuite mener des opérations de représailles collectives à l'encontre du village tout entier, parfois même certains commandos spéciaux de la police se déguiseraient en combattants du PKK, pour renforcer le stratagème. C'est également la conviction de la commission, qui a pu rassembler un faisceau d'indices concordants.

Quelques jours avant la rédaction du rapport, un massacre de 40 villageois a été imputé au PKK, information reprise par la presse internationale, en l'espèce, le stratagème aurait été exactement le même. (voir également chapitre Sirmak) Si le PKK, a montré, qu'il pouvait également user avec habileté de la propagande, force est de reconnaître que l'énigme n'est toujours pas levée à ce jour sur la responsabilité de ces différents massacres de villageois qui constitue un moyen de propagande pour le gouvernement Turc de façon interne et internationale particulièrement efficace.

Il est clair que si le «black-out» continue de s'instaurer dans la région, les pires manipulations de l'information sont à craindre, alors qu'il a été rappelé, que ceux qui essaient d'en assurer la connaissance sont pour la plupart de fait» condamnés à mort».

IV - ACCELERATION DE LA COURBE DES ASSASSINATS COMMIS PAR DES PERSONNES INCONNUES

Toutes les personnes interrogées, quelles que soient leurs opinions politiques et leur origine sociale ou professionnelle, ont toutes été unanimes pour marquer l'extrême inquiétude que provoque la multiplication des exécutions sommaires dans la région qui sont apparues simultanément avec les élections du mois d'octobre 1991.

Ces assassinats, après avoir frappé des militants des Droits de l'Homme, des journalistes, (12 depuis le 1er janvier 1992), des médecins, par exemple le docteur Emin Ayhan (assassiné le 18 juin 1992), semblent devoir et pouvoir frapper tous les secteurs de la société civile Kurde.

Il doit être souligné qu'aucun secteur social ou professionnel n'est épargné par ces assassinats, tombent sous les balles des escadrons de la mort, de simples particuliers, des villageois, des étudiants, des dirigeants du HEP ou simplement parfois leurs proches ou des membres de leurs familles.

Nous pouvons affirmer qu'il suffit de témoigner de son désaccord avec la politique du gouvernement, a fortiori de manifester son soutien auprès d'une association de droits de l'homme, aux partis kurdes, pour être une victime potentielle des commandos civils ou para-militaires.

L'association des droits de l'homme nous a remis la liste des assassinats commis depuis le 1er janvier 1992 (annexe 3) le jeune animateur de cette association n'avait pas encore eu le temps de rajouter dans son ordinateur le nom de Monsieur Musa Anter.

Ainsi, le Président du Conseil de l'Ordre des Médecins de Diyarbakir, personnalité des plus modérée, invité par la commission d'enquête à donner des précisions sur les cas de torture relevés par les médecins dans la région, nous a demandé instamment de ne pas nous préoccuper de la torture (sic), mais par priorité de ces assassinats.

Celui-ci, et différents médecins rencontrés, ont tous été unanimes pour considérer que pour un médecin le fait de rédiger un certificat médical détaillant les conséquences corporelles des tortures, équivalait automatiquement à des menaces de mort, et à des intimidations de tous ordres.

Il nous a été remis un rapport du Conseil de l'ordre des Médecins relatif aux faits de torture (Annexe 4).

A une question de la Commission sur les procédures qui auraient été engagées à l'encontre des responsables de ces assassinats, posée au Sous-Secrétaire d'Etat à l'Intérieur à Ankara, ce dernier nous a répondu:

- « Je suis fort embarrassé de ne pouvoir fournir aucune explication à l'opinion publique Turque ainsi qu'à la presse turque et internationale sur ces assassinats.. nous recherchons toujours à ce jour les auteurs de ces assassinats... » (sic)

On ne peut que noter, la discordance entre les propos du Sous-Secrétaire d'Etat à l'intérieur qui au minimum fait «aveu d'impuissance», et les propos de M. Ünal ERKAN qui s'est empressé d'attribuer la responsabilité de ces exécutions sommaires au PKK. De ce point de vue, M. Ünal ERKAN s'est montré fidèle à des propos tenus par les plus hauts responsables de l'Etat Turc, à savoir la criminalisation et la diabolisation du PKK.

Au terme de son enquête, la Commission a recueilli suffisamment d'éléments sérieux, pour affirmer l'existence de collusion entre les escadrons de la mort qu'ils soient civils ou militaires, responsables de ces assassinats, avec les forces de police ou militaires. Elle a recueilli de très nombreux témoignages, et notamment le témoignage d'habitants d'une ville proche de Diyarbakir, au terme desquels deux membres du Hezbollah qui avaient été arrêtés par des habitants de cette ville après l'exécution d'un militant des droits de l'homme ont été relâchés quelques heures après avoir été remis aux forces de police.

Chacun sait que lorsqu'un régime fait appel à des escadrons de la mort, en «sous-traitant» les assassinats, il espère un peu plus assurer son impunité d'une part et d'autre part a toujours ainsi la possibilité de mettre au compte de ses adversaires politiques ou militaires ces mêmes assassinats.

**SUR L'ASSASSINAT DE
M. MUSA ANTER**

Parmi la liste des personnalités Kurdes connues, en Turquie mais aussi à l'étranger, pour leur modération et leur combat pour une solution pacifique du problème Turque, figuraient dans les tout premiers, le nom de M. Musa Anter.

M. Musa Anter, avait vu nombre de ses ouvrages faire l'objet de véritables «autodafés», et depuis de nombreuses années, s'obstinait à faire entendre sa voix parmi celle des plus modérées pour trouver une solution honorable au conflit latent.

M. Musa Anter, écrivain et journaliste, âgé de 74 ans, s'était ainsi rendu à Diyarbakir pendant la semaine où notre délégation séjournait pour assister, et signer son dernier ouvrage, à l'occasion d'un festival de la culture dit «Festival des trois Cultures», où il y était Invité d'Honneur, (voir Annexe-Photos des banderoles annonçant sa participation au festival).

A ce titre, la Commission souhaitant mettre à profit le séjour de M. Musa Anter dans la ville de Diyarbakir, envisageait un entretien, notamment pour confronter son point de vue avec celui des autres personnalités rencontrées.

Tragiquement, le 20 septembre 1992, à 11 heures du soir, nous étions informés de façon offi-

cieuse, que M. Musa Anter venait d'être assassiné à 8 heures du soir dans un des quartiers de Diyarbakir;

Nous apprenions également que 3 journalistes, Monsieur Huseyin Çiçekçi, Monsieur Ferit Aslan, et Monsieur Zeki Özer, tous trois travaillant pour le journal *Diyarbakir Soz* (Diyarbakir aujourd'hui) avaient disparu mystérieusement, alors qu'ils se rendaient sur les lieux du crime pour y faire leur reportage.

C'est dans ces conditions que nous nous rendions le lendemain matin au siège du journal *Diyarbakir Soz* pour y rencontrer le rédacteur en chef et les journalistes. Celui-ci nous indiquait que ces derniers, blessés légèrement, se trouvaient être actuellement au commissariat de police de la ville pour y faire une déposition.

Nous insistions auprès du rédacteur pour obtenir un entretien avec ces journalistes.

Non sans difficultés, rendez-vous était pris pour le lendemain.

Le 22 septembre 1992, nous nous rendions de nouveau au siège du journal, où nous étions reçus par le directeur de la publication, lequel après nous avoir précisé que ces trois journalistes «lui appartenaient», et que lui en sa qualité de directeur -, répondrait à toutes nos questions, cependant, il s'opposait pour des raisons de sécurité à ce que nous interroguions ces journalistes.

Devant notre détermination, il finit par accepter que nous rencontrions les trois journalistes, hors de sa présence.

C'est ainsi, que le récit suivant nous a été fourni.

Les trois journalistes entendus étaient encore sous le choc des événements vécus, apeurés et néanmoins soucieux, courageusement, de restituer la vérité des faits.

Ces trois journalistes aux environs de 7 heures du soir, informés qu'un crime avait été commis dans un quartier pauvre de Diyarbakir, s'y rendaient aussitôt en taxi.

En chemin, ils rencontrèrent une ambulance qui leur indiqua qu'ils s'étaient trompés de route, qu'il n'y avait plus rien à voir et qu'ils devaient rebrousser chemin.

Cependant, les trois journalistes décidèrent de continuer leur enquête et, dans une petite rue, ils croisèrent une Renault blanche, immatriculée à Silvan, dont ils relevèrent le numéro.

De cette voiture, descendirent trois individus, armés «jusqu'aux dents», qui sous la menace de leur arme, montèrent pour deux d'entre eux dans leur taxi.

Ces individus, porteurs de Talkies-walkies, demandèrent alors au conducteur du taxi, sous la menace de leur arme, de suivre la voiture Renault blanche dont ils étaient descendus.

C'est dans ces conditions, et selon le récit des trois journalistes, que sur plus de 70 kilomètres, les deux voitures sont passées sans le moindre problème, par simple avertisseur ou appel Talkie-walkie, les différents barrages de police ou militaires.

A l'intérieur du taxi, pendant ce voyage qui durera plusieurs heures, les trois journalistes vont être agressés physiquement, l'un d'entre eux aura une dent cassée. Ils seront interrogés de façon «mus-

clée» par ces deux individus qui parlent avec un accent Turc de l'Ouest et qui leur posent à plusieurs reprises les mêmes questions:

- «*Qui vous a donné l'information sur le fait qu'un meurtre a été commis ?*»

- «*Quelle police exactement vous a rencardés ?*»

Selon les journalistes, ces individus semblaient attendre des instructions par Talkies-walkies, sur le sort qui allait leur être réservé.

En définitive, après 4 heures passées dans le véhicule, nos trois journalistes vont être relâchés sur le bord de la route, terrorisés, et sommés de ne rien répéter de ce qu'ils ont vécu.

Ils vont nous livrer toutefois leur version des faits.

Selon eux, les individus ont reçu des instructions provenant directement du Gouverneur de la région demandant leur remise en liberté. En effet, le rédacteur en chef de ce journal est un proche du Gouverneur de la région. Par ailleurs, le journal *Diyarbakir Soz*, est connu pour être totalement apolitique, étant simplement un journal de faits divers, et d'annonces locales.

M. Musa Anter au moment de son assassinat était accompagné d'un ami, M.Orhan Miroglu, qui a été grièvement blessé mais qui n'est pas décédé des suites de l'agression.

Ce témoin privilégié, à semble-t-il donné une description précise des trois assassins de M. Musa Anter, peut-être est-ce pour cette raison que les trois journalistes, à plusieurs reprises au cours de leur

entretien avec nous, ont tenu à nous préciser de façon insistante, que la description que M. Miroglu avait donnée des trois assassins, ne correspondait pas du tout à celle qu'ils avaient eux-mêmes donnée des trois individus qui les avaient kidnappés... (sic)

Toutefois, il ressort:

- 1°) Des circonstances de l'enlèvement.
- 2°) Des questions particulières posées par les ravisés aux journalistes;
- 3°) De la façon dont les barrages nombreux et normalement difficilement franchissables par un véhicule particulier, ont été passés sans encombre par les deux véhicules;
- 4°) Des circonstances de la libération des journalistes;
- 5°) De la vérification faite que la plaque minéralogique de la Renault blanche correspond à une voiture de police banalisée de la ville de Silvan,

Que les trois individus qui ont enlevé les journalistes étaient reliés directement aux services de police.

Leur rôle dans l'assassinat de M. Musa Anter est donc au minimum celui de la complicité par aide et assistance aux auteurs de l'assassinat, notamment en facilitant leur fuite.

Le sentiment de la Commission, sur la responsabilité directe de la police dans cet assassinat, se trouve renforcé par les circonstances qui ont suivi le décès de M. Musa Anter.

En effet, la police a décidé d'organiser dans la précipitation, dans les 24 heures qui ont suivi la mort de M. Musa Anter, son enterrement, seules des personnes de son village natal ont semblé pouvoir être présents, aucune certitude quant à l'existence d'une autopsie de peut être apportée.

**V - L'IMPUNITÉ DES
RESPONSABLES DES
VIOLATIONS DES DROITS DE
L'HOMME EST ABSOLUE**

Les autorités civiles rencontrées nous ont confirmé qu'aucune procédure ayant permis l'identification, le jugement des responsables de ces assassinats, n'était toujours intervenue.

Il doit être rappelé, qu'un juge d'instruction de la ville de Midyat avait avec obstination permis l'identification de responsables des villages comme auteurs de différents assassinats. Après avoir mené jusqu'à son terme son instruction, il a fait l'objet de menaces, et semble aujourd'hui de fait en inactivité, ces événements nous ont été confirmés par différents témoignages recueillis à Diyarbakir.

L'impunité des forces de police et militaires se rendant coupables de faits de tortures ou de mauvais traitements est également absolue; aucune plainte à ce jour n'a aboutie et notamment pour les plus récentes, celles relatives à des faits de tortures commis sur des enfants de 11 à 17 ans.

Le témoignage d'une avocate peut être ici relaté:

- «Aucun avocat du Barreau de Diyarbakir n'a réussi à faire aboutir une plainte du chef de torture,

ou pour tout autre fait, ces plaintes sont en général classées -sans suite-, voire même il n'y a aucune réponse.»

La Commission a demandé à cette avocate, si l'utilisation de la torture était la même ou si une évolution pouvait être enregistrée:

réponse:

- «La torture c'est pire maintenant, lorsque les familles apprennent que leur proche a été arrêté, elles se réjouissent, car cela signifie qu'elle n'est pas morte...»

Cette avocate avait déposé une plainte du chef de torture à l'encontre de membres du HEP, le Juge d'Instruction n'avait pas daigné donner la moindre suite à cette plainte.

Il doit être noté que pendant notre entretien avec cette avocate, un appel téléphonique l'a informée de ce quelques heures auparavant, un proche des dirigeants du HEP avait été assassiné tôt le matin à Diyarbakir.

D'autres avocats n'ont pas manqué de souligner que lorsqu'ils insistaient eux-mêmes à l'occasion des audiences sur le fait que les aveux avaient été extorqués par les tortures, soit ils risquaient un verdict plus sévère à l'encontre de leur client, soit ils s'exposaient eux-mêmes à des menaces.

Au terme de son enquête, même si cette affirmation relève malheureusement de la litanie, la Commission est en mesure d'affirmer que l'usage de la torture n'a jamais été aussi systématique qu'aujourd'hui dans le sud-est de la Turquie, cet usage systématique

est évidemment rendu plus aisé par l'impunité absolue de ceux qui en sont responsables.

La garde-à-vue pouvant durer 30 jours, sans la présence d'un avocat, on imagine aisément qu'une telle durée laisse libre champ à toutes les exactions possibles, étant précisé ici que le projet de loi qui devait être soumis à l'Assemblée Nationale, aux fins de réduire d'une part la durée de la garde-à-vue, et d'autre part d'instaurer la présence d'un avocat, a été renvoyée sine-die par la majorité des parlementaires.

La Commission a pu rencontrer à l'hôpital de Diyarbakir une fillette de 9 ans blessée par balles dans la cour de l'école du village de Kulp, courant août 1992. Cette fillette avait reçue plusieurs balles par mitraillette automatique d'un soldat qui, après une arrestation d'une durée de 48 heures, a été muté auprès d'une autre garnison. Ces faits ont pu être confirmés par l'entourage de la fillette, (Annexe 4 - Photo de la fillette sur son lit d'hôpital à Diyarbakir).

La Commission tient à stigmatiser le fait, que l'impunité est favorisée par les dispositions légales en vigueur, notamment celles résultant de la loi anti-terreur du 12 avril 1991 (Annexe. 5.).

Ce texte a fait l'objet de différentes analyses juridiques par différents juristes Turcs et Occidentaux. Une simple lecture de la définition de la terreur, au terme de l'Article 1, suffit à se convaincre, de la liberté dont disposent les forces de police, pour incriminer des faits de complicité avec les terroristes et ce, ne serait-ce que pour des propos tenus par des dirigeants du HEP s'opposant à la politique du gouvernement.

C'est d'ailleurs très précisément

l'inculpation de trois dirigeants du HEP, arrêtés à ANKARA quelques mois après notre retour à Paris, et qui au jour de la rédaction du présent rapport, sont toujours détenus.

La combinaison des Articles 1-7 et 8, permet de poursuivre devant les Tribunaux de Sécurité de l'Etat, tout Kurde qui s'oppose à la politique du gouvernement. L'assimilation aux terroristes et par conséquent au PKK est extrêmement aisée.

L'Article - 15 de la loi du 12 avril 1991 (cf. P.5), porte dans son premier et son troisième alinéa, tous les indices de la volonté d'organiser l'impunité légale des responsables des violations des Droits de l'Homme.

La volonté de nier la gravité de la situation dans cette région, ainsi que de nier le fait que la très grande majorité de la société civile Kurde qui se sent réprimée et abandonnée par le gouvernement Turc, a abouti à des comportements singuliers.

En effet, un des membres de la Commission, qui avait avant le départ fait connaître à l'ambassadeur de Turquie auprès du Conseil de l'Europe l'intention de la FIDH d'envoyer une mission au Kurdistan, s'était vu obligé par Monsieur Ünal Erkan - comme préalable à toute discussion - d'inscrire sur la copie du Fax qui lui était présentée et qui était de sa main, qu'il reconnaissait son erreur et par conséquent le fait que le Kurdistan ne correspondait à « aucune réalité juridique, politique ou géographique » (sic).

La loi du 12 avril 1991 est truffée de dispositions contraires à l'état de droit que veut être la Turquie (incriminations pénales aux contours extrêmement vagues, ab-

sence d'égalité devant la loi, intégration du concept de responsabilité collective etc...)

En tout état de cause cette impunité est absolue d'une part, et d'autre part, elle est relative à l'ensemble des violations des Droits de l'Homme, des plus graves aux moins sérieuses, comme par exemple toutes les menaces de mort dont sont victimes les militants des Droits de l'Homme, les dirigeants du HEP, les personnalités connues.

VI - SIRNAK :

VILLE MARTYRE ET VILLE INTERDITE

IV-1 RAPPEL DES EVENEMENTS ET PRESENTATION DE LA VILLE DE SIRNAK

Sirnak se situe à un emplacement stratégique, puisque adossée au flanc de la montagne du Taurus, elle est située à 45 km de la frontière Irako-syrienne.

Avant les événements du mois d'août dernier, elle était peuplée de 35 000 habitants, et si l'on ajoute les habitants des villages qui l'entourent, le chiffre de 50.000 habitants peut être avancé.

Parmi cet emplacement stratégique, Sirnak est connue pour sa forte concentration militaire, elle est constamment entourée de blindés et de tanks dont les canons sont dirigés vers la ville.

Depuis fort longtemps il est impossible d'y entrer et d'en sortir sans un contrôle strict.

Le 18 août 1992, et pendant 48 heures, cette ville coupée du reste de la Turquie, va être partiellement détruite par des tirs d'obus et de canons.

Dans la déclaration faite la nuit des événements, le ministre de l'intérieur affirme alors que la ville de Sirmak a été attaquée par 1000 à 1500 militants du PKK.

De son côté, M. Ünal Erkan, déclare: «Les militants du PKK ont attaqué avec des armes lourdes, de divers endroits, par groupes et avec un effectif d'un millier d'hommes».

Ces déclarations officielles, parfois divergeantes et même contradictoires, laissent planer toutefois un doute dans les esprits, d'autant qu'aucun militant du PKK n'est pris ni mort ni vivant dans ces opérations.

De même, aucune des armes, lance-missiles, roquette ou bombes prétendument utilisés par le PKK n'est saisie.

Un délégué composé de députés de la région, accompagnée de journalistes, décide de se rendre à Sirmak pour enquêter sur les événements survenus.

Leur rapport d'observations et d'enquêtes est rendu public à la fin du mois d'août 1992. Il va contribuer, outre l'enquête de différentes journalistes, à ce que la presse turque et internationale mettent en cause la version officielle (Annexe 6 articles du Monde).

Il nous a été permis de rencontrer d'une part l'un des Députés composant cette délégué, d'autre part différents témoins des événements de Sirmak.

Les événements suivants nous ont été relatés :

Le 18 août 1992, des militants du PKK auraient lancé à partir de la montagne des roquettes sur la caserne extérieure à la ville. Quatre soldats auraient été grièvement

blessés. Les combattants se seraient immédiatement retirés, sans qu'aucun n'ait pu être arrêté, blessé ou tué.

Compte tenu de l'ampleur des manipulations dont nous avons pu être les témoins au cours de notre enquête, si cette attaque des militants du PKK est probable, il est aussi possible qu'il s'agisse tout simplement d'une provocation et d'une manipulation de l'armée cherchant à justifier une attaque sur la ville.

En effet, à la suite de cet incident, le commandant de la caserne, le Général Mete Sayar, a immédiatement donné l'ordre de bombarder la ville, sans consulter le Gouverneur de la province, Mustafa Malay.

Il est à noter que nonobstant cette prise de position immédiate et dangereuse, puisqu'elle a coûté la vie à de nombreux habitants, M. Mete Sayar a fait l'objet d'une remise de décoration pendant notre séjour, pour ses «Hauts-faits glorieux d'armes...»

Il ressort des témoignages que le Député a recueilli sur place; que les tanks ont d'abord lancé des tirs. Que par la suite les blindés sont entrés dans les rues de la ville en tirant sur les habitations et les magasins. Les soldats auraient pillé et brûlé les magasins.

Il n'y aurait aucune contre-attaque, ni de la part du PKK, ni de la part de la population.

La version officielle relatant les événements sous l'angle d'une attaque massive PKK, ne résiste pas à l'examen. En effet, les délégués qui se sont succédées à Sirmak aux mois d'août et de septembre, ainsi que les journalistes étrangers, ont tous pu constater que la Préfecture n'avait pas été

touchée, qu'en revanche tous les magasins du centre-ville étaient incendiés, souvent détruits et se trouvant dans un état inutilisable.

Les dégâts importants et les destructions massives ont touché principalement les bâtiments appartenant au domaine privé ou loués aux Services Publics, alors que les bâtiments du Domaine Public n'ont pratiquement subi aucun dégât.

Par ailleurs, tous les témoignages recueillis sur place, confirment que la majorité des membres de sécurité, soldats, policiers, sous-officiers et officiers ont participé à cette vaste opération de représailles à l'encontre de la ville de Sirmak;

IV-2 VILLE INTERDITE

Lors de notre entretien avec Monsieur Ünal Erkan, ce dernier nous avait donné son autorisation formelle de nous rendre à Sirmak, qui plus est, il avait pris soin quelques jours après de nous confirmer l'heure du rendez-vous pris à notre demande avec le gouverneur de Sirmak.

C'est dans ces conditions que la commission d'enquête a essayé de se rendre le 22 septembre 1992 à Sirmak.

Il convient de préciser qu'aucun militant des associations des droits de l'homme ou des parlementaires n'a souhaité nous accompagner compte tenu du danger pour leur vie que représentait selon eux un tel déplacement. En dépit de l'autorisation consentie par Monsieur Ünal Erkan, les services de police en uniforme, ultérieurement assistés dans leurs démarches par un groupe de policiers en civil sur-armés et menaçants, à l'entrée de la ville de Cizre (pro-

che de Sirkak) nous ont demandé de rebrousser chemin, et ce après que des vérifications aient été faites, à notre demande, auprès de Monsieur

A notre retour à l'hôtel la réception nous a indiqué que le bureau du gouverneur avait appelé dans l'après-midi et à cette occasion, l'avait informé de ce que notre retour dans la journée était certain.

Nous avons adressé à Monsieur Unal Erkan une télécopie pour lui demander en vain des explications.

**VI - 3 SIRNAK : VILLE
MARTYRE**

Par conséquent, interdiction nous a été faite de nous rendre à Sirkak, et il convient de rappeler qu'aucun journaliste n'a pu se rendre dans cette ville depuis le 2 septembre 1992.

La ville est aujourd'hui une vile martyre, comme il a été rappelé ci-dessus.

Le parlementaire rencontré de source hospitalière a estimé à 36 le nombre des victimes des soldats, ce dernier devant être largement supérieur compte tenu du fait que les familles ont immédiatement enterré ceux de leurs proches qui avaient été tués par des militaires et ce en raison de l'extrême chaleur.

Il a été interdit aux parlementaires de Sirkak de se rendre dans certaines parties de la ville, totalement contrôlées par l'armée, ainsi que dans les villages aux alentours, qui au vu des témoignages recueillis ont été pour certains totalement bombardés par hélicoptères, des familles entières ayant péri carbonisées.

Il doit être rappelé, alors que la grande majorité de la population civile avait fui Sirkak, qu'au sixième jour, en dépit du fait que les parlementaires avaient persuadé la population de retourner chez eux, c'est à ce moment là que les forces militaires ont à nouveau attaqué les bâtiments privés, provoquant un nouvel exode de la population.

Chacun est unanime pour considérer que compte tenu des moyens mis en oeuvre par l'armée le nombre des victimes aurait pu être considérable si la population civile ne s'était pas cachée dans les caves et soubassements des maisons.

Nous avons pu visionner une cassette vidéo tournée pendant la visite des parlementaires qui confirme l'état de destruction des bâtiments privés de la ville, la terreur dans laquelle vit la population qui y réside encore, ainsi que de l'importance de l'exode.

L'existence d'un scénario prémédité est largement présumée, surtout si l'on rappelle les déclarations de Monsieur Özal, Président de la république, lors d'un discours prononcé à Uludere, région de Sirkak, début septembre 1992, qui à cette occasion a incité les habitants de Sirkak à quitter la région « pauvre et inhospitalière » (sic) pour émigrer vers l'ouest du pays, présentant cet exode comme une « éventuelle solution au problème de la région ».

Dans ce même discours Monsieur Özal a cité le chiffre de 500 000 personnes.

**VI - 4 KULP : MEME SCENARIO
QU'A SIRNAK**

A l'heure de la rédaction du présent rapport, la Commission ap-

prend que la ville Kurde de KULP, a été incendiée, dans le même temps l'agence de presse turque reprise en partie par la presse internationale faisait état de dizaine de villageois tués par le PKK à la suite d'une attaque de cette ville.

Le 4 octobre, à la suite d'une embuscade du PKK contre des gendarmes Turcs, cette petite ville de 10.000 habitants a été, tout comme Sirkak, l'objet de représailles par l'armée.

L'envoyé spécial du journal *Libération*, M. Jean Pierre Perrin indique dans un article paru le 13 octobre 1992 dans *Libération* :

QUOTE :

- « La version officielle des événements a le mérite d'être simple. Selon un Colonel qui a requis l'anonymat, un commando du PKK, fort d'une cinquantaine de membres s'est battu jusqu'à la nuit, tirant depuis les maisons du centre-ville. Aussi, face à l'obscurité, L'armée a dû user de balles traçantes, et ce sont elles qui ont provoqué des incendies.

C'est aussi le PKK, ajoute t-il, qui a chassé les habitants de la ville, en leur faisant croire qu'il allait revenir l'attaquer... Si l'embuscade tendue par le PKK aux gendarmes et, antérieurement l'assassinat des deux magistrats sont établis, la version officielle relatant le martyr de KULP ne résiste pas un quart de seconde à l'examen. La quarantaine de boutiques, qui ont totalement brûlé, sont toutes situées au centre de la cité, soit à quelques mètres de la Sous-Préfecture. Or, comme en témoigne sa façade, le bâtiment n'a pas reçu le moindre projectile. »

Ce journaliste a pu effectuer un reportage, sur le vif, du fait de sa présence dans la région.

Les témoignages que ce journaliste a pu recueillir à Kulp, sont semblables aux innombrables témoignages que la Commission a pu entendre sur les événements de Sirnak.

A ces témoins divers: villageois, commerçants, fonctionnaires, relatant tous avec un luxe de détails, la destruction massive de leur village ou de leur ville par l'armée, et des forces de police, le gouvernement continue d'opposer toujours une même version officielle, attribuant au PKK la responsabilité des massacres.

Sirnak est en quelque sorte exemplaire, de ce que d'autres villes ou villages endurent actuellement.

Le problème réside, et il faut le répéter, dans l'extraordinaire habileté du gouvernement et/ou des forces militaires à déformer et manipuler l'information.

CONCLUSIONS

Si le gouvernement Turc voulait ruiner toute chance de négociation susceptible d'aboutir à une solution politique au conflit, il ne pourrait pas s'y prendre autrement.

Nous sommes tout à fait fondés à considérer que les très graves violations de Droit de l'Homme commises actuellement dans le sud-est de la Turquie, ne sont que les conséquences au minimum d'une absence de volonté politique de résoudre pacifiquement le conflit, au pire d'une volonté délibérée d'anéantir tout processus possible de discussion et de négociation.

D'ailleurs, il faut indiquer qu'à

aucun moment le gouvernement Turc n'a, de façon officielle et solennelle, tendu la main pour amorcer un quelconque processus de négociation.

Plus encore, le maintien de l'état d'exception, le fait que le Président de la République envisage l'établissement de la loi martiale, l'application systématique de la loi du 12 avril 1991, le maintien de la suspension de la Convention Européenne des Droits de l'Homme pour les 10 provinces Kurdes par le gouvernement de Turquie, confirment que tout est entrepris pour que le sud-est de la Turquie soit une région où l'état de droit serait mis entre parenthèse.

S'il ne fait aucun doute que le PKK est responsable de assassinats et d'exactions inacceptables, on ne peut oublier par ailleurs qu'en octobre 1991, Monsieur Abdullah Öcalan, Leader du PKK, a lancé un appel au nouveau gouvernement Turc pour l'ouverture au dialogue et annoncer la suspension des actions de guérilla.

On ne peut oublier également que le PKK a, au moins à une reprise, proclamé la possibilité d'une amnistie pour les gardiens de villages, et en décembre 1991.

Par contre, tout est entrepris pour créer une situation de totale bipolarisation du conflit entre le PKK et l'armée d'une part, et d'autre part pour criminaliser et «diaboliser» le PKK que le gouvernement Turc s'efforce de présenter auprès de l'opinion publique internationale comme une organisation cousine du sentier lumineux.

Les derniers événements confortent cette conviction d'une volonté d'anéantissement de toute possibilité de négociation politi-

que. En effet, chacun sait qu'est instruit actuellement devant la Cour Constitutionnelle d'Ankara par le Procureur de l'Etat Turc, un procès à l'encontre du HEP (Parti du Travail du Peuple).

Chacun sait également que si la Cour Constitutionnelle déclare illégale le HEP, cela signifiera automatiquement la levée de l'immunité parlementaire dont bénéficient encore aujourd'hui les Députés du HEP.

Enfin, on doit rappeler :

- que le projet de modification de la loi sur la garde à vue a été reporté,

- que le projet de suppression de l'article 15 de la loi du 12 avril 1991 qui organise à lui seul une véritable impunité légale, a été reporté,

- que le projet de création de Cour d'Appel qui devait servir d'intermédiaire entre les Tribunaux locaux et la Cour de Cassation, a été reporté,

- que les décrets-lois adoptés en avril 1990 (décrets-lois n° 424 et 425) entrés en vigueur en décembre 1991, sont toujours valables en dépit de l'intervention de différents parlementaires aux fins de les voir abroger.

Rappelons que ces décrets-lois permettent aux Gouverneurs des provinces Kurdes de déporter toute personne ou tout village, et de muter tout fonctionnaire jugé suspect.

Ce décret-loi empêche également tout recours en justice contre les fonctionnaires de l'Etat (Gouverneurs, Procureurs, militaires, etc...).

On comprend, ce rappel étant fait,

que la population civile Kurde, quelles que soient ses opinions politiques, soit dans un état de découragement absolu.

Par conséquent, la commission ne peut qu'appeler l'opinion publique et les institutions internationales à entreprendre toute démarche possible aux fins de :

- a)- convaincre le gouvernement Turc de restaurer l'état de droit dans le sud-est de la Turquie,
- b)- convaincre le gouvernement Turc de respecter ses obligations internationales dans le sud-est de la Turquie,
- c)- convaincre le gouvernement Turc d'entreprendre des négociations permettant une solution politique et pacifique au conflit,
- d)- à tout le moins convaincre le gouvernement Turc de prendre les mesures nécessaires aux fins de restaurer l'autorité et la confiance dans l'Etat aujourd'hui totalement érodées dans le sud-est de la Turquie,
- e)- convaincre le gouvernement Turc de prendre toute mesure nécessaire aux fins d'assurer la sécurité des personnes menacées, et par conséquent aux fins, au premier chef, de respecter le droit à la vie, première obligation nationale et internationale de l'Etat Turc.

Ces derniers, lorsque nous les avons rencontrés, n'hésitent pas à considérer que dans ces conditions ils seraient susceptibles d'être arrêtés, voire exécutés par les escadrons de la mort dans des délais extrêmement brefs.

Si aucun parlementaire du HEP n'a pour l'instant été exécuté, il faut bien dire qu'ils sont bien les seuls à avoir été «épargnés», puisque les dirigeants du HEP sont des cibles habituelles des commandos civils et para-militaires.

Monsieur Mehdi Zana, ex-maire de Diyarbakir, personnalité modérée, mari de Leyla Zana, Député de Diyarbakir à l'Assemblée, libéré le 4 juin 1992 après 15 ans de détention, n'hésite pas à considérer que les événements actuels constituent de puissants indices d'un génocide larvé.

Si l'expression de génocide doit être employée avec prudence, force est de reconnaître que :

- l'exécution systématique des militants et démocrates Kurdes,
- le massacre de villageois,
- la volonté affichée de provoquer un découragement pouvant conduire à l'exode massif de population,
- l'absence de tout investissement,
- la fermeture des écoles et établissements publics,
- la destruction de nombreuses forêts et habitations par des bombardements systématiques, démontrent à tout le moins la volonté du gouvernement Turc :
- soit de provoquer une radicalisation du conflit, radicalisation en cours puisque des familles entières n'hésitent plus à rejoindre les rangs du PKK, et Monsieur Mehdi Zana lui même admet que s'il est hostile au PKK, il comprend fort bien que pour partie la jeunesse Kurde ne voit pas d'autre issue, compte tenu de la gravité de la répression, que de rejoindre le PKK,

- soit de détruire toute espérance de solution politique, tout en, véritable politique d'apprenti sorcier, risquant d'entretenir ce qui déjà émerge, un fort sentiment anti Kurde au sein de la population Turque.

A cette radicalisation du conflit qui sert objectivement les intérêts du gouvernement, se rajoute la volonté de provoquer un exode massif des populations vers le sud-ouest ou l'Est de la Turquie.

On ne se trompe pas par ailleurs en affirmant que le gouvernement Turc viole gravement ses obligations internationales dans le sud-est de la Turquie.

Il est difficile de trouver une disposition des différentes conventions internationales signées par la Turquie, qui soit respectée dans cette région.

On ne peut également qu'insister sur la nécessité d'envoyer dans les plus brefs délais de nouvelles commissions internationales composées notamment de parlementaires aux fins d'enquêter sur les différents massacres de villageois opérés ces dernières semaines et aux fins autant que faire ce peut de se rendre dans les régions aujourd'hui interdites de accès, régions théâtres de véritables bains de sang.

On doit rappeler que les associations de Droits de l'Homme se sont faites l'écho de la découverte dans différentes régions du sud-est de la Turquie, de fosses communes, et notamment à Sirmak où une centaine de cadavres auraient été identifiés.

Il y a urgence.

26 octobre 1992



amnesty international

TURKEY

Walls of Glass



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Turkey in brief

Turkey, which has a population of over 56.5 million (1990) has been a republic since 1923. There were military interventions in 1960, 1971 and 1980. Following the 1980 coup martial law was extended to all the country's 67 provinces. In November 1982 a new constitution was ratified by referendum and General Kenan Evren, head of the National Security Council, was elected president for the next seven years. He was succeeded as president in 1989 by Turgut Özal, leader of ANAP (Motherland Party) and former Prime Minister.

ANAP was in government from the handover of power from military to civilian government in 1983 until 1991, when, following elections, a coalition was formed with the True Path Party (DYP) as senior party, and the Social Democratic Populist Party (SHP).

For many years following the 1980 coup, Amnesty International campaigned for the release of prisoners of conscience, and for repeal of those articles of the Turkish Penal Code (TPC) under which they were convicted for the non-violent expression of their opinions. In 1991, the articles were repealed and the remaining prisoners of conscience released, since when Amnesty International has taken up the cases of a small number of prisoners of conscience held under other articles of the TPC.

Turkey retains the death penalty, but no executions have been carried out since 1984 and, to Amnesty International's knowledge, no prisoners are currently under sentence of death.

Political violence by a number of armed organizations is a major problem in Turkey. The urban guerrilla group *Devrimci Sol* (Revolutionary Left) has carried out numerous attacks, particularly on police, military leaders, and prosecutors in Istanbul and Ankara. Security forces have been engaged in conflict with Kurdish guerrillas in the southeast of the country since August 1984, when the Kurdish Workers' Party (PKK) started armed attacks. More than 4,000 lives have so far been lost on both sides and among the civilian population in the continuing fighting in the southeast where most of the Kurdish minority (numbering approximately 10 million) live. Emergency legislation is in force in 10 provinces in the region.

This report summarizes Amnesty International's most urgent concerns in Turkey, and documents a number of individual cases which are in many ways representative of the large volume of allegations Amnesty International receives. The report is based on interviews with victims or their families, press reports, and on written information provided by individuals, lawyers and organizations working for human rights in Turkey.

TURKEY

Walls of Glass

Turkey has long been subject to international criticism of its human rights record, principally on the issue of torture in police custody. Since 1983, when civilian government was restored, successive Motherland Party (ANAP) governments have failed to enact the legislative and practical steps required by international human rights instruments and recommended by Amnesty International and the independent Turkish Human Rights Association. Instead governments have responded by denying that torture exists as a widespread and systematic phenomenon ("Torture has no place in the Turkish legal and political system...some people may overstep the legal boundaries...but we should view these as individual incidents" - Justice Minister Şakir Şeker, reported in the newspaper *Cumhuriyet* (Republic) 27 August 1991), or by attacking censure as disingenuous (The Turkish Government characterized Amnesty International's allegations as "slanderous" in a government statement of 23 January 1989; the Ambassador to the United Nations in Geneva stated on 14 August 1991: "Amnesty International is politically motivated against Turkey. Therefore its communications are unreliable."); or by promises that thoroughgoing reform is imminent ("Turkey will be number one among the countries that have no human rights problems ... we are about to become a totally clean human rights champion and the others will be lagging behind" - Justice Minister Suat Bilge, 10 November 1991).

In their public statements, the Turkish authorities have for years tried to give the impression that practical measures were in the pipeline and soon to be put into practice. In March 1991, in a written answer to questions put by members of the EC-Turkey Joint Parliamentary Committee of the European Parliament, Turkish delegates answered criticism concerning the long period of police detention by referring to a law which contained some positive measures, but which had already been in draft form for 18 months. The law has never been enacted.

Turkish Governments have also misrepresented prevailing conditions in the country. During the 1990 hearings by the United Nations Committee against Torture on Turkey's first report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ and again in a letter to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, dated 16 August 1991, Turkish representatives quoted Turkish law and government circulars which give the right of access to lawyers, as if this right were actually observed in practice. A detainee's right of access is provided for in the Turkish Criminal Procedure Code (TCPC), but it is a well-attested fact, which can be proved

¹ Turkey ratified this convention in August 1988.

by ample documentary evidence and the testimony of lawyers, that this right is ignored by prosecutors and police every day.

Two widely publicised initiatives, the Parliamentary Human Rights Commission, and the appointment by the new government of a Minister for Human Rights, have been deeply disappointing in their impact. The Commission has been paralysed by party dissent during 1992 and obstructed in its attempts to visit police stations and prisons, while the Minister for Human Rights is widely perceived as an apologist and there are moves to revoke his membership of the Turkish Human Rights Association.

The question of human rights, and in particular torture, was a major issue in the general election of October 1991 - and the True Path Party (DYP), which subsequently formed a coalition government with the Social Democratic Populist Party (SHP), gave lavish tokens of its good intentions to prevent torture (see election advertisement reproduced right).

Although the coalition government's programme, announced in November did not address the new and alarming wave of allegations of extrajudicial execution which had developed during 1991, the new government has been more frank than its predecessors in admitting that torture is a major problem², and promised that "The duration of police detention will be shortened. Torture and allegations of torture will be eliminated". These undertakings provoked a brief

² "Torture has been practised in Turkey. Let everyone know that we oppose this practice, which is a disgrace to mankind" - Prime Minister Süleyman Demirel, 25 November 1991.

(BÜTÜN KARAKOL DUVARLARI CAMDAN OLACAK)
YENİ BİR TÜRKİYE



● **CAM KAPILAR**
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HER ŞEY SÜ GİBİ BERRAK OLACAK!
Gelin yeni DEMOKRATİK BÜYÜK TÜRKİYE için herimiz DYP'ce bulunalım.

HAYDİ HAYDİ HAYDİ

Kararlı kararsız herkes DYP'ye!

DYP
DOĞRU YOL
PARTİSİ

DYP election poster, featuring Süleyman Demirel, now Prime Minister of Turkey, who promises: "TRANSPARENCY (THE WALLS OF ALL POLICE STATIONS WILL BE MADE OF GLASS) - A NEW TURKEY"

spell of optimism in Turkey and abroad, which turned to disillusion when allegations of extrajudicial execution and torture, and death in custody under torture continued unabated. It is well understood by observers that legislative reform takes time, but the government also failed to take more immediate and practical measures, such as enforcing the existing law which permits lawyers to be present during interrogations, and urgently ordering public investigation of killings in southeast Turkey.

The debate on reform

Amnesty International has repeatedly stated that torture is facilitated in Turkey by the long period detainees are held in police custody without supervision of a court (up to 30 days in the 10 provinces under emergency legislation, and up to 15 days throughout the rest of the country) during which time detainees are normally held incommunicado - that is, cut off from lawyers, doctors and family. In April 1992, a draft reform package containing provisions relating to detention procedures was passed by parliament, but blocked by the President, reportedly on the grounds that the measures had caused "great concern" in the National Security Council³.

The draft declared that detainees have the power to appoint and consult legal counsel during police interrogation. This merely restated unambiguously a right which already technically exists under Article 136 of the TCPC, but which, as documented in numerous Amnesty International reports on Turkey, is almost invariably ignored. Past experience in Turkey has clearly shown that the theoretical right of access to a lawyer, even if reiterated in a new law, will give no protection from incommunicado detention and torture until measures are instituted which would enable that right to be enforced. For example, a mechanism could be introduced allowing lawyers, as a matter of urgency, to ask a court to order the police to permit access when it is being denied.

The most important part of the draft halved the maximum period in police detention before a detainee is brought before a judge who either orders that the detainee should be released, or sent to prison to await trial. The government widely publicized the proposed maximum detention period as being eight days, failing to mention that under existing legislation this reduced minimum would be doubled to 16 days in the 10 southeast provinces under emergency legislation. However, even eight days would violate the principle in international law that a detainee should be brought "promptly" before a judge. A judgment of the European Court of Human Rights (*Case of Brogan and others* [10/1987/133/184-187 29 November 1988]) clearly states that *even in the context of terrorist activities* which might justify prolonging the period during which the authorities may hold a detainee in police custody, detention of four days and six hours without being brought before a judge was in breach of the requirement for 'promptness' imposed by Article 5(3) of the European Convention for the Protection of Human

³ The National Security Council, which consists of certain cabinet ministers and the heads of the armed forces and security forces, has the constitutional right to advise on planned legislation.

Rights and Fundamental Freedoms. Turkey has ratified this Convention and is therefore bound to apply its provisions. Because detainees in Turkey are at gravest risk of torture while in police custody, and in light of the existing right of detainees to have full access to their lawyer, Amnesty International urges the government to amend the law so that all detainees in all parts of the country are brought before a court within 24 hours of arrest and thereafter kept in custody only under the supervision of a court.

The draft would have automatically become law if returned unchanged to the president, but in a further debate, deputies of the DYP raised objections on grounds of security, claiming that the reforms would make it more difficult for the police to deal with armed political groups. This resulted in a "compromise" in which the terms of the draft were altered so that for two years after enactment the reforms would not apply to detainees under interrogation for political crimes - that is, those at most serious risk of torture. Amnesty International fully recognizes the need of governments to deal with the problem of political violence. Nevertheless, political turmoil, violent uprising or abuses committed by armed opposition groups can never justify the violation by governments of basic human rights.

In responding to a resolution by the Parliamentary Assembly of the Council of Europe which was critical of Turkey's performance on human rights, a number of Turkish representatives claimed that the reform had already been enacted. In an addendum to the Council of Europe's report on which the resolution was based a Turkish parliamentary representative stated: "The reform package has been enacted". The Turkish Foreign Minister Hikmet Çetin speaking abroad, claimed on 1 July that the government "had taken radical measures and steps on human rights", and that the Council of Europe resolution was therefore "wrong, inappropriate, unjust and untrue". In mid-August the reform package was still in draft form, though an extraordinary session of the Turkish parliament had been called for 25 August with the aim of enacting the draft, possibly in its diluted form.

In its publication of June 1992 "Human Rights in Turkey - a record of improvement" the new Turkish Government echoed preceding governments in pointing out that Turkey is a State Party to all major international human rights instruments, and in particular, that Turkey was the first Council of Europe member to ratify the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. However, the ratification of international treaties should be the prelude to practical measures to ensure compliance with such conventions. Article 2 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires that "Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction". As illustrated above, Turkey has signally failed to take such measures. Meanwhile, in the nine months since the new government was formed, there have been at least eight deaths in custody which are believed to have been as a result of torture. Four occurred within the space of less than three weeks in April 1992.

Torture and deaths in custody continue

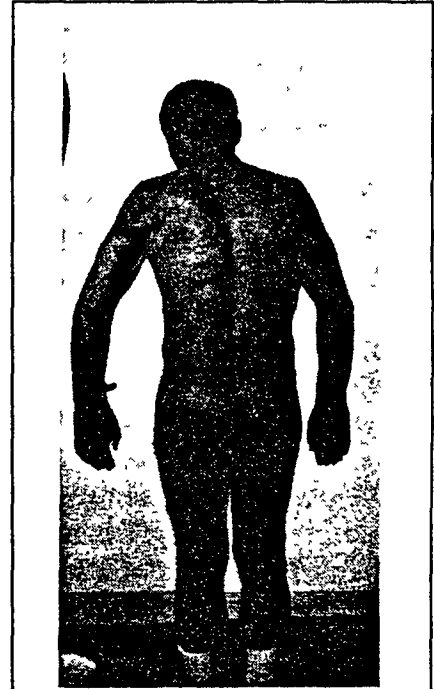
The first of the four occurred on 11 April when Tahir Seyhan, an official of the People's Labour Party (HEP) in Dargeçit in the province of Mardin, died after four days under interrogation. The autopsy report registered death as the result of brain trauma. A relative has alleged that the officer in charge of the soldiers carrying out the detention said to Tahir Seyhan, "You are a dead man now". A member of staff at the hospital where he died reportedly stated, "It is an inhuman case. He was brutally tortured. His body was all in pieces".

On 18 April, Miktat Kutlu, a bank employee, died of a brain haemorrhage after interrogation at Bismil Police Headquarters.

On the morning of 19 April, Kadir Kurt was detained in Birik village, district of Bismil near Diyarbakır, and taken for interrogation to the Gendarmerie Battalion Headquarters where he died the same night. His brother Davut, who was also allegedly tortured, is reported to have stated: "They tortured my brother next to me. They inserted a truncheon into his anus. One of my hands and ribs were broken as a result of torture." Kadir Kurt died due to internal bleeding caused by pressure on his lungs from a broken sternum.

The fourth death was that of Agit Salman, a taxi driver who was detained on 27 April and died in Adana Police Headquarters on 29 April after two days' interrogation. The autopsy report stated that Agit Salman died of a heart attack. However, photographs of the body showed injuries indicating that he had been beaten. Agit Salman's wife Bediye Salman claimed that he was healthy before being detained. She has lodged an official complaint with the local prosecutor demanding a second autopsy.

There has been no discernible decline in the stream of allegations of torture reaching Amnesty International since the formation of the new government. The independent Turkish Human Rights Foundation reported 179 allegations made by criminal as well as political suspects in the first six months of 1992 alone. In 53 of these cases the official Forensic



In a statement published in the British newspaper *The Guardian*, on 23 June 1992, Ünal Erkan, the Governor of the Emergency Powers Region, stated that the allegations of torture raised by Amnesty International were made "by terrorists, not by housewives, butchers and bakers". On 28 June 1992, a laboratory assistant (İsmail Yılmaz, pictured above) was interrogated by police in Istanbul for an alleged criminal offence and then released without charge. He reported that he was severely beaten on the hand and buttocks, subjected to electric shocks to the penis and *falaka*, raped with a truncheon and left in a room with police dogs which attacked him. Investigation by the Treatment Centre of the Turkish Human Rights Foundation using the bone scintigraphy technique (a sensitive indicator of trauma) have confirmed İsmail Yılmaz's allegation that he was subjected to *falaka*.

Medical Institute confirmed injuries consistent with the allegations of torture. The methods of torture described by victims, among whom were women and children, include beating, *falaka* (beating on the soles of the feet), electric shocks, being suspended by the arms which are bound to a pole, being hosed with ice cold water, suspended by the wrists tied behind the back, rape, and sexual assault, including squeezing and crushing of the testicles, insertion of a truncheon into the anus and insertion of objects into the vagina.

Few victims succeed in bringing successful prosecutions against their torturers. Prosecutors will not usually open a case unless they see a medical report exempting the alleged victim from work for at least five days. This is often impossible to obtain, however, as many of the torture techniques leave few visible injuries, or only superficial injuries which often disappear during the long period in police custody. Furthermore, the practice of issuing misleading medical certificates is widespread. This problem is thoroughly detailed in *Turkey - Torture, extrajudicial executions, "disappearances"*, May 1992, AI Index: EUR 44/39/92⁴.

Victims of torture or relatives of victims may be subjected to threats when they attempt to take legal action against torturers. The brother of Yücel Özen, who died in custody on 24 November 1991 after interrogation at Beyoğlu Police Station (pictured right) claims that he has been frequently telephoned by the police who made veiled threats and advised him not to press his complaint concerning his brother's death. He persisted and in May 1992 a trial was opened against six police officers. A still more disturbing example occurred when the family of Servet Şayan, interrogated at the Second (Criminal) Branch of Istanbul Police Headquarters in March, made a formal complaint to the public prosecutor stating that Servet Şayan had been suspended by the arms, and beaten on the testicles with a stick, resulting in a puncturing of the scrotum (a medical report described a 2.5 cm wound at the base of the penis). A prosecution was brought, and one night in April, shortly after an indictment had been drawn up against two police officers, a police superintendent accompanied by the two accused police officers visited the family business, a café, looking for Servet Şayan. Finding that he was not there, they ordered two family members and three customers to enter a police minibus and to keep their heads down. They were then driven around the darkened streets of Istanbul while the police officers asked, "How dare you make complaints against us?", before they were released in another district of the city. Servet Şayan's



Beyoğlu Police Headquarters, Istanbul, where there were two deaths in custody, apparently resulting from torture, during 1991.

⁴ In its report on medical conditions in southeast Turkey published in June 1992, the Turkish Medical Association stated: "Most doctors say that they are not under direct pressure to issue forensic reports without examination, but that they are under serious psychological pressure to write reports which comply with [officials'] wishes. Many of them said that they felt afraid when making objective reports."

mother Zulfi Şayan told Amnesty International: "The five were not physically ill-treated, but what happened was obviously a threat - and very frightening, in view of the "disappearances" which have happened in Istanbul during the last year".

A further obstacle to prosecution is the operation of the Law on the Prosecution of Civil Servants, which states that any allegations of abuses, other than intentional killing, by civil servants, including police officers, must first be referred for investigation by a "local administrative council" which has the power to block legal proceedings. The Anti-Terror Law of April 1991 required that this law should be applied to all allegations of torture arising from interrogation of those detained for political offences. The Constitutional Court ruled in March 1992 that this use of the Law on the Prosecution of Civil Servants was unconstitutional, but because the decision does not become operative until published in the official gazette, the law is still being applied, effectively freezing the investigation of a number of complaints - for example, those brought by Mediha Curabaz, raped with a truncheon in Adana Police Headquarters, Erdoğan Kızılkaya, severely tortured in Kayseri Police Headquarters (for further information see Amnesty International *Turkey - Torture, extrajudicial executions, "disappearances"*, May 1992, AI Index: EUR 44/39/92), and even that of Birtan Altunbaş who died after interrogation at Ankara Police Headquarters on 16 January 1991, and whose autopsy report had not been released to family and lawyers by August 1992, 20 months after his death.



Reşat Kılıç (*left*), a shopkeeper, was detained in Sanayi Police Station in the holiday resort of Antalya for damaging a public telephone while under the influence of alcohol in the early hours of 20 May 1992. Later that day he was brought before the public prosecutor, to whom he complained that he had been tortured in custody. A medical report issued by the Forensic Medicine Institute described injuries around the eye, on the arms and ankles, and extensive bruising and a graze in the anal region "consistent with insertion of a rubber truncheon". On this occasion the official response was appropriate - an internal disciplinary inquiry was opened, and charges of ill-treatment brought against the police officer allegedly responsible.

In any case, under the law which established the emergency zone in southeast Turkey, the Law on the Prosecution of Civil Servants will continue to be applied in the 10 provinces under emergency legislation even after the decision of the Constitutional Court is published. Many lawyers have told Amnesty International that this law is highly effective in ensuring that allegations of torture do not reach court. The administrative councils which consider complaints are comprised of members of the local executive, including the deputy governor, who is frequently also the local gendarmerie or police commander. Local administrative council hearings are held *in camera* and complainants and their lawyers are unable to follow the course of their complaints closely. A further consequence of the Law on the Prosecution of Civil

Servants is that complaints are subject to long delay. For example, on 1 July 1991, 41 people were detained after a demonstration in the town of Bismil. All reported that they were severely beaten by the police, and all received medical certificates describing their injuries. A formal complaint was lodged with the local prosecutor, but the following day this complaint was referred to the Bismil local governor's office for examination by the local administrative council. Over a year later, the council was still deliberating.

In an interview which appeared in *Cumhuriyet* of 28 February 1992 the Minister for Human Rights Mehmet Kahraman stated, "Since our government started work, the torture question has no longer really been an issue". If this is the case, it is because the torture question has been thrust aside by a wave of allegations of extrajudicial execution.

Extrajudicial executions

In the past Amnesty International has expressed its concern about alleged extrajudicial executions in Turkey. Since June 1991, however, an unprecedented volume of such reports has been reaching the organization.

Since July 1991, there has been a series of police operations in Istanbul, Ankara, and Adana, mainly directed against safe houses of Turkey's principal urban guerrilla organization, *Devrimci Sol*, in which casualties were high with few prisoners taken, giving rise to allegations that the police were shooting to kill without giving a warning or an opportunity to surrender.

Article 3 of the UN Code of Conduct for Law Enforcement Officials⁵ states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty". The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁶ states: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms" (Principle 4); and that law enforcement officials should "minimize damage and injury, and respect and preserve human life" (Principle 5b). Principle 9 states: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives".

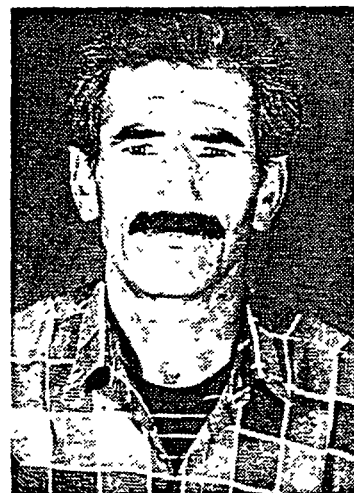
⁵ Adopted by the General Assembly of the United Nations on 17 December 1979 (resolution 34/169).

⁶ Adopted by consensus by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders on 7 September 1990.

On 12 July 1991, 10 people were killed when police besieged four separate houses believed to be occupied by members of *Devrimci Sol*. All the victims had been under surveillance for some time and it is not clear why they were not arrested at an earlier stage. Official accounts allege that the shootings occurred during an armed clash, but there was no evidence that shots were fired from within the buildings. A report entitled "Investigation of Ten Killings by Turkish Security Forces on 12 July 1991", published by an independent delegation, including a forensic pathologist, which visited the sites of the killings six weeks after they took place, concludes that in the flat in which Ibrahim İlçi and Bilal Karakaya were shot (the only site to which the delegation were able to gain entry), there was no evidence of an exchange of gunfire having occurred within the apartment, and that if a person was shot to death within the main room of the apartment, the evidence suggests that the victim was on or close to the floor, within 3m of the person shooting, and was not firing a weapon at the time of being shot. Shortly after this report was published, a prosecution was opened against nine policemen who took part in the operation.

When questioned about a similar operation on 17 April 1992 in which three *Devrimci Sol* members were killed, Prime Minister Süleyman Demirel responded: "You cannot bargain with those who spill blood".

In southeast Turkey there were, during the summer and autumn of 1991, more than 50 alleged extrajudicial executions. In these killings, the victims, mostly villagers, were taken from their homes, often in rural areas and shot by groups of armed men, or possibly the same group, acting as a death squad (for further information see Amnesty International *Turkey - Torture, extrajudicial executions, "disappearances"*, May 1992, AI Index: EUR 44/39/92). The victims were apparently singled out either because they were believed to be in contact with the PKK, or because they were active in the legal political opposition to the government's policies in the southeast. Nearly all were from villages which had refused to participate in the corps of government-appointed village guards⁷.



Hacı Berekat Acun

Early on the morning of 25 August 1991 Hacı Berekat Acun, a farmer and father of eight children, three of whom were under the age of seven, was killed near the steps to his house in the Guruşuk district of Ayrancı village (Kurdish name: Şeta) near Dargeçit in the province of Mardin.

⁷ To counter the activities of the PKK, the government has established a system of some 32,000 village guards - villagers armed and paid by the authorities to fight the guerrillas and to deny them access to logistical support from the villages in the area. Although 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.

According to a newspaper report, Hacı Berekat Acun's wife Kadriye said, "The dogs barked - we woke up, looked out and saw that the soldiers had come...soon after we heard voices calling 'Hacı, Hacı, come out, we have something to talk to you about'. My husband got up and went out to meet them... He said 'I'll find out what they want and come straight back'. As soon as he went out of the door, I heard gunshots." She ran down and discovered his body. She says that she saw three soldiers depart in one direction, while approximately 15 other soldiers were some way off and moving away in another direction. There were more than 10 bullet wounds in the body.

The village headman Nazif Doğan claims that when he went to report the killing to the nearby Altiyol gendarmerie post the following morning, he was told by the master sergeant, "Hacı was a PKK man". Nazif Doğan was then taken into custody, taken to Mardin and held for more than 10 days during which time he was allegedly blindfolded and beaten. He was then released without charge.

Villagers found the tracks of three people crossing a ploughed field in the direction of the Altiyol gendarmerie post approximately 500 metres away.

Since 1989 Hacı Berekat Acun had been detained four times on suspicion of harbouring PKK guerrillas. He told his family that he was tortured on each occasion, and showed them injuries indicating that he had been subjected to *falaka*.

The village of Ayrancı has never accepted village guards. Hacı Berekat Acun's family reported that he and other villagers were frequently subjected to pressure to accept service in the village guard corps, but that Hacı Berekat Acun had told the security forces that as a *haci* (one who has performed the pilgrimage to Mecca) and a religious person, it would not be appropriate for him to take up arms.

There have been many allegations that Special Team members appear in villages pretending to be guerrillas of the PKK asking for provisions, in order to test villagers' loyalties. Some killings were reportedly carried out by security personnel dressed as guerrillas.

In other killings where official responsibility was denied, individual soldiers were recognized, and assassination teams travelled in military vehicles which passed through gendarmerie checkpoints, or even in helicopters.

In November 1991, the pattern of killings changed. Since then, attacks have been carried out in broad daylight by an individual assassin, sometimes assisted by lookouts, usually in the street or similar public places. The assassins are frequently in their late teens or early twenties, according to eyewitnesses. These killings, more than a hundred in the first eight months of 1992, are attributed by some sources to Hizbullah. (Acts of political violence were carried out in Turkey by a branch of the Lebanese-based Shi'a Hizbullah in the mid-1980s, but the killings



Caroline Penn/Impact Photos

A Special Team member on duty near Diyarbakir. Special Team members, who are nominally responsible to the local police commander, are trained for close combat with guerrilla forces. Their identities, activities and methods are shrouded in great secrecy. They may be in uniform but are often masked. Many Special Team members know Kurdish, and they may also wear local dress. Unlike other soldiers, they are permitted to wear long hair and to grow a beard or moustache. According to government figures there are 2,500 Special Team members on duty in the 10 southeast provinces.

in southeast Turkey are a different phenomenon, and are attributed to a local group. Most of the Muslim Kurdish population in that area are members of the Sunni, not the Shi'a, community). Although groups of devout members of the religious community do meet together under the name Hizbullah, particularly in Batman and Nusaybin, Hizbullah had not formerly been recognized as an organized armed force in Turkey. There is a striking degree of coincidence between the targets of these mysterious killings attributed to Hizbullah, and the targets of police harassment, arbitrary detention, ill-treatment and torture, and it is widely believed that the security forces collude in such assassinations, and may actually instigate them. A typical case is that of Ramazan Şat:

Ramazan Şat was detained from his home in Batman on 24 March 1992 and interrogated for 12 days in Batman Police Headquarters on suspicion of harbouring members of the PKK. According to a complaint written to the public prosecutor in Batman, he was beaten, stripped of his clothes, his arms tied to an iron pole and hoisted into the air. His body was then soaked with water and electric shocks applied to his toes and penis. After being revived with cold water under pressure, he was

again hung, this time by his wrists tied behind his back, and again subjected to electric shocks. (A misleading certificate was issued by the clinic authorized by the Forensic Medicine Institute, but Batman State Hospital later issued a medical report confirming the injuries). The complaint, dated 3 April 1992, was accompanied by photographs of injuries on Ramazan Şat's body,

and states that he was threatened by police who said: "The next time we will not take you from your house. We shall kill you in the street when nobody is watching." Exactly three months later, on 3 July 1992, Ramazan Şat was attacked by unknown assailants in a street in Batman and later died in hospital.



Batman Police Headquarters, where Ramazan Şat alleged that he was tortured and subjected to death threats during interrogation in the basement. He was killed three months later (*see below*).

The claim that security forces are involved in the killings is substantiated by an episode which occurred early in 1992 in Silvan, Diyarbakır province, the scene of numerous killings thought to have been carried out by Hizbullah. Rıfat Akış, 16, was detained in Silvan, on suspicion of membership of the PKK. He claimed that the commander of Silvan Gendarmerie Post proposed to him, with a combination of threats and bribes, that he should assassinate Mehmet Menge, Diyarbakır SHP (Social Democratic Populist Party) Board Member, and that he was given a Kalashnikov rifle and hand grenades. Rıfat Akış's family appealed for assistance to a group of members of parliament. On the initiative of the Interior Minister, Rıfat Akış was taken to Ankara Police Headquarters. There a telephone conversation set up between Rıfat Akış and the commander of Silvan Gendarmerie Post was recorded. Amnesty International is not in possession of the full text of the conversation, but a part was published in the newspaper *Yeni Ülke* (New Land) of 22 March 1992:

Rıfat Akış: Hello, this is Rambo Stes [Presumably a codename - the call is connected directly to the gendarmerie commander]

Commander: Where are you?

Rıfat Akış: I am in Diyarbakır. I found the man. I'll get rid of him.

Commander: Do not speak too openly on the telephone. Get rid of him and come here, your 20 million [approximately £2000] is ready.

Rıfat Akış: How shall I do it?

Commander: Pull the fuse on the grenade and throw it at him. Shoot him in the head no more than three times. Do not worry, we have arranged everything. We'll say terrorists killed him. Your money is ready. I will make a big man of you.

A criminal investigation has allegedly been initiated into the incident, but it appears that the officer in question is still at liberty, and even still on duty. A brief reply from Gendarmerie General Command, dated 7 May 1992, to the Presidency of the Turkish Grand National Assembly following a parliamentary question on the incident stated:

1. On the basis of the allegation that the Silvan Gendarmerie Commander gave a weapon to Rifat AKIŞ so that he could kill Mehmet Menge, member of the Diyarbakır provincial council of the SHP party, the Silvan Gendarmerie Commander was transferred to other duties outside the Emergency Powers Region on 24 March, and no longer has any connections with Silvan.

2. A civil service inspector has been appointed by the Interior Ministry in order to carry out the necessary administrative investigation. Inquiries are continuing. Necessary steps will be taken on the basis of the results of that inquiry.

Those who suggest that Hizbullah members are being officially protected also point to another incident which occurred in Silvan, after two people were attacked and killed there on 27 April. The assassins fled the scene and took refuge in the house of a person reputed to be closely connected with Hizbullah - possibly even a leader. When a crowd surrounded the house demanding that the attackers be handed over, shots were fired from the house. Police arrived at the scene shortly afterwards and took the killers and the owner of the house into custody. The local chief of police prepared a charge-sheet which included allegations that the detainees were known as members of Hizbullah and claiming that the house had been used for meetings of the organization. Although the two alleged assassins remained in custody, the owner of the house was released on 3 June, reportedly without appearing in court.

This story was the last news item covered by Hafız Akdemir, reporter for *Özgür Gündem* (Free Agenda) before he was shot and killed by an unidentified attacker in a street in Diyarbakır on 8 June 1992.

Attacks on information sources in the southeast of Turkey

Journalists, together with local politicians and members of the Turkish Human Rights Association, are the principal sources of information about human rights violations in the southeast provinces. All three groups have been targeted. Whereas up to a year ago they risked harassment, detention and torture when prying into the security forces' business, they are now risking their lives.

Journalists and local correspondents working for newspapers and magazines like the Kurdish-owned daily *Özgür Gündem* and its sister publication, the weekly *Yeni Ülke*, like *Gerçek* (Fact) and *2000'e Doğru* (Towards 2000), have been the targets of prosecutions, harassment by the police, detention, ill-treatment and torture, death threats and killings ever since their papers started publication. Their declared policy is to investigate and publicize human rights violations committed by the security forces, in particular in the mainly Kurdish southeast provinces under State of Emergency where reporting has been severely restricted. Issues of these and similar publications are frequently confiscated.

Halit Güngen, Kurdish journalist for *2000'e Doğru* was killed by an unknown assailant in the Diyarbakır office of the magazine on 18 February. That week *2000'e Doğru* had published a five-page article which claimed that members of Hizbullah were being trained in the Diyarbakır headquarters of the *Çevik Kuvvet* (Mobile Force - a branch of the police). Six days later, Cengiz Altun, a Kurd and reporter for the newspaper *Yeni Ülke*, died after being shot by unknown assailants in Batman. He had previously been detained and allegedly subjected to death threats by police while researching extrajudicial executions in the neighbouring province of Mardin. Hafız Akdemir, reporter for *Özgür Gündem* was shot on 8 June in Diyarbakır. He had been released the year before after serving seven years in prison for membership of an illegal Kurdish organization, and had been receiving death threats. Yahya Orhan of *Özgür Gündem* was shot to death in the street in Gercüş near Batman on 31 July, and Çetin Abayay of *Özgür Halk* (Free Nation) died of his wounds on 30 July after having been shot by unidentified attackers in Batman the previous day. On 5 August Burhan Karadeniz of *Özgür Gündem* was shot in the street in Diyarbakır and seriously wounded, as a result of which he is paralysed from the chest down. Hüseyin Deniz, reporter in Ceylanpınar (province of Urfa) for *Özgür Gündem* and *Cumhuriyet* and member of International PEN, died after being shot with one bullet to the head on 9 August. In December 1991 he had been tried and acquitted at Ceylanpınar Preliminary Court for possessing books in the Kurdish language.

On 11 August Prime Minister Demirel gave his view of the attacks on members of the press: "Those killed were not real journalists. They were militants in the guise of journalists. They kill each other."

From its experience in other parts of the world, Amnesty International has observed that journalists are frequently a prime target in areas where there is a pattern of serious human rights abuse, and in particular extrajudicial execution. When journalists and human rights monitors intimidated by the killings of their colleagues leave the area, human rights violations increasingly go unreported.

Official response to the killings in the southeast has been extremely muted - indeed it would not be exaggerating to say that the government has ignored the issue - apart from efforts to dampen criticism by denial. In their relatively few public statements, government spokespersons have either stated noncommittally that inquiries are continuing, or flatly denied security force involvement and blamed the PKK or Hizbullah. The Interior Minister İsmet Sezgin was reported

"Every day it becomes more difficult for us to do our work. We hear reports of torture, mining of villages, extrajudicial execution, but increasingly the security forces do not permit us to go into the villages to make inquiries. We are all under threat - journalists and human rights association members have been killed - we fear for our lives. But the hardest thing of all is that, in spite of the information we send out about the human rights violations going on here, neither the government nor the world takes any action." Lawyer Oktay Bahadır, of the Batman branch of the Turkish Human Rights Association.



The body of Vedat Aydın, Diyarbakır President of HEP, and Turkish Human Rights Association Board Member, abducted and killed July 1991. "The death of Mr Aydın is largely believed to be a crime committed by irresponsible officials. This is the opinion shared by the majority of my Party" İsmail Cem MP in a reply dated 18 June 1992 to a Council of Europe report on human rights in Turkey. İsmail Cem is a member of SHP - the junior partner in the coalition government. (For further information on the killing of Vedat Aydın, see Turkey - Southeast Turkey: Attacks on Human Rights Activists and killings of Local Politicians, August 1991, AI Index: EUR 44/114/91).

by *Reuters* on 5 August as having stated: "Recently, when we inquired into these unsolved killings, we found 45 of 55 recorded were committed by the PKK. The other 10 were either committed by rival groups like Hizbullah or resulted from strife within the PKK". Complacency can also be noted at a local level. When questioned by the newspaper *Cumhuriyet* (30 July 1992) about the 38 killings in Batman since the beginning of the year, the governor, who is responsible for the police, stated: "We have not as yet taken resolute measures in connection with these events." He promised a more urgent response in the future. The government's attitude to the killings can be discerned as much from its silences as from its statements. On 5 March police marched in Şırnak shouting slogans such as "Blood for blood", "Şırnak will be the grave of the Kurds", and "Human rights are the enemy of the police", and allegedly caused considerable damage to property. This incident passed almost without comment from the Prime Minister, the Interior Minister or the police authorities. The failure of the government to react to such incidents helps to create an atmosphere in which the police may consider that they can carry out human rights violations with impunity. Just over two weeks later, on 21 March, civilians were killed when Şırnak police allegedly opened fire on demonstrators who refused to permit male members of the security forces to carry out body searches on female demonstrators on their way to celebrate *Nevruz*, the Kurdish New Year. Later in the day, limited clashes occurred between the PKK and the security forces. An estimated 16 civilians died during the course of the day and the governor of Şırnak province reportedly admitted that "the security forces used too many bullets and did not establish targets properly".

Most of the above killings remain on the files of public prosecutors as "unsolved crimes", giving a clear-up rate approaching zero for more than 100 documented killings in the past 12 months in which there have been allegations of security force involvement or collusion. Since the wave of killings began, only five alleged perpetrators have been arrested - all thought to be connected with Hizbullah. Two were captured by the local population and handed over to the police, two narrowly escaped being lynched by the local population when they were rescued by members of the Special Team, while the fifth was pursued and repeatedly shot by the victim's father and was later delivered into the hands of the security forces. (He was taken to a military hospital for emergency treatment, but was only wounded in the arms as he was wearing a bullet-proof jacket beneath his clothes.)

Human rights violations by armed opposition groups

During the period from July 1991 in which the alleged extrajudicial executions have occurred, the Turkish press has carried reports of more than 70 apparently deliberate and arbitrary killings attributed to guerrillas of the PKK. Most of the victims were civilians, killed for allegedly assisting the security forces or passing information to them, or because they were thought to be linked to the organization Hizbullah. The rate of such killings increased after March, when an "amnesty" period announced by the PKK ended.

On 15 April the body of a young woman was found tied to an electricity post in Nusaybin, with a note stating that she had been killed because she was thought to have been an informer. The body of Alaattin Büyükdağ was found near the village of Nurettin, near Malazgirt in the province of Muş on 4 May. Paper money was stuffed in his mouth and it is presumed that he was killed by the PKK for giving information to the security forces.

Mehmet Nuri Alptekin, believed to have links with the organization Hizbullah, was kidnapped from the village of Sümer, near Dargeçit in Mardin province. Three days later, on 2 June, his body was found hanged from an electricity post.

Mecit Akgün, a journalist who had previously been a reporter for *Yeni Ülke*, disappeared in mid-May. His corpse was found on 31 May suspended from a post near the village of Çölova, Nusaybin, in Mardin province. An autopsy revealed that he had died of suffocation. A leaflet was allegedly pinned to his body claiming responsibility by the PKK, in which it was stated that, "He was punished for being a traitor".

Village guards and members of the gendarmerie who were captured during raids or at roadblocks and then "executed" have also been among the victims of deliberate and arbitrary killings. On 17 April Mustafa Bulut, who had served as a village guard in Uludere, Şırnak, was kidnapped, allegedly by representatives of the PKK, in Antalya where he was receiving medical treatment. He was later found hanged from a tree with paper money stuffed into his mouth. After PKK forces raided the district of Cemi, Solhan in the province of Bingöl on the night of 27 May, they allegedly "executed" three village guards - Hüsnü İşlek, Zübeyir Uçak and Celal

Kaya - by firing squad. On several occasions, the children of security force members have also been killed during attacks by PKK guerrillas.

Other armed opposition groups have also allegedly killed civilians and prisoners: on 9 May Mehmet Gül was shot in Adana. According to a report in the daily newspaper *Hürriyet* (Freedom), the Revolutionary Communist Union of Turkey made a statement that Mehmet Gül had been killed for being a police informer. The daily newspaper *Sabah* (Morning) reported that Mehmet Sami Tarhan, stabbed to death in Bayrampaşa Prison, had been killed by *Devrimci Sol* because he had given information about the organization to the police.

In situations of armed conflict such as in Turkey, Amnesty International calls on both governments and opposition groups to abide by international humanitarian law standards which set out minimum humane standards. In particular Common Article 3 of the 1949 Geneva Conventions seeks to protect people who take no active part in hostilities, including civilians, or soldiers who are held prisoner, are incapacitated or seek to surrender, and prohibits such people being tortured, deliberately and arbitrarily killed or being taken hostage.

Amnesty International strongly condemns, therefore, the deliberate killing of civilians and other deliberate and arbitrary killings by opposition groups, including the killing of prisoners or people who are wounded or seeking to surrender, just as it unconditionally condemns the death penalty and extrajudicial executions by government forces.

Amnesty International's recommendations

The following are recommendations Amnesty International is making to the Turkish Government about practical measures it should urgently implement to combat the continuing practice of torture and ill-treatment, and the increasing volume of allegations of extrajudicial execution.

Torture - police investigation and interrogation practice:

1. All necessary steps should be taken to ensure that detainees and their lawyers are able to enforce the existing law in Article 136 of the Turkish Criminal Procedure Code which gives detainees the right of access to a lawyer of their choice "at any and every stage of the proceeding". Detainees and their lawyers should be able to seek an urgent court order requiring the police to permit such access if it is being denied. *United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 17.*

2. People should be given the right to contact their families immediately upon being detained, and should have access to family members promptly after arrest and regularly throughout their detention. *United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 92.*

3. The date, time and duration of each period of interrogation should be clearly recorded, as well as names of all those present during interrogation. These records should be open to judicial scrutiny and to inspection by detainees and their lawyers. *United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 23.*

4. Because detainees in Turkey are at gravest risk of torture while in police custody, and in the light of the existing right of detainees to have full access to their lawyer (see recommendation 1 above), Amnesty International urges the government to amend the law so that all detainees in all parts of the country are brought before a court within 24 hours of arrest and thereafter kept in detention only under the supervision of a court.

Investigation of allegations of torture or ill-treatment:

5. The Turkish Government should fulfil its legally binding obligation under Articles 7, 12 and 13 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to ensure that there is a prompt investigation by an independent and impartial authority wherever there is reasonable ground to believe that an act of torture has been committed, and to bring those responsible to justice.

6. Detainees should have the right in law to obtain medical examinations by a doctor of their choice, including obtaining a second examination if already examined by a doctor nominated by the authorities, and to ask a court to enforce this right if it is denied by the authorities.

Detainees and their lawyers should have access to the results of any medical examination. Families of those who die in police custody should have the right to insist that a medical or other qualified person nominated by the family is present at the post-mortem and should have access to all post-mortem records.

7. Examining magistrates should carry out their own investigations whenever a person brought before them alleges torture or ill-treatment. If a detainee bears signs of injury, the magistrate should inquire into the identity of those responsible for arrest and detention and the physical condition of the detainee. Detainees making such allegations or bearing such signs of injury should immediately be sent for a medical examination by an independent doctor.

8. Any law enforcement agent charged with an offence relating to torture or ill-treatment should be immediately suspended from duties directly relating to arresting, guarding or interrogating detainees, pending the court's decision.

9. The Law on the Prosecution of Civil Servants should not be applied to allegations of killing, torture or ill-treatment by police or other civil servants.

10. Complainants and witnesses must be protected from violence or other intimidation. *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 13.*

11. Findings of all investigations into torture or ill-treatment allegations should be made freely available and open to scrutiny to the parties involved.

12. Turkey should make public (although it is not compulsory) the reports of the visits to Turkey of the European Committee for the Prevention of Torture, as recommended in Resolution 985 (1992) on the situation of human rights in Turkey passed by the Parliamentary Assembly of the Council of Europe.

Alleged Extrajudicial Execution:

Full and thorough investigation of killings, and prosecution of those responsible, is vital if extrajudicial executions are to be prevented. In Turkey, the investigation of any crime is normally the responsibility of the local prosecution service. In a highly charged situation of ethnic conflict with daily clashes between guerrillas and armed forces in the area, with all the associated pressures and suspicions from both sides, local prosecutors may not be in a position to carry out proper investigation, or may not feel disposed to do so.

The United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council on 24 May 1989) state that there should be thorough, prompt and impartial investigation of all suspected cases of extrajudicial execution, and that governments should maintain investigative offices and

procedures to carry out such inquiries (Principle 9). The investigative authority should have the budgetary and technical resources to carry out its work, and should have the authority to issue summons to oblige officials allegedly involved to appear and testify (Principle 10). Where necessary, governments should appoint commissions of inquiry comprised of members recognized for their impartiality, competence and independence. Complainants and witnesses should be protected from violence or threats of violence or other intimidation (Principle 15). Family and lawyers should have access to all information relevant to the investigation (Principle 16). The commission of inquiry should, within a reasonable period of time, make public a written report of its findings, to which the government is bound to reply (Principle 17), and to bring to justice any persons identified by the investigation as having participated in the killing (Principle 18).

The *UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* recommends the establishment of a special impartial commission of inquiry if the political views or ethnic affiliation of a victim give rise to a suspicion of government involvement or complicity in the death, and puts forward a series of suggestions as to how investigations should be conducted.

Amnesty International has repeatedly appealed to the Turkish authorities to investigate impartially and without further delay the circumstances of each of the killings described above and to bring to justice those responsible for it. To this end the organization suggests the setting up of independent commissions of inquiry and use of procedures as recommended by the United Nations.

TURKEY : "SCANDALOUS" REFORM PACKAGE PROTECTS TURKEY'S IMAGE BUT NOT HER DETAINEES

Amnesty International has expressed deep disappointment over the final form of the judicial reform package which was passed by the Turkish Grand National Assembly on 18 November.

"It is scandalous that Turkey, a Party to the European Convention on Human Rights should pass legislation which is clearly in breach of that convention - and that this legislation should be presented to the international community as a 'reform'", the organization said today. "These measures would not have saved the lives of the three detainees who died after interrogation in police custody in October."

It will not be possible to evaluate the terms of the legislation in complete detail until the full text has been published in the official gazette, when it will become law. However, a summary of the legislation appeared in the newspaper Cumhuriyet (Republic) of 19 November, where the most important terms were described as follows:

Detention periods:

The detention period for common criminal detainees will be 24 hours for individual crimes, and up to eight days for collective crimes (a judge will have to give permission for extension after four days, but it appears that the detainee will not have to be brought before the judge);

The maximum detention period for political crimes (those crimes heard in the State Security Courts) will remain at 30 days (15 days outside the 10 provinces under emergency legislation).

Right of access to lawyers:

The right to appoint and consult with a lawyer, which already exists on paper, is restated unambiguously for common criminal detainees. The Turkish Bar Association will provide a lawyer for defendants unable to pay a lawyer's fees;

Political detainees will not have the right to consult a lawyer. This would in effect withdraw the theoretical right of access to legal counsel which they formerly had, but which was routinely ignored.

Amnesty International will have to examine the application of this legislation in practice to establish whether or not it will afford protection against torture for those detained for criminal offences. However, even the measures concerning the length of detention relating to this group are clearly in breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Meanwhile political

detainees - those most at risk of torture - are afforded no protection whatsoever. The detention procedures for the three detainees who died, apparently as a result of torture, in police custody in Turkey during the last week of October, would have been unchanged by this legislation.

While Amnesty International is reluctant to reject any steps that could be interpreted as reform, the organization believes that this legislation may offer little protection to criminal detainees and none to political detainees. It concludes that the law is an empty gesture mainly intended to serve public relations purposes inside Turkey and abroad.

Le Monde

15 septembre 1992

TURQUIE

Les mésaventures d'un instituteur français en pays kurde

Alors que se déroulaient à Sîrnak les récents affrontements entre troupes turques et rebelles kurdes, un instituteur français, M. Jean-Michel Joly, un Parisien âgé de trente-deux ans, qui voyageait dans la région, a été détenu pendant une semaine, accusé par les forces de sécurité d'être un membre du PKK. Privé d'accès au téléphone, M. Joly n'a pu prévenir ni sa famille ni l'ambassade de France durant ses sept jours de détention.

ISTANBUL

de notre correspondante

Grand voyageur, friand d'aventure, M. Joly avait sous-estimé les risques qu'il encourait dans cette région dangereuse le long de la frontière turco-irakienne, déchirée par les fréquents affrontements armés entre les forces gouvernementales et les combattants du PKK. La présence incongrue de ce voyageur étranger, qui visitait la région pour la seconde année consécutive, avait attiré l'attention des autorités militaires.

Dans ses bagages, les policiers trouvèrent ce qui pour eux constituait des preuves suffisantes de sa culpabilité : deux revues que M. Joly avait achetées à Paris à des supporters du mouvement séparatiste pour « s'informer de la situation » ainsi qu'un « visa » délivré par le PKK pour garantir sa sécurité dans le Sud-Est.

Protestant de son innocence auprès d'un simple soldat - son seul contact avec l'extérieur - M. Joly passa cinq nuits dans une cellule « immonde » avant d'être transféré au poste militaire de Sîrnak. A son arrivée dans cette localité, M. Joly découvrit une « ville fantôme à l'atmosphère surréaliste », vidée de ses vingt mille habitants. « Les bâtiments n'avaient plus de vitres, il y avait des voitures explosées partout et des milliers d'impacts de balles », expliqua-t-il.

Au poste militaire, M. Joly subit un interrogatoire vigoureux, dans une ambiance tendue. « Ce n'était pas la torture, mais j'ai été giflé et frappé à coups de pied et de poing, explique l'instituteur. Le pire, ce n'était pas la douleur physique, mais l'angoisse, la peur. Je ne savais pas ce qui m'attendait. »

Après avoir transféré M. Joly à Diyarbakir, les policiers développèrent ses nombreuses pellicules. Des photos de l'instituteur, kalachnikov à la main et cartouchière en bandoulière, ne firent qu'ajouter à la confusion. Au cours de son voyage, M. Joly avait passé la nuit dans la famille d'un gardien de village (milicien progouvernemental), et avait imprudemment posé pour une « photo-souvenir ».

Le 26 août, après un dernier interrogatoire à Diyarbakir - sans violence cette fois-ci, - M. Joly fut finalement libéré sans explications.

NICOLE POPE

The Washington Post — September 20, 1992

Eye on Ankara: Waiting for an End to Turkish Torture

By Jeri Laber and Lois Whitman

ALMOST 10 months have passed since Prime Minister Suleyman Demirel's new government, committed to human rights reforms, took office in Turkey—a gestation period long enough to produce significant change. But the promised reforms have not come about; to the contrary, torture, murder and other human rights abuses in Turkey have become significantly worse.

A promise to end torture has been repeatedly broken, despite the fact that Demirel came to power promising "police stations with glass walls." A legal reform bill that would have shortened the permissible detention period and have permitted immediate access to lawyers was passed by Parliament, then vetoed by President Turgut Ozal, then re-submitted to Parliament, only to be withdrawn on Aug. 27.

The bill might have gone far in preventing routine torture that continues in Turkish police stations, such as these two cases among a number recently reported to Helsinki Watch by victims in Istanbul, Ankara, Adana and Antalya:

■ Nazli Top, a 23-year-old nurse, told of being tortured by police in Istanbul in April. Two months pregnant, Top said she was blindfolded and stripped, then given electric shock while suspended by her wrists, beaten and sexually abused with a truncheon. After 10 days in custody, she was released without charges; police said it was a case of mistaken identity. Top has a medical report attesting to her injuries. By a miracle, she did not lose her baby.

■ Ismail Yilmaz, 40, told of being tortured by police in Istanbul in April.

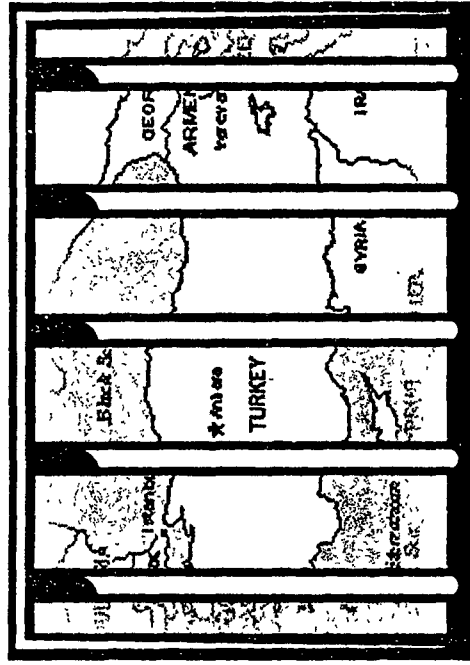
Jeri Laber is the executive director of Helsinki Watch, a division of Human Rights Watch. Lois Whitman is deputy director.

Questioned about a non-political crime, Yilmaz was blindfolded, severely beaten, given electric shock while suspended naked, violated with a truncheon and put six times into a cell about 12 feet square with a German shepherd that repeatedly attacked and bit him. Yilmaz showed us large scars on his wrists and legs from the bites. After two days, he was released without being charged.

These accounts and others like them convince us that torture continues in Turkey, that it permeates the criminal justice system and that it is not confined, as some believe, to suspected terrorists or Kurdish separatists. Twelve people died in suspicious circumstances this year while in police custody; police say five of them, including three children aged 13 to 16, committed suicide. The government has made no serious effort to investigate these cases.

Everything seemed possible in January when we met with Prime Minister Demirel, Deputy Prime Minister Erdal Inonu and other officials of the coalition government that came to power last November. Legislation to protect detainees from torture was only one of many planned reforms, which included amendments to the constitution and revision of the restrictive press law. Demirel had publicly recognized the "reality" of Turkey's large and long-abused Kurdish minority and told us he planned to win its confidence by restoring Kurdish cultural rights, abolishing the vindictive Turkish gendarme units in the Kurdish southeast and ending the "village guard" system that forces local people to take up arms to support the military in its fight against the PKK (Kurdish Workers Party), a secessionist guerrilla force waging violent warfare in the southeast.

None of this has come to pass. More than one hundred doctors, teachers, community leaders and local officials have been killed in the southeast within the past two years by attackers using "death squad" tactics.



THE WASHINGTON POST

the targeted houses. All this suggests that the raids are not shoot-outs but deliberate executions. Such extrajudicial killings in which police act as judge, jury and executioner are outlawed by both international human rights law and the laws of war.

Government forces have attacked Kurdish villages with increased ferocity this year and have maintained the detested village guard system that forces villagers to choose between serving as armed guards, vulnerable to PKK retribution, or abandoning their homes and lands. Security forces recently wreaked such destruction on the town of Surmak that almost all of its 20,000 inhabitants piled their belongings onto wagons and trucks and abandoned the town. Officials have barred many journalists from most areas of the town and from interviews with the mayor, other officials and residents.

Contrary to international laws and standards, police continue to shoot and kill peaceful demonstrators. In March, during the celebration of Nevroz, the Kurdish New Year, government troops opened fire and killed at least 80 demonstrators in three southeast towns. Nine others were killed in demonstrations there in August. Peaceful demonstrators also have been killed this year in Izmir, Adana and Antalya. No one has been charged with any of these deaths.

The government appears to have abandoned many of its early promises, such as a commitment to replace the repressive 1982 constitution, written after the military coup of 1980, and in the interim to abolish anti-democratic provisions in the current constitution—such as one that forbids university professors from joining political parties. The government also promised to change laws that discriminate against women, to provide trade union rights for civil servants, to enact trade union laws that comply with International Labor Organization standards, to abolish restrictions on political and religious freedom and to abolish the hated

Higher Education Council, the body that controls university policies throughout the country. These promises have not been kept.

In its initial days, the new administration did take some positive steps: The notorious Eskisehir Prison was shut down; 227 people who had been deprived of their citizenship for political reasons regained it; and some films and cassettes were removed from a list of banned artistic works. The government also ended a ban on the use of the Kurdish language on the street, although Kurdish is still banned in courts and other official and public settings. One Kurdish-language newspaper, Welat, is being published; a Kurdish institute was permitted to open in Istanbul (but has been forbidden to hang up a sign outside its office); and a policy of allowing parents freedom in choosing their children's names (including Kurdish names) was adopted.

In recent conversations with Helsinki Watch, Justice Minister Seyfi Oktay, Interior Minister Ismet Sezgin and Human Rights Minister Mehmet Kahraman all emphasized that the government remains committed to change, to the establishment of "a transparent democracy" and to amending the constitution and laws as initially proposed. But appropriate actions are not forthcoming. Demirel's government has not demonstrated the political will or ability to end torture, police murder, press restrictions and other loathsome practices, either on paper or in reality.

The Bush administration has been extremely supportive of the Demirel government, even congratulating Turkey on its "use of restraint" against the Kurdish population during Nevroz, when government troops shot and killed at least 80 peaceful demonstrators. Turkey remains the third largest recipient of U.S. aid, after Israel and Egypt, and will receive \$578 million in the current fiscal year. Surely our government can use its influence to persuade Demirel to honor the encouraging promises he made less than a year ago.