

struction of water supply systems. During the course of the U.S.-led military coalition operations in Afghanistan, Germany included Tajikistan on its list of priority countries for development assistance.

TURKEY

HUMAN RIGHTS DEVELOPMENTS

The strongly nationalist ruling coalition of the Democratic Left Party, Nationalist Action Party, and Motherland Party once again failed to enact key reforms in the face of longstanding opposition to these measures by the army and security forces. The government's National Program for Accession to the European Union should have marked a turning point for human rights, but consisted mainly of vague and general undertakings that were clearly designed to delay or avoid significant change. In June the Constitutional Court closed the religious Virtue Party for "actions against the republic's secular principles." An opportunity for significant change was missed in October, when a package of constitutional amendments were enacted that shortened detention periods, but left the death penalty and constraints on freedom of expression on the statute books. Three provinces remained under state of emergency. In December, security forces deliberately killed prisoners resisting transfers to new high security "F-type prisons," and beat them in transit. Thirty-three prisoners died in hunger strikes.

The Turkish government talked about lifting constraints on free expression, but did not take effective legislative action to do so. Those who challenged the official view of the role of religion, ethnicity, and the army were prosecuted and imprisoned. In June, Dr. Fikret Baskaya began serving his third prison term for his writings, a sixteen-month sentence for "separatist propaganda" under article 8 of the Anti-Terror Law, for a 1999 newspaper article about the trial of Kurdistan Workers' Party (PKK) leader Abdullah Öcalan. Ahmet Turan Demir, deputy chairperson of the People's Democracy Party (HADEP) which has a largely Kurdish membership, was committed to Ankara Closed Prison in August to serve a one-year sentence under article 8 of the Anti-Terror Law for a speech at his party's youth congress in 1998.

Military courts tried civilians on charges limiting free expression. In December Sanar Yurdatapan, coordinator of the Freedom of Expression Initiative, and Nevzat Onaran of the Contemporary Journalists' Association were imprisoned by the General Staff Military Court with two-month sentences for "criticizing the institution of military service."

Governors closed exhibitions, banned film shows, and confiscated books and newspapers. In August police confiscated the Women Pensioners' Union booklet *Voice and Courage*, which published speeches from a conference on sexual assault and rape in custody, and officials of the group were charged with "insulting the security forces."

The High Council for Radio and Television (R.T.U.K.) temporarily or permanently suspended scores of independent broadcasters and in August banned BBC World Service and Deutsche Welle on the grounds that they “threatened national security.”

Various legal pretexts were used to prevent broadcasting and education in minority languages, calling into question whether the 2001 constitutional amendments ostensibly lifting the broadcasting ban would be fully implemented. Local governors prohibited the use of Kurdish street names and banned plays, cassettes, and films in Kurdish on the grounds that they were “separatist.”

The ban on wearing the headscarf was applied with increasing severity against students and civil servants and extended to private universities. A change in regulations prohibited any student wearing a headscarf from sitting for the June university examinations, a move that human rights groups criticized as violating the students’ right to freedom of religion, conscience, and thought. Teachers and doctors were also dismissed for wearing the headscarf on duty.

Many lawyers and human rights defenders charged that the use of torture and ill-treatment increased. Detainees in all quarters of the country reported that police or gendarmes inflicted torture by beating, death threats, hosing with cold water, sexual assault, electric shocks, and hanging by the arms. Victims included women and children, and people detained for common criminal offenses as well as State Security Court (SSC) offenses (those involving narcotics and organized crime, political violence, and some nonviolent political offenses). Two people died as a result of beatings during arrest.

The Turkish government refused to abolish incommunicado detention, the principal factor in the persistence of torture in Turkey identified by U.N. and Council of Europe experts. Turkish law continued to permit detention for SSC offenses for up to four days without access to family or lawyers. In practice this was frequently extended. Those held for common criminal offenses were entitled to a lawyer from the first moments of detention but rarely got one. Blindfolding, similarly condemned by international experts, also continued unchecked.

Legal safeguards for children in police custody were frequently ignored. In March, parliamentary deputy Sema Piskinsüt, former president of the Parliamentary Human Rights Commission, estimated that 90 percent of imprisoned children had been tortured in police custody. In January, nine children under the age of fifteen complained that they had been beaten, forced to remain standing for long periods, and deprived of food, drink and sleep while detained in Viransehir in the province of Sanliurfa in southeast Turkey. Local lawyers complained about the ill-treatment and breach of detention procedures, but as of November 2001 no action had been taken against the responsible police officers. A fifteen-year-old detained in April during an Istanbul demonstration against F-type prisons reported that police officers beat him with wooden sticks about the head and body. Medical examination showed extensive bruising and broken teeth.

Women reported sexual abuse and rape in police custody. The Women’s Commission of the Diyarbakir Bar stated in February that over the preceding year it had received complaints of sexual assault or rape by police or gendarmes from 123 women. In July, Health Minister Osman Durmus issued a circular which appeared to circumvent a 1999 ban on “virginity examinations” by providing for the expul-

sion of female medical students proven to be sexually active or engaged in prostitution. The minister later denied that he had authorized the reinstatement of such examinations, but did not rescind the circular. A sixteen-year-old in Van reported that in June she was taken from a gendarmerie post, where she was being questioned for alleged links with the PKK, to a state hospital and there subjected to a forced "virginity test."

The climate of impunity for torture remained unchanged. Where security personnel were charged and convicted of crimes based on torture, sentences were frequently light or suspended. In February a policeman convicted of torturing a thirteen-year-old boy in Istanbul in 1994 received a suspended sentence of fifteen months' imprisonment and returned to active service. In August the Turkish Parliamentary Human Rights Commission reported that it had forwarded 451 torture cases to local prosecutors, who had responded in only sixty-nine cases. Only one prosecution had been opened. The December 2000 Law on Conditional Release and Suspension of Sentences, resulting in the release of thousands of prisoners held on common criminal charges, also suspended sentences for police officers convicted of ill-treatment under article 245 of the Turkish Criminal Code.

Torturers continued to be protected by the abuse of medical examination procedures. In December, Dr. Nur Birgen, a Forensic Institute official, was convicted of issuing misleading reports that concealed torture. Her three-month prison sentence was commuted to a fine of approximately one U.S. dollar.

HADEP officials Serdar Tanis and Ebubekir Deniz "disappeared" after being summoned to a gendarmerie station in Silopi, Sirnak province, in January. The authorities first denied and then admitted that the two men "visited" the gendarmerie, but claimed they had left after half an hour.

The Justice Ministry moved forward with its long-planned transfer of prisoners held for SSC offenses from large ward-based prisons to new F-type prisons organized in smaller cells for up to three prisoners. The ministry ignored warnings from nongovernmental and international organizations that the planned F-type regime might amount to cruel, inhuman, and degrading treatment and that the lack of transparency surrounding the prison reform risked exacerbating prisoners' fears. In December, the government launched "Operation Return to Life," sending 10,000 soldiers into twenty ward-based prisons to transfer hunger-striking prisoners into small-group isolation in the newly constructed F-type prisons. The operation left twenty-eight prisoners and two gendarmes dead. Some prisoners burned themselves in protest, but others were deliberately killed by security forces. Gendarmes beat and tortured prisoners during transfer and on arrival at the F-type prisons. Eight male prisoners formally complained that gendarmes anally raped them with truncheons on arrival at Kandira F-type Prison, but they were not medically examined for three weeks.

Complaints that F-type prison guards maintained discipline through beatings were corroborated by medical evidence in several cases. In February, Sabri Diri made a formal complaint that guards at Tekirdag F-type Prison twice beat him and subjected him to *falaqa* (beating on the soles of the feet) in his single cell. A medical examination delayed for a week showed no signs of ill-treatment but a June medical examination using scintigraphy, an imaging technique, revealed evidence

consistent with Sabri Diri's allegation of falaka and beating. As of October 2001, thirty-three prisoners and eight relatives had died in hunger strikes in protest at the F-type regime. More than fifty other hunger strikers suffered severe and permanent brain damage.

More than 250,000 mainly Kurdish villagers remained unable to return to their homes in the southeast, despite the substantial reduction in hostilities between government forces and the PKK in that region. The vast majority had been forced from their homes in the early and mid-1990s by security forces in brutal operations accompanied by torture and "disappearances." A smaller number had fled their villages after repeated PKK attacks. Returns were slow due to apparent official reluctance to repopulate distant rural areas. Where civil authorities granted permission to return, villagers were sometimes turned back by gendarmerie or neighboring communities' paramilitary village guards who had occupied their lands.

Sporadic forced evacuation and house destruction actually continued. Following the death of a gendarme in a landmine explosion near Beytüssebab in Sirmak province in July, gendarmes forcibly evacuated the villages of Asat and Ortaklı.

The decline in attacks by armed illegal political organizations in recent years continued but political killings of civilians continued. In September, a suicide bomb attack by a member of the Revolutionary People's Liberation Party/Front (DHKP/C) in Istanbul killed Australian tourist Amanda Rigg and two Anti-Riot Squad officers. A fifteen-year-old was killed and three other schoolchildren injured in an attack on the extreme right Idealist Hearth in Istanbul. Official reports claimed the attack was committed by the Turkish Communist Labour Party (TKEP).

Asylum seekers were frequently denied proper protection. Under Turkey's geographical reservation to the 1951 Refugee Convention, non-European asylum seekers were required to register with the police so that the U.N. High Commissioner for Refugees (UNHCR) could determine whether they were refugees and eligible for resettlement in a third country. Hundreds of asylum seekers entering the country from Iran and northern Iraq were summarily returned across the borders. Others were arbitrarily refused permission to register or to report weekly to police stations, thereby exposing them to risk of summary return as illegal residents. In July more than two hundred African asylum seekers, including some recognized by UNHCR as refugees, were rounded up in Istanbul. One female member of the group died in custody, while others reported that gendarmes ill-treated, raped, or otherwise sexually assaulted them before forcing them at gunpoint across the Greek border.

Landmines laid by the government along the borders and by both sides in the conflict between the security forces and the PKK, killed at least ten people. In April, however, Turkey declared that it would begin procedures to accede to the Ottawa Convention on the prohibition of production and use of anti-personnel mines.

DEFENDING HUMAN RIGHTS

Prime Minister Bülent Ecevit issued a circular in June that required government

authorities to be “tolerant towards civil society organizations,” but also said that members of such organizations did not deserve to be called human rights defenders.

Human rights organizations saw little benefit from the circular. In September, police raided the Diyarbakir referral center for the treatment of torture survivors run by the Turkish Human Rights Foundation (TIHV) and carried off computers, patient files, and information about assisting doctors. In March, nineteen participants in a conference on sexual assault and rape in custody were put on trial for “insulting the State authorities” at Beyoglu Criminal Court. Nazli Top, who was tortured and raped with a truncheon in police custody in 1992, was a speaker at the June 2000 conference and a defendant in the ongoing trial.

The F-type prison crisis and associated hunger strikes imposed considerable strain on the human rights community. Government authorities relentlessly persecuted TIHV, Human Rights Association (HRA), and Turkish Medical Association members who were stretching their resources to the limit in order to document abuses, ensure supplies of vitamins and clothing to F-type inmates, and provide support to the relatives of sick, dead, and dying prisoners. Five HRA branches were shut down by local governors because of their work on F-type prisons. HRA members were repeatedly beaten and detained when they tried to make public press statements. The Justice Ministry announced that providing information about the hunger strikes was “supporting terrorism.” Accordingly, Ankara HRA branch president Lutfi Demirkapı and eleven others were charged in March under the Anti-Terror Law for their defense of human rights and face possible seven and a half year prison sentences. Their trial at Ankara SSC was under way as of this writing.

In October, *Yeni Safak* (New Dawn) published an April 1998 memorandum from the military’s Office of the Chief of General Staff, outlining a military plan to discredit the HRA with false information linking it to the PKK. The military did not deny the April 1998 memorandum’s authenticity but claimed it was never implemented. However, an attempt on HRA president Akin Birdal’s life in May 1998 was provoked by the type of groundless accusations contemplated in the memorandum. Birdal barely survived the attack, which left him disabled.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In January, the U.N. special rapporteur on religious intolerance and discrimination published a report on his 1999 visit to Turkey. The report strongly questioned the Turkish Republic’s view of itself as a secular state, stating that the Directorate of Religious Affairs wields “excessive powers of religious management such that religious practice appears to be regimented by the government and Islam is treated as if it were a ‘State affair.’”

The report noted that Muslim and non-Muslim religious minorities were not satisfactorily protected and recommended that the U.N. Working Group on Minorities review the effectiveness of safeguards provided by the Treaty of Lau-

sanne, the foundation for Turkey's policies towards minorities. The special rapporteur also urged recognition of the right to conscientious objection.

The February visit of the U.N. special rapporteur on extrajudicial, arbitrary and summary executions included investigations into the "disappearance" of HADEP officials Serdar Tanis and Abubekir Deniz.

In June the Committee on the Rights of the Child recommended that the Turkish government introduce legislative changes and an awareness campaign in order to combat "honor killings," the murder of women by family members who believe that they have been dishonored by the woman's conduct. The committee was also "extremely concerned" that children were being exposed to torture and ill-treatment as a result of incommunicado police detention.

Council of Europe

The Committee for the Prevention of Torture (C.P.T.) concertedly engaged the Justice Ministry on the violence of the December prison operation, isolation in F-type prisons, and associated hunger strikes. The C.P.T. visited Turkey in December just before the operation, attempting to resolve hunger strikes that started in October. It visited again in January, April, and September.

The Turkish government authorized the committee's publication of all outstanding reports visits dating back to 1990. The C.P.T. did not oppose the change from large wards to cells but emphasized that small-group isolation in F-type prisons was "not acceptable" and urged the Justice Ministry to establish out-of-cell activities and independent monitoring.

In a number of judgments the European Court of Human Rights (ECHR) ruled that Turkish security forces had been responsible for arbitrary house destruction, torture, "disappearance," and extrajudicial execution in their operations in the southeast.

The ECHR's controversial judgment in July rejected the Welfare Party's complaint against closure by the Turkish Constitutional Court for "activities against the principle of secularism" in 1998. The European Court considered that the party leadership's intention to establish Islamic law (*shariah*) conflicted with values embodied in the convention, and that statements by the leadership suggested that it might resort to force in order to gain and retain power. In the same month the court ruled that Kurdish former parliamentary deputies Hatip Dicle, Orhan Dogan, Selim Sadak, and Leyla Zana, sentenced to fifteen years for treason in 1994, had been imprisoned after an unfair trial.

European Union

The E.U. Presidency's May statement on the prison crisis urged the Turkish government to implement "generously and properly" the C.P.T.'s suggested steps and underlined that prison reform was a priority area for meeting the accession criteria. In June, a European Parliament delegation visited Turkey to investigate developments in F-type prisons.

The European Parliament's October 2000 report on the accession process criti-

cized the vagueness of the National Plan and noted that “the signs of openness which are on occasion expressed by governmental authorities may be challenged by military powers, which still have an unusual influence on Turkish politics.” The European Commission’s November 2001 Regular Report concluded that on human rights, “the situation on the ground has hardly improved.”

United States

The State Department’s *Country Reports on Human Rights Practices for 2000* surveyed the continuing abuses, giving examples of restrictions on speech and the press, extrajudicial killings and torture. The report blamed incommunicado detention and impunity for the persistence of torture. It documented child labor, violence against women, and spousal abuse.

Its description of “an upsurge in the rate of returns” of displaced Kurdish villagers gave a more optimistic picture than warranted. The conclusion, apparently based on official Turkish government pronouncements, was not borne out by Human Rights Watch investigations. The State Department’s *Trafficking in Persons Report* stated that Turkey did not meet the minimum standards nor had it made significant efforts to combat trafficking of women and girls to Turkey for forced prostitution.

Technical issues slowed contractual negotiations on the sale of 145 attack helicopters to Turkey by U.S. manufacturer Bell Textron. This class of equipment was implicated in past human rights violations in Turkey, making the pending sale, which is subject to U.S. Congressional approval, highly controversial in the United States.

Relevant Human Rights Watch Reports:

Small Group Isolation in F-type Prisons and the Violent Transfers of Prisoners to Sincan, Kandira, and Edirne Prisons on December 19, 2000, 4/01

TURKMENISTAN

HUMAN RIGHTS DEVELOPMENTS

In 2001, Turkmenistan isolated itself from the international community and continued to stifle all forms of dissent, to hound religious and ethnic minorities, and to exercise strict control over all media and expression.

President Saparmurad Niazov’s cult of personality reached new levels. “President for Life” in the year 2000, in February he declared his intention to remain president only until 2010, when he promised multicandidate elections without opposition candidates. On October 19, the government’s highest legislative body