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## TURKEY: TORTURE, KILLINGS BY POLICE AND POLITICAL VIOLENCE INCREASING

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### Introduction

Helsinki Watch is deeply disturbed by a recent escalation in human rights abuses in Turkey. First, the number of people who have died in suspicious circumstances in detention in Turkey has increased dramatically. Since January 1, 1991, eleven people have died in detention and two others have disappeared and are believed dead after having been detained by security forces.

Second, since the beginning of March 1991, the use of lethal force by security forces has escalated: police have shot and killed 19 people in raids on houses, ten during demonstrations, and 16 others in suspicious circumstances--a total of 45 people.

Helsinki Watch calls on the government of Turkey to end these appalling practices, which are in clear violation of international standards and agreements. Each one of these incidents should be promptly and thoroughly investigated and those responsible should be prosecuted. The government of Turkey should make it clear that such practices will not be tolerated, and that any security force member who tortures or summarily executes anyone will be investigated, charged with criminal acts and prosecuted in court, and, if found guilty, appropriately punished.

Turkey is the third-largest recipient of American aid; it received approximately \$550 million in military and economic aid for fiscal year 1991. In the light of Turkey's continuing pattern of gross human rights abuses, Helsinki Watch calls on the government of the United States to explain, as required by Section 502(b) of the Foreign Assistance Act, the "extraordinary circumstances" that warrant continued aid to Turkey.

Helsinki Watch is also deeply disturbed by an escalation in violent acts by terrorist groups in Turkey--bombings, armed attacks and assassinations. Since January 1, 1991, left-wing terrorist groups have claimed credit for the assassinations of thirteen people, including retired generals, police officers and two Americans. Helsinki Watch calls on these terrorist groups to put an end to these appalling acts.

Political violence in southeastern Turkey is also of great concern. Helsinki Watch calls on both the PKK and security forces to refrain from attacks on civilians, who are suffering from armed attacks by both security forces and PKK militants.

## Deaths in Detention

In February 1991, Helsinki Watch issued two newsletters disclosing the deaths in suspicious circumstances of seven people whom police had taken into custody.<sup>1</sup> Recently, the Turkish Human Rights Foundation issued a report on such deaths, listing four more deaths since March, as well as the names of two men who disappeared after being detained and are presumed dead.

The four additional deaths are:

Imran Aydin

Imran Aydin was detained in Ankara as a political suspect on March 2, 1991; he died on March 3. Police reported that Aydin died while trying to flee from a house to which he was taken for "on-site inspection." The autopsy report stated that his death was caused by bleeding in the pancreas. Authorities investigated the case, but no one has been prosecuted.

Hasim Sincar

Hasim Sincar was detained in Bingol, Solhan as an ordinary criminal suspect on April 4. He died at Solhan Gendarmerie Station where he was being interrogated. Officials reported that his death was due to a heart attack. An investigation is under way.

Veli Geles

Veli Geles was detained as a political suspect in Ankara on April 1. On April 5, his body was taken to the Emergency and Traffic Hospital. An autopsy report revealed three gunshot wounds in his body. Police reported that Geles was shot while attempting to flee from a house where he was taken for "on-site inspection." His family was notified of his death a month later. An investigation was carried out, but no one has been prosecuted for his death.

Alaattin Kurekci

Alaattin Kurekci was detained in Istanbul on May 16, as a suspect in a theft. On May 17, he was sent to a hospital in a coma. He died on May 20. A family member, Cevat Gebedek, reported, "When

Alaattin did not come home on May 16, his wife notified us, and on May 17 we went to Sisli Security Station, where we were told he had been sent to the hospital. At the hospital, we were allowed to see him from a distance. He was lying there, half-dead; there were purple bruises and marks of beating around his ears."

Deaths in Detention in January and February

The names of the seven people who died in detention in suspicious circumstances in January and February, which were reported in detail in Helsinki Watch newsletters in February are:

Tevfik Timur	January 14, 1991	Cizre
Cumali Copur	January 11, 1991	Nevsehir E-type Prison
Birtan Altunbas	January 16, 1991	Ankara Police Headquarters
Haydar Arman	January 24, 1991	Ankara Security Directorate
Ihsan Basbugu	January 31, 1991	Anafartlar Police Station
Kasim Aras	February 8, 1991	Aralik Prison, Kars
Ali Riza Aydogan	February 14, 1991	Beyoglu Office of Istanbul Security Directorate

Disappearances

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<sup>1</sup> Helsinki Watch newsletter *Turkey: Five Deaths in Detention in January, February 10, 1991*.  
Helsinki Watch newsletter *Update: Two More Deaths in Detention, February 20, 1991*.

The two men who have disappeared and are believed dead are:

Yusuf Eristi

Yusuf Eristi, a political suspect, disappeared in March. His relatives and lawyer report that he was detained by political police in Belgrad Forest in Istanbul on March 14. Police have denied detaining Eristi. Inmates in Istanbul's Bayrampasa Prison have reported seeing Eristi in detention, under interrogation at police headquarters.

Haydar Altun

Haydar Altun's mother, Hatice Altun, has reported that Mr. Altun was apprehended, wounded, at the end of March during a raid by security forces on a PKK training camp in northern Iraq. Authorities have not responded to her appeals for information about her son. Meanwhile, Hurriyet newspaper reported that "a militant named Haydar Altun" had died during a raid by security forces.

### 200 Incidents of Torture

Torture continues to be a routine part of police interrogation in Turkey. The Turkish Human Rights Foundation reports that it has documented approximately 200 incidents of torture that took place in the first six months of 1991. The Foundation also asserts that law enforcement officers were given added protection against prosecution on charges of torture by the new Anti-Terror Law, enacted in April of this year (See Helsinki Watch newsletter Turkey: New Restrictive Anti-Terror Law, June 10, 1991).

Stating that "torture remains the most important human rights abuse on the agenda in Turkey," the Foundation's report went on:

When the torture incidents that occurred within the first six months of 1991 are evaluated, it becomes clear that torture is implemented systematically and as a method of interrogation, and rather than ending, it is being increasingly implemented by security officers without restraint by basing their authority on some protective provisions in the Anti-Terror Law. Those protective measures, especially the article stating that in conformity with the Anti-Terror Law, "no cases about security officers participating in torture incidents can be brought to the court or investigations launched without the approval of the discipline commissions situated within the governates," encourages irresponsible applications of torture by security officers. Meanwhile, the government has taken no initiatives to deter those applying torture. Government officials, who mention torture only when they must, argue that torture is not applied systematically, and statements extracted under torture are widely used as evidence in the courts.

The Foundation reported that those tortured came from all walks of life, and included journalists, lawyers, sports figures, homosexuals and refugees from Iraq. The Foundation also reports that almost all female torture victims complain of sexual abuse:

Female student I.B., who was suspended naked in detention in Gayrettepe, Istanbul [the political section of Police Headquarters] between April 8 and 22, 1991, stated . . . "They applied electric shocks to my hands, toes and genitals and threatened me with rape."

E.B., also detained in Gayrettepe, alleges that she was raped; she has filed a complaint with the Public Prosecutor's office.

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Three girls, ages 12 to 13, reported to the Diyarbakir branch of the Human Rights Association on May 15 that, having lost their way in the mountainous region of Savur, they were taken to the Mardin Gendarmerie Headquarters, where gendarmes suggested that the girls had been on their way to join terrorists. Twelve-year-old H.K. said: "I was blindfolded and taken to a cell. They beat me with wooden sticks and truncheons. Then they threatened to make me pregnant if I did not obey them."

The Human Rights Foundation report details over 50 incidents in which victims were hospitalized due to broken arms or legs or internal injuries. In only four of these cases, however, did authorities take any steps to investigate the claims of torture:

For example, I.A. and his brother, who were detained on May 11, 1991, reported to the Bitlis Public Prosecutor's office that they had been tortured and forced to eat dog excrement at Bitlis Guroymak Gendarmerie Headquarters. However, Bitlis Public Prosecutor Ozer Tarhan did not launch an investigation, and made a decision of "no responsibility" of the security officers involved, in conformity with Article 15 of the Anti-Terror Law, on the grounds that the security officers had committed that crime in relation to their duties.

Early in 1991, the Turkish Human Rights Association (HRA) issued a report detailing the torture suffered during 1990 by 102 people. The forms of torture used included:

Beatings; being stripped naked, blindfolded or hit with highly-pressurized cold water; suspensions by wrists or arms; electric shocks; *falaka* (beating on the soles of the feet); squeezing of genitals; attempted rape; rape; truncheon forced into vagina or anus; sleep deprivation; denial of food and/or water; being dragged on the ground; being placed in a tire and beaten; sleeping on a wet floor; being forced to listen to others' torture; having someone spit into one's mouth; denial of permission to use a toilet; hair-pulling or -burning; insults and threats.

### The Government's Response

The Turkish government continues either to deny that torture exists in Turkey or to characterize it as misjudgments by over-zealous interrogators. On May 9, 1989, then-Prime Minister Turgut Ozal told the Belgian newspaper, La Libre Belgique: "Maybe if the interrogator is inexperienced, he might use torture as a means of obtaining information, but when this happens, another investigation is opened and the necessary punishment is dealt out."

In reality, torturers are almost never investigated, tried or sentenced. According to Abdulkadir Aksu, the former Minister of the Interior, during the past ten years only 30 of 382 security officers tried on charges of inflicting torture were convicted. In those instances in which security officers are convicted of torture, their sentences are frequently reduced to fines. For example, Major Cafer Tayyar Caglayan, who was prosecuted on charges of forcing villagers in Yesilyurt village in Cizre, Mardin province, to eat human excrement, was sentenced to a year in prison. But on July 18, 1991, his sentence was commuted to a fine and then suspended.

In February 1991, a Parliamentary Commission on Human Rights was formed. According to Member of Parliament Eyup Asik, its chair, the Commission has the authority to oversee compliance with the human rights provisions of the Turkish Constitution, the Universal Declaration of Human Rights and the European Convention on Human Rights. Mr. Asik told Helsinki Watch that the Commission has the authority to investigate alleged abuses and to refer violations to the appropriate authorities.

On May 17, 1991, three members of a Subcommittee on Torture of the Parliamentary Commission on Human Rights presented a report to the Commission on an investigation they had conducted on May 15, 1991, at Ankara Police Headquarters. The Subcommittee reported interviewing in the presence of security officers two detainees who told of being tortured by suspension, high-pressure water and the squeezing of their testicles. The Subcommittee also reported that police denied the use of such techniques. Helsinki Watch has not received reports of any action taken by the Parliamentary Commission in response to the findings of the Subcommittee on Torture.

## Extrajudicial Killings by Security Forces

Helsinki Watch has received reports of 45 fatal shootings by police or gendarmes in raids on houses, in demonstrations, and in other circumstances since March 1991. In some cases, government authorities have characterized these raids as shoot-outs between security forces and terrorists, or as responses to provocation on the part of demonstrators or others.

### Killings in Raids

\* On Friday, July 12, police officers and members of the National Intelligence Agency (MIT) raided eight houses in different districts of Istanbul and shot and killed ten people. Security officials reportedly stated that the houses were used by the illegal terrorist organization, Dev Sol (Revolutionary Left), and stated that police had opened fire after being fired upon. The ten people killed were: Ibrahim Erdogan, Hasan Eliuygun, Niyazi Aydin, Nazmi Turkcan, Cavit Ozkaya, Zeynep Eda Berk, Yucel Simsek, Omer Coskunirmak, Ibrahim Icli and Bilal Karakaya.

\* Political police raided a house in the Telsizler district of Ankara on Sunday, July 14, and shot and killed two people, a man and a woman, Buluthan Kangalgil and Fintoz Dikme, after surrounding the house and demanding that the occupants of a fourth-story apartment give themselves up. Press reports indicated that grenades were thrown at police from the house during the raid. Police said the apartment was a hideout for Dev Sol members.

\* On June 28, police raided a house in the Besiktas district of Istanbul and killed a woman named Figen Usten. Police claimed the house was used by Dev Sol. The Secretary General of the Fundamental Rights and Freedoms Association (Ozgur-Der) told Gunes: "According to the testimony of eye-witnesses, Figen Ustun had shouted from a window, 'I surrender,' but she was killed by a police officer who forced his way into the house."

\* On May 19, political police raided a flat in the Hasanpasa district of Istanbul and shot and killed two people: Hatice Dilek and Ismail Oral. According to Cumhuriyet, police reported that those killed were "militants of the Turkish Workers and Peasants Liberation Party (TIKKO)" and "had been involved in armed actions against police officers which took place last week."

Relatives of the victims claimed that both were taken away by police and executed. Mustafa Aslan, the former husband of Hatice Dilek, as reported in Cumhuriyet, said: "Our son Cihan thought police had come into the house because there were thieves inside. He did not see any bloodstains on his mother. He came running to me while the police were taking her away. My son told me that his mother gave him 20,000 Turkish lira while police were taking her away, and told him to 'call your father to come and get you.' How can someone who can speak clearly and walk on her feet arrive at a hospital one kilometer away, dead?"

Eight-year-old Cihan Aslan told reporters: "I came into the room when I heard shooting sounds. My mother was lying on the floor. When she saw me, she shouted, 'Call your father to come and get you.' At that moment, one of the policemen stepped on my mother's head with his foot."

Mihriban Kirdok, the lawyer for Oral and Dilek, told Gunes: "I saw both their bodies; they were shot in the head. I did not see any other bullet wounds on their naked bodies. It is a strong possibility that they were shot in the police car after they were taken out of the house."

Ercan Kanar, the president of the Istanbul branch of the Human Rights Association, reported: "As far as we learned from the neighbors, there was no armed clash. They did not open fire from the house."

\* Milliyet reported on April 10 that police had raided a house in Izmir in which members of Dev Sol lived, and had shot and killed two youths--Hulya Aydemir and Rasim Sarac--and that a chief of the political police, Necati Hanoglu, had also died. Security officials reported that Hanoglu had died from a heart attack suffered during the raid.

\* Olcay Uzun and Rasim Sarac died during a raid on a house in Karsiyaka in Izmir on April 9; police claimed the house was an "illegal organization's cell house."

#### Killings During Demonstrations

Since March 1991, Helsinki Watch has received reports of the use of live ammunition as a method of crowd control; this has resulted in ten killings by security forces of demonstrators or bystanders during demonstrations:

\* On July 10, police shot and killed seven people during a funeral procession for Vedat Aydin, a politician and human rights activist who had been taken from his home on July 5 by armed men who identified themselves as police officers; Aydin's body was found on July 8 (for further details see Helsinki Watch newsletter Turkey: Human Rights Activist Killed, July 11, 1991). The seven people killed were: Behzat Ozkan, Sehmuz Demir, Bahattin Turan, Zulfikar Yagan, Havze Ekinci, Nevzat Kelekci, and Mustafa Atan.

\* On June 8, an eleven-year-old girl, Emine Latifeci, was shot by gendarmes as they fired into a crowd of participants in a funeral ceremony for a PKK (Kurdish Workers' Party--a separatist group waging guerrilla warfare in southeast Turkey) militant in Hazro, Diyarbakir. She died on June 22.

\* On March 4, security forces shot and killed 13-year-old Ahmet Gulec during a demonstration in the village of Kiwex near Idil in the province of Mardin. Ekrem Oruc was also killed. The demonstrators were protesting a March 3rd attack on the village by Turkish soldiers, during which women were forced to strip, two villagers were killed, and at least 24 people were detained.

#### Killings in Other Circumstances

Since March 1991, reports have reached Helsinki Watch of sixteen extrajudicial killings in other suspicious and often unexplained circumstances. Some took place in southeast Turkey and some in western Turkey.

\* Police Commissioner Ilyas Kaya shot and killed two people, Kemal Karatay and Ali Haydar Aydogan, in a restaurant in the Avcilar district in Istanbul on July 5. According to reports in Cumhuriyet and Gunes, Commissioner Kaya told journalists: "They started to speak and sing in Kurdish. I told them to shut up. They attacked me, so I had to shoot them." Commissioner Kaya was later arrested.

\* Ramazan Durmaz was allegedly killed by special team members in Zak village, Mardin, on June 30.

\* Ibrahim Sarica, a member of the Socialist party, was detained by police in Sirnak on June 30 and shot to death.

\* Mehmet Kilic and an unidentified person were taken from Kilic's house in Dagkonak village in Sirnak and shot dead on June 28; police later reported that they had died in an armed clash.

\* Ahmet and Naile Akkan, a married couple, were allegedly killed by police officer Ramazan Sever in their home in Bursa on June 27.

\* According to People's Labor Party (HEP) Secretary General Ibrahim Aksoy, his nephew, Naki Goksu was killed on June 9 near Malazgirt, Tunceli by Gendarmerie Major Ethem Iyigun.

\* On June 7, Murteza Kaya, an 18-year-old student who was a sophomore at the Istanbul University Faculty of the Arts, was shot in the head and killed by police while he was distributing leaflets in the Kucukcekmece district of Istanbul. Esref Kaya, the victim's brother, reported that the bullet that killed Murteza Kaya was fired very close to his head.

\* A woman named Gulizar Yildiz was wounded by "special team" members in Agri, Diyadin on June 3; she died a week later.

\* On June 1, a 16-year-old girl, Nilgun Oda, was shot dead by High Patrol Officer Erdal Polat in the Giasosmanpasa district of Istanbul while he was taking her boyfriend to the high patrol office. Polat has been charged with the shooting.

\* Mustafa Ilengil was killed by police in Kahramanmaras, Pazarcik on April 3; two police officers have been charged with his death.

\* On March 21, Ali Turan was killed by "special team members" who opened fire on people celebrating Newroz (the Kurdish New Year).

\* A young girl named Rukiye Bozkurt was killed when an army officer opened fire in Dargecit in Mardin on March 7. On March 8, police opened fire on people paying a condolence call on her family; Abdurrahman Cicek was killed.

### Killings by Terrorist Groups

Helsinki Watch is extremely concerned about the level of political violence in Turkey. Since January 1, 1991, left-wing terrorist groups have carried out bombings, armed attacks and assassinations. Some were apparently related to the Gulf War, some to the government's continued ban on May Day celebrations, and some were part of a continuing campaign against the government.

The chief terrorist group is Dev Sol (Revolutionary Left), which has claimed credit for bombings in Ankara, Istanbul, Izmir, Adana and other cities. These attacks have been directed at government and airline offices, labor unions, banks, political headquarters, American companies, American military installations, an American consulate, and other targets.

Dev Sol, which claimed credit for killing a dozen former military and police officials in 1990, has claimed credit in 1991 for the assassinations of eleven people:

January 9	Retired Lt. Col. Ata Burcu
January 30	Retired Army General Hulusi Sayin
February 8	U.S. Master Sgt. Bobbie Mozelle
February 28	Lt. Col. Alan Macke, U.S. official with NATO
February 22	Police officer Zeki Saya, former head of Istanbul Political Police Department
March 28	Former MIT (National Intelligence Service) Undersecretary, Retired General Memduh Unluturk

April 13 Police officer Nebi Seker  
 April 13 Police officer Ahmet Ikinci  
 March 22 American businessman John Candy  
 May 23 Retired Army General Temel Cingoz  
 May 23 Retired Lt. General Ismail Selen

Two other terrorist groups have claimed credit for assassinations in 1991:

TKIH (Turkish Communist Workers' Movement)  
 Labor representative Mustafa Inci, March 27

TIKKO (Turkish Workers' and Peasants' Liberation Party)  
 Former Police Commissioner Samil Kasap, May 17

### Political Violence in Southeastern Turkey

Political violence continues in southeastern Turkey, where the PKK (the separatist Kurdish Workers' Party) has been waging guerrilla warfare against Turkish security forces since 1984. Over 3,000 people--civilians, security forces and separatists--have lost their lives in the conflict. The PKK has reportedly killed 665 civilians and 164 security personnel since 1984.

Helsinki Watch has received reports that, during the past six months, the PKK, in addition to attacks on the military, has allegedly killed civilians as well. On July 14, for example, Reuters reported that PKK gunmen in Harmancik had killed a 50-year-old couple, Ramazan and Sultan Kavaz, their grandson and their granddaughter; the latter was six months old. Fatma Daglar, 44, and her daughter Ayfer, 12, also died in the attack and four women relatives were wounded.

### Requirements of International Law

International law forbids torture and extrajudicial killings, even where an official state of emergency has been declared, as in the predominantly Kurdish provinces in southeast Turkey. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR--Article 6(1)) and the European Convention on Human Rights (ECHR--Article 2), to which Turkey is a signatory, all protect the right to life. Both the ICCPR (Article 4) and the ECHR (Article 15) forbid any derogation from the right to life and the right not to be tortured.

The United Nations Code of Conduct for Law Enforcement Officials states that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty" (Article 3).

International humanitarian law (the laws of war) prohibits murder, cruel treatment, torture, and humiliating or degrading treatment in cases of internal armed conflict (Common Article 3 (1)(a)-(c) of the Geneva Conventions of 1949). Whether the internal conflict in Turkey falls under Common Article 3 is debatable; however, as a leading scholar of humanitarian law has stated: "the norms stated in Article 3(1)(a)-(c) are of such an elementary, ethical character, and echo so many provisions in other humanitarian and human rights treaties, that they must be regarded as embodying minimum standards of customary law."<sup>2</sup>

Helsinki Watch calls on the government of Turkey to abide by these international standards and agreements and to call a halt to deaths in detention, torture, extrajudicial killings and the use of live ammunition to control crowds. Helsinki Watch also calls on terrorist groups in Turkey to put an end to bombings, attacks and assassinations and on the PKK to abide by the standards of customary international humanitarian law.

<sup>2</sup> Theodor Meron, Human Rights and Humanitarian Norms as Customary Law, Clarendon Press, Oxford, 1989, p. 34.



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News From Helsinki Watch is a publication of Helsinki Watch, an independent organization created in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The Chair is Robert L. Bernstein; Vice Chairs, Jonathan Fanton and Alice H. Henkin; Executive Director, Jeri Laber; Deputy Director, Lois Whitman; Washington Representative, Catherine Cosman; Staff Counsel, Holly Cartner; Staff Consultant, Ivana Nizich; Orville Schell Fellow, Robert Kushen; Associates, Sarai Brachman, Pamela Cox, Mia Nitchun, and Elizabeth Socolow.

Helsinki Watch is a division of Human Rights Watch, which includes Americas Watch, Asia Watch, Africa Watch, Middle East Watch, and the Fund for Free Expression. The Chair is Robert L. Bernstein and the Vice Chair is Adrian W. DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly J. Burkhalter, Washington Director; Susan Osnos, Press Director.

Helsinki Watch is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna.