WEAPONS TRANSFERS AND VIOLATIONS OF THE LAWS OF WAR IN TURKEY

Human Rights Watch Arms Project

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HUMAN RIGHTS WATCH ARMS PROJECT

The Human Rights Watch Arms Project was established in 1992 to monitor and prevent arms transfers to governments or organizations that commit gross violations of internationally recognized human rights and the rules of war and promote freedom of information regarding arms transfers worldwide. Joost R. Hiltermann is the director; Stephen D. Goose is the program director; Ann Peters is research associate; Kathleen A. Bleakley and Ernst Jan Hogendoorn are research assistants; William M. Arkin, Kathi L. Austin, James Ron, Monica Schurtman and Frank Smyth are consultants; Selamawit Demeke is associate.

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MAP OF EASTERN TURKEY

I. SUMMARY

For the past eleven years, the government of Turkey has been mired in an increasingly bitter war with insurgents of the Kurdistan Workers Party, the PKK.[1] To date, the war's toll is estimated at over 19,000 deaths, including some 2,000 death-squad killings of suspected PKK sympathizers, two million internally displaced, and more than 2,200 villages destroyed, most of which were burned down by Turkish security forces.[2] In an effort to root out PKK fighters and

[1] In late 1993, unofficial Turkish government figures put the PKK strength at 7,000-10,000 full-time fighters, 50,000 part-time militia, and 375,000 sympathizers. In October 1994, a PKK spokesman in Athens put PKK guerrilla strength at 30,000.

[2] The estimates of 19,000 casualties, which includes civilians, guerrillas and security forces, of 2,000 so-called "mystery killings" and of 2,200 fully or partially destroyed villages were given by Interior Minister Nahit Menteşe on June 27, 1995, during a public briefing to the Turkish Parliament. Menteşe's statement was communicated to Human Rights Watch by Jonathan Rugman, İstanbul correspondent for *The Guardian* (London). As a rule, the Turkish government does not acknowledge that most village destructions are carried out by security forces, argues that most civilians are killed by the PKK, and attributes most of the unsolved killings to the Kurdish guerrillas. Human rights groups reject the government's claims, stating that many civilians are killed by security forces and that most "mystery killings" are carried out by Turkish security forces or government-supported death squads, known as "contra-guerrillas." The PKK also commits summary executions, but usually takes responsibility for them.

sympathizers from southeast Turkey, the government has adopted increasingly brutal counterinsurgency measures, in clear violation of international law. The PKK, for its part, has also systematically engaged in violations such as summary executions and indiscriminate fire.

Both before and during this period, Turkey's NATO partners have extended generous political and military support, helping Turkey to develop a formidable arms industry and supplying it with a steady stream of weapons, often for free or at greatly reduced cost. The United States government in particular has been deeply involved in arming Turkey and supporting its arms production capacities. Although several NATO governments have occasionally protested Turkish policies, most have continued to supply Turkey with arms.

This report documents the Turkish security forces' violations of the laws of war and of human rights, and their reliance on U.S. and NATO-supplied weapons in doing so. Drawing on investigations of twenty-nine incidents that occurred between 1992 and 1995, the report links specific weapons systems to individual incidents of Turkish violations. Supplemented by interviews with former Turkish soldiers, U.S. officials and defense experts, the report concludes that U.S. weapons, as well as those supplied by other NATO members, are regularly used by Turkey to commit severe human rights abuses and violations of the laws of war in the southeast.

The most egregious examples of Turkey's reliance on U.S. weaponry in committing abuses are its use of U.S.-supplied fighter-bombers to attack civilian villages and its use of U.S.-supplied helicopters in support of a wide range of abusive practices, including the punitive destruction of villages, extrajudicial executions, torture, and indiscriminate fire.

According to Human Rights Watch's investigation, U.S. and NATO-supplied small arms, tanks, armored personnel carriers and artillery are also used in the abuses. One particularly troubling example is the preference displayed by Turkey's special counterinsurgency forces, who are renowned for their abusive behavior, for U.S.-designed small arms such as the M-16 assault rifle[3] and for

[3] The Arms Project is uncertain which version of the M-16 rifle, designed by Colt, is in use.

British armored cars. Other Turkish forces, many of whom routinely engage in human rights abuses, rely on German-designed rifles and machine guns, Belgian rifle grenades, German-supplied armored personnel carriers, and a wide variety of other military products sold or donated by NATO governments.

In June 1995, the U.S. Department of State issued a ground-breaking report admitting that Turkey engages in gross abuses such as torture, extrajudicial executions and forced village evacuations. According to the report, U.S.-origin equipment, which accounts for most major items of the Turkish military inventory, has been used in operations against the PKK during which human rights abuses have occurred."[4] One official told Human Rights Watch, "The majority of what their military has is from us, so of course U.S. weapons are involved in whatever it is they do." Obtaining concrete proof of the use of U.S. weapons in specific incidents, however, was far more problematic. "The Turks won't tell us what they used in specific incidents," he said.[15] Even so, the State Department report did cite at least one incident in which U.S.-designed F-16s were used to bomb Kurdish civilians; the Turkish government, however, blandly asserted that "no air raids took place" on that day in the area.[6]

Despite documenting the fact that Turkey has misused U.S. weapons, the Clinton administration, which says it supplies Turkey with 80 percent of its foreign military hardware,[7] has consistently refused to link arms sales to improvements in Turkey's human rights record. Shortly after publication of the June 1995 State Department report, the U.S.'s top military officer, Chairman of the Joint Chiefs of Staff General John Shalikashvili, wrote a letter to the U.S. Congress urging U.S.

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[4] U.S. Department of State, *Report on Allegations of Human Rights Abuses by the Turkish Military and on the Situation in Cyprus.* (Washington, D.C.: U.S. Department of State, June 1995), p. 1.

[5] This and other Human Rights Watch interviews with U.S. officials at the Departments of State and Defense took place in Washington, D.C. in the period February to May 1995.

[6] U.S. Department of State, *Report on Allegations*, pp. 13, 19, and Annex I, response no. 6.

[7] U.S. Department of Commerce, Bureau of Export Administration, Office of Strategic Industries and Economic Security, *European Diversification and Defense Market Assessment: A Comprehensive Guide For Entry into Overseas Markets*. (Washington, D.C.: U.S. Department of Commerce, June 1995), p. 286.

lawmakers not to cut military assistance to Turkey because of its human rights record.[8]

In fact, based on Human Rights Watch interviews with U.S. military personnel, it appears that Pentagon representatives in Ankara are more eager than ever to sell Turkey U.S. weapons, including M-60 tanks, helicopter gunships, cluster bombs, ground-to-ground missiles and small arms. The U.S. is also involved in co-production agreements with the Turkish defense industry, most notably helping to build the F-16 fighter-bomber, which the U.S. State Department acknowledged may have been used indiscriminately to kill Kurdish civilians, and a new armored personnel carrier.

According to senior U.S. officials, Turkey is NATO's "frontline" state, supports U.S. foreign policy in the Middle East, and shares the West's fear of Islamic fundamentalism. Consequently, these officials argue, Turkey should not be punished for its misuse of U.S. weaponry and for its systematic violations of the laws of war and human rights. The argument is reminiscent of U.S. statements during the Cold War, though the enemy has been redefined: once again, the U.S. is arguing that special allowances must be made for strategically important friends, no matter how abusive they may be to their own citizens.

[8] Letter from General John Shalikashvili, Chairman of the U.S. Joint Chiefs of Staff, to Representative Sonny Callahan, Chairman of the House Subcommittee on Foreign Operations, June 21, 1995.

The June 1995 State Department report, while acknowledging the role of U.S. weapons in Turkish abuses, is marred by a series of systematic flaws and contradictions which facilitate the policy of continued military sales to Turkey. Most importantly, the report's authors claimed they were unable to determine whether U.S. weapons have been used to commit grave abuses such as torture, summary executions and disappearances.[9] If the report had identified the involvement of U.S. weapons in such abuses, the Clinton administration might have been forced to take more direct action against Turkey. Other serious flaws include the report's understatement of the role of U.S. weapons in the Turkish village eradication campaign, its failure to provide more than three concrete examples of Turkish misuse of U.S. weapons, and its failure to provide original investigative findings. The majority of information contained in the report was drawn from the local press, local and international nongovernmental human rights organizations, and Turkish military authorities.[10] It appears that despite being ordered by the U.S. Congress to conduct a serious investigation into Turkish misuse of U.S.-supplied weapons, the State Department made little use of the U.S. government's vast resources and knowledge of Turkish military activities.

[9] U.S. Department of State, *Report on Allegations*, June 1995, p. 19.

[10] Ibid. See also Chapter VII for a more detailed discussion of the report's findings.

One reason officially offered for the State Department report's lack of detail was a May 1993 to May 1994 ban on travel to the southeast imposed because of the "precarious security situation" there.[11] The official restriction was in place at a time precisely when the counterinsurgency campaign was in its worst phase, so that the ban effectively blocked most U.S. access to the southeast when independent evaluations were most vitally needed. Even when the State Department permitted its personnel to visit the region, however, Turkish authorities stopped them from visiting specific sites where villages were alleged to have been razed by Turkish security forces.[12] In interviews with Human Rights Watch, U.S. officials acknowledged that before and after the ban on travel, trips by U.S. government personnel to the southeast have always been monitored by Turkish authorities. It appears that the U.S. government has not made independent and full access to the southeast a top priority in its dealings with Turkish authorities.

The U.S. government's professed inability to seriously evaluate the actions of a major NATO ally does not appear credible, given the immense investigative resources at its disposal. Were the U.S. truly interested in determining the full extent of U.S. weapons' involvement in Turkish abuses, it could do so by insisting on full and independent access to the southeast, and insisting that Turkey be more forthcoming with information. One U.S. Embassy official in Turkey conceded that the U.S. government had not made a serious investigative effort to examine the role of U.S. weapons for the congressional report: "We're not an investigative body," the official said.[13] "We can't spy on an ally," another government official claimed in Washington D.C.[14]

Human Rights Watch is particularly troubled that throughout Turkey's wide-ranging scorched earth campaign, U.S. troops, aircraft and intelligence personnel have remained at their posts throughout Turkey, mingling with Turkish counterinsurgency troops and aircrews in southeastern bases such as İncirlik and Diyarbakır. Some U.S. troops are in Turkey on NATO-related duties, while others operate within the framework of Operation Provide Comfort, a no-fly zone in northern Iraq designed to defend Iraqi Kurds from Saddam Hussein's Air Force.

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[11] Ibid., p. 2.

[12] Ibid.

[13] Human Rights Watch interview, Ankara, June 1995.

[14] Human Rights Watch interview, Washington, D.C., February-May 1995.

While the effort to defend Iraqi Kurds has been pursued with great vigor since 1991, U.S. military and diplomatic personnel have studiously ignored the abusive actions of their Turkish allies. It appears that in return for Turkey's support for Operation Provide Comfort, the U.S. has agreed not to publicly criticize what Turkey does with its own Kurdish citizens, located directly across the Iraqi border from the zone protected by U.S. warplanes.

Given Turkey's status as an important NATO ally and as a major base for U.S. troops, including U.S. intelligence units, as well as U.S. nuclear weapons[15], it appears likely that elements within the U.S. government possess detailed knowledge of the full scope of Turkish abuses as well as the key role played by U.S. weapons. This information is probably far more detailed than the material published in the June 1995 report to Congress. Interviews with U.S. officials suggest such information exists but has not been disseminated within the U.S. government and was not made available to the authors of the June 1995 report.

The U.S. government has adopted a significantly less critical attitude toward Turkey than have other governments. At least five nations have at some point suspended military sales to Turkey because of its abuses in the conflict in the southeast: Denmark, Germany, the Netherlands, Norway and South Africa. Moreover, Turkey has declared that it would not import arms from four other nations because of their critical comments about the war in the southeast: Austria, Finland, Sweden and Switzerland.

Other NATO nations, and Germany in particular, have debated arms transfers to Turkey far more vigorously than the U.S. and have examined Turkey's human rights practices in greater depth. On more than one occasion, Germany has suspended arms sales to Turkey, including after receiving information from non-governmental organizations about the use of German-supplied weapons by Turkish counterinsurgency forces. Unlike the U.S., Germany applies strict conditions on the weapons it supplies Turkey, requiring that they not be used against the Kurds.

NATO itself has done nothing to set up oversight mechanisms to restrain Turkey's armed forces, many of which are integrated into NATO's operational structure and are slated for U.N. peacekeeping missions. In addition, powerful interests throughout Western Europe are pressing for Turkey's entry into a customs union with the European Union and have deflected opposition to the union based on Turkey's human rights record.

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[15] It has been reported that seventy-five nuclear weapons have been stored at three bases in Turkey, İncirlik, Balikeşir and Murted. NRDC Nuclear Notebook, "U.S. Nuclear Weapons Locations, 1995." *Bulletin of the Atomic Scientists* (Nov.-Dec. 1995), pp. 74-75.

Turkey's Counterinsurgency Campaign

Chapter II of this report provides background on the origins of the conflict with the PKK and discusses the nature and consequences of Turkey's counterinsurgency campaign, focusing on the village evacuation and destruction strategy and the village guard system. Turkey's counterinsurgency strategy has had a number of dismal consequences for Turkey. Legally, Turkey is in gross violation of its international commitments to respect the laws of war. The security forces still seem unable to eradicate the PKK in southeast Turkey, and the counterinsurgency has further damaged Turkey's aspirations to be viewed as a liberal democracy on the verge of integration with Europe. Turkey's abysmal human rights record has earned it condemnation throughout the West.

More importantly, the government's counterinsurgency methods have created a huge underclass of embittered and impoverished internal refugees, whose homes and livelihoods have been abruptly destroyed by the state. These refugees have moved to squatter settlements throughout Turkey's cities, providing the PKK with a potential base for future organizing and presenting Turkey with a difficult social and economic crisis.

Turkey's Arms Acquisition Program

Chapter III of this report traces arms flows from NATO nations and others to Turkey in detail. Turkey has been a member of NATO since 1952, and has benefited from a wide range of weapons transfer programs. Wealthy NATO members have both sold and donated a full range of weaponry to Turkey, including more than 500 combat aircraft, 500 combat helicopters, 5,000 tanks, and thousands of artillery pieces, mortars, machine guns and assault rifles. The United States has been Turkey's dominant supplier, providing about 80 percent of Turkey's arsenal. Over the past decade, Congress has appropriated $5.3 billion in military aid (grants and loans to purchase weapons) for Turkey, making Turkey the third largest recipient of U.S. military aid, after Israel and Egypt.

Germany has been Turkey's second largest supplier of arms. Other NATO suppliers have included Italy, France, the Netherlands, the United Kingdom, Spain and Canada. As criticism mounted in Europe over Turkey's treatment of the Kurds, Turkey has increasingly turned elsewhere for arms, including the Russian Federation, Israel, Pakistan and other nations.

Turkey's Security Forces

In Chapter IV, Human Rights Watch examines the different Turkish units involved in the fighting and describes their composition and arsenals. The role of

each unit in the counterinsurgency is evaluated, with special emphasis on responsibility for human rights abuses.

The worst abusers are regular forces belonging to the Jandarma (or Gendarmerie), Turkey's rural police force, and special counterinsurgency units belonging to both the Jandarma and the police. These special forces, designed to spearhead the anti-PKK campaign, reportedly are recruited from far-right Turkish nationalist groups notorious for their hatred of Kurdish nationalism.[16] The Turkish special forces use U.S.-designed arms and British-supplied armored vehicles.

Contrary to arguments made by U.S. officials, however, all Turkish units, including the regular Turkish Army and Air Force, are implicated in abuses. Human Rights Watch's research demonstrates that Turkish units are integrated and intermeshed in the southeast, making it impossible to argue that the Army and Air Force—which are integral components of NATO—have played no role in the violations. The Turkish Army has deployed about 150,000 troops to the southeast and routinely supports the Jandarma and special forces during village destructions and other abusive operations. Three former Turkish Army personnel interviewed by Human Rights Watch have stated that their units directly participated in abuses, as well as having backed up Jandarma and special force units while they engaged in violations. The Air Force, which relies almost exclusively on U.S.-designed aircraft, frequently raids suspected PKK positions and has been implicated in bombings that killed civilians in violation of the laws of war.

Case Studies

Chapter V contains twenty-nine case studies based on Human Rights Watch interviews in Turkey and northern Iraq in June and July 1995, as well as a number of incidents investigated by reliable domestic and international organizations. Human Rights Watch used a variety of methods to determine the

[16] Minister of Internal Affairs Nahit Menteşe called for measures to prevent special operations personnel from "behaving like the militants of a political party," after a special operations team in Tunceli staged a demonstration and called for the resignation of the State of Emergency Governor. Thirty members of the team were assigned to other posts. FBIS-WEU-95-155, August 11, 1995, p. 39, from *Milliyet* (İstanbul), August 2, 1995, p. 10.

type and, whenever possible, the supplier of the weapons used. Cumulatively, these cases demonstrate that Turkey has engaged in a pattern of abuse and that NATO-supplied weaponry, with special emphasis on U.S.-supplied products, plays a key role in these abuses. Among the violations investigated, the most important are forced evacuation of the rural population and destruction of their villages, indiscriminate fire, torture, and summary executions.

Forced Evacuation and Destruction of Villages

Turkey's forced depopulation strategy is by far the most severe human rights issue in Turkey today.[17] By eradicating large portions of the Kurdish rural population, the Turkish military hopes to eliminate the PKK's networks of logistical support in the countryside. Largely as a result of this policy, over 2,200 Kurdish villages have been fully or partially destroyed since 1984, with the vast majority eradicated by Turkish forces since 1992.

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[17] In Appendix I to the report, Human Rights Watch analyzes international humanitarian law as it applies to the Turkish/PKK conflict, and finds that Turkey's depopulation policy is in clear violation of international law's ban on displacing civilians during a conflict. According to international law, forced civilian displacement is permitted only to protect civilians faced by an immediate danger, or as a temporary measure when hostilities are ongoing in the area. The Turkish policy violates these requirements on the following counts:

It is an indiscriminate measure, aimed at clearing out entire sections of the countryside. International law would require a meticulous, careful procedure in which the conditions of each village are taken into consideration. The wholesale dislocation of rural populations violates the letter and spirit of international humanitarian law.

It is a counterinsurgency measure, aimed at solving the government's political and military problem, namely the PKK insurgency. It has nothing to do with the immediate safety of the civilians themselves, or with immediate military imperatives. Displacement which has goals other than the protection of civilians violates international law.

It includes the destruction of evacuated villages, typically by burning or shelling, to deny shelter to the PKK and to prevent villagers from returning to their homes. International law requires that civilians be allowed home as soon as security improves in the immediate region. In addition, the destruction of villagers' worldly goods, including household goods, livestock, and crops, is straightforward destruction and pillage, again in violation of international humanitarian law.

It does little or nothing to care for the needs of displaced villagers. International law requires the displacing authorities to do everything necessary to care for displaced civilians.

It includes abusive treatment of civilians, such as torture and degrading or humiliating treatment. This violates the requirement to treat non-combatants in a humane manner.

B.G., a former Turkish soldier interviewed by Human Rights Watch, said that he walked through "hundreds" of destroyed villages during his mountain patrols in late 1994 and early 1995.[18] The villages were usually destroyed by burning, B.G. said, and were ordered destroyed by senior commanders in Diyarbakır, the counterinsurgency center of the southeast. V.A., a former Turkish officer, said that soldiers destroyed the homes after forcing residents to leave because they wanted to deny the PKK access to shelter during the winter months.[19]

Human Rights Watch found that Turkish troops use a wide variety of transport vehicles and weapons during village depopulations, many of which are of NATO origin. In the following cases, for example, helicopters supported village burnings by resupplying troops. Given the composition of the Turkish helicopter fleet, it is highly likely that they were U.S.-supplied Black Hawks or Hueys:

- In October 1994, Turkish helicopters landed twice a day to resupply a column of Army commandos engaged in a week-long search and destroy mission in the Mercan valley of Tunceli province. The witness who described the events to Human Rights Watch was kidnapped from the village of Bilgeç to act as a porter for the troops. He said the column burned down six villages. (Case 14).

- In late September 1994, security forces burned down the village of Cevizlidere, located in the Ovacık district of Tunceli province. They remained in the village for three days, using it as an operational base. During that time, helicopters repeatedly landed and took off from the village's central square, ferrying in troops and supplies. (Case 18).

- At the end of August 1994, troops landed in three helicopters at sunrise near the village of Çomak, located in the Kiği district of Bingöl province.

[18] Human Rights Watch interview, İstanbul, June 12 and 13, 1995. B.G., like other sources interviewed for this report, requested anonymity.

[19] Human Rights Watch interview, İstanbul, July 3, 1995.

The troops burned the village down and ordered the residents to walk to the nearest town. (Case 12).

- In other cases, helicopters have been used to drop explosives or strafe villages, contributing to the displacement and destruction of civilian settlements. The helicopter gunships involved were most probably U.S.-supplied Cobras. On October 22, 1993, for example, five witnesses said that helicopters and other aircraft pounded the village of Zengök, located in Muş province. The air bombardment followed the forced evacuation and partial burning of the town by ground troops. Although no civilians died in the initial attack and sweep by Turkish troops, five civilians were found dead in the village two days later, captives left by the troops to be burned alive while bound and tied, linked together with electric cables and a chain. There were reportedly no guerrillas in the village at the time of the raid. (Case 24).

Indiscriminate Fire

Human Rights Watch investigated incidents of indiscriminate fire in which civilians were terrorized, wounded or killed and during which troops did substantial damage to civilian property. Indiscriminate fire is a persistent and troubling phenomenon in Turkey's southeast; Human Rights Watch does not, however, have sufficient information to evaluate with any precision how many unjustified deaths or village destructions were caused by indiscriminate fire. It is clear, however, that indiscriminate fire causes scores of casualties each year.

Indiscriminate fire by Turkish warplanes is particularly grave because of the destructive potential of air-delivered weapons, typically 500 or 1,000-pound bombs. Turkish warplanes routinely take part in raids against suspected PKK bases, both within Turkey as well as in northern Iraq. On occasion, these planes have dropped bombs on civilian settlements, killing civilians and destroying villages. While some of these attacks may have resulted from gross negligence, others appear to have been deliberate. The worst air raids took place in late March 1994, when Turkish warplanes struck a number of villages in the Şirnak province, killing scores of civilians.

- Witnesses from the village of Kuşkonar in Şirnak province, for example, told Human Rights Watch of a March 26, 1994 airstrike by two Turkish warplanes that killed twenty-four civilians and wounded several more. A helicopter first overflew the village; two warplanes then buzzed Kuşkonar at low altitude; finally, after having examined the village at close range,

the jets made two bombing runs, dropping a total of four bombs. Both the airplanes and the helicopters were most probably U.S.-supplied. (Case 3).

In the cities and towns of the southeast, Turkish security forces have used massive and disproportionate force to crush PKK urban strongholds. A former Turkish soldier told Human Rights Watch that on August 18-20, 1992, troops used U.S.-supplied M-48 and M-60 tanks, 105mm artillery, U.S.-supplied M-113 armored personnel carriers, U.S.-designed M-16 rifles and LAW anti-tank rockets to assault the town of Şirnak following an alleged PKK provocation. Twenty-two civilians died in the assault, sixty were wounded, and many of the town's 25,000 residents fled in panic. Much of the town was destroyed. (Case 28).

Torture and Ill-Treatment

Human Rights Watch found that torture and ill-treatment of civilians was commonplace during village displacements and that NATO equipment was commonly used in these incidents. In the following incident, for example, U.S.-supplied helicopters were almost certainly used:

- On February 21, 1993, Turkish troops, some of which were helicopter-borne, came to the snow-bound village of Ormaniçi located in the Güçlükonak district of Şirnak province. In retaliation for an earlier PKK ambush the troops burned Ormanici down and ordered forty-two civilians to lie in the snow for hours. Six men and a boy were later taken for interrogation, badly tortured, and exposed to extreme cold. Five developed gangrene; four subsequently had their legs amputated, and one died. The witnesses were transported at one point during their interrogation to another base by helicopter. (Case 19).

Summary Execution and Disappearances

Summary executions, a serious problem in Turkey for the past several years, are perpetrated by both government forces and PKK guerrillas. This report documents several summary executions by security forces in which NATO-supplied weapons played a role.

- On April 19, 1995, according to B.G., the former Turkish soldier, Turkish security forces ambushed and shot and wounded Ali İhsan Dağlı, a suspected PKK supporter, in the village of Kuruçayır, located in the Savur district of Diyarbakır province. The troops holding Dağlı prisoner were joined by a senior Turkish general, who flew to the village in a U.S.-

supplied Huey helicopter, and carried a U.S.-designed M-16. The general helped other soldiers beat Dağlı, as well as other villagers. The troops then burned the village down and took Dağlı with them. B.G. was later told by a military officer that Dağlı had been killed in custody, an allegation supported by the fact that Dağlı has been on a list of missing persons since April 1995. (Case 1).

- On May 10, 1994, a Jandarma non-commissioned officer threw three suspected PKK guerrillas to their deaths from a helicopter flying near the town of Kulp, located in Diyarbakır province. The guerrillas had been captured, interrogated and tortured. A fourth prisoner who witnessed the incident said he survived by promising to provide his captors with crucial information. (Case 8).

PKK Violations and Sources of Weapons

In Chapter VI Human Rights Watch highlights the PKK's substantial violations of the laws of war, as it has done in past reports on the war in Turkey.[20] The most common PKK abuses are summary executions, indiscriminate fire and the intentional targeting of non-combatants. Until late 1994, the PKK openly acknowledged that it targeted civilian state employees and the families of paramilitary village guards, who are protected persons under international humanitarian law. Although the PKK recently announced its intention to abide by international law, evidence from 1995 suggests that the PKK has violated this pledge.

This chapter also examines the PKK's sources of arms. While some weapons may have been transferred to the PKK by states such as Iran, Armenia and Syria, the bulk of the PKK's arsenal appears to have been purchased in arms bazaars scattered across Europe, the Middle East and Central Asia, including Antwerp, Hamburg, northern Iraq, and the former Soviet Union. The PKK reportedly raises money for weapons purchases through a variety of both peaceful and coercive methods, including voluntary contributions from sympathizers and violent extortion from unwilling Turkish and Kurdish businessmen. In addition, elements of the PKK

[20] See, for example, Human Rights Watch/Helsinki, "Turkey: Forced Displacement of Ethnic Kurds From Southeastern Turkey," a Human Rights Watch Short Report, vol. 6, no. 12 (October 1994), pp. 21-24, and Helsinki Watch, "Kurds Massacred: Turkish Forces Kill Scores of Peaceful Demonstrators," a Human Rights Watch Short Report, vol. 4, no. 9 (June 1992), pp. 13-14.

reportedly raise funds by shipping drugs from Asia and the Middle East to western Europe through the Balkans and Italy.

The U.S. Government's Role

Chapter VII examines the role of the U.S. government, which has expressed concern about human rights while failing to exert real pressure on Turkey. Based on analyses of U.S. public statements and interviews with officials in the State and Defense Departments and in the field, Human Rights Watch concludes that the U.S. is deeply implicated in the Turkish government's counterinsurgency policy and practices through its provision of arms and political support, and is aware of the abuses being committed, but has chosen to downplay Turkish violations for strategic reasons.

Correspondence with the Government of Turkey

At the beginning of August 1995, the Human Rights Watch Arms Project wrote to the representative of Turkey in the United States, Ambassador Nuzhet Kandemir, with a list of twenty-two questions that arose from our field investigation in Turkey in June-July. We offered to include in this report any response to these questions we might receive from the Government of Turkey. Ten questions addressed general issues regarding the conflict in the southeast (casualty figures, number of villages burned and/or evacuated, number of displaced persons), the nature and sources of the PKK's weapons, the rules of engagement governing the behavior of Turkish troops, Turkey's policy with respect to village evacuations, and the existence of investigative mechanisms within the Turkish military. A further twelve questions dealt with specific allegations supplied to Human Rights Watch by witnesses in Turkey regarding violations of human rights and the laws of war committed by Turkish security forces.

At the end of October, the government of Turkey had not provided answers to these questions. Human Rights Watch did receive a letter from the Chargé d'Affaires at the Turkish embassy in Washington, D.C., Minister Counselor Rafet Akgunay, in the middle of August. In this letter, Mr. Akgunay provided a legal analysis of the conflict in Turkey's southeast. A summary of this letter is included in Appendix I of this report.

RECOMMENDATIONS

To the Government of Turkey

- Ensure that Turkish security forces cease immediately to violate international humanitarian law in the southeastern emergency zone.

- Cease the policy of forced evacuation and destruction of Kurdish villages. Internally displaced civilians should be permitted to return to their villages and compensated for the destruction of their homes and possessions.

- Investigate the cases presented in this report. Those found responsible for the abuses should be prosecuted and punished under the law.

- Create an official commission of inquiry into the village eradication campaign empowered to determine and make public the extent and precise nature of the destruction and to identify those responsible.

- Order the Turkish General Staff to conduct a wide-ranging review of its codes of conduct, rules of engagement and operational guidelines. The review should be public and be conducted by a special commission including members of the military, the Turkish Parliament, and independent legal experts.

- Order the Turkish General Staff to create new guidelines including strict rules regarding the use of air power, artillery, and small arms. These rules should conform to internationally recognized standards and should be reviewed by NATO commanders.

- Publish the new guidelines and disseminate them widely within the Turkish armed forces. The Turkish General Staff should make public its mechanisms for disseminating the guidelines within the Turkish armed forces.

- Create a special Internal Affairs unit within the Turkish General Staff to examine allegations of human rights abuses in Turkey's southeast by all security forces, including the Jandarma, the police, the Army and the Air Force.

  This unit should be given adequate resources, be commanded by a senior and respected officer and make its procedures and conclusions available for public review. Persons suspected by the Internal Affairs unit of abusing

human rights should be tried and punished to the full extent of the law. The trials and sentences should be made public.

The Internal Affairs unit should make monthly and annual reports to the Turkish Chief of Staff, the Turkish Minister of State Responsible for Human Rights, and the Turkish Parliament.

- Grant the Minister of State Responsible for Human Rights oversight authority over the new Internal Affairs unit. A special staff of investigators, responsible only to the Minister of State Responsible for Human Rights, should monitor the new unit's casework, operating procedures and findings.

- Order the Jandarma and police special forces (Özel Tim and Özel Hareket Tim) to suspend operations immediately. These units' tactics, training, and recruitment methods should be reviewed by the special commission of military officers, political representatives and legal experts.

- Any special force members affiliated with far right nationalist groups should be ordered to leave the units immediately. Special force members should not be recruited from far-right nationalist groups.

  Prior to resuming activities, the special forces should undergo intensive human rights training. The content of the training and its implementation should be publicly monitored by the Turkish Minister Responsible for Human Rights and the General Staff's new Internal Affairs unit.

- Immediately allow access to the emergency zone to delegates of the International Committee of the Red Cross, and allow them to visit prisoners detained in connection with the conflict in the southeast.

- Allow monitors from Human Rights Watch and other independent, internationally recognized human rights organizations unimpeded access to the southeastern emergency zone.

To the U.S. Government

- End all military sales and security aid to Turkey until such time as Turkey no longer engages in a pattern of gross human rights violations, as required by section 502B of the Foreign Assistance Act.

- Failing to end all arms transfers, at the least reject exports of weapons that have a high possibility for misuse, such as combat aircraft, helicopters, artillery, armored vehicles, and small arms.

- Seek written assurances in all future arms transfer agreements with Turkey that the arms and equipment will not be used in human rights abuses or violations of the laws of war, and provide for independent monitoring to take place to confirm this; this would serve as an additional safeguard to ensure that Turkey lives up to its existing obligations to abide by international law.

- Conduct an annual review of Turkish use of U.S.-supplied and -designed weapons. Unlike the review submitted in June 1995 by the State Department, however, future reviews should focus on Turkish use of specific categories of weapons, including combat aircraft, helicopters, artillery, armored vehicles, and small arms.

  Future end-use monitoring reports should utilize all relevant U.S. government information, and should contain detailed examples and studies of particular events.

- Use all possible means, including linkage of aid, to persuade Turkey to implement the recommendations addressed to the government of Turkey above.

- Urge the Turkish government to allow the International Committee of the Red Cross, humanitarian aid groups, accredited press, and internationally recognized human rights groups unhindered access to southeastern Turkey.

- Order an inquiry into all training, joint maneuvers, liaison and other inter-force activities undertaken since 1990 by U.S. military special operations forces with Turkish forces, with a view to identifying the Turkish units involved and the nature of U.S. special operations training and doctrine imparted to them.

To NATO Commanders

- Inform the Turkish General Staff and Turkish officers serving in NATO structures that a pattern of gross human rights abuses and denial of access to the southeastern emergency zone by international human rights monitors is not acceptable behavior by a NATO member.

- Create a liaison unit to the Turkish General Staff aimed at improving the Turkish armed forces codes of conduct, rules of engagement, methods of disseminating human rights standards and methods of investigating human rights abuses.

To the International Community

- Cease all arms transfers to Turkey until such time as it no longer engages in gross patterns of violations of human rights and the laws of war. Individual countries should conduct end-use monitoring of equipment transferred to Turkey.

- Use bilateral channels to urge the Turkish government to implement the recommendations specified in this report, with special emphasis on access to the southeastern emergency region by independent human rights monitors.

To the European Union

- Within the framework of the EU, the Council of Europe and the Organization on Security and Cooperation in Europe, condemn publicly human rights abuses committed by both the PKK and Turkish security forces.

- Urge the Turkish government to implement the recommendations outlined in this report, with special emphasis on access to the southeastern emergency region by independent human rights monitors.

To the Organization on Security and Cooperation in Europe (OSCE)

- Ensure that OSCE members comply with the OSCE's "Principles Governing Conventional Arms Transfers" (1993), i.e., Art. 3. (b), "the

need to ensure that arms transferred are not used in violation of the purposes and principles of the Charter of the United Nations"; Art. 4 (a) (I), the directive to take into account, in considering proposed arms transfers, "the respect for human rights and fundamental freedoms in the recipient country"; and Art. 4 (b) (i and vii), the directive to avoid transfers of arms which would be likely to "be used for the violation or suppression of human rights and fundamental freedoms," or "be used for the purpose of repression."

To the PKK

- End abuses against civilians.
- Cease punitive attacks against village guard families and relatives.
- Cease all summary executions, especially of state civil servants, unarmed village guards, alleged "state supporters" and "collaborators."

II. BACKGROUND

The Turkish-Kurdish Conflict

Since 1984, the PKK, or Kurdistan Workers Party, has fought the Turkish state in an attempt to carve out an independent zone for Kurds in Turkey's southeast, although there have been recent indications the PKK might settle for less. The Turkish government, however, has opposed concessions to the PKK, claiming that the organization's ultimate goal remains the dissolution of Turkey.[21] The Turkish government regards the PKK as a terrorist organization.

Turkey's rural southeast, where the majority of the country's approximately ten million Kurds live, is the country's poorest and most underdeveloped area. While western, urban Turkey has increasingly developed its technological and industrial infrastructure, linking the richer parts of Turkey to European markets, the southeast has fallen further and further behind. Southeastern underdevelopment has remained essentially unchanged despite limited government efforts to spur economic growth, as in the case of the state-funded GAP regional irrigation project.

[21] Various theories have been offered by experts for Turkey's hardline approach to Kurdish group rights. While some maintain the Turkish government is keen to hold on to important natural resources in the southeast, others point to Turkey's military-imperial legacy and the trauma of the Ottoman Empire's collapse after World War I. The PKK's legacy of indiscriminate violence, including the use of bombs in civilian areas and the killing of non-combatants in the southeast, has fueled Turkey's powerful anti-PKK sentiments.

Economic underdevelopment, however, was not the only factor contributing to the rise of the PKK and to the sympathy it enjoys among many Kurds. Economic underdevelopment in the southeast has gone hand in hand with cultural repression of the Kurdish ethnic identity. While Turks rightly point out that Kurds may integrate into Turkish society with ease, reaching the highest positions in political and economic life, they often neglect to mention that these Kurds must do so as "Turks" who have renounced their ethnic heritage.[22] Until recently, for example, the Kurdish language was banned in Turkey. Practically speaking, although the Turkish government could not block villagers from using their mother tongue at home, it has successfully prevented Kurdish from being used in public platforms.[23]

The organizational origins of the PKK can be traced back to the 1970s, when left-wing Turkish movements of all types grew in influence among Turkey's intellectuals and working class. Abdullah Öcalan, the PKK's leader since its inception, was originally a member of a left-wing group at the department of political science at the University of Ankara. In the late 1970s, a three-way struggle erupted between right-wing Turkish quasi-fascist movements, the Turkish left, and the Turkish government. In 1980, as the struggle became increasingly violent, the Turkish military overthrew the civilian government and instituted military rule. The subsequent crackdown on political activists was especially harsh against the Turkish left.

Immediately prior to the September 12, 1980 military coup, however, Abdullah Öcalan, together with other Kurdish leftists, fled to Lebanon's Beqa' valley, which was then home to left-wing and nationalist Palestinian organizations. Between 1980 and 1984, Öcalan and his supporters founded the PKK and built a full-fledged organization. In 1984, the PKK launched its first attacks on Turkish state representatives, including military outposts, public school teachers and civil servants (targeted because the PKK viewed them as representatives of a "colonial

[22] Kurds who identify themselves as Turks and speak Turkish have traditionally faced little discrimination based on their ethnic heritage. The late Turkish President Özal was of Kurdish heritage, as was the previous Turkish Foreign Minister Hikmet Çetin. At present, excluding the parliamentarians from the banned pro-Kurdish DEP party, roughly sixty Turkish parliamentarians are of Kurdish origin. Recently, however, as a by-product of the war with the PKK, discrimination against Kurds who accept Turkish identity has increased.

[23] Until 1989, when it was repealed, the law banning the use of Kurdish in public did not even mention the word "Kurdish." Law 2932, passed in 1982, was called "The Law About the Use of Languages Other Than Turkish."

state"), and members of the paramilitary "village guards," local Kurds recruited by the state, and their families.

Turkey's Counterinsurgency Strategy

The war between Turkey's armed forces and the PKK has been primarily a rural struggle. With its rugged mountains, myriad of caves and difficult winters, Turkey's southeast is well-suited to a determined guerrilla force enjoying the support of part of the rural population. The PKK has exploited these advantages, hiding from Turkish forces when pursued, emerging to attack military and state installations as well as the state's own Kurdish militias when the pressure is lifted. While there have been clashes in urban centers, the PKK's campaign remains, at heart, a rural phenomenon.

Although the PKK and Turkish security forces have struggled for control of the southeast since 1984, the war entered its current brutal stage only in 1992, following the Gulf war. Previously, the PKK's rear areas were primarily located in Lebanon's Beqa' valley, which was not contiguous with Turkey's borders. PKK resupply efforts were forced to follow a difficult, circuitous route into Turkey through second, third and fourth countries. After defeating Iraqi forces in Kuwait in early 1992, the U.S.-led coalition has treated northern Iraq, inhabited mostly by Iraqi Kurds, as an autonomous, quasi-sovereign area, enforcing a no-fly zone against Iraqi aircraft and providing aid to Iraqi Kurds through Turkey. The PKK used the new conditions in northern Iraq to its advantage, developing forward bases near the Iraqi-Turkish border and sending fighters and material to its forces within Turkey.

By 1992, the PKK's presence in Turkey's mountainous areas was strong, and PKK cadres had made inroads into southeastern cities such as Şirnak, Lice, and Cizre. A PKK network was set up throughout villages in the southeastern areas, with special emphasis on villages along the Iraqi border and in Diyarbakır province. The Turkish security forces, which were unprepared for the PKK influx, lost their monopoly of power in the area. In the cities, the PKK presence was manifested in mass demonstrations, flag-waving, commercial strikes and political meetings. The PKK was on its way to becoming a popular and powerful political force in the southeast.

In mid-1992 the Turkish military reorganized in the southeast and launched an urban offensive against the PKK. The region was flooded with troops, both from the Jandarma and the military, and the security forces adopted a policy of overwhelming and disproportionate response to PKK actions. Security force assaults on Şirnak, Lice and Cizre appear to have been harsh collective punishments aimed at the entire population of those towns. In these incidents in mid-1992,

Turkish forces took advantage of PKK provocations to unleash indiscriminate barrages of heavy weapons fire against the urban population and buildings, killing a total of at least sixty-five persons, according to estimates by the Human Rights Foundation of Turkey, and causing extensive damage. Urban areas were rendered uninhabitable, thousands of civilians fled their homes, and the security forces successfully demonstrated their determination to reassert control over the cities.

In addition to the assault on southeastern cities, the security forces created and strengthened existing elite counterinsurgency forces.[24] Experienced regular Army and Jandarma troops were recruited into special counterinsurgency forces belonging to the Jandarma and the police, were given specialized training and advanced equipment, and were ordered to take the lead in destroying the PKK. These units quickly became the most serious abusers of human rights in the region, with a reputation for brutality and impunity.

Most importantly, perhaps, the security forces changed their rural strategy. Prior to 1992, Turkish forces had remained in central bases and strongholds, moving into the mountains only in response to a PKK attack. In 1992, however, the Turks adopted a "regional defense strategy," drawing up a grid dividing southeastern Turkey into zones of responsibility. Individual units were given the task of patrolling a square on the grid, and security forces were ordered to remain on patrol in the mountains for extended periods of time. "It used to be that we were always in the bases, waiting until the PKK came. Since 1992, however, we have been ordered to stay out of the base for weeks on end," V.A., a former Turkish military officer, told Human Rights Watch in 1995.[25] By keeping constantly on the move, laying ambushes and observing remote areas, the military hoped to reduce the PKK's freedom of movement and to increase contact with the guerrillas. A second component of the new strategy was the creation of "no-go zones," mountainous areas declared off-limits by the military, regardless of whether the areas were inhabited. V.A. said that in the region of Kars, where he served, an entire mountainside and its related slopes and valleys had been declared "forbidden." "We fired artillery at anything that moved in those areas," he said, "civilian or guerrilla, it didn't matter. Anyone who goes in there is shot at." According to Christopher Panico, several regions, including areas near the Tendürek and Ağrı mountains,

[24] See Stephen Button, "Turkey Struggles with Kurdish Separatism," *Military Review* (December 1994 - January-February 1995), p. 78.

[25] The Human Rights Watch interview with V.A., cited throughout this report, took place in İstanbul on July 3, 1995.

were declared "restricted military areas," which were little more than military free-fire zones.[26]

Kurdish villages in the mountains presented a particularly severe problem to the architects of the new counterinsurgency approach. Controlling the thousands of individual villages would require far more troops, helicopters and resources than the Turkish state was willing to invest. The security forces dealt with this problem in two ways, village eradication and strengthening the "village guards," both of which have had grave implications for human rights.

Village Evacuation and Destruction

[26] Christopher Panico, "Turkey's Kurdish Conflict," *Jane's Intelligence Review,* vol. 7, no. 4 (April 1995), p. 171.

It is an open secret within Turkey that the security forces have destroyed large numbers of villages in an effort to deny the PKK logistical support. The Turkish government has gradually admitted the scope of the problem, although it continues to deny that security forces are responsible for the large majority of forcible evacuations. The government has given a series of different estimates for village destructions: In April 1994, Interior Minister Nahit Menteşe said in a press conference that 871 villages and hamlets had been evacuated; by the end of 1994, however, Menteşe's estimate, supplied in a written statement, had soared to 2,297 village and hamlets partially or fully evacuated.[27] On June 27, 1995, Menteşe told the Turkish Parliament in a public briefing that 2,200 villages had been "emptied or evacuated."[28] On July 25, 1995, the mainstream Turkish daily *Milliyet* quoted the office of the Governor of the southeastern emergency rule area as stating that 2,664 villages and hamlets had been partially or fully evacuated.[29] According to a respected Turkish human rights expert, the evacuations have displaced some two

[27] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1994, A Summary*. (Ankara: July 1995), p. 7.

[28] Based on an oral account of Menteşe's speech given to Human Rights Watch by Jonathan Rugman, İstanbul correspondent for *The Guardian* (London).

[29] Of these, 753 were fully emptied villages, 235 were partially emptied villages, 1,535 were fully emptied hamlets, and 141 were partially emptied hamlets. See Derya Sazak, "Göçerlerin Dramı," *Milliyet* (İstanbul), July 25, 1995.

million villagers, who have flooded into slums in all of Turkey's major cities and towns.[30]

[30] The figure comes from Akın Birdal, Chairman of the Turkish Human Rights Association, supplied to Human Rights Watch during an August 1994 interview. He based the estimate on population data from census reports.

In 1994 alone, according to the Human Rights Foundation of Turkey, 1,000 villages were destroyed or evacuated.[31] In October 1994, Turkish State Minister for Human Rights Azimet Köylüoğlu visited Tunceli province, then the site of a massive counterinsurgency offensive, and declared that the security forces had engaged in "state terrorism" by burning villages and forcibly evacuating villagers. The government minister, who was later forced to retract his statements under pressure from conservative politicians, said, "Security forces should avoid the psychology [sic] of burning and destroying while in their relentless fight against terrorism. The evacuated villagers must be given food and shelter.... We can't even give them Red Crescent tents."[32] In October 1994, Human Rights Watch/Helsinki published a twenty-seven-page report documenting the campaign of forced displacement in the southeast. "In an effort to deprive the PKK of its logistic base of support," the report stated, "security forces forcibly evict villagers from their villages and sometimes destroy their homes. Torture and arbitrary detention often accompany such evictions."[33] According to the report, the security forces destroy villages under three different sets of conditions: when villagers refuse to join the official "village guard" system, a state-supported militia (see below); in retaliation for PKK attacks on state installations, when villagers are unlucky enough to be living in the immediate area; or when villagers find themselves in an area of counterinsurgency operations. In this case, the security forces' attempt to ensure that the area is clean of PKK guerrillas and potential supporters prompts them to burn the villages down.

B.G., a conscript in an infantry unit based in the Silvan district during late 1994 and early 1995, told Human Rights Watch that during foot patrols in the high

[31] Human Rights Foundation of Turkey, *Turkey Human Rights Report,* p. 5.

[32] "Minister Accuses Turkey of 'State Terrorism,'" Reuters, October 11, 1994.

[33] Human Rights Watch/Helsinki, "Turkey: Forced Displacement," p. 3.

mountains, he passed through "hundreds" of empty villages. B.G. said that it was common knowledge that the security forces burned villages down, although he had only participated in one such burning. "Most of the villages in my district were burned down by the time I arrived," he explained.[34] V.A., the former Turkish military officer quoted previously, told Human Rights Watch that in addition to forcing villagers to leave, security forces in many cases burned the villages down to prevent the PKK from using the empty houses as shelter during the cold winter months. "I have slept in some empty houses during winter patrols," he said, "and they were very useful. If the PKK had access to those houses, they would be in good shape."

V.A. also said that in some cases villagers decided to leave their homes because of pressure placed on them by local security forces. "The Jandarma comes there again and again, demanding that they be village guards, so of course people are going to flee. They have no choice." When villagers leave their homes of their own accord, he said, the security forces still often burn the structures down to deny their use to the PKK.

B.G., the former soldier, said that he believed officers in the field had only limited discretion where village destructions were involved. "If you want to burn down a house or two in one village," he explained, "that's no problem, you just do it." In many cases he witnessed, he said, his officers burned down a few homes that had not been fully destroyed in previous destruction efforts. "If you want to burn down an entire village," he said, "you need authorization from the senior Jandarma commander in Diyarbakır." B.G. said that in addition to the one village burning which he himself witnessed, he recalled hearing over the radio an order to burn down a village in the Silvan district. The directive was issued by a senior commander in Diyarbakır to an infantry officer in a nearby unit.

B.G. said that most of the village burnings took place in mountainous areas above a certain altitude. More accessible villages in valleys or near major highways tended not to be destroyed, because they could be more easily controlled. "We would search those villages once a week or so," he said, "and we could keep an eye on them." "The ones that were a problem were far from view," he explained.

[34] The Human Rights Watch interview with B.G., cited throughout this report, took place in İstanbul on June 12 and 13, 1995.

Strengthening the "Village Guard" system

The current concept of a state-supported "village guard" system in Turkey goes back at least to the mid-1980s.[35] In theory, the system appears relatively benign: Security forces, unable to maintain a presence in all villages at all times, give local people weapons so that they can defend their own homes against PKK attack. In practice, the system includes a significant amount of forced conscription, intimidation, bribery and incitement to commit human rights abuses.

The village guard system, which the authorities hoped would reduce PKK access to civilian populations, has been only partially successful. While financial incentives have resulted in the officially recognized number of village guards increasing from 5,000 in 1987 to 67,000 in 1995, brutal PKK retaliations against village guard members and their families, coupled with the politicization of the Kurdish population, have militated against the spread of the village guard system. Many villages refuse to cooperate because they support the PKK and because the village guards are perceived as collaborators with a brutal and illegitimate state. Others have refused because they are scared of PKK retaliation.

[35] The village guard system has traditionally involved the manipulation of Kurdish tribal allegiances and affiliations. In southeastern Turkey, some Kurds belong to tribes; others do not. Out-migration and land reform have weakened the tribal system. About 90 percent of all village guards belong to Kurdish tribes.

The security forces typically give villagers a choice between joining the village guard or being forced to leave their homes. In some cases, unscrupulous tribal chiefs or local troublemakers who have received weapons and security force backing have proceeded to settle old feuds with state-issued weapons. The result is often criminal, with village guards implicated in serious human rights abuses. According to the Human Rights Foundation of Turkey, in 1994, "The number and authority of village guards has been increased. In several areas, security affairs have been completely turned over to village guards."[36] Because of their paramilitary status, uneven command-and-control, as well as the government's failure to investigate alleged abuses, the village guards often appear as little more than forces operating with a government license for impunity. The potential for abuse is enormous.

The introduction of the village guard system has polarized the southeastern countryside. The Turkish security forces view with suspicion civilians who do not belong to the village guard system, while the PKK views as traitors all those who do. Neither side has recognized in practice the status of "non-combatants," leaving no neutral ground for the rural population. Turkish authorities often attack and destroy villages that resist recruitment into the village guards, while the PKK has targeted both guards and their families. In late 1994 and 1995, the PKK issued statements declaring it would not attack families of village guards or guards who had been coerced into fighting for the government, but the PKK has not fulfilled these promises. (See chapter VI).

Consequences of the Counterinsurgency Strategy

The Turkish strategy for defeating the PKK contains elements such as forced dislocation that are common to counterinsurgency campaigns worldwide, especially those confronting popular and elusive insurgents operating in difficult terrain. The military has crushed PKK hopes of establishing semi-autonomous zones within southeastern Turkey and of moving toward a large confrontation with the Turkish state. Although the PKK is still able to strike at security forces in small-scale raids and ambushes, where as many as twenty soldiers may be killed, it can no longer move about freely within the southeast, receive generous and open support from the rural population, or act as vigorously as it once did in urban areas.

[36] Human Rights Foundation of Turkey, *Turkey Human Rights Report,* p. 3.

In the long term, however, the government's strategy has had a number of dismal consequences for Turkey. Legally, Turkey is in gross violation of its international commitments to respect the laws of war. The security forces still seem unable to eradicate the PKK in southeast Turkey. Moreover, the counterinsurgency has further damaged Turkey's aspiration to be viewed as a liberal democracy on the verge of integration with Europe. Turkey's abysmal human rights record has earned it condemnation throughout the West. What is more, the singular pursuit of a military solution to what is seen as "the Kurdish problem" is closing non-violent doors to Kurdish idendity and cultural rights. The trial and detention of Kurdish parliamentarians in 1994, for example, is emblematic of the way the Turkish state has sought to forestall a political solution to the conflict. The result may well be an increase in popularity of the PKK among the Kurdish population.

Perhaps more importantly, the government's counterinsurgency methods have created a huge underclass of embittered and impoverished internal refugees, whose homes and livelihoods have been abruptly destroyed by the state. These refugees have moved to squatter settlements throughout Turkey's cities, providing the PKK with a potential base for future organizing and presenting Turkey with a difficult social and economic crisis.

B.G. told Human Rights Watch that the Army has, in recent months, begun to realize that it should be attempting to win over Kurdish peasants to the state. On several raids in which he participated, the Army searched homes and then offered medical services to the villagers. "It used to be that if one PKK person was discovered in the village, the entire village was considered to be PKK," he said. "Now, they try just to find that one PKK person without hurting everyone." He admitted, however, that the new policy had hardly begun to trickle down into the field units. In any case, much of the countryside has already been depopulated; much of the most severe damage has already been done.

III. ARMS TRANSFERS AND MILITARY AID TO TURKEY

Turkey has been a large recipient of economic and military aid since it became a NATO member in 1952. Wealthy NATO members have both sold and donated a full range of weaponry to Turkey, including more than 500 combat aircraft, 500 combat helicopters, 5,000 tanks, and thousands of artillery pieces, mortars, machine guns and assault rifles. Several studies indicate that Turkey was the largest weapons importer in the world in 1994.[37] (See Appendix II for a detailed list of weapons in Turkey's inventories.)

The United States has been Turkey's dominant arms supplier. In 1995, the U.S. government estimated that it had supplied close to 80 percent of the defense equipment used by the Turkish Armed Forces.[38] Over the past decade, the U.S. Congress has appropriated $5.3 billion in military aid (grants and loans to purchase weapons) to Turkey, making Turkey the third largest recipient of U.S. military aid, after Israel and Egypt.

Germany has been Turkey's second largest supplier of arms, and other NATO suppliers have included Italy, France, the Netherlands, the United Kingdom,

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[37] See, for example, John Sislin and Siemon Wezeman, *1994 Arms Transfers: A Register of Deliveries from Public Sources* (Monterey: Monterey Institute of International Studies and Stockholm International Peace Research Institute, March 1995).

[38] U.S. Department of Commerce, Bureau of Export Administration, *European Diversification and Defense Market Assessment: A Comprehensive Guide for Entry into Overseas Markets*. (Washington, DC: June 1995), p. 286.

Spain and Canada.[39] Turkey has traditionally been one of the poorest NATO member states, along with Greece and Portugal, and the wealthier NATO countries saw the bolstering of these nations' armed forces and defense industries as a vital way of improving the southern allies' strategic value.

The 1990 Conventional Forces in Europe (CFE) Treaty has proven to be a tremendous boon to Turkey's security forces, including those fighting in the conflict in the southeast. The treaty obliges NATO and former Warsaw Pact countries to reduce conventional firepower in central Europe, and allows transfer of those same weapons to NATO's southern flank. Through this so-called cascading process, arms siphoned off from CFE Treaty areas are donated or provided at very low cost to Turkey, Greece and Portugal. The cascade program has provided a major arms bonanza for the Turkish counterinsurgency effort in the southeast, since southeastern Turkey is not included in the treaty area.

As criticism has mounted in Europe over Turkey's treatment of the Kurds, Turkey has increasingly turned outside of NATO for arms, including to the Russian Federation, Israel, Pakistan and other nations. Turkey has also attempted, with success, to develop further its indigenous arms industry.

[39] According to the Stockholm International Peace Research Institute (SIPRI), between 1987 and 1991 Turkey received 62 percent of its weapons from the U.S., 24 percent from Germany, 4 percent from the Netherlands, and the rest from various other NATO members. Cited in Pax Christi International, *The Turkey Connection: Military Build-Up of a New Regional Power*. (Brussels: 1993), p. 9.

In further response to criticism about its practices in the southeast, Turkey created a system in 1993 whereby it assesses potential arms suppliers on their readiness to provide Turkey with arms without criticizing Turkey's human rights record or attaching conditions to arms transfers. Turkey will not buy arms from countries on the "red" list; arms purchases from countries on the "yellow" list require explicit approval by the Turkish government, while no prior approval is needed for purchases from countries on the "green" list.[40]

The United States

Since it joined NATO, Turkey has been a close military partner of the United States. Defense and Economic Cooperation Agreements (DECA) signed between the two countries in 1980 and 1987 cemented close bilateral relations. The DECA provides the U.S. access to airfields and intelligence and communications facilities.

[40] For a discussion of this system, which Turkey has not applied consistently, see Lale Sariibrahimoglu, "Turkey Bars Defence Firms Over Politics," *Jane's Defence Weekly*, vol. 19, no. 16 (April 17, 1993), p. 5.

During the past decade (FY1985-FY1994), the U.S. sold Turkey $7.8 billion in arms.[41] For the past three years, as Turkey's war in the southeast has escalated greatly, U.S. arms sales agreements with Turkey have totalled $4.9 billion (exceeded only by Saudi Arabia and Taiwan); actual arms deliveries have totalled $2.4 billion (exceeded only by Egypt).[42] Recent U.S. arms transfers to Turkey have included fighter aircraft, attack helicopters, transport helicopters, artillery, armored personnel carriers, light weapons and small arms; all of these types of weapon systems have been used by Turkey in violations of the laws of war.[43]

Because U.S. policy emphasizes the importance of the strategic relationship with Turkey, Turkey has become a large recipient of U.S. military aid, the third largest after Israel and Egypt. U.S. military aid to Turkey flows through

[41] This includes $6.8 billion under the FMS program and $1 billion in commercial sales. U.S. Defense Security Assistance Agency, *Foreign Military Sales, Foreign Military Construction Sales and Military Assistance Facts, As of September 30, 1994.* (Washington, DC: 1994), pp. 18, 57.

Foreign Military Sales (FMS) are government-to-government sales of defense articles carried out by the Defense Security Assistance Agency. Under this program, the Department of Defense buys arms from a U.S. manufacturer and resells them to a foreign government. Many of the arms that Turkey has purchased under the FMS program have been financed by U.S. loans and grants. Weapons may also be exported through the commercial sales channel, in which exports go directly from the U.S. manufacturer to the foreign government, but must be licensed first by the State Department's Office of Defense Trade Controls.

[42] U.S. arms sales agreements with Turkey for FY1994 totalled $2.2 billion, exceeded only by U.S. deals with Israel. FMS agreements are estimated at $576 million for FY1995 and $320 million for FY1996. In addition, commercial exports are estimated at $261 million for FY1995 and $131 million for FY1996. U.S. Department of State, *Congressional Presentation for Foreign Operations, Fiscal Year 1996.* (Washington, DC: 1995), pp. 484, 491.

[43] According to SIPRI, the U.S. sold the following defense items to Turkey between 1990 and 1993: forty F-4E Phantom fighter aircraft, sixteen AH-1S helicopters, ten R-22 helicopters, forty-five Black Hawk helicopters, seventy-two M-110-A2 203mm self-propelled guns, 550 M-113 armored personnel carriers (APCs), 164 M-60-A1 main battle tanks, 1258 M-60-A3 main battle tanks, forty V-150 Commando armored personnel carriers, radars, Seasparrow ship-to-air launchers for frigates, 350 AGM-65D air-to-surface missiles, twenty AIM-120A AMRAAM air-to-air-missiles to arm the F-16 fighter, and 469 Stinger portable surface-to-air missiles. Stockholm International Peace Research Institute, *SIPRI Yearbook 1994.* (Oxford: Oxford University Press, 1994), p. 544.

three programs: the Foreign Military Financing (FMF) program, which allows nations to acquire U.S. military equipment through grants and loans; the Excess Defense Articles (EDA) program, under which nations receive weapons no longer needed by the U.S. military free of charge or at a reduced rate; and the CFE cascading program.

The majority of U.S. military aid to Turkey under the Foreign Military Financing program has been committed to the Peace Onyx program for F-16 fighter aircraft, which are built in Turkey under a co-production agreement with the U.S. Lockheed Corporation. The total value of the 240-plane program has been pegged at $7.6 billion. FY1996 is the last year in which the U.S. will finance the program. The 160 planes in the Peace Onyx I program have been built. The remaining eighty planes ordered under Peace Onyx II will be financed by the Gulf War defense fund established in 1991 by the U.S., Turkey, Saudi Arabia, Kuwait and the United Arab Emirates. These nations pledged $3.5 billion over five years to reward Turkey for its support of the U.S.-led coalition against Iraq.[44]

As detailed in this report, Turkish fighters, including F-16s, have been used to attack villages and to kill civilians in violation of international humanitarian law. In other instances, the planes have been used deliberately to destroy civilian structures, contributing to the general process of forced dislocation.

During 1992 and 1993, weapons delivered to Turkey under the EDA and cascading programs have apparently included 1,509 M-60-A1/A3 main battle tanks, 147 M-110 203mm howitzers, 489 M-113-A2 armored personnel carriers, twenty-eight AH-1 attack helicopters, and twenty-nine F-4E combat aircraft.[45] Human Rights Watch believes that these weapon systems, or similar systems, have been used in the southeast in incidents involving violations of the laws of war.

Congress was notified in FY1994 of the following proposed deliveries under the EDA program: 110 M-85 machine guns; 88,000 rounds of 40mm ammunition; 1,314 rounds of 105mm ammunition; fourteen SH-2F LAMPS anti-submarine helicopters; one ASROC (anti-submarine rocket) launcher; parts for F-4

[44] "Turkey and U.S. Sign Accord for Gulf Defence Fund," Reuters, October 3, 1994. See also, LTC Paul S. Gendrolis, "Joint Programs Directorate: The Heart of It All," *The DISAM Journal of International Security Assistance Management*, vol. 17, no. 3 (Spring 1995), p. 21.

[45] This information is derived from the U.S. and Turkey entries in the United Nations Register of Conventional Arms. Its accuracy is uncertain because of contradictory submissions by the U.S. and Turkey. United Nations, *United Nations Register of Conventional Arms*. (New York: United Nations Publications, 1993 and 1994).

aircraft, and other weapons parts.[46] In FY95, Congress was notified of the transfer of 515 Rapier air defense fire units, and 130 Sparrow air-to-air missiles.[47]

[46] Department of Defense, Excess Defense Articles computer bulletin board. Available through modem access at (703) 604-6470.

[47] "Deals in the Works," *Arms Sales Monitor*, no. 28 (February 15, 1995), p. 7.

Another big-ticket agreement for FY1995 pertains to the co-production of M-1-A1 Abrams tanks in Turkey. General Dynamics Land Systems and an as yet unnamed Turkish company are planning to produce fifty tanks per year over a period of ten years.[48]

Because of their widespread use in abuses in the southeast, Human Rights Watch is especially concerned about the transfer of combat helicopters to Turkey. In January 1993, Turkey signed a contract to purchase ninety-five Sikorsky S-70A Black Hawk transport helicopters worth $1.1 billion. Forty-five were purchased directly, while the remainder were to be co-produced in Turkey.[49] According to one source, five of these Black Hawks are designated for the Jandarma.[50] However, the

[48] Umit Enginsoy, "Helicopter Makers Line Up for Sales to Turkey," *Defense News*, vol. 10, no. 38 (September 25-October 1, 1995), p. 3.

[49] "Turkey Signs Contract for 95 Black Hawks," *Jane's Defence Weekly*, vol. 19, no. 1 (January 2, 1993), p. 10. The commonly known designation for a Black Hawk is the UH-60; the S-70A is a prominent export version of the same helicopter.

[50] "Air Power Analysis: Turkey," *World Air Power Journal*, vol. 17 (Summer 1994), p. 152.

co-production plan for the remaining fifty Black Hawks has been put on hold due to Turkey's budgetary constraints.[51]

In addition to the Black Hawks, the air wing of the Army is also looking to bolster its attack capability by purchasing Bell AH-1 Cobra attack helicopters. Thirty-eight Cobras were delivered between 1990 and 1992. In evaluating this air power, one defense journal stated, "Turkey will enter the next century with a military air capability barely recognisable from the one with which it entered the 1990s. It is a combat capability which its NATO allies and its neighbours hope Turkey never feels the need to exercise."[52]

Furthermore, Turkey is planning to purchase an additional 200 helicopters over the next decade, including 106 attack helicopters. Helicopter manufacturers from the U.S., Europe, and Russia will be competing for the contract awards. Bell Helicopter in the U.S. has stated that it would like to sell more of the AH-1W Super Cobra attack helicopters, of which Turkey already has ten.[53]

Concern for the growing Turkish helicopter fleet arises from the possibility that these attack helicopters may be used to fire indiscriminately at villages or other civilian settlements, and that the transport helicopters may be used to bring reinforcements and supplies to troops who engage during their operations in illegal practices such as forcible displacements, summary executions, indiscriminate fire, or torture.

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[51] "Turkish Procurement in Disarray," *International Defense Review*, vol. 28, no. 4 (April 1995), p. 17.

[52] "Keeping up Appearances," *Flight International*, vol. 145, no. 4425 (June 15-21, 1994), p. 40.

[53] Enginsoy, "Helicopter Makers Line Up...," p. 3.

Turkey has also received a number of smaller arms and light weapons from the United States. An undetermined number of M-16-A2 rifles have been sold to Turkey under the commercial sales program.[54] Commercial sales differ from Foreign Military Sales in that exports go directly from the U.S. manufacturer to the foreign government, but must be licensed first by the State Department's Office of Defense Trade Controls. Figures on commercial sales are more difficult to obtain than government-to-government sales because the State Department will not release information on company sales.

The U.S. has also provided Turkey with grenade launchers for M-16 rifles, including the M-203 40mm Colt grenade launcher. The grenade launcher fires a wide range of 40mm high explosive and special purpose ammunition and attaches easily to the M-16 in five minutes.[55] Human Rights Watch has determined that the Jandarma and police special forces, as well as the officers of some Turkish Army units, use M-16s with M-203 launchers. These units are also known to be the most abusive in terms of human rights.

Turkey has a number of U.S. mortars in its inventories, including some 1,265 U.S.-made M-30 107mm mortars.[56] The M-30 is a rifled muzzle loaded

[54] U.S. General Accounting Office, *Greece and Turkey: U.S. Assistance Programs and Other Activities.* (Washington, DC: April 1995), p. 17.

[55] Jane's Information Group, *Jane's Infantry Weapons 1994-95*. (Surrey: Jane's Information Group Limited, 1995), p. 212.

[56] International Institute for Strategic Studies, *The Military Balance 1994-1995*. (London: Brassey's, 1994), p. 66.

weapon which can be hand-carried for short distances and fires eighteen rounds per minute.[57]

[57] Jane's Information Group, *Jane's Infantry Weapons 1994-95,* p. 421.

Other light weapons sold to Turkey between 1980 and 1993 under the Foreign Military Sales program include: 40mm M-79 grenade launchers; ammunition for assault rifles and machine guns; M-67 fragmentation hand grenades and M-14 incendiary hand grenades.[58]

The U.S. has exported more than 40,000 antipersonnel and antitank landmines to Turkey since the early 1980s. There have been reports of use of antipersonnel landmines by both Turkish and PKK forces in the war in the southeast. The U.S. has provided Turkey with conventional, hand-emplaced M-18-A1 Claymore antipersonnel mines and modern, remotely-delivered ADAM (Area Denial Artillery Munition) mines. The ADAM is a 155mm artillery-fired projectile that contains thirty-six M-74 antipersonnel mines inside. Each mine arms on impact and sends out seven tripwires which, when disturbed, will cause the mine to explode, spewing hundreds of fragments in all directions. The U.S. has sold Turkey 952 ADAM rounds with a total of 34,380 mines.[59]

Human Rights Watch believes that any use of antipersonnel mines is illegal under existing humanitarian law, because of their indiscriminate nature.[60]

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[58] U.S. Defense Security Assistance Agency, *Foreign Military Sales/Deliveries of Light Weapons Purchased During the Period FY 1980 - 1993*, obtained under the Freedom of Information Act.

[59] "U.S. Landmine Sales by Country," Defense Security Assistance Agency fact sheet provided to the Human Rights Watch Arms Project, March 29, 1994.

[60] See Human Rights Watch Arms Project and Physicians for Human Rights, *Landmines: A Deadly Legacy.* (New York: Human Rights Watch, 1993).

Germany

Since the 1960s, Germany has been the second largest military supplier of Turkey. Germany has delivered numerous defense items ranging from communications equipment to fighter aircraft. According to the Stockholm International Peace Research Institute (SIPRI), Turkey ordered the following items from Germany between 1990 and 1993: forty-six F-4F Phantom fighter aircraft, forty-six RF-4E Phantom reconnaissance aircraft, 131 LARS 110mm rocket launchers, 131 M-110-A2 203mm self-propelled guns, 300 BTR-60P armored personnel carriers (former GDR equipment), one hundred Leopard 1-A1 main battle tanks, and twenty M-48 armored recovery vehicles.[61] These figures represent the number of items ordered; information on actual deliveries is incomplete.

[61] Stockholm International Peace Research Institute, *SIPRI Yearbook 1994*, p. 544.

In the 1994 U.N. Register of Conventional Arms, Turkey reported receiving in 1993 eighty-five Leopard tanks (from the original one hundred ordered as cited by SIPRI), 187 M-113 armored combat vehicles, fifteen F-4 combat aircraft, and one training ship from Germany. Germany's report to the register concurs.[62]

The German F-4E Phantom has been in service with the Turkish Air Force since the 1970s. The Turkish Air Force is reportedly fond of the Phantom for its capacity to carry Laser Guided Bombs and Maverick missiles.[63]

Germany supplies not only the Turkish armed forces but the police as well, in the form of equipment and training aid. This aid has consisted of cash donated to facilitate the purchase of arms for the police force; equipment such as computers, supplied by the firm Siemens; and training of special police forces in "counter-terrorism."[64]

According to one defense trade journal, Germany has supplied Turkey with 256,000 Kalashnikov rifles, 5,000 machine guns, and a hundred million rounds of ammunition from former East German Army stocks.[65] Other weapons transferred

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[62] United Nations, *United Nations Register of Conventional Arms*. (New York: United Nations Publications, 1994), p. 51.

[63] "Modernising the THK," *Air International* (November 1994), p. 302.

[64] Pax Christi International, *The Turkey Connection,* p. 44.

[65] *Small Arms World Report*, vol. 5, no. 2 (Summer 1994), p. 38, citing *Die Süddeutsche Zeitung* (Munich).

from ex-GDR Army stocks include ammunition for BTR-60 cannon, trucks, 5,000 RPG-7 rocket propelled grenades, and various unnamed missiles and bombs with fuzes.[66] The German government stated that these weapons must not be used against the Kurds.

[66] Information provided by Otfried Nassauer, Berliner Informationszentrum für Transatlantische Sicherheit, Berlin, January 1995.

In 1992, the German aid organization Medico International investigated the use of German weaponry in Turkey. It found that GDR Leopard tanks and BTR armored personnel carriers were used in the depopulation of several Kurdish villages.[67]

Despite the close military ties between Germany and Turkey, this relationship has been disrupted several times during Turkey's war in the southeast. Germany instituted an arms embargo against Turkey in 1992 in reaction to Turkish attacks against the Kurds, but the embargo was lifted three months later. In April 1994, Germany halted arms sales again while it investigated allegations that Turkey used German supplied BTR-60 armored personnel carriers in southeastern Turkey. The embargo was lifted after Turkey asserted that the BTR-60s had come from Russia, not Germany. Following Turkey's March 20, 1995 invasion of northern Iraq to rout the PKK there, Germany again froze military sales to Turkey. That embargo was lifted at the end of September 1995, when Germany released frozen military aid worth $110 million to support the manufacture of two frigates for the Turkish Navy.[68]

The Russian Federation

Because Russia's requirements for the selling of weapons are not as strict as those of many western countries, Turkey has recently turned to Russia for much of its equipment. Turkey's economic crisis has also prompted it to consider less expensive Russian weapons. In early 1994, the Turkish defense minister visited

[67] "Rüstung und Entwicklung? Rüstungsexport als globales Problem," *Wochenschau*, no. 6 (November/December 1994), p. 235.

[68] "Germany Resumes Aid to Turkish Military," *Defense News*, vol. 10, no. 38 (September 25 - October 1, 1995), p. 2.

Moscow and signed a military cooperation agreement to allow joint production of arms and import of Russian weapons.[69]

[69] Andrew Koch, "Turkey, Faced with Budget Problems, Looks to Moscow for Arms," *Arms Control Today*, vol. 24, no. 5 (June 1994), p. 30.

In 1994, Turkey reported to the U.N. Register that it had received 115 BTR-60/80 combat vehicles from the Russian Federation. The Russian submission to the register noted that these vehicles came "with ammunition."[70] As noted above, Turkey has acknowledged that Russian BTRs have been used in the southeast. BTRs are used by Jandarma and Army troops en route to committing violations such as village destructions, summary executions and torture.

In 1992, Russia sold Turkey an undetermined number of Mi-8 Hip-E and Mi-17 Hip-H transport helicopters, armored vehicles, rifles and night vision goggles.[71] SIPRI notes that this sale consisted of seventeen of the Mi-17 helicopters and was worth $75 million. However, although the deal for the Mi-17s was finalized in February 1995, in September 1995 Moscow announced that it was suspending their delivery, pending settlement of a dispute over payments. Despite the problems with this particular agreement, Russia is now hoping to sell its Ka-50 attack helicopter to Turkey following Turkey's announcement that it will purchase 200 new helicopters over the next ten years.[72]

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[70] United Nations, *United Nations Register of Conventional Arms.* (New York: United Nations Publications, 1994), pp. 44, 51.

[71] Arms transfer tables published in *Defense & Foreign Affairs Strategic Policy*, vol. 21, nos. 10-11 (October/November 1993), p. 19; Stockholm International Peace Research Institute, *SIPRI Yearbook 1993: World Armaments and Disarmament.* (Oxford: Oxford University Press, 1993), p. 494.

[72] Umit Enginsoy, "Russia Now Wants Cash in Turkey Copter Deal," *Defense News*, vol. 10, no. 39 (October 2-8, 1995), p. 4.

Also according to SIPRI, ten BTR-60 personnel carriers were delivered to Turkey in 1992 for the Jandarma, as part of a larger deal worth $75 million.[73] Russia is continuing to promote further sales of armored vehicles such as the BTR-80. For example, the BTR-80 was featured at the International Defense Industry and Civil Aviation Fair held in Ankara in September 1995.[74]

France

[73] Stockholm International Peace Research Institute, *SIPRI Yearbook 1993*, p. 495.

[74] Enginsoy, "Russia Now Wants..," p. 4.

France has not been a major supplier of arms to Turkey, but has been involved in cooperative agreements. For instance, France and Germany co-produce the Cougar AS-532UL transport helicopter (Eurocopter), twenty of which were sold to Turkey in 1994 in a deal worth $253 million.[75] Although France condemned Turkey for its spring 1995 incursion into Iraq, it did not reverse its plans to carry out the sale. In a June 1995 agreement, France approved the sale of a further thirty Cougars to Turkey for $370 million.[76] Since transport helicopters have been used in villages where abuses take place, there is reason to be concerned about the Turkish helicopter build-up.

Italy

Italy became a key arms supplier to Turkey in 1975, after the U.S. imposed an arms embargo against Turkey for its invasion of Cyprus (which remained in force until 1978). At that time, Turkey purchased Starfighter aircraft from Italy. More recently, the Italian company Agusta completed a deal for forty training aircraft, most of which were built in Turkey under a license production agreement.[77]

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[75] Arms transfer tables published in *Defense & Foreign Affairs Strategic Policy*, vol. 22, nos. 11-12 (November/December 1994), p. 23.

[76] Umit Enginsoy, "Turkey Tightens French Ties With Second Cougar Buy," *Defense News*, vol. 10, no. 27 (July 10-16, 1995), p. 24.

[77] Lale Sariibrahimoglu, "Industrial Build-Up Starts to Level Off," *Jane's Defence Weekly,* vol. 21, no. 23 (June 11, 1994), p. 31.

According to SIPRI, Italy transferred one hundred M-113 armored personnel carriers to Turkey in 1991 as part of the CFE cascading process. Between 1990 and 1992, Italy also sold radars and Aspide ship-to-air missiles for MEKO-type frigates to Turkey.[78]

The Netherlands

The Netherlands has had a small portion of the arms market to Turkey. In 1988, the government decided to increase aid to the three poorer NATO countries: Greece, Portugal, and Turkey. The Netherlands supplied Turkey with sixty NF-5 fighter aircraft between 1989 and 1993. Dutch personnel will train Turkish forces in the use of the NF-5 aircraft, as well as the older F-104 Starfighter aircraft sold to Turkey in the early 1980s.[79]

[78] Stockholm International Peace Research Institute, *SIPRI Yearbook 1993*, p. 495.

[79] Pax Christi International, *The Turkey Connection*, p. 52.

The Dutch company Eurometaal also signed a contract with Turkey to supply M-483-A1 artillery shells. M-483-A1 shells are designed to be delivered by 155mm howitzers and have a range of up to thirty kilometers. This is a coproduction deal in which the majority of the shells will be produced in an MKEK factory in Turkey.[80] Other sales or potential sales to Turkey include radars, combat information systems for the Turkish Navy, 40,000 fuzes for howitzer shells, and Leopard-1 tanks.

This defense relationship ceased briefly in April 1995, when Turkey announced that it would no longer purchase military equipment from the Netherlands, placing it on the "red" list, because the Netherlands had permitted the self-declared Kurdish parliament in exile to meet in The Hague. Then on June 24, 1995, Turkey lifted the ban, supposedly "because of Dutch efforts to help Turkey combat the PKK."[81] The Netherlands is now bidding to supply Turkey with eight frigates.

Others

Other NATO and non-NATO countries have had minor defense relationships with Turkey. The United Kingdom for example, has recently been mainly involved with supplying radios, night vision equipment and minesweepers.[82]

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[80] "Dutch/Turkish Tie-up on Munitions Production," *Jane's Defence Weekly,* vol. 21, no. 7 (February 19, 1994), p. 8.

[81] Umit Enginsoy, "Dutch Shipyards Get Green Light to Bid for Turk Frigate Buy," *Defense News*, vol. 10, no. 26 (July 3-9, 1995), p. 12.

[82] Pax Christi International, *The Turkey Connection*, p. 55.

Spain sold second-hand Phantom fighter aircraft to Turkey in the 1980s, and more recently has signed a contract to supply light transport airplanes. This deal will involve co-production of fifty-two CN-235 aircraft between the Spanish company CASA and the Turkish company TAI.[83]

Switzerland was a regular supplier of small arms and ammunition to Turkey until 1991, when it imposed an arms embargo against Turkey because of Turkish human rights violations. Despite a series of short embargoes since 1991, Turkey has managed to obtain Swiss technology and equipment through licensing. Furthermore, the Italian branch of the Swiss company Oerlikon Contraves has supplied Turkey with 25mm cannon for armored vehicles.[84]

[83] Ibid., p. 56.

[84] Ibid., p. 57.

In 1986, the Canadian government transferred fifty CF-104 aircraft from its bases in Germany to Turkey. According to one source, "The CF-104s, together with F-4s and F-5s, are frequently called upon to attack Kurdish PKK bases."[85] The Canadian government is also considering the sale of CF-5 trainer/fighter aircraft to Turkey.[86]

The Czech Republic has apparently targeted Turkey as a potentially lucrative market. In 1993, the Turkish police force was the largest customer of 9x18mm ČZ-75 pistols, produced by the Czech plant Uhersky Brod.[87]

In 1994, Turkey purchased an unspecified number of 500 lb. and 2,000 lb. bombs from Pakistan. The Turkish government stated that the reason it had turned to Pakistan was the delays in receiving such ordnance from the U.S.[88]

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[85] "Modernising the THK," *Air International* (November 1994), p. 301.

[86] "Canadian Arms to Turkey," *Ploughshares Monitor*, vol. 16, no. 2 (June 1995), p. 22.

[87] "Czech Republic Reports Increase in Arms Exports," *Small Arms World Report*, vol. 5, no. 1 (Spring 1994), p. 19.

[88] "Turkey Turns to Pakistan for Bombs," *Jane's Defence Weekly*, vol. 22, no. 20

Israel has also expressed an interest in sharing technology with and selling arms to Turkey. Turkey and Israel are currently discussing the sharing of air force technology such as night-targeting systems. Earlier this year, Turkey chose Israel Aircraft Industries (IAI) to upgrade its F-4 Phantom aircraft in a deal worth $500 million.[89] The deal, which will provide for the upgrading of fifty-four F-4s, was finalized in September 1995. Israeli officials see this deal as the beginning of "future bilateral strategic projects."[90] Hints of possible closer military ties came in 1994, when Turkey and Israel agreed to exchange military attachés, the first such exchange since 1980.[91]

The Turkish Arms Industry: Joint Production

(November 19, 1994), p. 8.

[89] Umit Enginsoy, "Turkey Picks IAI for F-4 Upgrade," *Defense News*, vol. 10, no. 3 (January 23-29, 1995), p. 14.

[90] Umit Enginsoy, "Turkey, Israel Initiate Cooperation With F-4 Upgrade Deal," *Defense News*, vol. 10, no. 36 (September 11-17, 1995), p. 26.

[91] "Turkey Looks for Wider Links," *Jane's Defence Weekly*, vol. 22, no. 4 (July 30, 1994), p. 3.

Turkey began to pursue an indigenous arms industry after the U.S. imposed an arms embargo on Turkey for its invasion of Cyprus in 1974. Presently, Turkey is involved in a number of co-production operations as well as production of its own weapons systems. The creation of Turkish Aerospace Industries in 1984 spearheaded Turkey's move toward independent arms production. Further impetus to develop its own arms industry came with the German decision to suspend arms sales in March 1995 (revoked in September 1995). A new Turkish law stipulates plans "to convert its local industries for military production to meet...the requirements of its armed forces."[92]

Many of the arms produced in Turkey today are still licensed or co-produced by foreign industries. The largest joint venture has been the U.S. F-16 Peace Onyx program mentioned above. The Turkish company TUSAS Aerospace Industries (TAI) was established to produce the F-16s for the Turkish Air Force. TAI is also involved with an Italian aircraft company, Agusta, which is providing a license to produce training aircraft.

Another joint production project in which Turkey is involved is the Euro-Stinger project, licensed by the U.S. company Raytheon. In the 1980s, Turkey became the largest partner in a joint venture with Germany, Greece and the Netherlands to develop a European version of the U.S. Stinger shoulder-launched anti-aircraft missile. The four participating countries manufacture parts and assemble the final product in either the German plant Dornier or the Turkish plant Roketsan AS.[93]

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[92] Lale Sariibrahimoglu, "Turkey's Boost to Industry," *Jane's Defence Weekly*, vol. 23, no. 14 (April 8, 1995), p. 30.

[93] Pax Christi International, *The Turkey Connection,* p. 26.

The U.S. company FMC entered into a joint venture with the Turkish Nurol SS in 1989 to form the company FNSS, which has been assembling and producing, under license, 1,698 armored combat vehicles.[94] The designation of these vehicles is unspecified; the Defense Institute of Security Assistance Management notes that they will be of "various configurations...based on an FMC design," and parts will be supplied by various U.S. companies.[95] However, this program has been delayed indefinitely due to a lack of funds.[96]

Other examples of joint production include:

- the Turkish company Aselsan collaborating with Philips (Netherlands), Texas Instruments (USA) and Litton (USA), producing components for the F-16 fighter and night vision equipment for infantry vehicles; Aselsan also collaborates on the Euro-Stinger project.

- the Arifiye Tank upgrading plant collaborates with Zeiss, Rheinmetall, MTU and GLS (all in Germany) on M-48 tanks.

- Baris assembles M-72 rocket launchers and launching tubes for the Euro-Stinger missile.

- ENKA assembles the Black Hawk helicopter in a joint venture with United Technologies in the U.S.

- Eskişahir collaborates with Rolls Royce (U.K.), producing motors for the F-104, F-4 Phantom, and Northrop F-5 combat aircraft.

- Kayseri Werkplaats is engaged in joint ventures with Sergant Fletcher (USA), SIAI-August (Italy) and MBB (Germany) in upgrading M-113s and producing components for the F-16.

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[94] Ibid., p. 34.

[95] LTC Steve Tolbert, "Defense Industrial Cooperation," *The DISAM Journal of International Security Assistance Management*, vol. 17, no. 3 (Spring 1995), p. 23.

[96] "Turkish Procurement in Disarray," *International Defense Review*, vol. 28, no. 4 (April 1995), p. 17.

- MKEK produces anti-aircraft artillery, rocket launchers, machine guns and ammunition, working with Oerlikon Contraves (Switzerland), Heckler&Koch (Germany), General Defense Corporation (USA), Rheinmetall (Germany), Eurometaal (Netherlands) and GIAT (France).[97]

Other Turkish plants also upgrade systems and produce parts and nonlethal equipment. As Turkey faces further cuts in foreign and military aid, especially from the U.S. and Germany, it will likely continue to develop its own arms industry with self-sufficiency in all facets of weapons production as ultimate goal.

[97] Pax Christi International, *The Turkey Connection*, p. 61.

IV. TURKISH SECURITY FORCES: COMPOSITION, WEAPONS, AND RESPONSIBILITY FOR ABUSES

Turkish security forces fighting in the southeast include members of the Army, Air Force, Jandarma, police, and paramilitary village guards. Of the approximately 300,000 Turkish forces serving in the southeast, 140,000-150,000 belong to the Turkish Army, 10,000 to the Air Force, 40,000-50,000 to the Jandarma, 40,000 to the Turkish police, and some 67,000 to the village guards.

According to U.S. military officers, most of the security force human rights abuses in Turkey's war in the southeast are not committed by regular Army and Air Force personnel, but rather the Jandarma, Jandarma special forces, police special forces, and village guards.[98] The U.S. officers' interest in promoting the notion of Turkish Army and Air Force innocence is clear: government-to-government military sales to Turkey go to regular armed forces (Army, Air Force and Navy), and the U.S. military enjoys close relations with the Turkish Army and Air Force, which are closely integrated into NATO planning and operational structures. The Jandarma and national police, on the other hand, are formally under the control of the Turkish Ministry of the Interior; consequently, they are not part of the NATO structure, and they do not receive government-to-government military sales.

[98] Human Rights Watch interviews with U.S. military officers in Washington D.C. and Ankara, February-June 1995.

Human Rights Watch disputes the notion of Turkish Army and Air Force innocence of involvement in severe human rights abuses and violations of the laws of war. The Army and Air Force are inextricably intertwined with the Jandarma and police in the southeast and many operations are conducted jointly. The June 1995 U.S. State Department report acknowledged this point, stating that the Turkish Army "is the primary agent for planning and executing major offensive actions against the PKK....[I]n many cases the military has assumed control," and that Turkish Air Force operations "are closely integrated into Army and Jandarma planning and operations."[99] While regular Jandarma troops and the approximately 10,000 special Jandarma and police counterinsurgency forces are clearly the most abusive units in the region, many other Turkish units, including those from the Army and Air Force, are implicated in the violations. The Turkish counterinsurgency effort has fostered the growth of a plethora of different units operating against the PKK and the chains of command and responsibility have become tangled and confused. According to the June 1995 U.S. State Department report, Army units are "often co-located in secure compounds with the Jandarma," and the "chains of command [between the Army and Jandarma] quite often are blurred."[100] Turkish military officers and their sympathizers in the U.S. military and State Department have taken advantage of the confusion in the chain of command, seeking to shift blame for human rights abuses away from the Army and the Air Force. The reality, however, is one in which all elements of the Turkish armed forces, including the military, Jandarma, village guards and the police, operate in an integrated counterinsurgency program and take part in the types of abuses documented in this report.

The Turkish Army

Regular Forces

[99] U.S. Department of State, *Report on Allegations*, p. 8.

[100] Ibid., p. 9.

The Turkish Army, which at 590,000 troops is one of the largest forces in NATO, has assigned approximately one-fifth of its troops to counterinsurgency operations in the southeast.[101] Of the four armies that make up the force, two, Armies Two and Three, based in Malatya and Erzincan, are assigned to counterinsurgency tasks.[102] According to one Western defense analyst, the Army's increased role in the counterinsurgency effort dates from 1992, when the Turkish General Staff introduced a series of radical strategic and tactical changes into the war on the PKK.[103] Included in this force are combat units such as infantry, artillery, and armor, as well as numerous support units in the areas of transportation, communications, supply and maintenance. The bulk of the regular Army units involved in the fighting are infantry units composed of conscripts. Indeed, most of the Turkish Army is conscripted; a professional officer corps is supplemented by "reserve officers," typically university graduates who deferred their military service until the end of their education. Importantly, all of these forces form an integral part of NATO's southeastern flank, and regularly engage in exercises related to their NATO responsibilities.

According to U.S. officials, the two most important causes of human rights abuses by the military are the Army's lack of trained and professional non-commissioned officers, and its reliance on a conscripted force. "If you only have a soldier for a few months before he leaves," one official explained, "he never learns how to be disciplined and how to obey the rules. When they go into the field, all hell can break loose."[104]

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[101] The figure of 590,000 comes from an internal U.S. government briefing paper on Turkey seen by Human Rights Watch.

[102] The First Army is headquartered in İstanbul, while the Fourth Army is assigned to the Aegean. Elements of the First and Fourth Armies also, on occasion, participate in counterinsurgency efforts in the southeast.

[103] Human Rights Watch interview with Tammy Arbuckle, defense analyst and correspondent for *Jane's International Defense Review*, London, May 31, 1995.

[104] This argument, however, does not stand up to the test of logic. The same officials argue that the Jandarma and police special forces (see below) are the most highly trained forces in the region, but acknowledge that they are also the most highly abusive of the civilian population. Clearly, "discipline and professionalism" are necessary but insufficient factors leading to lawful behavior; transparency, accountability, and proper investigation and punishment of security force human rights abusers are indispensable.

According to experts and three ex-soldiers interviewed by Human Rights Watch, the infantry's duties include routine patrols and ambushes in mountainous regions, garrison duties in major bases, and convoy protection. In those areas where Turkish security forces have permitted Kurdish civilians to remain, such as the towns and villages in major plains and valleys, the Army routinely cordons off villages and engages in surveillance, house-to-house searches, and arrests.

Regular Army units are frequently used as supporting forces during raids on villages by special Jandarma or police forces, which are notorious for their abusive behavior, and also work alongside regular Jandarma forces during rural operations.

In many of the incidents of abuse documented by Human Rights Watch, it appears likely that regular Army forces were present in conjunction with other units. In one incident related by B.G., the former Turkish infantryman, for example, Army troops stood by while Jandarma troops savagely beat male villagers, tortured suspected PKK activists, burned the village down, and then detained a suspect who was later reportedly killed in custody.[105]

[105] Human Rights Watch interview, İstanbul, June 12 and 13, 1995.

Despite avowals of the Turkish military's relative innocence in the phenomenon of human rights abuse, a senior U.S. official in Turkey acknowledged that "the Army and the Jandarma are intermeshed," and admitted that as a result, it would be difficult to relieve Army troops of their responsibility for specific human rights abuses.[106]

Armaments

Regular Army forces carry German-designed G-3 assault rifles and MG-3 light machine guns, as well as U.S.-designed LAW (lightweight anti-armor weapon) shoulder-launched anti-tank rockets, Belgian Mecar fragmentation or armor-piercing rifle grenades, and Russian RPG-7 rocket-launchers. A few of the Army officers carry U.S.-designed M-16 rifles, but that preference, which is stronger in the special Jandarma and police units, has not yet caught on in the regular Army. Nevertheless, the Army has decided to replace its G-3 rifles with a new 5.56mm assault rifle by the end of 1995. Turkey is currently looking at bids for rifles from Belgium, France, Germany, Israel, Singapore, and the U.S. (the M-16).[107]

The Army's artillery forces use a variety of weapons, including 105mm M-101-A1, 150mm Skoda, 155mm M-114-A1, 155mm M-114-A2, and 203mm M-115 towed artillery systems; 105mm M-52-A1 and M-108, 155mm M-44, 175mm M-107, 203mm M-55 and M-110 self-propelled artillery systems; and 107mm M-30 mortars, and 120mm and 81mm mortars. The majority of artillery used by the Turkish Army is U.S.-supplied.

The Army's basic armored personnel carrier is the U.S.-supplied M-113 and the newer Armored Infantry Fighting Vehicle, co-produced by U.S. and Turkish companies in Turkey. Three hundred BTR-60s supplied to Turkey by Germany from East German stocks, as well as 115 BTRs supplied by the Russian Federation, have recently been added to the Turkish armed forces. The majority of these BTRs were sent to the Army, while the remainder went to the Jandarma.

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[106] Human Rights Watch interview, Ankara, June 1995.

[107] "Turkey Close to 5.56mm Choice," *Jane's Defence Weekly*, vol. 24, no. 12 (September 23, 1995), p. 35.

Supply trucks include U.S.-made M-35/M-44 2.5-ton cargo trucks, M-54 5-ton cargo trucks, U.K.-made AWD Bedford MK-4000kg trucks, German-supplied Mercedes-Benz Unimog trucks, and Turkey's own MANAS trucks.

The Turkish armored forces use U.S.-supplied M-48 and M-60 tanks, as well as some German-supplied Leopards.

Elite Army Units

Mountain Commandos

In addition to the regular Army units, two special Commando Brigades, Bolu and Kayseri, are heavily involved in counterinsurgency operations. Unlike the regular Turkish Army forces, the Bolu and Kayseri units are more highly trained and are expected to engage in closer contact with PKK fighters and with civilians suspected of supporting the guerrillas.

B.G. told Human Rights Watch that during his April 1994-May 1995 stint in the southeast, he learned that the Bolu and Kayseri were considered by soldiers and civilians alike to be far more abusive of the civilian population than the regular Army. "Nasty behavior toward the population is encouraged in the Bolu and Kayseri brigades," he explained, "while the Piyade (infantry) Commando tend to be kinder. The commanders want there to be a kind of 'good guy - bad guy' situation, which they then use to threaten the locals. They say 'be good or we'll send the Bolu after you!'"[108]

Bolu and Kayseri Commandos were prevalent throughout the 1994 Tunceli campaign, during which tens of villages were destroyed.[109] Witnesses interviewed by Human Rights Watch said they were able to identify Bolu and Kayseri soldiers, and reported that they were involved in numerous violations of the laws of war, including village destructions, indiscriminate fire, and kidnapping civilians who were then forced into serving as porters during Army patrols.[110]

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[108] Human Rights Watch interview, İstanbul, June 12 and 13, 1995.

[109] According to Reuters, 5,000 Bolu and Kayseri commandos joined 35,000 other forces in the Tunceli campaign. See "Turkish Army Torches 17 Villages, Residents Say," Reuters, October 5, 1994.

[110] See also Human Rights Watch/Helsinki, "Turkey: Forced Displacement," p. 17, for a July 9, 1994 case in which the witnesses identified Bolu Commandos among the troops who destroyed the village of Yaydere, located in the Genç district of Bingöl province.

Armaments

In addition to the weapons used by regular Turkish infantry troops, the Bolu and Kayseri Commandos appear to have incorporated a significant number of U.S.-designed M-16 assault rifles and M-203 grenade launchers into their regular arsenal. According to witness picture identification, it appears that many commando NCOs and officers use the U.S. rifles instead of the heavier and more common G-3s.

Army Special Forces

Little is known of the Army special forces, which do operate in the southeast, but with less frequency and contact with the civilian population than the highly abusive police and Jandarma special units. These special forces, originally part of the "Special Warfare Department," are now part of a new "Special Warfare Command," and are responsible directly to the Turkish General Staff. The Army has recently recalled former commandos back into service for counterinsurgency duties in the southeast.[111] Some or all of these ex-commandos may have been seconded to the Jandarma or police special counterinsurgency forces, however.

U.S. military officers in Turkey told Human Rights Watch that a team of U.S. special forces, including Navy SEALs, visits Turkey on a quarterly basis to conduct training exercise with their Turkish counterparts.[112] The officers would not reveal which particular Turkish units are trained by the U.S. forces, but it appears likely that the Turkish Army's special forces are among the trainees.

Armaments

Although it is difficult to identify all of the weaponry employed by these forces, Human Rights Watch does have information suggesting that the special forces use some U.S. weapons. We were shown a picture taken by a Turkish defense correspondent during a 1992 tour of the Army special force training camp in Ankara, which shows troops practicing small arms and anti-terror techniques with U.S.-designed M-16 assault rifles.

Turkish Army Aviation

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[111] Stephen Button, "Turkey Struggles," p. 78.

[112] Human Rights Watch interview with General Jack Wilde and Colonel Edward Fitzgerald, respectively commander and deputy commander of the U.S. military's Office of Development and Cooperation, Ankara, June 13, 1995.

The Turkish Army operates a fleet of helicopters with crews trained for attack, observation, support and transport roles. As such, these helicopters play an integral role in counterinsurgency efforts in the southeast. One of the most important air bases in terms of the war in the southeast is that of Malatya, home to the Army's 2nd Aviation Regiment.

According to witnesses interviewed by Human Rights Watch, helicopters have been used in observation roles during the commission of human rights abuses, have engaged in illegal strafing attacks on civilian structures and populations, and have transported troops en route to committing grave abuses. Thus, the Army's helicopter fleet, the majority of which is U.S.-supplied, is heavily implicated in violations of the laws of war and human rights abuses. The witnesses, however, were unable to distinguish between helicopters belonging to the Jandarma or the Turkish Army, so it is difficult to say with certainty which unit was responsible for the individual cases documented in this report.

Armaments

The vast majority of the Turkish Army's air arm is currently composed of U.S.-origin equipment, including eight S-70A Sikorsky Black Hawk transport helicopters, thirty-eight AH-1W Cobra attack helicopters, ninety-six UH-1H transport helicopters, fourteen AB-204s, and sixty-four AB-205s.[113] A smaller number of Russian helicopters have been delivered to Turkey as well, and more are scheduled to be delivered. Turkey's next military modernization plan, covering the next ten years, is expected to include the purchase of more than 200 new helicopters.[114]

The Jandarma

Regular Forces

The Jandarma, formally under the control of the Turkish Minister of Interior, is a rural police force assigned to internal security and border control in Turkey's countryside. Trained as soldiers, the Jandarma maintains a network of police stations and outposts throughout Turkey which it uses to control rural areas, patrol villages and gather intelligence.The more remote outposts in the southeast have also frequently been the target of PKK attacks. In addition to stationary

[113] International Institute for Strategic Studies, *The Military Balance 1994-95*, p. 67.

[114] Enginsoy, "Helicopter Makers...," p. 3.

Jandarma forces, which are primarily assigned to garrison duty in the rural outposts, the Jandarma maintains a large mobile force of troops equipped with armored personnel carriers and helicopters.

Jandarma soldiers are conscripts, like their counterparts in the military. It is unclear to Human Rights Watch which criteria are used by military authorities when choosing to send conscripts to the Army or Jandarma.

Human Rights Watch found that most experts agree that the Jandarma are heavily implicated in human rights abuses. The close proximity of Jandarma troops to Kurdish civilians appears to have generated a sense of disdain and contempt for the rural population, perhaps because of that population's perceived support for the PKK and the Jandarma's relatively exposed position vis-a-vis PKK guerrillas.

Armaments

Jandarma troops are armed with many of the same weapons as their counterparts in the Turkish Army's infantry units. Although the Jandarma have no heavy artillery, they do have mortars of all sizes.

The Jandarma have increasingly used armored personnel carriers to move about the southeast, and rely heavily on German-supplied BTRs.[115] They apparently have at least 300 BTR-60s and 110 BTR-80s in their inventories.[116] In addition, the Jandarma have fifty-nine German UR-416 APCs,[117] and use British-supplied

[115] The BTRs, manufactured in the former East Bloc countries, were transferred to the German Army from East German inventories after reunification. After German journalists and human rights groups produced pictures implicating the BTRs in human rights abuses, the German government asked the Turkish authorities for clarification. The Turkish government responded that the vehicles in the pictures had been supplied by the Russian Federation, and that it therefore was not in violation of Germany's stipulation against German BTRs being used against Kurds. The German authorities eventually accepted the Turkish explanation.

[116] International Institute for Strategic Studies, *The Military Balance 1994-1995*, p. 68.

[117] Ibid.

Shorland S-55 APCs[118] as well as the U.S.-supplied Cadillac Gage V-150 Commando.[119] The Jandarma do not use main battle tanks.

[118] Turkish soldiers refer to the Shorland S-55 armored personnel carrier as a "Land Rover," most probably because it is built on a Land Rover chassis.

[119] Human Rights Watch interview with former Turkish infantryman B.G., and Jane's Information Group, *Jane's Armor and Artillery, 1993-1994.* (Surrey: Jane's Information Group Limited, 1994), p. 668.

The Jandarma have their own helicopter fleet, the majority of which is U.S.-supplied. Its inventory includes twenty U.S.-made Black Hawk transport helicopters; twenty AB-204Bs (Fuji-Bell); fifty-six AB-205-A1s (Fuji-Bell); fifteen B-206 Jet Rangers (Bell Helicopter Canada); twelve AB-212s (Bell Helicopter Canada); two Do-28s; one Rockwell Aero Commander 690; and six Sikorsky S-70-A17s.[120] The Jandarma also received several of the Russian helicopters ordered by Turkey.

Special Jandarma Forces: The Özel Tim

The Jandarma's Special Teams (Özel Tim) are one of the most crucial counterinsurgency forces in the region,[121] in that they bear significant responsibility for waging war on the PKK and its perceived civilian supporters.

The Özel Tim were part of the new Turkish counterinsurgency package devised during 1992, which argued for the creation of new, highly-trained and mobile forces. (See section on Turkish counterinsurgency). The Özel Tim, like their counterparts in the police, have been ordered to "bring the fight to the PKK," and are trained to adopt guerrilla tactics and unconventional methods. In November 1993, Prime Minister Çiller announced, "Special mobile teams of commandos are being trained to fight the militants with their own methods.... The first stage will be complete in January, and we aim to bring their numbers to 10,000 as soon as

[120] "Air Power Analysis: Turkey," *World Air Power Journal*, vol. 17 (Summer 1994), p. 156.

[121] See Human Rights Watch/Helsinki, "Turkey: Forced Displacement," pp. 26-27, for a discussion of the Özel Tim.

possible."[122] Present estimates of Özel Tim troop strength run from 15,000 to 20,000.[123]

[122] Suna Erdem, "Ciller Vows War on PKK as Kurds Strike in Europe," Reuters, November 4, 1993.

[123] See Human Rights Watch/Helsinki, "Turkey: Forced Displacement," p. 27.

The Özel Tim, unlike other security forces, are a well-paid all-volunteer force drawn from the ranks of elite units such as Army commandos. In addition to being well-trained, however, they are an ideologically-motivated force dedicated to destroying the PKK as well as all manifestations of Kurdish nationalism. Many Özel Tim personnel are reportedly drawn from the ranks of Turkey's ultra-nationalist right-wing groups, which harbor a deeply-held antipathy toward the Kurdish nationalist movement.[124] These groups, which have flourished in Turkey for decades, have a history of being used by the government to combat its enemies, including leftists in the 1970s and Kurds in the 1980s and 1990s.

In both the 1995 Human Rights Watch Arms Project mission to Turkey as well as field research in 1994 by Human Rights Watch/Helsinki, witnesses consistently pointed to the Özel Tim, together with the police special forces, as the worst abusers of human rights.

The coexistence of high levels of abusive behavior by the special forces with high levels of specialized military training suggests that without transparency, accountability and proper investigations of suspected human rights abusers, violations will continue. Discipline and education alone will not guarantee that special troops will not harm civilians.

Armaments

Özel Tim eschew the assault rifle most commonly used in Turkey, the German-designed G-3, preferring instead to use the U.S.-designed M-16 rifle. In addition, each platoon carries several U.S.-designed M-203 grenade launchers mounted on M-16 rifles, which can fire a variety of types of 40mm grenades, including fragmentation, antipersonnel, and armor-piercing rounds.

Özel Tim typically use Shorland S-55 armored personnel carriers, although they also use German-supplied BTRs. More than any other Jandarma force, the Özel Tim rely on helicopter transport.

Özel Tim armaments are similar to those used by the police special forces. Thus, witnesses interviewed by Human Rights Watch were often unable to distinguish between the two units. Both were referred to by their generic nickname, "the Tim."

[124] The most powerful element in Turkey's right-wing movement is the National Action Party ("Milliyetçi Hareket Partisi," or MHP). Turkish experts and politicians charge that the Özel Tim and police special forces (see below) are often recruited directly from the MHP. Ibid.

The Police Special Forces: The Özel Hareket Tim

Regular police, subordinated to the Interior Ministry through provincial security directors and civilian governors, are charged with controlling the urban centers, where they bear primary responsibility for internal security. Special police forces, however, known as the Özel Hareket Tim (Special Operations Teams), are assigned to counterinsurgency tasks in the countryside and cities alike.

The Özel Hareket Tim, which include intelligence operatives, snipers and regular infantry-style commandos, are divided into "A" and "B" teams, according to V.A., the former Turkish officer interviewed by Human Rights Watch.

A Teams, comprised solely by former Army and Jandarma NCOs and officers, are the most elite of all Turkish counterinsurgency forces. They are an all-volunteer force, highly paid and well-trained. According to V.A., the A Teams, like many of the Özel Tim, are recruited from the ranks of Turkey's extreme, right-wing nationalist movement. "They are well-educated and extremely nationalistic," V.A. explained, "and really hate Kurds and the PKK. Their primary motivation in life is to kill the PKK." V.A. said that the A Teams are "so scary that even we Army officers were frightened of them. We never get in their way, and always try and remove ourselves if they are in the area."

B Teams are comprised primarily of police as well as some ex-Army and Jandarma soldiers. The difference between A and B Teams, to the best of Human Rights Watch's knowledge, appears to be in their designated targets. A Teams, which contain higher-status and better paid troops, are instructed to pursue more important PKK members than the B Teams.

Both A and B Teams, according to V.A., operate autonomously, responsible only to the super-governor in Diyarbakır. According to some sources, the Özel Hareket Tim, together with the Army's special forces and the Özel Tim, belong to the Turkish General Staff's "Special Warfare Command."

All the persons interviewed for this report agreed that the police special forces are the gravest abusers of human rights among security forces in the southeast. According to a senior U.S. official in the Embassy in Ankara, for example, the "police special forces are brutal thugs."[125] Former Turkish officer V.A. said the Özel Hareket Tim were "abnormal elements" responsible for most of the torture, extrajudicial executions and other human rights abuses in the southeast. Former Turkish infantryman B.G. agreed with V.A.'s assessment, saying the Özel Hareket Tim were "independent of anyone and anything, and almost crazy with nationalism." *International Defense Review* wrote that A teams are responsible for

[125] Human Rights Watch interview, Ankara, June 1995.

the final stages of "spot-to-kill" operations, in which suspected PKK guerrillas are killed on sight.[126]

Armaments

Like their counterparts in the Jandarma, the police special forces rely almost exclusively on the U.S.-designed M-16 assault rifle and M-203 grenade launchers, as well as on the British-supplied Shorland S-55 armored personnel carriers.

The Turkish Air Force

In addition to the Jandarma's and Turkish Army's fleets of helicopters, the Turkish Air Force, especially the Second Tactical Air Force Command, based in the east, plays a crucial role in counterinsurgency operations. The most crucial airbase in terms of southeast counterinsurgency operations is Diyarbakır, where squadrons ("filos") 181 and 182 are equipped with F-16C/D and C-104 Starfighters. Both the F-16s and the Starfighters are capable of launching ground attacks.

During operations against the PKK, Air Force planes frequently raid suspected PKK positions inside Turkey as well as in northern Iraq. In addition, bombers have been used to defoliate terrain suspected of hiding guerrillas.

Testimony obtained by Human Rights Watch indicates that these same Turkish bombers have on occasion been used in severe violations of the laws of war. Bombers have dropped explosives on civilian concentrations, most noticeably in the March 1994 wave of air bombings in the southeast. One of these bombings, which Human Rights Watch documented in detail, resulted in the destruction of an entire Kurdish village and the deaths of twenty-four civilians. According to

[126] Tammy Arbuckle, "Winter Campaign in Kurdistan," *International Defense Review,* vol. 28, no. 2 (February 1995), p. 61. Arbuckle distinguishes three separate units: A, B and C: "A 'C' team of an officer and enlisted men will be allotted easier targets. A 'B' team of officers and NCOs (non-commissioned officers) will have more technically difficult targets, and all-officer 'A' teams may hunt a tough target, perhaps a well-guarded PKK commander."

witnesses, no PKK guerillas were present during the raid. Similar attacks have also caused significant casualties elsewhere.

Armaments

Although the Turkish Aerospace Industries has co-produced F-16 warplanes with the U.S., most Turkish Air Force planes were received directly from the U.S. The Turkish fighter-bomber fleet is currently comprised of 178 Phantom F-4Es, 160 F-16s, and twenty-four Starfighter F-104s.[127] Its reconnaissance fleet is primarily composed of RF-4Es.

The Village Guards[128]

The creation of village guards, known as "Korucu" in Turkish, was authorized in two articles added to the Village Law on April 4, 1985, which allow the hiring of "temporary village guards" in areas where violence required a state of emergency. Village guards receive around six to seven million TL per month (approximately U.S. $200), a comparatively large sum in impoverished southeast Turkey. The salaries, however, are often disbursed by the state to the village headman or tribal leader, who may not turn over the entire amount to individual guards.

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[127] International Institute for Strategic Studies, *The Military Balance 1994-95*, p. 68. See chapter III for a more detailed discussion on recent sales agreements and deliveries.

[128] This section is based primarily on Human Rights Watch/Helsinki, "Turkey: Forced Displacement," pp. 25-26.

The number of village guards has increased dramatically: From a reported 6,000 in March 1987 to 45,000 in 1994.[129] In June 1995, Turkish government sources said there were 67,000 village guards. Initially, village guards were designed only to patrol their own villages; today, many take an active part in offensive military operations.

The village guard system contains a mixture of coerced and voluntary members. Coerced members are told they must join the system or face the destruction of their village. Voluntary members, however, often belong to traditional social units whose leadership has allied itself with the Turkish state. In many of the villages that have voluntarily gone over to the village guards, the traditional tribal system still functions. The traditional arrangement is one of a set of large landholdings, grouped around a local powerholder, who serves both as tribal leader and primary landlord. Members of these tribes, or "asiret" as they are known in Turkish, usually have little or no land of their own and work in the landlord's fields.

The village guards, who wear no uniforms, are responsible to and registered with the Interior Ministry. The head of each detachment of village guards is responsible to the local Jandarma commander, who also supplies them with weapons and a minimal level of training.

From the onset of the village guard system, abuses by guards were widespread. Extortion, abuse of power, rape, thievery and murder often occurred. In one case investigated for this report, village guards attacked a village they accused of supporting the PKK, killed seven persons, wounded thirty-three others, burned the village down, and grossly mistreated the surviving residents. A 1993 report by the Turkish Parliament's Committee on Unsolved Murders was highly critical of the village guard system and called for its abolition.

Command and Control in the Southeast

[129] Ibid., p. 25.

The Turkish military is, in practice, the supreme authority in the southeast. The military's pre-eminent role contradicts the theoretical chain of command, in which the civil authorities, headed by the Interior Ministry's super-governor Ünal Erkan, are supposed to be in control. According to a U.S. Army expert, "The TGS chief [Turkish General Staff chief General İsmail Hakkı Karadayı] has assumed full responsibility for achieving success against the PKK. Consequently, the influence of the interior minister has waned, the position of the Southeast Emergency Region super-governor has become marginalized and the massive TGS military campaign to eradicate the PKK has subsumed the role of the Gendarmerie [Jandarma] in the Southeast Emergency Region."[130] The Turkish military's control over southeastern policy is in fact unsurprising, given the Turkish military's political preeminence at the national level.

Super-governor Erkan's chief military aid is Jandarma Lieutenant General Hasan Kundakçı, commander of the "Security Corps of Jandarma of the South-East Region." The Security Corps, which is legally assigned to special "internal security" tasks, includes Jandarma units and the Turkish military's Second and Third Armies. General Kundakçı, a former Army Special Forces commander, is in theory Ünal Erkan's right-hand man, implementing the Interior Ministry's policies. In practice, however, General Kundakçı is equally beholden to the Turkish General Staff.

Former Turkish soldiers interviewed by Human Rights Watch gave confused analyses of the command-and-control hierarchy, reflecting the overall lack of clarity in the region as to who is in fact responsible for policy as well as human rights abuses. According to B.G., for example, all decisions are taken by General Kundakçı and his staff of Jandarma officers. He said that his Army unit was in the southeast to support the Jandarma's efforts, and believed that it was the Jandarma who determined policy and attitudes toward civilians. V.A., on the other hand, said that individual Army commanders were empowered to command operations in which Army troops contributed a significant presence. "Jandarma officers can never tell the Army what to do," he declared.

It appears that, in theory, Army units in the southeast support the Jandarma in internal security tasks, and are therefore subordinate to Jandarma officers. In practice, however, the Army is politically and operationally more powerful, and therefore enjoys greater control over and responsibility for actions in the field.

[130] Stephen Button, "Turkey Struggles," p. 76.

V. CASE STUDIES

In this section, Human Rights Watch presents detailed studies of twenty-nine cases in which Turkish security forces violated the laws of war in the southeastern emergency zone. These cases, which detail incidents that took place between March 1992 and April 1995, are all based on Human Rights Watch interviews with eyewitnesses during a June-July 1995 research trip to western Turkey and a June visit to northern Iraq. In addition, the section presents a sample of findings from other respected Turkish and international human rights organizations. These supplementary cases demonstrate that the incidents investigated by Human Rights Watch are not isolated events. Rather, they are part of a pattern of abuse that has continued throughout the 1992-1995 period. In particular, we draw on the work of Amnesty International, the Ankara-based Human Rights Foundation of Turkey,[131] and the London-based Kurdish Human Rights Project (KHRP).[132]

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[131] The foundation is one of Turkey's most respected human rights groups and is regularly consulted by Human Rights Watch, other international organizations and diplomats, including the U.S. Embassy.

[132] The KHRP, represented by international legal experts Françoise Hampson and Kevin Boyle, both faculty at Essex University's Department of Law, has gathered several hundred testimonies from Kurdish witnesses in Turkey's southeast. The testimonies, presented as applications against Turkey to the European Commission for Human Rights, are confidential while under consideration at the commission. According to the commission's working procedures, each case is submitted to a lengthy process of deliberation. The first

In two of the cases investigated below (cases 1 and 28) the witnesses were former Turkish soldiers who served in units that were involved in committing the abuses themselves; these men were able to identify the weapons involved and were also able to list the weapons commonly used by the various units of the Turkish forces in the southeast.

In many of the cases involving aircraft or helicopters, Human Rights Watch was unable to identify the exact model of the military equipment in question. Given the composition of the Turkish air fleet, however**,** it is highly probable that the vast majority of the helicopters and aircraft in question were U.S.-supplied. Nearly the entire Turkish helicopter fleet is composed of U.S. helicopters such as Cobra gunships and Black Hawk transports; most were transferred directly to Turkey from the United States. Turkey's fixed-wing aircraft are all of U.S. origin; while many were transferred directly to Turkey by the U.S. government, others were jointly produced with the U.S. in Turkey (as in the case of the F-16s), or transferred to Turkey by NATO partners such as the Netherlands, Germany, or Canada.

Violations of the Laws of War

Forced Displacements

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stage in this process is the "admissibility decision," in which the commission defines a case as "not manifestly ill-founded" and therefore worthy of further consideration. The admissibility decision, which includes a summary of the applicant's arguments and the government's response, is public. The commission has already deemed twenty of the KHRP's cases admissible, and some of these cases are presented below.

According to our findings, Turkish security forces regularly violate the international laws of war. The most frequent violation is that of forcible displacement, during which Turkish forces order villagers to leave their homes and then burn down their villages. In all of the cases investigated, the Turkish government made no attempt to care for the displaced civilians, again in violation of international law; the villagers were simply ordered out of their homes, told to leave their possessions behind, and then watched as their homes were burned. Following the destruction, the villagers were told to walk to the nearest town and to never return.[133]

In most of the forced dislocations investigated in this report, the Turkish troops behaved with extreme contempt for the dignity and physical well-being of civilians. Torture or other cruel and inhumane treatment appear to be a routine phenomenon during the displacement process, belying any Turkish arguments that the evacuations were carried out for the safety of the civilians. In many cases, troops engaged in village destructions beat male villagers, exposed men, women and children alike to extreme weather conditions, and humiliated civilians in a wide variety of ways.

The troops do not typically kill large numbers of civilians during the forced evacuations; short of killing the displaced villagers, however, Turkish security forces display blatant disregard for their well-being. In one case (Case 11 below) investigated for this report, for example, children died during the village destruction after being forcibly separated from their parents. The security forces turned down repeated requests by the parents to search for their children, who appear to have been burned alive when the troops set the village alight.

In some cases, a village's destruction appeared to have been in retaliation for armed PKK activity in the area; in other cases, it appeared linked to attempts by the authorities to force villagers to join the paramilitary village guards; in still other cases, however, the destruction appeared to be part of a larger and more general campaign to clear areas of suspected PKK sympathizers.

There appears to have been no legitimate legal justification for the forced displacement in any of the cases investigated in this report. None of the cases investigated involved displacement for reasons of military necessity or civilian

[133] It should be noted that in some cases, villages are only partially depopulated, and in some cases, people can take belongings with them.

safety, the only conditions under which, according to international law, civilians may be displaced during wartime. Similarly, there is no justification for the Turkish troops' callous and often vicious behavior toward civilians during the forced displacements, as described in the case studies below.

Indiscriminate Fire

Although indiscriminate fire by Turkish security forces is not the most consistent violation of international law in Turkey's southeast, it remains a persistent problem. In some cases, the security forces have grossly overreacted to actual or suspected PKK attacks. In these incidents, which have occurred primarily in the towns and cities, security forces appear to have taken advantage of suspected or actual PKK activity to unleash a barrage of fire on civilian neighborhoods suspected of containing PKK sympathizers.

In some instances, the indiscriminate fire may have been due to negligence on the part of Turkish gunners seeking to hit PKK targets. But lack of intent to kill or cause destruction is no excuse for failing to care for the well-being of civilians.

In other cases, security forces have shelled, bombed or strafed villages, either as punishment for presumed PKK sympathies or as a method of intimidation aimed at forcing villagers from their homes. In the latter set of cases, the security forces appear to have relied on indiscriminate fire as a quick and easy way of evacuating villages in preparation for their later destruction. In some such attacks, civilians have been wounded or killed; in others, they fled their homes which were partially destroyed. Later, troops came and completed the destruction.

In a number of cases, Turkish security forces have targeted civilian settlements for serious attack with the intention of causing large numbers of civilian casualties. This is best exemplified by the March 1994 series of Air Force bombing raids on villages in the Şirnak area, in which dozens of civilians were killed and entire villages were destroyed. Other similar cases occurred in 1992 and 1993, however, suggesting that the March 1994 attacks, while remarkable in their scope and intensity, were not isolated events.

Summary Executions

In a number of the cases investigated, Turkish security forces carried out summary executions, often during military operations such as forced displacements. Some of these were of villagers apparently suspected of being active in the PKK; other killings remain unexplained.

The Weapons Used

Although the Jandarma and the various special forces are the most heavily implicated in human rights abuses in the southeast, virtually all units of the Turkish armed forces, including the Army, Air Force, and police, have been implicated in severe violations. Consequently, the full range of weapons, ammunition and transport vehicles found in the Turkish inventory has been used. Although the Turks currently produce many of their own weapons, many NATO countries, as well as some non-NATO nations, have supplied weapons to Turkey that have later been used to commit the abuses documented in this report.

Combat Aircraft

The Turkish Air Force has been implicated in a number of severe violations of the laws of war, primarily in the indiscriminate or disproportionate use of bombs against civilian settlements. Although indiscriminate bombing by Turkish combat aircraft is not the most common violation of the laws of war by Turkish security forces, the sheer power of the planes is such that those violations that do occur cause large numbers of casualties.

Turkish Air Force fighter-bombers, most of which were supplied and equipped by the U.S., have been used to attack villages and to kill civilians. In other instances, the planes have been used to destroy civilian structures, contributing to the general process of forced dislocation. Although the most serious air attacks and loss of life occurred in March 1994, other indiscriminate attacks took place in 1992 and 1993. According to the U.S. State Department's June 1995 report, the March 1994 bombings were reportedly carried out by F-16s. Other attacks may have involved F-4 Phantoms and F-104 Starfighters.

Helicopters

Helicopters are the backbone of the Turkish counterinsurgency effort in the southeast, and as such are deeply involved in the abuses documented in this report. Although the helicopters deployed by the Turkish Air Force, Army and Jandarma are used in support of legitimate military operations against the PKK, they are also routinely used to support illegitimate actions.

Transport helicopters, most likely U.S.-made and-supplied S-70A Black Hawks and UH-1 Hueys, are used to bring troops to remote villages, where the villagers are then forcibly displaced and their homes are burned down by the soldiers. In other cases, these same helicopters are used to bring reinforcements and supplies to troops who engage during their operations in illegal practices such as forcible displacements, summary executions, indiscriminate fire, or torture.

Helicopter gunships, most probably U.S.-supplied Cobras, are used to fire indiscriminately at villages or other civilian settlements, either in an attempt to

frighten villagers into leaving or as part of an indiscriminate attack against suspected PKK guerrillas or suspected PKK civilian sympathizers.

Various helicopters, including Black Hawks, Hueys, Cobras and Bell reconnaissance aircraft, are used for command-and-control purposes during security force actions involving serious violations of the laws of war. In many cases investigated for this report, for example, helicopters hovered overhead during forced village displacements and destructions.

Other helicopters have been used to strafe, bomb or rocket individual civilian homes, either as part of a general village destruction campaign or to punish suspected PKK sympathizers. In these cases there was no legal or military justification for the attacks; in none of these cases, for example, did there appear to have been gun battles between PKK guerrillas and Turkish security forces, which might have justified the destruction of the homes.

In one case investigated for this report, a helicopter was used to throw suspected PKK guerrillas to their deaths. Although there is no independent corroboration of this incident from other sources, Human Rights Watch believes the witness in question to be reliable and believes that the extrajudicial executions he described did indeed take place as indicated.

In several cases investigated by other groups, helicopters appear to have been used to transport detained persons who later disappeared or were found dead. These persons, who apparently were suspected of being PKK sympathizers, appear to have been the victims of summary executions by the Turkish security forces.

Mortars and Artillery

Mortars and artillery of many calibers are often used to fire indiscriminately at civilian settlements. As in the case of helicopters and warplanes, some of these attacks appear to be aimed at forcing civilians to flee from their homes, which are later destroyed. In other cases, the bombardments appear to have been either the result of deliberate targeting of civilian settlements or the result of extreme negligence on the part of Turkish gunners. Many of the Turkish artillery pieces are U.S.-supplied; many of the mortars, however, are produced locally. In most of the cases investigated for this report, it was difficult to determine the exact model or caliber of the weapons used.

In some of the cases of disproportionate response to actual or perceived PKK attacks, artillery and mortars played a key role in the Turkish security forces' overly harsh response. In these cases, civilian casualties and significant destruction of civilian property can be attributed to mortar or artillery shells.

Small Arms

During all of the abuses documented in this report, Turkish troops relied on their possession of small arms. Even in abuses such as village destructions and torture, which do not typically require the use of live ammunition, the troops in question would have been unable to carry out their actions without relying on assault rifles and light machine guns to sustain their authority. Small arms are an indispensable part of human rights abuses during a rural counterinsurgency campaign such as that being waged in Turkey's southeast.

German-designed Heckler and Koch G-3 rifles and MG-3 machine guns, both of which are manufactured under German license in Turkey, are the basic assault rifle of the Turkish Army and Jandarma. U.S.-designed M-16s and M-203 grenade launchers, both of which are made by Colt, are prevalent in the Jandarma and police special forces, which have the worst human rights reputation in Turkey's southeast. In addition, some officers in the Turkish Army, most frequently in the Bolu and Kayseri Commando Brigades, also carry M-16s. The use of U.S. small arms by the most abusive Turkish units is particularly troubling. The U.S. has supplied a large number of M-16s to Turkey, and is currently seeking to sell even more.

In addition, light U.S.-designed anti-tank weapons such as the LAW shoulder-fired rocket are commonly used by all Turkish units. Parts of the LAW are now apparently illegally produced in Turkey, although the U.S. has supplied LAWs to Turkey in the past and continued up until very recently to sell Turkey LAW fuzes, which the Turkish manufacturers were apparently unable to copy.[134]

Armored Vehicles

Armored vehicles of all types, including main battle tanks such as the U.S.-supplied M-48 and M-60; armored personnel carriers such as the U.S.-supplied M-113s or the German- and Russian-supplied BTRs; and armored cars, such as the British-supplied Shorlands, have been used by Turkish forces to commit human rights abuses. Among these three types of vehicles, the armored personnel carriers and armored cars are the most frequently involved in human rights abuses, primarily because the nature of the fighting does not involve the widespread use of main battle tanks. Inasmuch as Turkish security forces rely on vehicles to move about the

[134] Human Rights Watch interview with a Turkish defense correspondent who covers arms transfers, İstanbul, June 1995.

southeast, these vehicles play an integral role in the violations documented in this report.

BTRs are used by Jandarma and Army troops en route to committing violations such as village destructions, summary executions or torture; Shorlands are used by Jandarma and police special forces, who are the most abusive of all Turkish security forces operating in the region. In several cases, witnesses were able to pick out Shorlands and BTRs from pictures shown them by Human Rights Watch.

In a number of cases documented in this report, main battle tanks played a part in the disproportionate or grossly negligent security force response to actual or perceived PKK attacks. The tanks, the overwhelming majority of which are U.S.-supplied, used their cannon to shell civilian areas and to cause casualties and destruction of property.

Supply/Transport Vehicles

When Turkish troops do not move about in helicopters or armored vehicles, their only other option, besides walking on foot, is to use supply and transport trucks such as the German-supplied Mercedes-Benz Unimog, as well as other U.S.-supplied trucks and jeeps. These vehicles, therefore, were also used by soldiers committing the abuses documented below.

Government Attempts to Disguise the Identity of the Perpetrators

In a number of the cases investigated below, witnesses told Human Rights Watch that they had been ordered to falsify the actual circumstances of civilian deaths to obscure governmental responsibility.[135] In some cases, civilians were killed by security forces, but the victims were portrayed by the government as slain PKK fighters. In other cases, witnesses or relatives were ordered to inform others that the "PKK had burned the village down" when government forces were in fact responsible, or were ordered to say that "the PKK was responsible" for specific deaths caused by government troops.[136]

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[135] In this report Human Rights Watch does not deal with the problem of "mystery killings," recognized as one of the most problematic areas of human rights concern in Turkey. Many of these death-squad style killings have been officially attributed to the PKK. Investigations by human rights organizations and by a Turkish parliamentary commission have cast doubt on the government version of events, suggesting that paramilitary or government-sponsored "contra-guerrillas" may be responsible for many of these unsolved murders.

[136] While this falsification of responsibility is deplorable, it must be noted that the

The evidence supplied by Kurdish witnesses is supported by testimony given to Human Rights Watch by B.G., a former Turkish infantrymen interviewed about his service in the southeast.[137] He stated that his company routinely carried several AKMs (the Kalashnikov, the PKK weapon of choice) with them during operations so that they could place them across the bodies of slain civilians, take pictures and then later claim that the corpses were those of "PKK guerrillas." In one case, civilian witnesses told Human Rights Watch that corpses were photographed with AKMs planted by the military. Similarly, a 1994 investigation by Human Rights Watch/Helsinki unearthed another such case.[138]

Based on B.G.'s statement and substantial additional evidence, Human Rights Watch believes that the official government casualty estimates severely misrepresent the true number of civilians slain by government forces. It is likely that many of the persons referred to in the official estimates as "PKK casualties" were in fact civilians shot by mistake or deliberately killed by security forces. Witness testimony also demonstrates that many of the Turkish government's denials of wrong-doing by the Turkish security forces are fabrications manufactured by soldiers or officials somewhere along the government's chain of command.

The Cases

The cases presented below are arranged by year, beginning with 1995. The order in which they are presented does not indicate their relative importance.

PKK is an extremely abusive force that is, in fact, guilty of many serious violations.

[137] The Human Rights Watch interview with B.G., cited throughout this report, took place in İstanbul on June 12 and 13, 1995.

[138] See Human Rights Watch/Helsinki, "Turkey: Forced Displacement," p. 18, for an investigation into a July 8, 1994 case in which soldiers badly beat eleven villagers and then brought a television crew and tried to pass the men off as dead PKK fighters.

Although some witnesses spoke for attribution, others feared for their safety if they gave their names. To maintain a consistent policy, Human Rights Watch decided to disguise the identities of all the witnesses quoted below, who are here simply referred to by their initials. In some particularly sensitive cases, even the initials may not reflect a person's real name.

Witnesses sometimes gave Human Rights Watch the traditional, at other times the new Turkish name of their village, and we are reporting them accordingly. In addition, we have sought to provide the new Turkish name in each case when a witness gave the traditional name. Place names, both the traditional and the new Turkish names, are spelled according to the 1959-1960 village lists of the General Directorate of Provincial Administration of the Turkish Ministry of the Interior.

1995

CASE 1

Summary:

A former infantry soldier in the Turkish Army told Human Rights Watch of an April 19, 1995 incident in which a suspected PKK recruiter was shot, tortured, and then later summarily executed while in official custody.[139] The killing followed the brutal beating of male villagers by Jandarma troops in the hamlet of Kuruçayır (traditional name: Hişgemirk), connected to the village of Heybelikonuk (trad. Kayık) in the Silvan district of Diyarbakır province, and the hamlet's burning by the security forces. The operation was overseen by the commander of security forces in the southeastern emergency region, General Hasan Kundakçı, who arrived in a U.S.-supplied Huey helicopter. The soldier identified a mixture of British and German vehicles and German and U.S.-designed small arms as being used.

Description:

Twenty-two year old B.G., a conscript in the Turkish infantry, told Human Rights Watch that he was near the hamlet of Kuruçayır on April 19, 1995, when he heard over the wireless that a patrol from his battalion had encountered a group of seven villagers. One of the villagers, Ali İhsan Dağlı, was carrying an AKM rifle;

[139] Human Rights Watch interview, İstanbul, June 12 and 13, 1995.

the others, all young male and female villagers aged 16-18, were unarmed. Dağlı, whom B.G. said was suspected by his captors of being a PKK recruiter, was shot and wounded in the arm.

B.G. spoke to soldiers present at the encounter, who said that Dağlı had not fired back at the troops, but had rather thrown his rifle down when the soldiers opened fire.

The seven villagers were taken back to Kuruçayır, where Dağlı was treated by the battalion's doctor. B.G., who had by then arrived in the hamlet with the rest of his company, said he saw Dağlı had suffered a minor injury in his arm.

Companies Two and Three from B.G.'s battalion were joined in the hamlet by Jandarma troopers from Bağdere, who separated the male villagers from the women and children. While the women and children stood outside in the freezing rain, B.G. said, five Jandarma soldiers ordered twenty of the male villagers to lie down on the ground. "They beat them viciously with wood planks they found lying around," B.G. said. "They were beating them so badly I could hardly watch. They lifted the planks of wood over their heads and then slammed down on the villagers, hitting them all over the body, on their heads, faces, and bodies." The beating went on for approximately one hour, B.G. said.

General Hasan Kundakçı then landed in the hamlet in a Huey transport helicopter." Kundakçı went into a house together with the seven prisoners, a few Jandarma soldiers and officers, and my battalion commander, Lt. Col. Sabri Doğan," B.G. said.[140] B.G. said that the battalion's deputy commander, Maj. Osman Yalıkaya, was also present in the hamlet, but did not enter into the house.

After an hour the soldiers and Jandarma emerged with their prisoners, who had clearly been severely beaten. "The seven came out with blood all over their faces, and they could barely walk," B.G. recalled. B.G. said that soldiers in the house said that the seven had been beaten and tortured inside, and that most of the beating had been done by the Jandarma. "An officer said that after what he saw, he would never become a Jandarma officer," B.G. said. The officer also told B.G. that Gen. Kundakçı had participated in the beating, which was aimed at securing more information from the suspects.

The seven were loaded onto two tractors stolen by the troops from the hamlet, and were taken back to Bağdere Jandarma post. As B.G.'s company left the hamlet, he saw houses begin to burn.

[140] Lt. Col. Doğan is now Turkey's military attaché to Poland, according to B.G.

When B.G. returned to Bağdere, he saw the seven prisoners sitting on the tractor, bound and blindfolded. "There was a group of Jandarma and Army soldiers standing around the tractor," B.G. recalled, "and everyone was hitting them with their fists or gun butts."

Ali İhsan Dağlı, the suspected PKK recruiter, was taken to a military base in Silvan. B.G. later heard from an officer that Dağlı had been executed after a brief interrogation. "They first told an Army non-commissioned officer to kill Dağlı but he refused," B.G. said, "so someone else, I don't know who, shot him." B.G. said he did not see the killing himself, but had heard the story second hand from an Army captain.

Human Rights Watch confirmed with the Turkish Human Rights Association that Dağlı is in fact listed as having been missing since April 19, 1995. The Association reported they had received no official word of Dağlı's fate.[141]

Violations of International Law:

- The summary execution of a suspected PKK member while in official custody;
- Torture;
- Forcible displacement of civilians;
- Pillage/destruction of village.

Troops Involved:

Companies Two and Three from the Turkish Army's 1/9 Domestic Security Infantry Regiment, commanded by Lt. Col. Sabri Doğan and his deputy, Major Osman Yalıkaya. The Army troops were joined by regular Jandarma forces from the Bağdere Jandarma post. At one point during the operation, overall command of the incident appears to have been in the hands of Jandarma General Hasan Kundakçı, commander of all security forces in the southeast emergency region.

Weapons Used:

General Hasan Kundakçı came to the hamlet in a U.S.-supplied Huey transport helicopter, and carried a U.S.-designed M-16 assault rifle. The Jandarma

[141] See also "İşte Kayıp," *Evrensel* (İstanbul), October 11, 1995 for a press account of the disappearance of Ali İhsan Dağlı.

forces involved in the incident used British-designed Land Rover Shorland armored patrol cars and German-designed G-3 assault rifles. The Turkish Army forces carried G-3 rifles and German-designed MG-3 light machine guns, and traveled on Mercedes-Benz Unimog lorries.

1994

CASE 2

Description:

In January 1994, according to two witnesses interviewed by Human Rights Watch,[142] "hundreds" of soldiers raided the village of Diravut (new Turkish name: Payamlı), located in the Eruh district of Siirt province, on two separate occasions.

During the first raid on January 10, 1994, according to the witnesses, the soldiers burned seventy homes. "They ordered us to leave our houses," one fifty-year-old man told Human Rights Watch, "and told us to gather near the school. They told us we supported the PKK, and that they were going to burn the village." The troops returned on January 25, 1994 and burned Diravut's remaining 150 homes.

"Both times they came from the Army and the Özel Tim," the second witness, aged thirty-five, told Human Rights Watch. During the January 25 raid, the soldiers, who had driven to Diravut on military trucks and BTR armored personnel carriers, were accompanied by two helicopters. "The helicopters flew around while they were in the village," the second witness recalled, "but did not land. The helicopters were guarding the soldiers, I think."

Violations of International Law:

- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

According to the witnesses, the troops came from the Jandarma special forces and the Turkish Army. The home units of the helicopters are unknown.

Weapons Used:

The witnesses identified some of the troops as using BTR armored personnel carriers, which were supplied to Turkey primarily by Germany, but also by the Russian Federation. They identified helicopters, most probably U.S.-

[142] Human Rights Watch interviews, İstanbul, June 9, 1995.

supplied, as functioning in observation roles. Working from photographs supplied by Human Rights Watch, the witnesses said that the Jandarma special forces carried U.S.-designed M-16s, while the Army troops carried German-designed G-3 rifles.

CASE 3

Summary:

On March 26, 1994, according to five witnesses interviewed by Human Rights Watch,[143] two Turkish fighter-bombers dropped four large bombs on the village of Kuşkonar (traditional name: Gever) in Şirnak province. The bombs were dropped after a helicopter overflight and after the fighter-bombers made an initial dry run over the village. There is little question, therefore, that the bombing was deliberate.

Two of the bombs landed directly in the middle of the village, then inhabited by about 150 civilians. Twenty-four villagers were killed, including twelve children aged fifteen and under. Seven of the bodies were so badly mangled they were unrecognizable except for the remaining shreds of clothing. The reasons for the bombing remain unclear. According to witnesses, there were no PKK fighters in the village at the time of the bombing, but for several days prior to the attack villagers had been under intense pressure from the government to join the village guard system, and there is also some indication that the villagers were planning to boycott the local elections, scheduled for the following week. According to the U.S. State Department, the Turkish authorities denied responsibility for the raid when asked; the U.S. government said in its June 1995 report to Congress, however, that its personnel "have determined that raids did take place and that some civilians were killed."

According to Turkish human rights groups, at least four additional air raids took place in the same area during March 24-26, 1994, killing an additional eighteen persons. All the names of the dead are available.

Description:

M.B., aged forty-five, told Human Rights Watch that his village had been under intense pressure from the authorities since the autumn of 1993 to join the

[143] Human Rights Watch interviews, Adana, June 15, 16 and 17, 1995.

village guards. "We didn't want to become guards," he said, "but we didn't have much choice." In the autumn of 1993, soldiers who were engaged in counterinsurgency operations in the surrounding mountains bivouacked in the village for a week, using it as their operational base. In December 1993, some of the villagers, including M.B., were told to report to the local Jandarma headquarters. "They asked us if we would leave the village when ordered," M.B. said, "and we said we would." No direct order to leave came, however, but gradually, most of the villagers drifted away. About 150 people were still living in the village when the Turkish Air Force struck.

M.B. said he was in his home on the morning of March 26, 1994, when a helicopter overflew the village. "It circled around for a while and then left," he recalled. Some time after the helicopter's overflight, two jets inspected the village at close range, flying no more than 100 meters off the ground. "They flew so low I could see their pilots," M.B. recalled. The jets climbed back up into the air, circling around to prepare for a second run over the village. "I realized that something was about to happen," M.B. said, "so I gathered my family and we ran toward a nearby cave." When M.B. reached the cave, situated one hundred meters away, the two Turkish jets began their first bombing run over Kuşkonar.

The jets flew in single file. The first plane dropped a bomb, began to climb back into the sky, and was then followed by the second jet, which did the same. M.B. saw two bombs drop from the aircraft. The bombs exploded on impact, sending up clouds of smoke and dust. "It was like an apocalypse," he recalled. Pieces of rock, gravel and rubble from the houses flew into the air, scattering hundreds of meters from the epicenter. The first two explosives hit directly in the center of the village, where tens of houses were packed in densely together, some no more than a meter apart.

The jets climbed back up over the hills and then made a second bombing run. They again dropped one bomb each, but these hit on the edge of the village. One bomb dropped one hundred meters away from the village center in a ravine near the main road leading to Kumçatı (traditional name: Dergül), while the second dropped fifty meters away on a mountainside.

For some time, M.B. said, the cloud of smoke and dust was so thick that the "day had turned to night." When the cloud settled, M.B. and others walked to the village center and began to pull the bodies from the rubble. "It was almost impossible to tell who was who," he said. "The bodies were all in pieces, scattered around. Eight of them were so badly burned and destroyed that we could not recognize them. Later, we figured out who they were by their clothes and by who was missing," he said. From memory, M.B. listed the names of the casualties he

recalled, which matched the names published by the Human Rights Association of Diyarbakır shortly after the air raid.

M.B. said the village was filled with bomb fragments, which he described as being as large as "two hands put together," with razor-sharp edges. The outside of the fragments were painted black, and the insides were painted yellow. He said the bombs had created four huge craters, "taller than a man" and three by two meters wide.

A.B., a forty-year-old municipal employee in the nearby town of Cizre, told Human Rights Watch he came to Kuşkonar, his home village, a day after the bombing. "First we collected the pieces of the bodies," he recalled, "then we placed the pieces in sheets." A.B., working with fifteen other men, dug a two-meter wide trench in which they placed twenty-four bodies, seven of which he said were unrecognizable.

S.B., aged thirty-five, came to Kuşkonar from Adana, where he was working, two days after the raid. He told Human Rights Watch in a separate interview that he recalled seeing "thirty or forty houses destroyed" when he arrived. "Most of the bodies had been buried by the time I came," he said. He spoke with surviving members of his family, who told him the bomb struck in the morning while they were eating. His sister, brother-in-law and their three children were all killed. He drew a map of the village and pointed out the position of the bomb craters; his drawing matched the descriptions supplied to Human Rights Watch by M.B. and A.B.

T.F., a fifty-year-old resident of Mersin, told Human Rights Watch he encountered three wounded women from the village of Kuşkonar at the end of March 1994. One of the wounded was aged seventy, the second was aged thirty-eight, while the third was twenty-six years old. "They were badly burned," he recalled, "and were hurt so much they couldn't speak." T.F. took the wounded women to a private hospital, since they were afraid to go to Mersin State Hospital. "They thought they would be arrested by the authorities," he explained.

The U.S. State Department's June 1995 report to Congress on human rights in Turkey said that press reports listed four villages bombed by aircraft and some twenty civilians killed. According to the State Department, "The GOT [Government of Turkey] denies this raid took place but USG [U.S. Government] personnel have determined that raids did take place and that some civilians were killed. We have

been unable to determine all the circumstances surrounding this incident."[144] The report also stated that "reportedly at least four F16s bombed four villages on March 26, 1994."[145]

[144] U.S. Department of State, *Report on Allegations*, p. 14.

[145] Ibid., p.19.

According to the Human Rights Foundation of Turkey, similar attacks took place in other villages in Şirnak province on March 24-26, 1994, including Koçağılı, Kumçatı, Sapaca, Hisar, and Çağlayan.[146] The foundation listed the names of eight persons killed in Kumçatı and of two killed in Sapaca. On April 22, 1994, Amnesty International wrote a letter to U.S. Assistant Secretary of State for European and Canadian Affairs, Stephen Oxman, requesting that the U.S. government investigate whether U.S.-supplied warplanes were involved in the March 26, 1994 bombing of Kumçatı, in which "eight people, including three children, were killed." Amnesty mentioned the name of a wounded six-year-old child who survived the raid.[147] The Diyarbakır branch of the Human Rights Association issued a list with the names of eight persons killed in Koçağılı.[148] According to the human rights groups, all of the victims were civilians. According to the foundation, "those wounded in the bombing were taken to the Diyarbakır, Şirnak and Mardin state hospitals."[149]

Şengül Hikmet, a woman from Sapaca quoted in a foundation publication, said the bombing followed regular pressure by the security forces to join the village guards. "Two hours before the bombing," she said, "the security forces came again

[146] Human Rights Foundation of Turkey, *Turkey Human Rights Report, 1994,* p. 5.

[147] Letter from William F. Schulz, Executive Director, Amnesty International USA, to Stephen Oxman, U.S. Assistant Secretary of State for European and Canadian Affairs, April 22, 1994.

[148] Undated list in the possession of Human Rights Watch.

[149] Human Rights Foundation of Turkey, *Turkey Human Rights Report, 1994*, pp. 3-4.

to the village for this purpose. We did not accept. Two hours later, we saw the planes head toward our village. We thought they were going to bomb the mountains again as they had done in the past. But they started to bomb our village. As a result of the bombing, our village, which had fifty houses, was destroyed. Our village was on flat land, and every bomb hit its mark."

Human Rights Watch also interviewed a witness to the attack on Sapaca, P.D., 33, who subsequently fled to safety in northern Iraq.[150] P.D. was a resident of the neighboring village of Akduman, at twenty minutes' distance from Sapaca. In the afternoon of March 26, he told Human Rights Watch, he saw five or six airplanes over Sapaca. "We saw smoke, which stayed around for about an hour. We thought they were bombing the forests, or other areas, but not the village itself," he said. "Then a villager from Sapaca came to Akduman and told us that they had been bombed, and that he needed our help. He said that a lot of people had been injured by shrapnel. So a large group of us went to Sapaca. This was around sunset. We used to see trees at the entrance of Sapaca, but this time there were no trees. As we got closer, I saw them: They looked like they had broken, or fallen down. The villagers had tried to escape toward the creek. There was dust and smoke all around. The smell was unbearable, like poison. Even the leaves of the trees were covered with a thick black layer. The houses in the village had collapsed into themselves. I saw one crater that was sixty centimeters wide and as deep as a ten-year-old boy's height." After burying the victims in Akduman, many of the Sapaca villagers fled to northern Iraq; one week later, P.D. and other residents of Akduman followed them. P.D. also said that he remembered that Sapaca villagers had been intending to boycot the local elections in Turkey that were scheduled for the week after the attack, and that they had been under intense pressure to sign up as village guards.

Leyla Şen, a seventy-year-old woman wounded in the attack in Sapaca, told the Human Rights Foundation she was refused aid at the Şirnak state hospital. She said the doctor was afraid to treat her unless she lied about the circumstances of her injury. "He said, 'If you don't say that you were wounded by stepping on a mine the PKK laid, we can't treat you.'"

The Turkish Human Rights Foundation's Mersin representative, psychiatrist Dr. Nihat Bulut, told Human Rights Watch he treated victims of the air raid in his Mersin clinic in the first week of April 1994. He said the victims told him

[150] Human Rights Watch interview, Atrush refugee camp, northern Iraq, June 1995.

their village had been bombed on March 26, 1994, and said they were suffering from burns, fractures, and hearing problems.[151]

Violations of International Law:

- Indiscriminate fire leading to the death of at least twenty-six civilians, the injury of several more, and the destruction of civilian property.

Troops Involved:

The combat aircraft belonged to the Turkish Air Force.

Weapons Used:

A helicopter, most probably of U.S. origin, was used to overfly Kuskanar village before the air bombardment. Then two warplanes, most probably U.S.-supplied, dropped four bombs, again most probably U.S.-supplied, onto the village. According to the U.S. State Department, at least four F-16s were reportedly involved. In the attack on Sapaca, five or six F-16s were probably involved.

Victims of the March 1994 air-raids:

According to our witnesses, the Human Rights Foundation of Turkey and the Diyarbakır branch of the Human Rights Association, the names of the victims from the March air-raids are as follows:

Kuşkonar village:

Mahmut Benzer, 30; Ali Benzer, 25; Ömer Benzer, 10; Nurettin Benzer, 7; Çiçek Benzer, 2; Ayşe Benzer, 35; Elmas Yıldırım, 30; Şerife Yıldırım, 30; Biharuk Yıldırım, 13; Melese Yıldırım, 14; Şaban Yıldırım, 4; Mirza Yıldırım, 2; Çiçek Yıldırım, 2; İrfan Yıldırım, 4; Kerim Yıldırım, 2; Fecre Altan, 40; Hacı Altan, 10; Kedin Altan, 3; Mahmut Aygur, 65; Adil Aygur, 18; Ayşe Aygur, 50; İbrahim Burak, 50; Amna Burak, 50; Ömer Kalkan, 40.

Koçağılı village:

[151] Human Rights Watch interview, Mersin, June 15, 1995.

Servet Kaçar, 100; Xoxe Kaçar, 40; Maşallah Kaçar, 17; Ahmet Kaçar (child); Hasan Kaçar (child); Ayşe Bengin, 60; Nuriye Bengin, 14; Fatma Bedir, 6; Leyla Erdinç (child); Zahide Kılınç, 2; Unidentified person.

Sapaca village:

Meryem Şen, 55; Salih Şen, 65.

CASE 4

Summary:

On April 8, 1994, according to three witnesses interviewed by Human Rights Watch,[152] village guards attacked the village of Kutlu, located in the Lice district of Diyarbakır province. The attack followed the village's failure to participate in local elections the week before. Kutlu, which was surrounded by three villages recruited into the village guards, had withdrawn its participation a year earlier from the government's rural paramilitary system.

According to the witnesses, the village guards shot and killed six villagers, including one seventy-eight-year-old man and two children aged fourteen and eleven. Three more were wounded by gunfire, and another thirty were badly injured from beatings. Thirty-three homes were burned, and both the male and female villagers were severely mistreated.

At one point during the raid Kutlu was visited by Jandarma troops based in a post three kilometers away, who arrived in armored vehicles. The troops, supported by three helicopters, at least one of which landed near the village, acted in support of the village guards—rather than arresting them or questioning their actions. The troops loaded dead bodies into the trucks, left the wounded in the village, and then withdrew, leaving Kutlu under the control of the village guards.

Description:

H.R. and G.Y., males aged forty and forty-five, were working in the vineyards outside Kutlu when they saw over one hundred village guards, armed with military-issue AKM rifles, approach from the direction of Oyuklu, a 900-strong village that had gone over to the village guard system. H.R. said he ran and hid in the vineyard, and watched the village guards attack his village. G.Y. said he and twenty-five other men tried to head the village guards off before they reached Kutlu.

[152] Human Rights Watch interviews, Adana, June 16 and 17, 1995.

"When we met them they threw us to the ground, tied our hands, and made us lie there under guard," G.Y. recalled. The rest of the village guards entered into Kutlu, firing their weapons.

About half an hour after the initial attack, G.Y. said, he saw a convoy of "maybe twelve Army vehicles" drive by, traveling from the Tepe Jandarma Post toward Kutlu. The convoy was preceded by three helicopters, which overflew G.Y. and headed toward the village.

G.Y.'s wife, thirty-five-year-old T.Y., told Human Rights Watch that the village guards gathered a number of women into a room in her home. "Suddenly they started firing through the windows at us," T.Y. recalled. A number of women were hit by the gunfire, and T.Y. was hit by a bullet that scraped her scalp, later requiring twenty-five stitches. "I was bleeding heavily, and all the women in the room were screaming and crying," T.Y. recalled.

The women were then ordered into the central village square. "There were sounds of shooting coming from all over the village," T.Y. recalled, "and there were wounded people next to me, lying on the ground. The village guards were beating us with their rifles, screaming at us that we gave food to the terrorists, and shooting at the ground near our feet."

T.Y. lost consciousness. When she came to, she saw soldiers gathered in the village center, two of whom were trying to lift her into a military vehicle. "When I woke up and opened my eyes they realized I was alive," she said, "so they dropped me. They were loading the dead bodies into their trucks."

T.Y. said she recalled hearing the sound of helicopters overhead while she was being lifted into the truck. H.R., watching the village from his hiding place on a hillside above Kutlu, said he saw the three helicopters hover over the village; two then dropped out of his sight, while the third landed in an open field several hundred yards from the village. "I saw some soldiers get out of the helicopter and head toward the village," he recalled.

T.Y. said the soldiers stayed in the village for over an hour, talking with the village guards. While the soldiers were present, the village guards stopped shooting, but began to burn houses in the village. "I think the soldiers prevented a massacre," T.Y. said, "but they let them burn the houses and beat us. They did nothing to help the wounded."

G.Y. and the twenty-five men initially captured by the village guards were brought to Kutlu from the vineyard and were placed in the village mosque along with over eighty other village men. "The village guards hit us, cursed us, and said they were going to kill us," he told Human Rights Watch. During this time, the Jandarma soldiers stood outside in the village square near their vehicles, watching but not interfering.

The village guards forced the young women in the village, including G.Y. and T.Y.'s sixteen-year-old daughter, to carry hay and straw into their homes, which they then set alight. When the houses were burning, the village guards tried to push some of the girls into the blaze; T.Y.'s daughter was "pushed three times," T.Y. said, but managed to escape each time.

After the Jandarma and the helicopters departed, the village guards placed several large gas canisters under the mosque, where over one hundred male villagers were imprisoned. G.Y. said one of the village guards, who was a personal acquaintance, told him they intended to blow up the mosque with the men inside. "There was a loud noise, an explosion," G.Y. told Human Rights Watch, "and the mosque shook, but nothing else happened." After apparently failing in their bid to destroy the mosque, the village guards pulled out of Kutlu.

The witnesses said the six slain villagers were Mesut Şanlı, aged seventy-eight, Sıddık Şanlı, aged twenty-four, Zeki Aytekin, aged seventeen, Metin Aytekin, aged sixteen, and two brothers, fourteen-year-old Raif and twelve-year-old Ilha. They listed those wounded by gunfire as Kasım Polat, aged forty-five, Zeliha Hantaş, aged forty-eight, and Zeliha's daughter, thirteen-year-old Hicran.

Violations of International Law:

- The killing of six civilians and the injuring of three more by indiscriminate fire or summary execution;
- Inhumane and degrading treatment;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

The principal perpetrators in the incident appear to be village guards. Jandarma troops, backed by helicopters either from the Jandarma, Army or Air Force, visited the scene during the incident and appear to have closely monitored and advised guard leaders. They made no attempt to halt the village guards responsible for killing and torturing the villagers, or to deter them. The Jandarma also failed to halt the destruction of the village and the forcible displacement of its residents.

Weapons Used:

The village guards used AKM assault rifles, most probably supplied to Turkey by Germany from East German stocks. The Jandarma used unidentified

armored vehicles and undetermined small arms. The helicopters used in the incident were probably U.S.-supplied.

CASE 5

Description:

Z.K., aged sixty-two, told Human Rights Watch that security forces backed by helicopters raided his village of Cirzi (new Turkish name: Taşlık), located in the Savur district of Mardin province, in May 1994.[153] "First two helicopters flew toward the village at about 11:00 am," Z.K. recalled, "and opened fire, shooting from the air into the village." No one was killed in the initial burst of fire, he said, but the villagers, intimidated by the gunfire, began to flee the village.

The helicopters allowed the approximately 1,000 villagers to escape into the surrounding hills. Then, several hundred troops mounted on armored vehicles entered the village. "They spread out in the village and burned all the houses down," Z.K. said.

Violations of International Law:

- Indiscriminate fire leading to destruction of civilian property;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

The military units from which the raiding party and the helicopters were drawn remain unknown.

Weapons Used:

The security forces used helicopters, most probably U.S.-supplied gunships, to strafe the village and force civilians to flee. The troops then rode into the village on unidentified armored vehicles. The small arms used by the troops were not identified.

[153] Human Rights Watch interview, İzmir, June 27, 1995.

CASE 6

Summary:

According to a witness interviewed by Human Rights Watch,[154] two jets bombed an unidentified village near the village of Umbarlar in the Bismil district of Diyarbakır province,[155] killing several civilians. The raid came toward the end of May 1994; the witness could not remember the precise date.

Description:

N., a twenty-five-year-old woman visiting the village of Umbarlar, located between Çinar and Bismil in Diyarbakır province, said she was standing outside her hosts' home at dusk on a day in late May 1994 when she saw two aircraft fly over her village from the direction of Diyarbakır. A minute later, N. heard large explosions and saw flames shoot toward the sky. "I thought the sky was burning," N. recalled. She then heard shouting and screaming from the direction of a village situated two kilometers away from Umbarlar of which she did not know the name. "I couldn't hear what they were saying," she told Human Rights Watch. "I could only hear that they were screaming as if in anger or in pain." The flames continued for most of the night, N. said.

The next morning, N. heard that survivors from the neighboring village were hiding in a creek nearby. She gathered some food and clothing and went with several Umbarlar residents toward the ravine. "When we reached the creek we saw them," N. recalled. "There were a few families there, twenty people altogether, men, women, old people, and children. They said the planes had dropped four bombs on them, destroying the village."

The villagers told N. that "some" had been killed in the bombing, and that others had been wounded. "They had run from the village without checking who died and who lived," N. said. "They were very confused. Some of them were

[154] Human Rights Watch interview, İzmir, June 28, 1995.

[155] From the description, it is possible that the village referred to by the witness is the village of Ambar.

injured, others were in shock. One had a big chunk of his leg blown off; there were children there bleeding and crying, with their faces all bloody."

The villagers told N. that during the preceding months, they had given food and, on occasion, shelter to PKK guerrillas operating in the area. The local Jandarma had been pressuring them to become village guards, but they had successfully resisted the pressure until then. "The Jandarma was saying that the village was a guerrilla village," N. said. The villagers, for their part, seemed upset that the PKK had failed to protect them from the attack. "They kept repeating 'the guerrillas didn't help us,'" N. recalled.

A week later, N. went to the village with several relatives. The houses were still smoldering and the village was empty save for one elderly man, who told N. he was too old to look for a new home.

She said the village contained a total of forty homes, six of which had been completely flattened in the explosions while the remainder had been damaged and burned.

N. saw one bomb crater in the center of the village before she left. She described it as "huge, like a water well, very deep." She said it was at least four times her height, which would make it approximately six meters deep, and the circumference was three by three meters.

Violations of International Law:

- Indiscriminate fire, leading to the probably death of several civilians, the injuring of others, and destruction of a civilian village.

Troops Involved:

The combat aircraft were from the Turkish Air Force.

Weapons Used:

The combat aircraft were most probably of U.S. origin, as were the bombs used.

CASE 7

Description:

A witness interviewed by Human Rights Watch said that in May 1994,[156] Jandarma and Özel Tim troopers came to the village of Karabulak, home to approximately 5,000 people in the Kulp district of Diyarbakır province. The soldiers ordered the residents to leave their homes and burned down some of their homes.

A.T., a thirty-five-year-old villager who had done his military service in the Turkish Army, said that the troopers then forced him and sixteen other villagers to accompany them and carry their packs for over a week as they hiked through the surrounding mountains. The villagers were ordered to walk ahead of the soldiers when the column approached areas the troops believed were inhabited by PKK guerrillas. While most of the Jandarma carried German-designed G-3s, the Jandarma special forces carried U.S.-designed M-16s.

After a week, the soldiers had a fire-fight with the PKK, and four of the villagers escaped. "The rest of us were released the next day," A.T. said.

Violations of International Law:

- Forced displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Kidnapping of civilians to act as porters and as shields against attack;
- Pillage/destruction of civilian homes.

Troops Involved:

The witness identified a mixed force of regular Jandarma troops and special Jandarma forces, the Özel Tim.

Weapons Used:

The regular Jandarma used German-designed G-3 rifles, while the Özel Tim used U.S.-designed M-16 assault rifles.

CASE 8

Summary:

[156] Human Rights Watch interview, İstanbul, June 13, 1995.

A thirty-three-year-old witness told Human Rights Watch he was on a helicopter from which Jandarma troops threw three suspected PKK guerrillas on May 10, 1994.[157] He said the man and two women were tossed to their deaths above the village of Yolçatı, located between the towns of Lice and Kulp in Diyarbakır province. Prior to the helicopter incident, the witness and the three suspects were severely tortured.

Description:

T.P. told Human Rights Watch he was first arrested on May 2, 1994, at an Army roadblock at the edge of the Muradiye quarter in the town of Lice, near his home in Akro hamlet. Lice has been a major target of security force activity since 1993.

The soldiers first brought him to a building that once served as the Lice State Hospital, but now is used as a military headquarters. They beat him, took his money, and then transferred him to the Garnizon Jandarma Post, located three kilometers away in the town of Lice.

T.P. said he was violently interrogated at the Jandarma post by a Jandarma officer and by a former PKK guerrilla known by his codename, "Cudi".[158] The two men alternately beat T.P. and questioned him about his brother K., a well-known guerrilla still active at the time in the countryside.

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[157] Human Rights Watch interview, İstanbul, June 10, 1995.

[158] The Turkish security forces regularly recruit former PKK guerrillas to work with them as informers and interrogators. The "Pişmanlık Yasası" or "Law of Repentance" reduces sentences for those giving information. Many such "confessors," as they are typically referred to in Turkey (itirafcis), have been accused of being involved in gross human rights abuses such as torture and extrajudicial executions. The PKK, for its part, often summarily executes suspected informers or collaborators.

T.P. was then transferred to the Lice Regional Boarding School (Lice Yatılı Bölge Okulu), the bottom floors of which had been converted into a detention and interrogation center.

T.P said he was badly tortured in the boarding school for several days. The most common method of torture, he said, was forced submersion in water with his hands tied and eyes blindfolded. "They held me by my legs upside down in the water and left me there until I thought I would die," T.P. said. "They did that a couple of times an hour until I thought I couldn't take it any more."

On the third day of his captivity, T.P. was joined by three suspected PKK guerrillas who had fallen captive the day before. "When I first saw them I thought they were dead," T.P. recalled, "but then I touched them and they opened their eyes." The three had been beaten so badly that they were barely conscious.

T.P. said he had never seen the captives before, but learned that their first names were Abdurrahman, a male aged thirty, Zelal, a female aged twenty-one, and Bermal, a female aged twenty-three. T.P. said he and the three others were repeatedly tortured by water submersion, and also continued to be beaten.

On May 10, 1994 at approximately 11:00 am, T.P. and the three suspected guerrillas were loaded onto a helicopter which T.P. said his guards referred to as a "Cobra." The helicopter took off from a landing pad located directly in front of the boarding school.

T.P. said that the four captives, guarded by a Jandarma non-commissioned officer whom T.P. identified as an "uzman çavuş," a military designation for a technical specialist with the rank of sergeant, and three privates, took off in the direction of Kulp. After a short flight, the helicopter flew over the village of Yolçatı. "The fields were in flames," TP recalled, "the peasants were burning the grass to clear the land."

The four captives were sitting together in the back left-hand corner of the helicopter. The Jandarma sergeant was sitting on the front right-hand side of the plane, near the helicopter's door.

The sergeant ordered Abdurrahman to stand near the door, told him to "reserve a place for me in the next world," and then pushed the man to his death. Before Abdurrahman was shoved out the door, the Jandarma sergeant ordered the remaining three captives to keep watch from the helicopter's window, located on the left-hand side of the aircraft.

The Jandarma sergeant then ordered Bermal over to the door and ordered her to take her clothes off. "Bermal refused, so the sergeant tore them off anyway," T.P. recalled. "He fondled her naked body, made humiliating sexual remarks about wanting to fuck her, and then pushed her out of the door." T.P. said he disobeyed

the sergeant's order to watch; "I closed my eyes, it was too horrible to look at," he said. "I knew I was going to be killed anyway."

Zelal was also stripped, humiliated, and shoved from the helicopter. T.P. pleaded for his life, saying he would reveal the whereabouts of a PKK arms cache. "The sergeant agreed not to kill me, but said that if I was lying about the arms cache, I would be immediately killed," T.P. said.

That night, T.P. said, he managed to escape from the school through a loose window. He fled Lice and now lives under an assumed name in İstanbul.

Violations of International Law:

- Summary execution of three suspected PKK guerrillas;
- Torture of a civilian and suspected PKK guerrillas.

Troops Involved:

The non-commissioned officer commanding the summary execution was reportedly a Jandarma sergeant; the helicopter probably belonged to the Jandarma, but may also have been Army or Air Force.

Weapons Used:

The helicopter used to kill the three captured PKK guerrillas was most probably U.S.-supplied. According to T.P., the Jandarma described it as a Cobra gunship.

CASE 9

Summary:

On May 28, 1994, according to four witnesses interviewed by Human Rights Watch, a security force officer fired a rifle grenade at two children, killing them instantly.[159] The shooting took place during a security force raid on the village of Yaygın, located in the central district of Bitlis province. Human Rights Watch conducted interviews in two different cities, and found that the different witnesses supplied a similar description of events.

[159] Human Rights Watch interviews, Adana, June 16, 1994, and İzmir, June 27, 1994.

Description:

Y.E., aged thirty-five, said that a military operation began in the hills and forests near Yaygın on the night of May 27, 1994. "There was shooting all night, artillery and small arms," he recalled. According to sixty-year-old F.E., the firing died down by dawn. In the early hours of the morning, two boys, Emrullah Eybek, aged eight, and İsmet Erman, aged ten, were sent by their families to the nearby hillside with their flocks of sheep. An hour or so later, the witness said, military troops, including Özel Tim and Jandarma accompanied by village guards, entered the village of 1,000 residents. "They ordered us to gather in the central square," Y.E. recalled, "and told us not to leave the village under any circumstances. They said there would be shooting in the mountains."

F.E. and his wife, fifty-eight-year-old M.E., approached an officer whom other soldiers identified as the force commander. "I told him that there were two children on the mountainside," F.E. said, "and asked him to make sure they would be safe."

The officer then began to climb the hillside toward the two boys. After a few minutes, F.E. said, "I saw a stick flying through the air, very slowly, heading toward the children."

The "stick" hit the ground near the two boys and then there was a large explosion. "There was a big noise, a column of white smoke," recalled M.E. She said that one of the soldiers guarding the villagers began to sob, saying, "The lieutenant killed them, he killed them!"

F.E. and M.E., together with fourteen-year-old G.E. ran toward the point of impact. "When we arrived, we saw the bodies," F.E. recalled. "One of them had its head blown off from the forehead up; the other had the entire face blown away. Both bodies were badly burned, and both had no legs." The boys' feet lay detached from their bodies at some distance, with their shoes still attached. One of İsmet's hands was severed at the knuckles.

G.E. said he found a fragment of the explosive device which killed the two boys, and described it as having four fins from which a piece of an aluminum tube emerged. From his description and from the other witnesses' description of the small crater caused by the explosive, it is likely that the boys were killed by a shoulder-launched rifle grenade of the Mekar variant, which is commonly used by Turkish infantry troops.

Although the villagers gathered the boys' remains, the troops took charge of the bodies and brought them to the State Hospital in the town of Bitlis, where F.E. and M.E. were met by the public prosecutor. They told Human Rights Watch

that the prosecutor showed them a report which stated that the boys had been PKK guerrillas "killed when a mine they were trying to lay exploded in their hands."

Violations of International Law:

- The deliberate killing of two children, either by indiscriminate fire or by summary execution.

Troops Involved:

The force was a mixed group of Jandarma special forces, regular Jandarma troops, and village guards.

Weapons Used:

The officer who killed the two children apparently used a rifle grenade which he fired from his assault rifle. The grenade is most probably of the Mekar variant in use by Turkish infantry forces. The small arms and armored vehicles used by the troops are unidentified.

CASE 10

Summary:

In the summer of 1994, according to a witness interviewed by Human Rights Watch, armored vehicles, including tanks, opened fire on the village of Katran, located on the main road between Cizre and Mardin, in the Cizre district of Şirnak province.[160] The combined machine-gun and shell fire killed three persons, including two children, and caused extensive damage. No fire was directed at the security forces, the witness said.

Description:

The origins of the incident remain unclear. According to twenty-year-old F.Y., who had just moved to Katran to join her husband, the security force shooting began in the early hours of the morning. She said that the security forces apparently suspected that a passing truck driver, who had stayed in the village overnight, was a PKK guerrilla.

The witness said that automatic fire started from the Turgutlu Jandarma post, located on the edge of the village near the main Mardin-Cizre road. "Then,"

[160] Human Rights Watch interview, İzmir, June 27, 1995.

she said, "about five tanks, which had surrounded the village from the back, poured shells into the village."

The bombs completely leveled one building, destroyed half of another, and caused varying levels of damage to tens of other homes. "Our home took a direct hit on the roof and had a big hole," F.Y. recalled, "and many other homes had similar damage. Also, tens of livestock were killed."

F.Y. said that three persons were killed in the shooting, including a man and his ten-year-old son who were staying in the village overnight as they drove to Iraq, and a three-year-old child from the village. "The baby was sleeping on the roof of his house when the shell hit," F.Y. said. She said she did not know the baby's name because she was a newcomer to the village.

A week later, F.Y. said, Jandarma troops came to Katran and told villagers they must either join the village guards or leave. F.Y. said that half the villagers left while the remainder accepted village guard status.

Violations of International Law:

- Indiscriminate fire leading to the deaths of three persons, two of whom were clearly civilians, and causing damage to civilian property.

Troops Involved:

The identity of the troops is unknown; some of the fire appears to have come from the nearby Turgutlu Jandarma post.

Weapons Used:

Heavy weapons fire from armored vehicles, including tanks, and from machine guns situated within the nearby Jandarma post.

CASE 11

Summary:

A forty-five-year-old witness, D.F., told Human Rights Watch[161] that her village of Durusu, located in the Savur district of Mardin province, was raided by troops supported by armored vehicles and helicopters in August 1994. Six villagers died during the raid and ten persons disappeared, including D.F.'s two young children. The helicopters strafed the village, but it is unclear whether the strafing caused deaths or injuries. The troops later burned the village.

[161] Human Rights Watch interview, İzmir, June 27, 1995.

Description:

During the months preceding the raid, D.F. said, local Jandarma had placed pressure on the village, which it considered pro-PKK, to join the village guards. The villagers had refused, D.F. said, and the pressure from officials had mounted.

On the day of the raid, D.F. recalled, she first saw a column of armored cars enter the village. "They were everywhere. They opened fire, I'm not sure exactly at what, and people began to flee." Several minutes later, she said, "helicopters came, I don't remember how many, but a lot." The helicopters hovered over the village, D.F. said, and there were sounds of machine gun fire and bombing, but she was unable to see whether the fire was coming from the helicopters or the armored vehicles.

The villagers were gathered in the central square and blindfolded. In the commotion, D.F. lost track of two of her children, Caziye, aged five, and Raziye, aged seven, and said the troops prevented her from searching for them.

When troops removed the blindfolds several hours later, the witness said, the villagers saw their homes burning. D.F. searched for her children, but could not find them. Another seven villagers, including four children and three adults, also disappeared. Six villagers, Ali Topal, Samad Çelik, Hacı Mehmet Çelik, and three others, died at the time of the raid when their bus ran over a mine on the road to the village. D.F. said she had heard the mine was laid by the security forces, but acknowledged she had no first-hand knowledge of that fact. Both the PKK and the Turkish security forces routinely use mines.

D.F. said there were no guerrillas in the area during the raid, and that the shooting was entirely one-sided. "No one was shooting at the soldiers," she said; "they just fired to make the people be scared and run."

Violations of International Law:

- Inhumane and degrading treatment;
- Indiscriminate fire, leading to the destruction of civilian property and, possibly, several deaths;
- Disappearance of ten persons, who either died in the raid from Army gunfire, were trapped in burning structures when the troops burned the village down, or were detained by the Army and were never accounted for;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

It is unknown whether the troops were Turkish Army or Jandarma.

Weapons Used:

The troops used helicopters, armored personnel carriers, and heavy machine guns to fire at the village. The helicopters were most probably of U.S. origin, but the personnel carriers and heavy machine guns are of unknown origin. The identity of the small arms used by the troops is unknown.

It is unknown whether the mine that killed six villagers was planted by the troops or by PKK guerrillas.

CASE 12

Summary:

At the end of August 1994, according to a witness, helicopter-borne troops raided the village of Çomak and its related hamlets, Tilki, Kamıslı, and Çayırlı, located in the Kiği district of Bingöl province.[162] The access road to Çomak was impassable, requiring the troopers to use helicopters to reach the remote village. The troops used rockets and rifle grenades to destroy some homes, and then burned down the remainder, forcing the residents to leave.

Description:

"Three helicopters landed in the hills above our village at sunrise," twenty-six-year-old G.U. said, "and then soldiers walked down into the village, ordering us to gather in the village square." The troops searched the homes, then gave the villagers three hours to remove their belongings.

While the soldiers burned the village, helicopters buzzed the surrounding forests, strafing the undergrowth and firing rockets. G.U. said a large forest fire was created.

According to the witness, the troopers fired shoulder-launched rockets at some of the houses. He identified the rockets as U.S.-designed LAW armor-piercing rockets, saying he knew them from his 1990 military service in the Turkish infantry. "They knelt on a hill overlooking one of the hamlets and fired off a bunch of the Lavs [LAWs]," he said. He recalled that some of the soldiers also used rifle grenades "which they stuck on the ends of their rifles and fired." From his description of the grenades, it appears likely that they were rifle grenades of the Mekar variant.

[162] Human Rights Watch interview, İstanbul, June 10, 1995.

G.U. also identified U.S.-designed M-16s, which were carried by the officers. The rest carried German-designed G-3 rifles, he said.

G.U. said the villagers walked with their belongings for two-and-a-half hours to the nearby town of Kiği, where the village headman was interrogated and then arrested by the local Jandarma commander.

Violations of International Law:

- Indiscriminate fire, leading to the destruction of civilian property;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

According to the witness, the troops were a mixed force drawn from the Turkish Army and the regular Jandarma.

Weapons Used:

The witness identified transport helicopters, which were most probably U.S.-supplied. He also identified the use of U.S.-designed LAW anti-tank rockets, rifle grenades, and U.S.-designed M-16 assault rifles, which he said were carried by some Army officers. The remainder of the troops carried German-designed G-3 rifles.

CASE 13

Description:

Witnesses interviewed by Human Rights Watch recounted a bombing raid on the village of Bagdowan, in the Koysanjaq district of Suleimaniyeh governorate in northern Iraq, in August 1994.[163] One witness, E.A., 23, said he saw airplanes coming to his village at around 7 o'clock in the morning. "They were Turkish," he said. "They were coming from the north, from across the mountains. But we never imagined that they would do something against us. The moment we saw clouds of smoke arising in different colors, we began to run toward the valley. The bombing lasted for about an hour and twenty minutes. There were thirty-two airplanes; I counted them."

[163] Human Rights Watch interview, Bagdowan, northern Iraq, June 1995.

A second witness, P.T., 40, said that as soon as he saw the airplanes he started running toward his house: "As far as I can recall, at first ten planes came, then eight and then another eight. Across the mountain range I saw two black helicopters in the air, but they did not come in our direction."[164] A.M., the headman of Bagdowan, told Human Rights Watch that the planes had dropped four bombs. "They struck craters three to four meters deep and one to one-and-a-half meters wide. I saw smoke that was green, black and yellow. All the windows and doors in the village were damaged." A.M. also asserted that the PKK had never been to the village. Nine persons were wounded in the air-raid.

Violations of International Law:

- Indiscriminate fire leading to the injury of eight civilians and the destruction of civilian property.

Troops Involved:

The combat aircraft most probably belonged to the Turkish Air Force.

Weapons Used:

Two helicopters, most probably of U.S. origin and flown by U.S. crews, hovered in the vicinity of the attack. Warplanes, most probably U.S.-supplied, dropped at least four bombs, again most probably U.S.-supplied, onto the village.

Civilians Injured in the Air Raid:

According to our witnesses, the following eight persons were injured in the air-raid on Bagdowan: Abdullah Esvad, male, 23; Sirin Gafur Muhammad, female, 27 (head injuries); Harbid Esvad, boy, 8 (arm injury); Asna Mangut, infant girl, 2 (foot injury); Tayip Abdurrahman, male, 19 (foot injury); Ibrahim Hasan Osman, male, 19; Kefiyeh Ibrahim, girl, 15; and Kadir Ibrahim, boy, 9.

CASE 14

[164] Villagers in northern Iraq refer to helicopters of the allied forces' Military Coordination Center (MCC) that is headquartered at the İncirlik airbase in southern Turkey (and has an office in Zakho) as "the black helicopters." The MCC consists of representatives of the U.S., France, Britain and Turkey. Pairs of MCC helicopters, flown by U.S. crews, that conduct routine patrols over the no-fly zone in northern Iraq as a rule include the ranking Turkish officer at the MCC. The witness's story suggests that the MCC may have been fully aware of the air attack on Bagdowan in August 1994.

Summary:

The Tunceli province operation of autumn 1994 was especially fierce between the towns of Hozat and Ovacık. Prior to the operation, according to local residents, the Ovacık area contained some sixty villages; by the operation's end, they said, only eighteen remained intact.

Human Rights Watch interviewed three witnesses from Ovacık district, two of whom were kidnapped by Turkish security forces to act as porters.[165] From the witnesses' testimony, it appears that troops, backed by helicopters, destroyed the villages of Buzlutepe and Bilekli by aerial bombardment, burning and shell fire on October 4 and 5, 1994, killing six persons. The soldiers then burned down a number of other villages in the area during the following week. At no point during the events, the witnesses said, were the Turkish forces engaged by PKK guerrillas.

Description:

Witnesses told Human Rights Watch that the military raid on Buzlutepe and its three hamlets, Camrek, Delcek and Hinzari, began early in the morning of October 4, 1994, when troops surrounded the village. An officer ordered the villagers over a loudspeaker to leave their homes and gather in the central village square, leaving all their belongings behind. H., aged twenty-five, recalled that some eighty villagers, including women and children, were ordered to lie face down on the ground and were surrounded by "hundreds" of soldiers. The villagers lay on the ground for several hours.

At first, H. recalled, bombs began to explode several hundreds yards away from the villagers, in and among houses on the outskirts of the village and its surrounding hamlets. At that time, H. was unsure as to the identity of the weapon used, but said they seemed to be coming from a hill situated several hundred meters away. Later, H. and other young men were forcibly conscripted to carry the soldiers' backpacks and mortars; it appears that these mortars were used against Buzlutepe, and were again used later against Bilekli, this time with H. looking on.

After some time the bombs stopped falling, H. said. Soldiers positioned near the square where the villagers were detained began to fire shoulder-launched rockets at houses located within Buzlutepe village.

H. described the rockets in detail to Human Rights Watch, and their description strongly suggests they were U.S.-designed LAW shoulder-fired, infantry-borne anti-tank rockets. H. said the rockets were plastic tubes

[165] Human Rights Watch interviews, İstanbul, June 10 and 11, 1995.

approximately one meter in length. "The soldiers opened them by pulling them apart," H. recalled, "then put them to their shoulders and fired." The rockets were used only once; after being fired, the empty tubes were discarded in a pile in the village square. "After a few hours there were tens, maybe hundreds of empty tubes lying around," H. said. "When we asked the soldiers what the tubes were, they said they were 'Lavs.'" H. said that the soldiers appeared to be amusing themselves with the rockets, firing them at will and horsing around during the aiming process.

Soldiers then began to move through the village, burning the remaining structures. The troops guarding the villagers in the central square allowed the villagers to get up off the ground and sit under a nearby tree.

At no time during the entire incident, H. said, did anyone offer resistance to the troops. The attack appeared to be aimed at destroying the village; it was not part of a gun battle with anti-government forces. H. said that some of the villagers attempted to question the soldiers during the operation, asking them why they were burning the village. "They kept saying that we supported the PKK and bred 'PKK brats,'" H. said. H. and other witnesses acknowledged that the PKK had been present in the surrounding forests and mountains, and said a PKK force had attacked a local Jandarma post in June 1994.

The village burning continued throughout the day. On several separate occasions, H. said, military helicopters landed in an open field situated 100 to 150 meters from the village, bringing in troops and supplies. "The road to Buzlutepe is very bad," H. explained, "so the soldiers could only walk in or fly by helicopter." H. said he believed four helicopters of similar manufacture were used, but did not know their exact make.

H. said he saw and heard aircraft bombing around Buzlutepe, but did not see where many of the bombs struck. "They were bombing all around the village and in the mountains and forests," he recalled.

A second Buzlutepe witness interviewed by Human Rights Watch, however, said that his home, located in the tiny Delcek hamlet over a kilometer away from the main village, was destroyed by large bombs. From this witness's description of the craters and the bomb fragments, it appears likely that aircraft-launched bombs were used to destroy the three-home hamlet. K., aged forty-five, said he left his home with his family on October 3, 1994, and moved to Ovacık in anticipation of the coming Army raid. "When I came back to my hamlet several days later," he recalled, "there were several large craters in the ground, and two bomb fragments, made of heavy metal, weighing four or five kilos each." Each of the three houses, all of which belonged to the Güz family, were flattened, and the destruction was clearly caused by large explosive devices, much larger than would have been caused by mortar rounds.

Both witnesses said that five villagers were killed in the bombing, and listed them from memory as: Hani Karakaya, a forty-year-old woman, her two children Serkan, aged three, and Devrim, aged five, Hıdır Güz, aged fifty, and Kazım Uso, aged thirty. Neither had seen the bodies, however; they said they were told by others in the village that the bodies were pulled from their home, which had been struck by shells.

When evening came on October 4, an Army lieutenant from the commando force ordered the villagers to begin walking toward Ovacık. H., together with some twenty other young males, was separated from the main group of villagers and was ordered to accompany a detachment of troops into the forests, carrying their backpacks and mortars. "The mortars were about one and a half meters in length and were carried by two of us," H. recalled, "while the base was carried separately by a third person." The mortar had an aiming device located in the middle of the gun.

On the morning of October 5, 1994, the soldiers and hastily conscripted villagers reached a hill situated several hundred meters away from Bilekli village and its two hamlets, Mezra[166] and Miksor. The soldiers set up the mortar and began to fire shells toward the village, carefully avoiding the nearby Yüceldi (trad. Sirtikan) Jandarma post, located on the outskirts of the village on the road to Hozat town. "The shells landed around the village, but not directly inside it," H. recalled. The soldiers appeared to be using the mortars to frighten the villagers out of their homes. The soldiers then bound H. and the other men from Buzlutepe and led them into Bilekli, announcing, "these are the PKK terrorists Bilekli has been supporting."

H. said that while the soldiers were forcing Bilekli residents to gather in the village square, they encountered resistance from an older man who H. later learned was Bilekli headman Müslüm Kavut. "The old man argued with them, saying 'Don't burn my home, burn me instead,'" H. recalled. H. stood some twenty meters away from Kavut as he argued with a special force soldier, whom H. described as "over thirty, maybe an officer, but without any ranks on his uniform." The soldier hit the headman several times during the argument, H. said. When Kavut continued to argue, H. recalled, the soldier lifted his rifle and shot Kavut from a distance of two meters. Then the soldier turned to other villagers standing nearby, H. said, and stated, "If anyone else here has a problem, we'll kill him, too."[167]

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[166] "Mezra" is Turkish for "hamlet." In this case, the name of the hamlet is itself "Mezra."

[167] The death of Müslüm Kavut was recorded in an article in the mainstream

The soldiers then finished rounding up the villagers in the square and burned the village. During this time, helicopters landed and took off near the village, bringing more troops and supplies. Later that day, H. and three other young men were taken by helicopter to Ovacık, where they were interrogated by a Jandarma officer. Other Buzlutepe villagers were gathered there as well, and all were being pressured to sign a statement saying that PKK guerrillas had burned the village. H. said he and others refused, and were finally released, after being beaten and held in a small, over-crowded room for three days with inadequate sanitation, food and water.

A third witness interviewed by Human Rights Watch, forty-five-year-old F., lived in the nearby village of Bilgeç. Soldiers burned his home and then forcibly conscripted him and other villagers to accompany troops on an extended search and destroy mission through the area. At one point during the mission F., passed through Bilekli and saw ongoing Army operations in the village. His description of events there supports that given by H.

F. told Human Rights Watch that soldiers surrounded his five-home hamlet on October 4, 1994, and ordered the villagers to leave their homes within ten minutes. The members of his hamlet were gathered together with other Bilgeç residents while troops burned their homes. Then F., together with twenty other villagers, was ordered to accompany a combined force of 150 commandos from the Bolu and Kayseri Commando Brigades, as well as "special forces," apparently Jandarma special forces. The soldiers kept F. and the other villagers with them for an entire week, forcing them to carry supplies and to walk in front of the troops. "They were using us as protection from a guerrilla ambush and as pack horses," F. said.

F. said that during the course of the week, he saw seventeen burned villages, six of which his own column burned. He listed the six as Tepsili, Kuşluca, Eğrikavak Elgazi, Halitpınar, Gorbasi, and Bilgeç. "Every day," he recalled, "we were resupplied twice by helicopters," which came in the morning at about 6:00 am and again in the evening at approximately 4:00 pm. He said two types of helicopters were used; one appeared smaller, bringing only ammunition and weapons, while another, which the soldiers termed a "transport helicopter," brought food and other

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Turkish press which said Kavut was one of sixteen persons dead or missing in the Tunceli operation. "Hozat'ta da 3 Kişi Kayıp," *Cumhuriyet* (İstanbul), November 18, 1994.

supplies. He described the "transport helicopters" as "bigger, fatter, and not as nice" as the helicopters bringing the weapons.

On one occasion, F. recalled, his column was positioned close to Bilekli village, mentioned by H. above. He said that a helicopter came and delivered a large weapon, described by F. as a "mortar," which soldiers then used to shell the surrounding forests.

At no point during the week-long trek, F. said, were the troops engaged by PKK guerrillas, nor did he see any bodies of suspected PKK fighters.

Violations of International Law:

- Summary execution of one civilian;
- Indiscriminate fire which apparently led to the death of five civilians and to the destruction of civilian property;
- Kidnapping of civilians by government forces and forcing them to serve as porters;
- Forcible displacement of civilians;
- Pillage/destruction of villages;
- Failure to provide for civilians forcibly evacuated by government forces.

Troops Involved:

According to witness testimony, the troops were a mixture of Turkish Army soldiers drawn from the Bolu and Kayseri Commando Brigades, and of unidentified special forces, either from the Jandarma or Police (Özel Tim or Özel Hareket Tim).

Weapons Used:

From the witnesses' description, it appears that security forces used mortars, warplanes, air-launched bombs and U.S.-designed LAW anti-tank rockets to assist in the village destruction. The warplanes, bombs and helicopters were most probably U.S.-supplied; the LAWs were U.S.-designed, but probably produced locally; and the mortars were of undetermined origin.

According to the witnesses, Army commando officers and some special force troops were armed with U.S.-designed M-16 infantry assault rifles, while rank-and-file soldiers carried German-designed G-3 rifles and MG-3 light machine guns. Several soldiers in each platoon were armed with U.S.-designed M-203 40mm grenade launchers mounted on M-16 rifles.

CASE 15

Description:

On October 5, 1994, according to a witness interviewed by Human Rights Watch,[168] troops came to the hamlet of Alacar, located in the Mazgirt district of Tunceli province, and burned two houses. "They said we supported terrorists," U.R. said, "and ordered us to leave the house. Then they burned everything inside." U.R.'s two-story home was destroyed, as was another house in the eight-home village. He said the troops poured gasoline around and on the house, lit a torch, and then set the fuel alight.

U.R. said the troops arrived in military trucks, but were accompanied by two helicopters, which flew overhead during the operation.

He told Human Rights Watch that he was taken by the troops, together with his daughter, to the local Jandarma post. "They interrogated us for a day," he said, "and beat us very badly." U.R. and his daughter were then taken to the central Jandarma post in Tunceli town, and were released a week later.

Violations of International Law:

- Inhumane and degrading treatment;
- Forcible displacement;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

The identity of the raiding troops is unknown, but the beating during interrogation took place in a Jandarma post. The home unit of the helicopters is not known.

Weapons Used:

Troops used unidentified military trucks. The helicopters were most probably U.S.-supplied. The soldiers' small arms remain unidentified.

CASE 16

[168] Human Rights Watch interview, İstanbul, June 10, 1995.

Summary:

On October 4, 1994, according to three witnesses interviewed by Human Rights Watch,[169] Turkish Army troopers, supported by three helicopters, burned the village of Yazıören, located in the Ovacık district of Tunceli province.

Description:

Twenty-four-year-old C.V. told Human Rights Watch that during the spring of 1994, helicopters were frequently used to burn down the forests surrounding Yazıören, a small village of thirty homes. "They poured gasoline or some kind of flammable liquid over the trees," he said, "and then set the trees afire." C.V. said the Jandarma ordered villagers not to enter into the forests, which were declared free-fire zones.

On October 4, 1994, he said, troops surrounded Yazıören at approximately 8:00 am. They ordered residents to leave their homes, bring their identity cards, and gather in the central square. They then moved the villagers to a field outside the village and burned their homes down. While the troops burned the village, C.V. said he saw several helicopters flying overhead. "The helicopters were hovering and watching over the village," he said, "but also sometimes fired their guns at the forests." C.V. said no fire was returned in the direction of the helicopters or the soldiers. He said he believed there were no PKK guerrillas in the area during the operation.

A second witness, twenty-four-year-old T., said that several hundred soldiers drove into the village at about 9:00 am. They ordered the villagers to leave their homes and gather in a nearby creek outside the village, located only a few minutes walk from the Mercan Jandarma Post. As the villagers walked toward the creek, T. said, he saw three helicopters fly over the village and land on a hilltop one kilometer from Yazıören. After a few hours, he said, they flew away. He could not see if anyone dismounted from the aircraft.

"When we arrived at the creek," T. said, "we asked a first lieutenant what they were going to do with us. He said, 'Of course, we're going to kill you.' Then the women started to cry." The soldiers did not kill the 120 villagers, however. After

[169] Human Rights Watch interview, İstanbul, June 10, 1995, and İzmir, June 28, 1995.

making them wait in the creek bed for several hours, they allowed them to walk back to Yazıören.

"Yazıören's homes were burning," T. recalled, "and there was nothing left to salvage." An officer told the villagers to leave Yazıören by nightfall, "or else they would kill us all."

A third witness, fifty-eight-year-old Y.U., said he was in Ovacık on October 4, 1994, when soldiers came to his home village of Yazıören. He said he heard reports that his village was being raided, and set out toward his home to investigate. On the way he saw three helicopters flying toward Ovacık from the direction of his village. "There was a helicopter pad at the Ovacık Jandarma post, about 300 meters from where I was staying," Y.U. said. "The day they burned my village I saw them loading the helicopters with equipment."

As he drove along the road to Yazıören, Y.U. said, he encountered his entire village walking toward Ovacık. "They told me that the Army had burned everything down and they were fleeing with none of their possessions."

The next day Y.U. went to the village with Tunceli parliamentary deputy Sinan Yerlikaya of the Republican People's Party (CHP). "When I arrived the houses were still smoldering," he said, "and everything was destroyed." Y.U. said his village was one of five burned that same day. The others were Mollaaliler, Yarımkaya, Şahverdi and Işıkvuran.

Violations of International Law:

- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

One of the witnesses, C.V., who had recently completed his military service in a transportation unit based in Cyprus, said he engaged the soldiers in conversation, learning that they were Turkish Army troops from a unit they termed the "Tokat Regiment." Another witness, T., who had also served time in the Turkish military, claimed that the soldiers were Army Commandos from the Bolu Brigade.

The home unit of the helicopters involved is not known.

Weapons Used:

Witness T., who had performed military service in the Turkish Army, identified the presence of helicopters during the village burning, which most probably were U.S.-supplied. Witness C.V. said each soldier in the raiding party carried a U.S.-designed LAW anti-tank rocket, and identified from pictures the

U.S.-designed M-203 grenade launcher, which he said was carried by a small number of the approximately 500 troops. He also said the soldiers were carrying a number of portable mortars, whose exact make he could not identify. Both C.V. and T. said that most of the soldiers were armed with German-designed G-3 rifles, while one of every ten soldiers carried a German-designed MG-3 light machine gun.

CASE 17

Summary:

In October 1994, according to a witness interviewed by Human Rights Watch,[170] Turkish Army commandos and Jandarma troopers burned the village of Eskigedik, located in the Ovacık area of Tunceli province.

Description:

"A month before the raid," forty-four-year-old C.K. told Human Rights Watch, "the commander of the Jandarma post in the neighboring village told us we had to leave." Eskigedik's residents ignored the order, C.K. said.

Early one morning in October 1994, he said, he awoke to find the village surrounded by troops who had apparently walked in from the local Jandarma post, located a forty-five minutes' hike away. Army commandos and Jandarma troops entered the village, ordered the residents to gather in the central square, and began to set the homes on fire.

The Jandarma troops were commanded by the officer in charge of the local Jandarma post. C.K. said the Jandarma officer was trying to make the Army commandos behave more kindly toward the villagers, "but the Army was ignoring him completely. He told us his job was only to show them around," C.K. explained.

While the soldiers were burning the homes, troops were combing the hills above the village. "Helicopters were flying over the village toward the troops in the mountains," C.K. said, "landing there and then flying back." The helicopters did not land in the village itself.

Violations of International Law:

- Forcible displacement of civilians;

[170] Human Rights Watch interview, İstanbul, June 11, 1995.

- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

Turkish Army commandos, either from the Bolu or Kayseri Brigades, together with Jandarma forces, burned the village. The home unit of the helicopters is unkown.

Weapons Used:

The witness identified the presence of helicopters, most probably U.S.-supplied. He said the troops generally used German-designed G-3 rifles, but that some Army commando officers carried U.S.-designed M-16 assault rifles, while a few commandos carried U.S.-designed M-203 grenade launchers fixed to M-16s.

CASE 18

Summary:

In late September or early October 1994, according to two witnesses, security forces raided the village of Cevizlidere, located in the Ovacık district of Tunceli province.[171] The troops, who were supported in a later stage of their operation by transport and attack helicopters, burned the village's forty-two homes and ordered the residents to leave.

Description:

"The soldiers walked into the local Jandarma post during the night," the former headman of Cevizlidere village said, "and surprised us in the morning." M.R., aged forty-one, said the villagers were ordered into the central square, where they stayed for three days after their homes were burned. "The soldiers kept ordering us to leave, but some of us refused," the headman explained.

"Some of us tried to resist," recalled twenty-five-year-old F.R., "but the soldiers beat us." He said the troops let the villagers take a few things from their homes, and then burned the buildings down by spraying them with a flammable substance.

[171] Human Rights Watch interviews, İstanbul, June 10 and 11, 1995.

The troops turned Cevizlidere into a base for operations, using the Jandarma post as their headquarters. "Helicopters kept coming and going while we were in the village square," M.R. said. "They landed in the Jandarma post, three or four at a time, and brought them supplies and troops."

F.R. said that helicopter gunships strafed the forests surrounding Cevizlidere, setting them ablaze. According to the witness, who recently completed his military service in the Turkish Army, a helicopter landed in an open field near the village on the second day after the raid. "A senior officer, a Lt. Col., got out and spoke to the non-commissioned officers," he said.

Violations of International Law:

- Inhumane and degrading treatment;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

The witnesses identified a mixed force comprised of regular Jandarma, Turkish Army, and Jandarma special forces. The helicopters involved could have been from the Jandarma, Army, or Air Force.

Weapons Used:

The witnesses, one of whom recently completed his military service in the Turkish Army, identified German-designed G-3 rifles, which they said most of the troops carried. In addition, they said, a few Army officers carried U.S.-designed M-16 assault rifles.

Both transport and attack helicopters were identified, and were probably of U.S. origin.

Cases Investigated by the Human Rights Foundation of Turkey: 1994

According to the Human Rights Foundation of Turkey, in 1994 "numerous land and air operations were carried out inside and outside of Turkey against PKK camps. During these operations, civilian areas were damaged, and individuals who had no connection to the PKK or other Kurdish organizations were killed."[172] The following are a sample of the cases investigated by the foundation:

[172] Human Rights Foundation of Turkey, *Human Rights in Turkey,* pp. 4-6. The cases below are drawn from this report.

- On January 6, 1994, a Turkish Army tank battalion located near the town of Cizre opened fire "at random" upon hearing automatic weapons fire in the general area. A tank shell hit a civilian structure, killing three persons, including an infant, a thirteen-year-old-child, and a sixty-year-old man. Three more persons were wounded.

- On January 9, 1994, a similar incident occurred. This time six persons, including two children, were killed, and five more were wounded.

- On February 24, 1994, security forces fired five cannon or mortar shells into the village of Heybeli, located in the Sason district of Batman province, killing nine persons, including three children, and wounding twelve, four of whom were children. According to the foundation, Heybeli was targeted because its residents had opted to leave the village guard system. A month prior to the February attack, the security forces raided Heybeli, burning seven homes and forcing a portion of the village to leave.

- On March 3, 1994, following a raid by the PKK on government buildings in the town of Cizre, security forces conducted a large operation in the heart of the town, killing four persons, including one child.

- On August 12, 1994, a Turkish artillery unit shelling a suspected PKK force in the mountains fired two shells into the village of Konuklu, located in the Kulp district of Diyarbakır province. Two women were killed, while eight others were wounded. One wounded man told the foundation that Konuklu was deliberately shelled because it had refused to join the village guards.

- On August 26, 1994, Turkish Air Force planes were alleged to have dropped bombs on the village of Yavuztaş, located in the Yayladere district of Bingöl province. The village headman was killed and two of his relatives were wounded. The dead man's wife wrote a formal petition to the State Minister for Human Rights, Azimet Köylüoğlu, stating that the warplanes had bombed her home without cause.

1993

CASE 19

Summary:

On February 21, 1993, according to a witness interviewed by Human Rights Watch,[173] Turkish troops, some of whom arrived by helicopter, raided and burned down the village of Ormaniçi, located in the mountains of Güçlükonak district in Şirnak Province. The raid was part of a retaliation for an earlier PKK ambush during which one Jandarma trooper was killed. After being forced to lie in the snow for over eight hours, the witness, together with six other villagers, was taken to a nearby Army base. After several days in freezing temperatures in a room exposed to the weather, the witness and four others developed frostbite and gangrene. The prisoners were then taken by helicopter to a larger military base in Şirnak town. One villager eventually died, and four, including the witness, had their feet amputated.

Description:

[173] Human Rights Watch interview, İstanbul, June 9, 1995.

According to the Human Rights Foundation of Turkey, the events in Ormaniçi followed a PKK ambush of a Jandarma patrol in the village on February 20, 1993.[174] During the ambush, the guerrillas, who had hidden themselves in a house within the village, killed a Jandarma trooper and then fled into the surrounding mountains. The security forces returned fire during the ambush, but then continued to fire indiscriminately in the village, killing one three-year-old child, wounding six other villagers, and damaging numerous homes. According to the foundation, security forces raided the village again the next day; the foundation's description of events, although based on research done two years before that of Human Rights Watch, is similar to that supplied below.

I.C., aged thirty-five, said the troops came early in the morning of February 21, 1993, to the village. "Some of the soldiers were walking," I.C. recalled, "while others, mainly officers, came by helicopters." The helicopters were first to arrive in the village, landing in an open field on top of a hill near the village. "There were two helicopters, but they came and went two or three times, bringing more soldiers and some supplies." No vehicles were used in the raid, he said, because snow in the mountainous area had closed off all access by road. Ormaniçi is located deep in mountainous territory, over one hour's hike from the nearest Jandarma outpost.

The troopers ordered the villagers to leave their homes, I.C. said. Forty-two male villagers, aged thirteen to sixty, had their hands bound in front of their bodies and were forced to lie face down in the middle of the village square. "It was snowing," I.C. recalled, "and it was terribly cold. I only had a jeans jacket on and after a few minutes, I began to shake from the cold. The soldiers would not let us get up and move our bodies." The other 200-250 villagers, mostly women and children, were held in the village mosque. The forty-two men lay for over eight hours on the ground, I.C. recalled, and were badly beaten by troopers when they tried to rise.

The soldiers burned Ormaniçi's thirty houses, using a "reddish powder, which they first scattered on the buildings, and then ignited with cigarette lighters," I.C. said. The powder was contained in wooden boxes. The soldiers wore gloves while distributing the flammable substance, I.C. recalled.

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[174] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1993.* (Ankara: 1994), pp. 191-93.

When it grew dark the troops took six men, including I.C., and a thirteen-year-old boy to the nearby Güçlükonak Jandarma Battalion Headquarters. The other six detained villagers were Resul Arslan, aged twenty-six; Fahrettin Özkan, aged thirteen; Nevaz Özkan, aged twenty-two; Mehmet Tahir Çetin, aged thirty-five; İbrahim Ekinci, aged thirty-seven; and İbrahim Özkan, aged thirty-eight. The remaining villagers were left to fend for themselves in the destroyed village.

The six men and the boy were held for fourteen days in the Army base, where they were interrogated about the village's suspected support for PKK guerrillas. During that time, according to I.C., the seven were held in a room with broken windows. "It was snowing and freezing all the time," I.C. said, "and after four days, our feet began to swell and hurt. The pain was so bad I couldn't sleep." The six men and the boy were severely beaten during the interrogations, I.C. said. They were not given warm clothing, adequate food or sanitary conditions, despite repeated requests. According to the foundation's report, the detained men were badly tortured in a variety of ways, including beatings, electric shock, anal rape with truncheons and bottles, application of burning objects to the detainees' skin, and beatings on the soles of their feet.

On the fourteenth day of their detention, the men were flown by helicopter to Şirnak Army base. "The Jandarma post where we were being held was completely cut off because of the snow," I.C. recalled, "so they had to take us by helicopter." In the helicopter were fourteen prisoners, seven from another village in the area. "They threw us onto the floor of the helicopter like frozen logs," I.C. said, "stacking us one on top of each other so that those on the bottom could see nothing and could barely breathe." In addition to the fourteen Kurdish villagers, the helicopter carried two pilots in the cockpit and three guards.

As a result of frostbite, gangrene and subsequent medical complications, I.C., Resul Arslan and thirteen-year-old Fahrettin Özkan had their feet amputated in the state hospital in the town of Mardin, while Mehmet Tahir Çetin had both legs amputated at the knee. İbrahim Ekinci died in a hospital in the southeastern city of Diyarbakır.

Violations of International Law:

- Torture and other cruel, inhuman and degrading treatment;
- life-threatening conditions of detention and inadequate medical attention, leading to the death of one prisoner and the permanent crippling of four others;
- Forcible displacement of civilians;
- Failure to provide for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

The identity of the raiding troops is not known for certain, but it is likely that the raiding party was comprised of Jandarma forces. At one stage during the witness's detention, Turkish Army troops from the Şirnak military base were involved.

Weapons Used:

Several transport helicopters, most probably of U.S. origin, were used in the operation. The identity of the small arms used is unknown.

CASE 20

Summary:

In March 1993, according to two witnesses interviewed by Human Rights Watch,[175] troops raided the village of Ekinyolu, located in the Eruh district of Siirt province. After burning the homes and killing the livestock, the troops detained twenty-three men and took them to the nearby Jandarma post. Later that day, artillery and tanks were used to shell the village, completing its destruction.

Description:

Ever since 1988, the witnesses said, the Jandarma had regarded Ekinyolu, home to some 1,000 people, as a pro-PKK village. Frequent raids, detentions, ill-treatment and torture during interrogation were common, the witnesses said. The Jandarma had set up a post fifteen minutes walking from the village, which served as headquarters for some 500 troops from the Bağgöze Jandarma Regiment. The Jandarma had also requisitioned the local school and its surrounding homes, which were used as a base of operations.

At approximately 3:00 am one morning in March, 1993, according to the witnesses, troops surrounded the village after approaching silently on foot. F.K., aged thirty-five, said she woke to find troops standing on their roof and on the roofs

[175] Human Rights Watch interview, İstanbul, June 10, 1995.

of homes nearby. "I woke my husband and told him to flee," she recalled, "but it was too late."

F.K.'s husband, forty-year-old M.K., said he followed the troops' orders and assembled, together with other male villagers, in the village square. The troops singled out twenty-three men, blindfolded them, bound their hands, stripped their clothes, and accused them of being PKK militiamen. "They then beat us very badly," M.K. recalled. "They hit us so hard we fell down on the ground. We were crawling around naked, with our hands tied, while they hit us." M.K. lost consciousness, and awoke to find himself being taken on a military truck to the local Jandarma headquarters, a drive of only a few minutes' duration.

At Jandarma headquarters, the men were thrown to the ground in the front yard. Next to the base the Jandarma had set up several batteries of light artillery and mortars, which were being fired in the direction of Ekinyolu. "The firing went on for several hours," he told Human Rights Watch.

F.K. said that after her husband was taken from the village, the troops began to humiliate and mistreat the village women. "They cursed us and sexually mistreated us," she said, refusing to reveal more details regarding the sexual misconduct. "Then they killed all the livestock with their guns, and began to burn the houses. Some of the livestock were burned alive in the barns," she recalled.

F.K. went back to her home, which had not been burned. The troops left the area, she said, and then bombs suddenly began to rain down on the village, some of which landed near her home. "There were huge explosions all around," she said. "I gathered my children and mother-in-law, and ran toward a cave some 200 meters away. There were huge clouds of smoke and dust, and shrapnel was flying everywhere." F.K., her mother-in-law and her three children, aged eight, four and one, hid in the cave for several hours as the shells struck throughout the village.

F.K. emerged when the artillery fell silent, and encountered more troops. "They beat me very badly," she said, "and then made all kinds of sexual jokes and did things to me. Then," she said, "the soldiers continued to burn some more houses, including even the village mosque." Eighteen of the village's homes had been hit by shellfire, including the house owned by F.K.'s family. "Our home was totally destroyed," she said, "and all the livestock had been killed." A total of eighteen homes were destroyed by shellfire, while the remainder of the village's approximately eighty homes were burned down.

F.K.'s husband M.K. was interrogated during the shelling at the Jandarma post. He said the questions were interspersed with severe beatings, and said soldiers stubbed out their cigarettes on his body three separate times. He was later taken to a Jandarma post in the town of Siirt, where he was held for twenty-three days.

Violations of International Law:

- Inhumane and degrading treatment;
- Indiscriminate fire leading to the destruction of civilian property;
- Forcible displacement of civilians;
- Failure to provide for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

According to witnesses, Jandarma troops were responsible for the raid.

Weapons Used:

Heavy weapons, including artillery and/or mortars, were used to destroy homes and fire indiscriminately at the village. The origin of the heavy weapons as well as the small arms used is unclear.

CASE 21

Summary:

In July 1993, according to four witnesses interviewed by Human Rights Watch[176], a military force retaliated against the village of Çelik, located in the Dargeçit district of Mardin province, for a PKK raid on the local Jandarma post that left seventeen troopers dead. During the attack seven civilians and one suspected guerrilla were killed; at least two of the killings were summary executions, according to witness testimony. A helicopter gunship strafed the village, damaging civilian homes and killing livestock; a second helicopter came later, bringing a senior officer who ordered the troops to cease fire and allow the villagers to flee. The village was fully destroyed.

Description:

T., a thirty-seven-year-old resident of Çelik, told Human Rights Watch that PKK guerrillas attacked the village's Jandarma post late one night in July 1993,

[176] Human Rights Watch interviews, İstanbul, June 8, 9 and 10, 1995. A Human Rights Watch/Helsinki researcher took similar testimony from twenty-year-old Melike in October 1994, also from Çelik in Dargeçit district. See Human Rights Watch/Helsinki, "Turkey: Forced Displacement," p. 21.

killing seventeen troopers and then withdrawing into the surrounding countryside.[177] Realizing that retaliation would come, T. took his family and fled to the nearby village of Mehina, located a forty-five -minute walk away. "At four in the morning," T. recalled, "helicopters appeared and there was shooting at Çelik from all around. It lit up the night, the explosions and the tracers; it was like the Gulf war." T. said the helicopters fired "machine guns and rockets" at the village.

L.K., a fifty-year-old woman from Çelik, recalled that "hundreds" of soldiers arrived in vehicles early the morning after the PKK raid, and ordered villagers to gather in the central square. While she and her sixteen-member family were evacuating their home, soldiers began to shoot her livestock. They then shot her husband, Mehmet Kavakçı, aged fifty-five, and his older brother, seventy-year-old Ahmet Kavakci. L.K. did not see the killings when they happened; she only saw the bodies minutes later. Later in the morning, she said, soldiers placed AKM rifles across the corpses' chests and photographed them, laughingly referring to them as "dead terrorists."

Twenty-year old G.E., also from Çelik, recalled that she left the house when troopers broke down her door. Together with women and children from her family, she stood across the road from her home. She said she saw troopers throw her brother, fifteen-year old Mahmut Erol, and father, fifty-year-old Süleyman Erol, onto the road from the roof of their home. "They were still alive when they hit the ground," she told Human Rights Watch. "The soldiers threw some stones at them, and then shot them from the roof."

L.K. told Human Rights Watch that shortly after soldiers killed her husband and brother-in-law, a helicopter flew toward the village from the direction of Mardin. There was a "good helicopter" and a "bad helicopter," she explained. The "bad helicopter" arrived first, strafing the village with a machine gun and then "throwing bombs" at the houses. It then landed at the Jandarma post, discharging

[177] According to a July 3, 1993 report by the Reuters news agency, sixteen Jandarma were killed and twenty-five were wounded in a PKK attack "near the town of Dargeçit" on Friday night, July 2, 1993. ("Rebel Kurds Kill 16 Gendarmes in Southeast Turkey"). According to the article, the Reuters correspondent was informed that a security force operation immediately following the attack had killed "eight PKK members."

several soldiers who brought cans of gasoline over to where male villagers had been gathered. "The soldiers poured gasoline over the men and said they would burn them," L.K. said. The "good helicopter" then arrived from the direction of the town of Siirt. "A commander got out and was very angry at the soldiers, saying 'Is it your job to kill terrorists or kill civilians?'" The soldiers then ordered the villagers to walk out of the village, and then proceeded to burn Çelik's 250 homes.

Forty-year-old E.K., interviewed separately by Human Rights Watch, said he was forced into the village square after soldiers burned his home. He said he saw a helicopter strafe the village with a machine gun, but also recalled that troops arrived on armored vehicles and placed several heavy weapons on hills near Çelik. E.K. told Human Rights Watch that the heavy weapons were used to shell parts of the village, but later fell silent when the regional commander arrived by helicopter. "Soldiers had poured gasoline all around the women," he recalled, "and were debating whether to burn them or throw them from helicopters." The commander put an end to the debate, he recalled, so he was unable to evaluate the soldiers' true intentions.

In addition to the four slain villagers mentioned above, the witnesses told Human Rights Watch that soldiers killed fifteen-year-old Fahrettin Acar, his twenty-five-year-old brother Alattin, and two other men, Zafer, aged twenty-five and Sinan, aged twenty, whose full names the witnesses could not remember. Of the eight slain men, according to the witnesses, only Sinan was a PKK guerrilla. All of the witnesses said the fighting between the Jandarma and PKK had been over long before the attack was mounted on Çelik. It does not appear likely that the damage to Çelik and the killings of the seven civilians were part of an ongoing clash between the PKK and the military. It is more likely, however, that the raid and the killings were retaliations for the PKK's successful attack earlier on, and for the villagers' suspected sympathy for the PKK.

Violations of International Law:

- At least two summary executions, with the possibility of another five;
- Indiscriminate fire in the deliberate destruction of civilian property, possibly causing the death of civilians;
- Inhumane and degrading treatment;
- Forcible displacement of civilians;
- Failure to provide for civilians displaced by government forces;
- Pillage/destruction of village.

Troops Involved:

It is unknown whether the troops involved were Jandarma or Army. It is also unknown whether the helicopters involved belonged to the Army, Jandarma or Air Force.

Weapons Used:

The exact make of the helicopters is unknown. One appears to have been a helicopter gunship, while the second was probably a small reconnaissance or transport helicopter. Both, because of the composition of the Turkish helicopter fleet, were probably U.S.-supplied.

Artillery or mortars were used; their origin is unknown.

CASE 22

Description:

Iraqi Kurds in northern Iraq described to Human Rights Watch a Turkish air raid on their village of Demka, in the Zakho district of Dohuk governorate, in August 1993.[178] Three persons were killed in the attack, while twelve were injured.

According to the witnesses, six fighter planes arrived around 8 o'clock in the morning; they dropped eight bombs. S.P., a twenty-year-old man, said he was sitting in front of his house in the village at the time: "It was still early; some people were still at home." S.P. said that when the planes started to bomb the village, he first saw white and then black plumes of smoke. "As you see," he told Human Rights Watch, "there is nowhere to hide in this village; there isn't any shelter. So I managed to run over there to the trees [some 100 meters from his home]. Other villagers also tried to reach the same place, while again others fled in the direction of the valley."

D.A., a woman of 25, whose house was destroyed in the bombing and who was interviewed at the site of a crater next to the remains of her home, said: "It was early in the morning. I was inside the house. I didn't see any smoke, but when I heard the sound of the explosion, I thought I went deaf. It was as if I completely lost my sense of hearing. I tried to escape with my six children, but we were unable to reach the valley. My daughter Bayan was injured in her foot. We were bombed

[178] Human Rights Watch interview, Demka, northern Iraq, June 1995.

again during the recent Turkish attacks in the spring [of 1995], but luckily we survived."

Villagers complained that the Turkish Army and Air Force both opened fire on the village frequently, carrying out both air strikes and mortar attacks. "We have sent many pleas to the Turkish government," one witness said, "but with no result. We are afraid." The villagers insisted that there had been no PKK guerrillas in the village before or during the various attacks, and that the PKK in fact never came to the village.

Violations of International Law:

Indiscriminate fire leading to the death of three civilians, the injury of twelve more, and the destruction of civilian property.

Troops Involved:

The combat aircraft belonged to the Turkish Air Force.

Weapons Used:

Warplanes, most probably U.S.-supplied, dropped at least eight bombs, again most probably U.S.-supplied, onto the village.

Civilians Killed and Injured in the Air Raid:

According to our witnesses, the following three persons were killed in the air-raid on Demka: Fatma Osman, female, 25; Emin Ramazan, boy, 4; and Sirvan Hamdi, boy, 15.

The following twelve persons were injured in the attack: Serdar Sabil, boy, 11 (abdomen); Bakhtiar Nadir, boy, 15 (arm, head); Ivaz Sabri, male, 20 (forehead); Semir Nadir, male, 20 (abdomen, leg); Behzad Hamed, boy, 9 (arm); Dilman Nasraddin, boy, 8 (leg); Suheyla Aziz, female, 30 (back); Abbas Muhammed Sami, male, 45 (forehead, shoulder); Zerevan Azadi, male, 38 (arm, foot); Bayan Muhammad, girl, 7 (foot); Pirus Ibrahim, boy, 6 (shoulder); and Barus Abdurrahman, boy, 11 (cheek).

CASE 23

Description:

Witnesses from Sonat, a Chaldean village in the Zakho district of Dohuk governorate in northern Iraq, described to Human Rights Watch a Turkish shelling

attack on their village on October 1, 1993.[179] The village is located on the Iraqi side of the Turkish-Iraqi border, which runs along the Hezil river. The village had been destroyed by the Iraqi regime in the 1970s, and its 250 families had moved to Zakho, the nearest town. Following the withdrawal of Iraqi forces from the area in the fall of 1991, villagers used to return to the village seasonally to tend to their fields only; the homes were never rebuilt. In the Turkish attack on October 1, 1993, one person was killed, while five villagers were injured.

[179] Human Rights Watch interview, Zakho, northern Iraq, June 1995.

Witness K.T., a 27-year-old man, told Human Rights Watch that he was in the village at noon that day. This is what he saw: "There was a Turkish gendarmerie post just in front of our village [on the other side of the border]. On our side, there were two peshmerga posts, one manned by the KDP and one by the PUK.[180] At around 12 o'clock I saw Turkish cannons firing at us. I was about a hundred meters from the KDP post. They did not respond to the attack. The firing continued for about ten minutes. After a while, the commander of the Turkish gendarmerie crossed the Hezil river and came to the village, bringing about fourteen soldiers with him. They arrived in three jeeps. He told us he was looking for bodies of PKK militants. But there were no PKK in the village. Then he said, 'Excuse us, we thought there were PKK militants here.' As for myself, I was struck by four pieces of shrapnel and was wounded in my left shoulder, right arm and my two legs at the level of the thighs. During and immediately after the shelling I noticed two helicopters hovering in the sky. They were flying over the village. I don't know if they opened fire. I was lucky that there was a car that could take me to the Zakho hospital. Later I went to the MCC [the allied forces' Military Coordination Center, which has an office in Zakho] and to the local authorities in Zakho to submit a complaint about the bombing. They recorded my complaint but till now I haven't received an answer."

A 50-year-old man from Sonat, Z.F., told Human Rights Watch: "I was returning to Sonat from Zakho by car. It was about lunch time. Near Deoucha, just two or three kilometers before Sonat, I saw people running. They were crying: 'The Turks have shelled us.' I continued on until I reached an area where I saw a lot of people lying on the ground. That's where I found the body of my wife. She had been struck in the center of her chest by a big piece of shrapnel. She was already dead when I found her. Then the Turkish commander came over to look at the bodies. He told us: 'Sorry, it was a mistake, we were looking for PKK terrorists.' Then he let us take the bodies and sent the wounded people to the hospital."

Violations of International Law:

- Indiscriminate fire leading to the death of one civilian and the injury of five more.

[180] Peshmerga (literally, "those who face death") is the term used by Iraqi Kurds for Kurdish guerrillas there. The two largest Kurdish parties in Iraq are the Kurdistan Democratic Party (KDP), led by Masoud Barzani, and the Patriotic Union of Kurdistan (PUK), led by Jalal Talabani.

Troops Involved:

The witnesses said the officer and troops belonged to the Jandarma.

Weapons Used:

The witnesses identified helicopters, most probably U.S.-supplied, as functioning in an observation role. The mortars were of unidentified origin.

Civilians Killed and Injured in the Attack:

According to our witnesses, the following person was killed in the attack on Sonat: Shamira Hanna, female, 50.

The following five persons were injured: K.T., male, 27; Yusef Jibuk, male, 46; Salah Hanna, male, 24; Wahida Ruel, female, 25; and Wadia Yusef, female, 26.

CASE 24

Summary:

On October 22, 1993, according to five witnesses interviewed by Human Rights Watch,[181] a large military force, supported by heavy artillery, armored vehicles, tanks, helicopters and aircraft, attacked the village of Zengök (new Turkish name: Yörecik), located in Muş province. The security force raid was apparently part of a large operation in retaliation for an earlier PKK attack on a Jandarma post near the village of Altınova, in which one officer and several soldiers were killed. In addition, villagers had been ordered to evacuate Zengök a week earlier, because of their suspected support for PKK guerrillas active in the area.[182]

The village was burned and then shelled by a ground-based force. Later, it was bombed and strafed from the air by helicopters and aircraft. All of the villagers' livestock were killed, but no villagers were killed in the initial assault.

[181] Human Rights Watch interviews, Ankara, June 12, 1995.

[182] See Human Rights Watch/Helsinki, "Turkey: Forced Displacement," pp. 19-20 for a description of a series of operations that took place in the area of Zengök at the same time. See also Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1993*, p. 71, which describes a raid in Zengök that took place on October 11, 1993, eleven days before the event described below.

Five villagers who returned to Zengök the next day, however, were killed; witnesses later found them burned in their home. They had apparently burned to death while bound together by electric cable and chain.

Description:

Early in the morning on October 22, 1993, witnesses told Human Rights Watch, a long convoy of military vehicles entered the village of Zengök, located in Muş province. Most of the approximately 1,000 villagers had left during the preceding days, they said; the Army had ordered people to leave, and other village burnings were rumored to have taken place in the area. Zengök was inhabited by a few young men and tens of women, children, and elderly. The witnesses acknowledged that the PKK had been active in the area prior to the attack, saying the guerrillas used to visit the village once a week. None had come for two months preceding the attack, however.

T.F., aged twenty-five, said he and twelve other young men ran to a hill above Zengök when they first heard the convoy arrive. They hid in the forest approximately one kilometer away, and watched the troops spread out through the village. "The hills around the village were filled with soldiers," T.F. recalled, "and the road leading up to Zengök was crammed with military vehicles. There were trucks, armored personnel carriers and tanks." At first, he said, soldiers burned the homes and used their personal weapons to fire into homes and to kill livestock. No heavy ordnance was used during the first stage, although a helicopter hovered overhead while the soldiers were in the village.

P.P., aged forty-two, said she ran from her home together with her grandmother and eight children when she first heard the troops arrive. After putting them under a nearby bridge, she returned to her home. "I ran into some soldiers who were spreading powder on the houses and burning them down," she recalled. After hitting her with their gun butts several times, "very hard," and asking her to reveal where the men of the village were, the soldiers released her. She watched the soldiers burn her home and kill her livestock, and then returned to her hiding place under the bridge.

The soldiers stayed in the village the entire day, the witnesses said, pulling out at around 5:00 pm. At that point, they said, heavy ground-based weapons began to shell the village. "They had placed some artillery and tanks on a hilltop across the valley from where I was hiding," T.F. said, "and were shooting into the village." He speculated that the soldiers were frustrated at their inability to destroy all the homes by burning. "Our village is rather wealthy and the homes are strongly built from stone," he explained.

A.S., aged seventy-six, recalled "bombs falling down everywhere and lots of explosions and fire.“The world had suddenly become dark with the dust and smoke," she said. The shelling continued for several hours. "The bombs were hitting right in the village and also in the surrounding trees," P.P. said. She and her eight children were sheltered from the shells by the bridge over their heads.

At one point, the witnesses recalled, the shelling stopped and helicopters appeared overhead. "There were three helicopters shooting," P.P. recalled. "They were firing machine guns with red bullets," she said. T.F. said the bullets were tracers. A.S. said all she recalled was "bombs and more bombs from the helicopters."

After strafing the village for some time, the helicopters left, and three fixed-wing aircraft appeared. They made two bombing runs, dropping large explosives, and then flew away.

The villagers fled to Muş after seeing the soldiers place signs at the entrance to Zengök declaring the area a "forbidden zone," meaning they were barred from returning. The next day, however, T.F., together with several villagers, attempted to return to the village to bring out surviving possessions and livestock. "When we drew near the village," he recalled, "people from the village just before ours stopped us and said the Army was in Zengök, and that we shouldn't try and go there." T.F. and the others turned back, but four members of the Toktaş family and their driver continued on. Mehmet Sıddık Toktaş, aged seventy-five, his two sons Nafiz, aged twenty-four, and Mehmet Selim, aged thirty-five, his daughter Ayşe, aged twenty-two, and their driver, Nurettin, aged forty, drove into Zengök. "Mehmet Toktaş said he had nothing to fear from the Army," T.F. recalled. "He said one of his sons was a policeman working for the government, so he was sure he would be safe." The four members of the Toktaş family and their driver did not return.

K.T., aged thirty-five, said she made a separate trip from Muş to Zengök that same day, October 23, together with four men. She said they hid in a half-destroyed building on the edge of the village. "Soldiers were shooting into the village with machine guns, and shells would fall in the village every now and then," she recalled. She was unable to find any surviving livestock and left a day later. She said there were no guerrillas in the area, and no fighting that she could see. She saw soldiers moving about on the hills surrounding Zengök, "about half an hour's walk away from the village," and military trucks driving on the road leading from Muş to Zengök.

T.F. and M.T., aged sixty, said they drove to Zengök on October 24, 1993, to look for the Toktaş family. When they arrived the village was smoldering and empty. They reached the Toktaş family's home and found the bodies of the four men

and one woman in the still-smoking structure. The elder Toktaş was bound to his daughter, Ayşe, and his son, Mehmet Selim, with a metal chain. The driver, Nurettin, and Nafiz were bound together by a wire cable. All five had been burned; Ayşe's body was unrecognizable, and was identified later only by the scraps of clothing left on her corpse.

M.T. said that after he took the bodies to Muş, he went to a local police commander and told him what happened. "He just shrugged and said it was Army Commandos from the Bolu and Kayseri Brigades, together with special forces," M.T. recalled.

Sırrı Sakık, then a parliamentary representative of Muş province in Turkey's national assembly and a native of Zengök, said he traveled to Muş town shortly before the operation.[183] "When I heard that there were many Army troops attacking Zengök," he told Human Rights Watch, "I went to the governor. He told me the situation was out of his control." Sakık then called President Süleyman Demirel, Prime Minister Tansu Çiller and Speaker of the Turkish parliament Hüsamettin Cindoruk. "Demirel promised me he would personally intervene to save Zengök," Sakık recalled.

Violations of International Law:

- Summary execution of five civilians;
- Indiscriminate fire leading to wide-spread destruction of civilian property;
- Forcible displacement of civilians;
- Pillage/destruction of village;
- Failure to provide for civilians displaced by government forces.

Troops Involved:

[183] Sırrı Sakık was a member of the Democracy Party (DEP), which was banned in June 1994 by the Turkish Constitutional Court. Sakık and six others had their parliamentary immunity lifted and were imprisoned for alleged acts of separatism. Sakık and a second independent Kurdish deputy were released in December 1994. He was interviewed by Human Rights Watch in Ankara on June 12, 1995.

The identity of the troops is unconfirmed, but one witness was told by a local police commander that the force was comprised of troops from the Bolu and Kayseri Army Commando Brigades.

Weapons Used:

Aircraft, helicopters, heavy weapons (artillery or mortars), and tanks were used to destroy Zengök. Armored personnel carriers and transportation vehicles were used to take troops to the scene.

The make of the helicopters and aircraft is unknown, but both were most probably U.S.-supplied. The make of the artillery, mortars, armored personnel carriers and tanks used is unknown, but it is likely that some were U.S.-supplied. The tanks were most probably U.S.-supplied M-48s or M-60s. The identity of the small arms used by the troops is unknown.

CASE 25

Summary:

According to a witness interviewed by Human Rights Watch,[184] security forces raided the village of Düzcealan (trad. Çorsin), located in the Tatvan district of Bitlis province, on December 26, 1993, destroying seven homes with heavy weapons and summarily executing one male villager. The troops used armored vehicles and were supported during part of the raid by helicopters circling overhead.

Description:

F.T., a 32-year-old woman, told Human Rights Watch that during the previous two years security forces had frequently launched midnight raids on the village, searching houses and detaining male residents. The December 1993 raid was far more severe than its predecessors, however, possibly because it followed a PKK clash with the Army that occurred several hours earlier five kilometers from the village.

F.T. said that at about 8:00 pm that evening, approximately twenty armored vehicles carrying Özel Tim troopers surrounded the village. While some forces began a house-to-house search and rounded up male villagers, F.T. watched

[184] Human Rights Watch interview, İzmir, July 29, 1995.

another group set up what appeared to be a heavy mortar on the roof of a house on the edge of the village. "There were six or seven soldiers on the roof," F.T. recalled, "and they set up this big gun, which had a long tube with a string coming out of the back. Then they pointed the gun, pulled the string, and there was a huge explosion."

The soldiers first shelled the outskirts of the village, F.T. said, but then aimed the mortar at houses situated approximately one kilometer away, on the far side of the village. "When the shells hit the houses," F.T. recalled, "the walls and roof just collapsed in a heap." F.T. said a total of seven homes were destroyed by the shelling.

At approximately 11:00 pm, Özel Tim forces came to the house where F.T. was staying, searched the house, and detained Necmi Çaça, a male villager aged thirty-five.

The next morning the Özel Tim left and were replaced by Army soldiers, commanded by an officer F.T. identified as First Lieutenant Korkmaz Tagman of the Tatvan Mechanized Brigade.[185] As the troops moved into the village, F.T. said, two helicopters circled the village in the air, apparently monitoring the soldiers' progress and the nearby terrain. The helicopters left at noon, when the soldiers evacuated the village.

While soldiers searched the surroundings forests, First Lt. Tagman gathered the villagers together, told them "terrorists" had killed a man near the village, and ordered the village headman to identify the body. F.T. said the headman returned after an hour, reporting the body was that of Necmi Çaça, the villager detained by the Özel Tim the night before.

F.T. identified from pictures U.S.-designed M-16s, which she said were carried by the Özel Tim, and German-designed G-3s, which she said were carried by the Army soldiers.

Violations of International Law:

- Summary execution of a civilian;
- Indiscriminate fire leading to the destruction of civilian property;
- Inhumane and degrading treatment.

Troops Involved:

[185] F.T.'s term for the unit was the "Tatvan Armored Personnel Carrier Unit."

According to the witness, special forces—either from the Jandarma or police—were involved in the initial raid and in the summary execution of the civilian. Later, Turkish Army troops from the Tatvan Mechanized Brigade were involved.

Weapons Used:

The special forces drove to the raid on unidentified armored vehicles. They used a large-caliber mortar, most likely 81mm from the description, to destroy civilian structures. The special forces carried U.S.-designed M-16 assault rifles, the witness said, while the Turkish Army soldiers carried German-designed G-3s.

Cases Investigated by Other Organizations: 1993

The Human Rights Foundation of Turkey

In 1993, according to the Human Rights Foundation of Turkey, "The dimension of the violence in the Emergency State Region grew bigger day by day; pressure and inhumane treatment increased; hundreds of villages were evacuated and burned down; towns, districts and even provinces witnessed incidents of extreme violence." At the same time, the foundation said, "the PKK increased its attacks against civilians, defenseless groups and foreign tourists."[186] The following are a sample of the cases the foundation investigated in which Turkish security forces apparently violated the laws of war:

[186] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1993*, pp. 35-36.

- On June 13, 1993, security forces "opened fire at random" following reports of unidentified gunfire in the district center of İdil in Şirnak province. The shooting continued "for many hours," the foundation reported, including fire from mortars and automatic weapons. Four hundred shops and fifteen houses were damaged in the shooting. Eleven days later, the foundation said, on June 24, the events were repeated; one house was hit by a mortar, severely wounding a woman trapped under the ruins.[187]

- One June 29, 1993, a PKK raid on a Jandarma station near the village of İkizce, located in Şirnak province, provoked a Jandarma artillery barrage against the Bestka Mersina hamlet of the village. One villager died, seven were wounded, and the hamlet was evacuated.[188]

- On July 12, 1993, following a PKK attack on security forces in the town of Ağrı, the Turkish forces responded with indiscriminate fire. "It has been reported," the foundation said. "that the security officers opened fire at shops and houses without any discrimination." Six civilians were killed when their home was struck by a cannon shell, the foundation said, disputing official statements which alleged the six had died as a result of PKK fire.[189]

- On August 8, 1993, a helicopter dropped a bomb on the village of Kuşlu, located in Bitlis province, killing one villager. According to the victim's

[187] Ibid., p. 64.

[188] Ibid., p. 120.

[189] Ibid., p. 65.

wife, "We saw a helicopter flying over the village in the morning. A few minutes later a bomb was launched from it. The house that the bomb fell on was destroyed." Soldiers later investigated the event, the witness said, and instructed her to report that the explosion was caused by a gas leak.[190]

[190] Ibid., p. 22.

- On August 15, 1993, a PKK attack on state buildings and military units in the Yüksekova district of Hakkâri provoked a powerful barrage of security force fire, killing one person and wounding nine others. "Many houses and shops were damaged," the foundation reported, and quoted the commander of the Hakkâri Mountain Commando Brigade, Brig. Osman Pamukoğlu, as telling the Turkish daily *Milliyet* that "[t]he ones who opened fire at soldiers and brigades of the state were responded to. From now on, we will not grant quarter to them and their accomplices. We will reciprocate with five bullets to one bullet."[191]

- On September 17, 1993, a Turkish Air Force plane dropped a bomb on tents near the Munzur Mountains, used by villagers from the Doğanköy and Payamdüzü villages, located in the Çemişgezek district of Tunceli province. Two women were killed and seven were wounded. According to the foundation, no official explanation was given for the bombing. A Tunceli province representative to the national assembly, however, reportedly investigated the incident and alleged that the bombardment was a retaliation for the killing of two soldiers.[192]

The largest incident by far in 1993 was the security force assault on the town of Lice, located in Diyarbakır province, between October 20 and 23, 1992. Tension had been escalating in the town since October 14, following a PKK attack on a transformer. Gunshots were heard in the town, although the source of the shooting was unclear. On October 20, a senior Jandarma officer was shot dead; the exact circumstances of his death are unclear, according to the foundation. The PKK denied it had attacked security forces in the town, saying it did not want to provoke a retaliation against civilians. Following the killing of the Jandarma officer, however, security forces began a massive operation in the town. "[A]ll communication with Lice was cut off," the foundation reported, "and by the evening of 23 October, Lice had become a ruined and burned out city." Thirty Lice residents

[191] Ibid., p. 65.

[192] Ibid., p. 24.

were killed in the shooting, and one hundred were wounded. The foundation said that 401 houses and 242 shops were destroyed, and "half the people" living in Lice fled to nearby settlements.

According to a Turkish journalist who visited Lice shortly after the attack, residents said that the security forces' fire was grossly disproportionate to any threat by the PKK, and argued that the shooting was a punitive act. As in the case of Şirnak, little damage was caused to state buildings; had the PKK attacked, the reporter pointed out, there would have been more damage to state institutions. "When we compare Lice events to the Şirnak incidents," the reporter wrote, "the latter seem very innocent. You can now consider Lice as non-existent."[193]

Kurdish Human Rights Project

- According to nine KHRP witnesses, an October 1993 military operation near Alaca village, located in the Kulp district of Diyarbakır province, led to the disappearance of eleven men, aged sixteen to seventy.[194] The men, taken away from their site of detention in helicopters, have not been heard from since.

  According to the witnesses, beginning on October 9, 1993, a large military operation in the Kulp-Muş-Bingöl triangle included the detention of numerous male Kurdish villagers, most of whom were brought together in a temporary open air detention site outside of Gundik hamlet, attached to the village of Alaca. The site, which held the eleven men as well as many others, was used by security forces to interrogate the detainees about PKK activities. After ten days, the witnesses said, most of those detained were released. The eleven missing men, according to the witnesses, were "taken at different times by military helicopter from the temporary open detention camp to an unknown destination on or about 19 October, 1993. The eleven missing persons have not been seen since."

[193] Ibid., pp. 61-64. The reporter quoted in the foundation's report is Halil Nebiler, who published his article in the October 29, 1993 edition of *Cumhuriyet* (İstanbul).

[194] April 3, 1995 admissibility decision by the European Commission of Human Rights, accepting the application of Mehmet Emin Akdeniz, Sabri Tutuş, Sabri Avar, Keleş Şimşek, Seyithan Atala, Aydın Demir, Kemal Taş, Süleyman Yamuk, and Ramazan Yerlikaya against Turkey, application no. 23954/94.

- The Turkish government, however, denies any knowledge of the military operation or the alleged detentions. According to the government, "No operation was carried out in the Kulp Alaca region from 9 October 1993. The eleven persons alleged to be missing were not taken into custody or detained."

- According to a KHRP witness, on March 4, 1993, Turkish security forces raided the Derecik hamlet of Çağlayan village, located in the Kulp district of Diyarbakır province.[195] The raid followed attempts in the autumn of 1992 to force the villagers to leave their homes. According to the witness, the villagers were told by a sergeant from the Kulp Central Jandarma station that their homes would be burned down if they refused to leave.

  On the day of the raid, the witness said, security forces fired mortar or artillery shells at the village, destroying eighteen of the fifty to fifty-five homes in the village, including his own home and shop.
  According to the Turkish government, in March 1993 members of the Kulp Jandarma "carried out a search in the area of the village with the purpose of arresting any members of the PKK." The government did not respond to the specific allegation in question, saying only that the public prosecutor of Kulp had "commenced an investigation into the alleged incident."

- According to four KHRP witnesses from the village of Riz, located in the Genç district of Bingöl province, security forces raided their village on June 25, 1993.[196] Troops, apparently belonging to the Jandarma and special forces from the Midyat and Mardin Jandarma stations, arrived in the village in a "large number of helicopters" which landed near the village.

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[195] January 9, 1995 admissibility decision by the European Commission of Human Rights, accepting the application of Salih Çetin against Turkey, application no. 22677/93.

[196] January 9, 1995 admissibility decision by the European Commission of Human Rights, accepting the application of Azize Mentes, Mahile Turhall, Sulhiye Turhall, and Sariye Uvat against Turkey, application no. 23186/94.

The troops searched the village, found nothing, and gathered elderly men in an open space in front of the village school. The men were made to lie face down in the sun for five hours, while being cursed and assaulted by the Jandarma. The security forces then burned the village down, after first refusing the villagers permission to remove their possessions. The witnesses said the Jandarma told them their homes were being burned because they had given the PKK shelter and food. After burning the village down, the Turkish forces departed by helicopter.

Amnesty International

- According to Amnesty International, on November 3, 1993, security forces raided the village of Eralan, near Yaygın in Muş province, and arrested four men—Mehmet Emin Bingöl, Yakup Tetik, Ahmet Acal and Ali Can Oner—who were taken away by helicopter. On November 5, 1993, Amnesty International said, their bodies, "showing signs of torture and each with a single gunshot wound in the head, were found."[197]

1992

CASE 26

Summary:

In March 1992, according to a forty-year-old witness interviewed by Human Rights Watch,[198] Turkish security forces backed by armored vehicles and helicopters raided his village of Kırdirek, located in the Savur district of Mardin province. The helicopters strafed the village, causing villagers to flee their homes. The bodies of two seventeen-year-old males detained during the raid were later found at the entrance to the village. A large portion of the village's homes were destroyed or severely damaged, both by heavy machine-gun fire and by deliberate burning. No resistance was offered during the raid, the witness said, and there were no guerrillas present.

[197] Letter from William Schulz, Executive Director of Amnesty International USA, to Stephen Oxman, U.S. Assistant Secretary of State for European and Canadian Affairs, April 22, 1994.

[198] Human Rights Watch interview, Adana, June 16, 1995.

Description:

"First the helicopters flew toward our village from the direction of Diyarbakır," K.T. said. "There were many, I can't really remember their number exactly." The helicopters opened fire with machine guns, he said, and villagers began to flee into nearby caves and wells. "No one was killed at that stage," he said, saying the helicopters were being used to empty the village and, later, to destroy the houses.

"I hid with my family in a cave for several hours," K.T. recalled, "and during that time, the firing was very, very loud. There were helicopters going around, there was machine-gun fire and explosions, and then there was the sound of vehicles. I could see a few houses from where we were hiding, and I watched them collapse when they were hit by heavy weapons fire."

Soldiers searching through the village found K.T. and his family and ordered them out of their hiding place. "When I came out the helicopters had gone," he recalled, "but the village was filled with soldiers and armored cars, and the houses were all shot up." Many houses were totally destroyed, he said, while others had suffered severe structural damage.

K.T. identified Özel Tim among the troops by their mustaches, which he said were distinctive, and by the Turkish flags they wore on their hats.

The troops collected male and female villagers separately, and detained twenty-two young men, taking them with them when they drove off.

"Two days later," K.T. said, "some of the villagers found the bodies of two of the twenty-two dumped on the road near the village." He identified the two slain men as Nesih Demir and İsmail Yıldız, both aged seventeen.

Violations of International Law:

- The apparent summary execution of two male villagers by security forces;
- Indiscriminate fire, causing damage to civilian property;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces.

Troops Involved:

The witness identified soldiers from the Jandarma Özel Tim. Other troops on the scene were unidentified.

Weapons Used:

The troops used armored vehicles of unknown origin to raid the village. The helicopters used to strafe the village were most probably U.S.-origin gunships. The machine guns and small arms used by the troopers are not identified.

CASE 27

Summary:

A witness told Human Rights Watch[199] that Turkish security forces, supported by armored vehicles and helicopters, raided his village on March 17, 1992. The witness's home, located in the village of Yazır in the Savur district of Mardin province, was destroyed by explosives dropped or fired from a helicopter. An additional fourteen houses were leveled by helicopter-launched explosives, forty-five-year-old T.Y. said, and three villagers were killed.

Description:

"It was raining the day they came," T.Y. said, "and soldiers surrounded the village." The troops were riding on armored vehicles, he said, and were later joined by a number of helicopters, several of which landed in an open field near the village mill.

"The soldiers said we had been giving bread to the PKK," T.Y. said, "and then announced we would be punished." The troops remained in the village for forty-eight hours, during which time three villagers, Abdürriza Akbaş, aged twenty-three, Kerim Demirtaş, aged forty-two, and Kazim Demirtaş, aged sixteen, died. T.Y. said he did not know the exact manner of their death but reported that others told him the victims died when they walked into a military ambush near the mill.

During the first day of the raid, T.Y. said, several helicopters "dropped" explosives on fifteen homes in the village, including his own.[200] "The helicopters were black," T.Y. recalled. "I saw one of them hover over Ali Akıncı's house and drop something about the size of a baby. There was a huge explosion, and the house disappeared." T.Y. said his own home was reduced to rubble in what he believed was a similar attack, but acknowledged he only saw the helicopter drop an explosive

[199] Human Rights Watch interview, İzmir, June 27, 1995.

[200] Helicopters do not typically "drop" explosives, although it is possible. The witness may have seen the helicopter fire a missile, which he then described as a "bomb" being "dropped."

on Akıncı's house. Of the thirteen other homes destroyed, T.Y. recalled the names of three owners: Mustafa Çakmak, Kerim Ateş, and Hacı Ahmet Yalçınkaya.

In January 1995, according to T.Y., the remaining residents of Yazır village left after succumbing to military pressure. T.Y. said that an additional fifteen villages in the Savur district had been emptied by the authorities.

According to the Human Rights Foundation of Turkey, the village of Yazır was attacked on April 16, 1992, exactly one month later than related by T.Y.[201] It is possible, however, that either the witness or the Human Rights Foundation were mistaken. According to the foundation, the office of the southeastern emergency region's governor announced that thirty-three people were killed by security forces in the village of Yazır and nearby Taşlık (see Case 5 above). All of the dead, the governor said, were PKK activists, who died during a military operation aimed at locating a soldier and four village guards kidnapped by the PKK. According to the foundation, however, "sources in the region reported that in the operations some civilians...were killed and they were announced as 'PKK militants.' This claim was verified a while later and it was established that nine of those killed...were villagers who had no links to the PKK and died as a result of fire opened at random."[202]

Violations of International Law:

- Indiscriminate fire leading to the destruction of civilian property and, possibly, the summary execution of three civilians;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces;
- Pillage/destruction of civilian homes.

Troops Involved:

It is unclear whether the troops were Jandarma or Turkish Army, and it is unclear whether the helicopters belonged to the Jandarma, Army, or Air Force.

Weapons Used:

The troopers used unidentified armored vehicles to approach the village, and used helicopters, most probably U.S.-supplied, to destroy fifteen civilian homes.

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[201] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1992.* (Ankara: 1993), p. 50.

[202] Ibid., p. 51.

CASE 28

Summary:

According to a former soldier interviewed by Human Rights Watch,[203] U.S.-supplied arms, including tanks, armored personnel carriers, helicopters and small arms played a key role in an assault by Turkish security forces on the town of Şirnak on August 18-20, 1992. The attack, described by diplomatic sources as a disproportionate and overly harsh military response to a small-scale PKK attack,[204] led to the deaths of twenty-two civilians, the wounding of over sixty non-combatants, widespread destruction of civilian structures, and the wholesale flight of the town's 25,000 residents.[205] Some civilians may have been the victims of summary executions. In addition to the civilian casualties, four security force personnel were killed in the fighting.

The Şirnak incidents were part of an attempt by Turkish security forces to crush support for the PKK in the urban areas along Turkey's southeastern border with Iraq, which was especially strong during late 1991 and 1992. The August incident discussed here followed a series of bloody incidents during March 1992, in which scores of civilians were killed by Turkish security forces.[206]

Description:

T.T., a Turkish Army conscript, said he was a private attached to the Seventh Mechanized Infantry Brigade's Second Regiment at the time of the raid.

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[203] Human Rights Watch interview, İstanbul, June 7, 1995.

[204] The diplomats' analysis was regularly repeated in foreign press accounts of the Şirnak incident.

[205] For a discussion of civilian casualties and damage to civilian structures in Şirnak, see Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1992*, pp. 27-31.

[206] For a discussion of violence during March 1992 in Şirnak, Cizre and Nusaybin, see Human Rights Watch/Helsinki, "Kurds Massacred: Turkish Security Forces Kill Scores of Peaceful Demonstrators," a Human Rights Watch Short Report, vol. 4, no. 9 (June 1992). The report concluded that Turkish security forces reacted with unjustified force to pro-PKK demonstrations in these three towns.

He said he had been sent from his transportation unit in the town of Kağızman in Kars province to a base in Şirnak for six weeks of training. On the night of August 18, 1992, he said, "There suddenly was a big panic, and the whole base was shooting into the town. Artillery, tanks, machine guns, everything." T.T. identified U.S.-supplied M-48 and M-60 tanks as well as 105mm artillery as participating in the gunfire.

T.T. said the troops were informed that the PKK was attacking them and other military posts from the mountains, but noted that none of the base's guns were ever turned away from the city. "If there had been PKK in the mountains," he said, "why were we only shooting at the city?" T.T. said there was some light weapons fire directed toward the base from the town, but said it was limited and sporadic and did not warrant the massive barrage unleashed by his colleagues.

During the following day, he said, the base's heavy guns pounded the city, while two helicopters hovered overhead. He said a second battery of artillery and tanks fired at the city from the mountains.

On several occasions, he told Human Rights Watch, the artillery ceased fire to allow troops, armed with flamethrowers, German-designed G-3 assault rifles and MG-3 light machine guns, and U.S.-designed LAW anti-tank rockets, to drive into the city on U.S.-made M-113 armored personnel carriers. Officers in the patrols carried U.S.-designed M-16 assault rifles. At one point during the second day of the assault, he said, the M-60 tanks moved into the city and stayed there all day.

T.T. did not participate in the initial patrols outside of the base, but said he spoke with soldiers upon their return. One boasted to T.T. over lunch of having poured petrol over a male teenager wounded by gunfire and burning him to death. "I said, 'How could you do that?' and he said, 'Don't worry, once you've been here for a while you'll get used to it.'"

On the third day of the raid T.T., armed with a G-3 rifle and two LAW rockets, was assigned to a body-collection detail, during which he saw corpses that appeared to have been summarily executed or mutilated. "I saw about thirteen or fourteen children's bodies," he said, "and I collected three of them." One of the corpses was a young boy shot at close range in the groin, another was an infant, while the third was a young boy who had been shot up against a wall. T.T. said the officers in his patrol carried M-16s and AKMs, both of which were held for them by privates.

T.T. said he found the devastation in the city hard to believe. "There were buildings destroyed by shell fire, wounded and dead civilians all over.... In one building an entire family had been killed by a tank shell, and another shell lay unexploded in the house."

According to the Turkish government, the Army was responding to an attack by a large PKK raiding party. The then-Interior Minister İsmet Sezgin initially claimed that between 1,000 and 1,500 guerrillas attacked police and Jandarma headquarters and government buildings with rockets and mortar bombs. Later, however, he cut his estimate in half, saying that only 600 to 700 rebels took part in the battle.[207] No actual guerrillas were ever captured, however, and no dead bodies of suspected guerrillas were recovered. Sezgin argued that the PKK fighters had slipped into the mountains during a power failure. The PKK, for its part, denied that its fighters had launched an attack.[208]

T.T. rejected the government's version of the incident, saying it was an attempted cover-up. T.T.'s version supported arguments made by witnesses, journalists, and Turkish human rights investigators after the incident, who claimed the Army had unleashed the assault as punishment for the town's pro-PKK sentiments.

According to the Human Rights Foundation of Turkey, the attack was one of several launched during the same period in southeastern cities.[209] A Turkish

[207] "Turks Round Up 250 in Kurdish Battle Town," Reuters, August 21, 1992.

[208] Kemal Duru, "Thousands Flee Shattered Kurdish Town in Turkey," Reuters, August 25, 1992.

[209] Similar but less deadly incidents of indiscriminate fire took place on August 25, 1992 in the Çukurca district of Hakkâri town; on September 10, 1992 in Musabey village in the Hamur district of Ağrı; on October 3, 1992 in the town of Kulp; on October 24, 1992 in

journalist who visited Şirnak shortly after the assault told Human Rights Watch that she believed the attack was part of a general policy of crushing pro-PKK sentiment in the major towns of the southeast. "The government had lost control of the cities and tried to take them back by unleashing a series of powerful assaults," she said. The journalist recalled that Şirnak had been the site of clashes between pro-PKK demonstrators and security forces in March 1992 that left eighty civilians dead.[210] Jonathan Rugman, correspondent for the British daily *The Guardian*, wrote shortly after the incident, "Western diplomats say the picture emerging is of an over-reaction to some kind of PKK attack, with soldiers setting shops alight with petrol and tanks firing at houses."[211]

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the town of Lice; and on November 7, 1992 in the town of Cizre.

[210] Human Rights Watch interview, İstanbul, June 10, 1995.

[211] Jonathan Rugman, "'Forces Faked Attacks' on Kurds," *The Guardian* (London), September 8, 1992.

Human Rights Foundation head Akın Birdal, who conducted an investigation in Şirnak days after the assault, charged that the government had "faked" the PKK attack to justify its actions. As evidence Birdal cited eyewitness reports which argued there had been no significant guerrilla presence in Şirnak at the time of the assault, the authorities' failure to produce captured or dead guerrillas, and the results of his own survey of the town's buildings, which indicated that none of the supposed PKK targets bore signs of an attack. The only buildings damaged or destroyed, Birdal said, were those inhabited by civilians; the police, Jandarma and government structures remained unharmed.[212]

Birdal's findings were supported by a report from a journalist writing for a British paper who visited Şirnak after the incident and wrote, "Apart from the post office warehouse which was destroyed and a state village guard housing unit with a hole in its roof, there is little evidence of damage to government property."[213] These reports directly contradict statements made by Interior Minister Sezgin, who claimed that most of the government and military buildings in the city had been destroyed.[214]

According to local journalists familiar with the city, many of the original inhabitants have since abandoned it, and their places have been taken by Kurds paid by the authorities to participate in the government-sponsored village guard system.

Violations of International Law:

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[212] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1992,* p. 27, and Rugman, "'Forces Faked Attacks' on Kurds."

[213] "Fearful Kurds Blame Turks for Battle That Destroyed Town," *Daily Telegraph* (London), September 4, 1992.

[214] "Offensive by Kurdish Separatists Ends in South-Eastern City of Şirnak," Reuters, August 21, 1992.

- Indiscriminate fire leading to the death and injury of civilians and widespread damage to civilian structures;
- Possible summary execution of one civilian;
- Failure to care for civilians displaced by government actions;
- Pillage/destruction of civilian areas.

Troops Involved:

According to the witness, a mixture of Turkish Army forces, including infantry, armored corps, and artillery were involved, in addition to helicopters from an unidentified unit.

Weapons Used:

The witness identified troops as using U.S.-made M-48 tanks, M-60 tanks, M-113 armored personnel carriers, and U.S.-designed M-16 rifles and LAW anti-tank rockets. He also said 105 mm artillery or mortars were used, which may have been of U.S. or Turkish origin. Other unidentified armored and soft-skinned vehicles were also used, he said. Many soldiers, including the witness, carried a German-designed G-3 assault rifle, while a few carried the German-designed MG-3 light machine guns.

During part of the assault Turkish helicopters, most probably U.S.-supplied systems for transport or reconnaissance, hovered over the city.

CASE 29

Summary:

According to five villagers from the village of Erkent in the Pervari district of Siirt province, Turkish artillery and helicopters shelled their homes indiscriminately on two separate occasions during September 1992.[215] The witnesses, all of whom were interviewed separately, said they had been under pressure to become village guards since 1991 and recalled that their village, with a population of approximately 800, was frequently raided and searched by security forces. The shelling was apparently aimed at emptying the village.

Description:

[215] Human Rights Watch interview, Adana, June 16, 1995.

Late one night in September 1992, seventy-one-year-old A.P. said the village awoke to the sound of incoming shells. "The bombs were exploding in and around the village," A.P. said. "It was like they were trying to kill us." The shelling continued for several hours, during which time at least one woman, fifty-year-old E.D., was wounded by shrapnel in her left shoulder and leg. Her husband, fifty-five-year-old B.D., told Human Rights Watch that E.D. was injured when a shell fell directly in front of their home.

The shelling "left large holes all over the village," recalled a third witness, fifty-year-old F.N. "Many of our homes were damaged, and most of the livestock was killed."

After the shelling, which ended at approximately 3:00 am, the villagers fled into the surrounding mountains, where most remained hidden for the next four months. While the bulk of the women, children and elderly stayed in hiding, a group of men returned to the village to organize the evacuation of their possessions.

On the second day after the shelling, fifty-three-year-old J.K. said, three helicopters flew over the village, one of which launched an explosive which struck the village mosque. Up until the helicopter's attack, he said, the mosque had remained intact. "The bomb blew a big hole in the mosque," J.K. said. The helicopters apparently fired more explosive devices at targets in the village, since J.K. identified several new craters, more destroyed homes, and more slain livestock after the helicopters completed their mission.

Of the five witnesses interviewed, only two were in the village when the helicopters struck. The remaining three were in the mountains hiding, but said they did see the helicopters fly over the village and heard explosions at that time. All three also said that the mosque had not been damaged until the second day after the shelling.

Violations of International Law:

- Indiscriminate fire, wounding at least one civilian and causing extensive damage to civilian property;
- Forcible displacement of civilians;
- Failure to care for civilians displaced by government forces.

Troops Involved:

The identity of the troops shelling the village is unknown, as is the home unit of the helicopters.

Weapons Used:

Troops used heavy weapons, either artillery or mortars, to shell the village. The artillery could have been either of U.S. or Turkish origin. The helicopters used to fire at the mosque and other structures in the village during the second incident were probably of U.S. origin. The explosive devices themselves may have been either of Turkish or U.S. origin.

Cases Investigated by Other Organizations: 1992

Human Rights Foundation of Turkey

The Human Rights Foundation of Turkey covered the events in Şirnak as well as a string of similar incidents in southeastern cities. According to their investigations, a number of attacks by Turkish security forces involved the use of excessive force, indiscriminate fire, and loss of life and property. The foundation described the government's policy in the southeast as one of disproportionate response. According to the foundation, the government's harsh attacks were aimed at signalling to the PKK and the civilian population that "if someone hits [the government] once, [the government] will hit twice."[216] The following is a sample of the incidents the foundation investigated:[217]

- A helicopter opened fire on children working as shepherds near the village of Hilal, located in the Uludere district of Şirnak province, on May 4, 1992. One child was killed in the shooting.

- A bomb launched from a Turkish Air Force warplane struck the hamlet of Ormancık in Ortaklar village, located in the Şemdinli district of Hakkâri province, on June 29, 1992. The bomb killed a seven-year-old child and a twenty-year-old villager, and wounded nine others, four of whom were children aged sixteen and under. Hakkâri Governor Cemalettin Sevim reportedly announced that the bomb was accidentally dropped on the village.

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[216] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1992,* p. 27.

[217] Ibid., pp. 52-55.

- A Turkish Air Force plane dropped a bomb near the village of Koçyiğit, also located in the Şemdinli district of Hakkâri province, on July 11, 1992. The bomb killed two children, aged six and eight, and wounded twenty-two persons, "mostly children and elderly people." The wounded were barred from meeting with journalists, the foundation said. A statement made by the Turkish General Staff said the bombing was an error due to a "technical breakdown."

- Security force operations at the end of August 1992 in the villages of Yoğurtçular, Toptepe and Balveren, all located in Şirnak province, led to the deaths of four persons and the wounding of five others. The forces "opened fire at random and bombed houses," using "heavy weapons." The villages were badly damaged in the shooting, the foundation reported. Interior Minister İsmet Sezgin confirmed that "some damage" had occurred, but argued that the villages were pro-PKK, implying this was reason enough for their being targeted. The foundation said Sezgin dismissed complaints by residents of the bombed villages as unjustified because the villagers, by supporting the PKK, knew what they were letting themselves in for. Sezgin was quoted by the foundation as stating publicly that "those who enter into a business must bear all its difficulties."

- A security force operation against PKK militants located on Cudi Mountain included the September 1, 1992 shelling of the villages of Çağlayan and Hisar. A forty-five-year-old woman died of smoke inhalation, two elderly villagers were wounded, and the villages were burned down.

- Following a PKK ambush of a military vehicle near the town of Kulp on October 3, 1992 in which two security force personnel were killed and eight were wounded, Turkish forces opened fire "at random" from their positions in the town's center. The shooting was fierce, the foundation said, and "most of the houses, shops and vehicles were damaged." Ten civilians were wounded, and "thousands" fled the town to neighboring villages. Politicians from the mainstream Turkish Motherland Party visited Kulp after the event and reportedly stated that "they saw ruined houses and shops, burned vehicles, and bullet [marks] on the walls of the houses." A

hotel owner whose daughter was a PKK member was killed, apparently by security forces who set him on fire in his hotel.[218]

- Following a volley of automatic weapons fire by suspected PKK militants on security force buildings on October 10, 1992, in Varto, located in the Muş district, security forces "started to shoot back at random," killing two civilians and wounding ten more. The shooting "continued until morning," and "great damage occurred on houses, shops and vehicles in the district."[219]

The Kurdish Human Rights Project

[218] Ibid., p. 36.

[219] Ibid., pp. 36-37.

- According to the KHRP's witnesses, Turkish security forces responded with grossly disproportionate force, killing seven civilians and seriously wounding seven others after an armored personnel carrier drove over a PKK mine on November 7, 1992 in the town of Cizre.[220] These witnesses said that there were no PKK guerrillas in the town at the time, and that the personnel carrier was not fired upon after hitting the mine. After the explosion, the witnesses said, government forces based at different locations in Cizre opened fire indiscriminately against neighborhoods throughout the town. During the shooting, the witnesses said, an artillery or cannon shell hit one witness's home, destroying the structure and causing the fourteen casualties.

According to the government, however, the damage and casualties were caused by a PKK anti-tank rocket fired at the armored personnel carrier from a PKK ambush. The rocket "misfired or ricocheted" off the carrier, the government said, hitting the witness's home.

The KHRP's lawyers argued before the European Commission that the government's argument was clearly a fabrication, given the angle and distance between the armored personnel carrier and the house hit. After taking these measurements into consideration, they said, it was clearly impossible for any rocket fired by a PKK ambushing force to have done the damage.

On July 7, 1995, following a European Commission investigation in Cizre, the commission announced that the Turkish government had offered to settle the

[220] October 19, 1994 admissibility decision by the European Commission of Human Rights, accepting the application of Ramazan Cagirge against Turkey, application no. 21895/93.

case out of court. The applicant accepted the offer of the equivalent in Turkish currency of 150,000 French francs (roughly $30,000).[221]

The Human Rights Foundation of Turkey reported on the same incident in its 1992 annual report. It said that after the armored personnel carrier ran over the mine, PKK militants did in fact open fire on the vehicle, but noted, "Later, the event spread all over Cizre. During the events which continued for about four hours many houses and shops were destroyed as a result of fire randomly opened by the security officers."[222] The foundation recorded the seven deaths but did not give an opinion as to who was responsible for the killings.

VI. ABUSES BY THE PKK

Although this report's main focus is violations of the laws of war by Turkish forces using NATO-supplied weapons, it is important to recognize that the PKK continues to engage in severe and routine violations of the laws of war. These abuses flow from the PKK doctrine of total war, in which all persons directly or indirectly linked to the state are perceived as enemies. Like the Turkish military, the PKK has failed to recognize the right of Kurdish civilians to remain neutral in the conflict betwen the guerrillas and the Turkish state. The chief victims of the PKK's abusive tactics have been civilian employees of the Turkish state, such as teachers, and the families of state-supported village guards. Other Turkish civilians have also been the subject of illegal attacks.

Despite recent promises by the PKK to abide by the Geneva Conventions, Human Rights Watch has received reports demonstrating that the Kurdish insurgents have not ceased to violate the laws of war. The most common PKK violations are indiscriminate and disproportionate fire during raids on village guard settlements, summary executions, hostage-taking, and indiscriminate bombing attacks.

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[221] Report of the European Commission for Human Rights on application #21895/93, dated July 7, 1995.

[222] Human Rights Foundation of Turkey, *Turkey Human Rights Report: 1992,* p. 37.

The PKK's public declarations up until the end of 1994 clearly demonstrated the organization's unwillingness to distinguish between military and civilian targets. At its March 1994 Third National Conference, for example, the PKK said that "all economic, political, military, social and cultural organizations, institutions, formations — and those who serve in them — have become targets. The entire country has become a battlefield."[223] The PKK also promised to "liquidate" or "eliminate" political parties, "imperialist" cultural and educational institutions, legislative and representative bodies, and "all local collaborators and agents working for the Republic of Turkey in Kurdistan."[224]

[223] Sinan Yilmaz, "Current Year 'Critical for Kurdish Problem,'" *Turkish Daily News* (Ankara), pp. 1-8, in FBIS-WEU-94-091, May 11, 1994, p. 42.

[224] Ibid.

In August 1993 the PKK reinstated its 1987 "Decree on Village Raids," which called for "mass destruction" of "non-revolutionary" villages, i.e., those with village guards, who do not support "the national liberation struggle."[225] The PKK's declaration of total war on villages that refused to support its struggle placed villagers in an untenable situation; if they supported the PKK, their village might be burned down by the security forces; if they refused to support the PKK, however, they might be targeted for execution by the guerrillas.

Beginning in December 1994, the PKK publicly redefined its strategy to comply with international law, apparently in reaction to the negative publicity it was receiving for its systematic violations of the laws of war. On December 5, 1994 PKK leader Abdullah Öcalan told the newspaper *Özgür Ülke* that the "PKK categorically undertakes to comply with the provisions of the Geneva Conventions," promising that his fighters would refrain from attacking civilians and that PKK members violating the conventions would be punished. On January 24, 1995, the PKK issued a statement restating its promise to abide by the Geneva Conventions and listing what it defined as "military targets": members of the armed forces, "contra-guerrillas" (shadowy groups that are suspected of responsibility for death-squad style killings of suspected PKK members), Turkish intelligence agents, and village guards. The PKK stated that civil servants such as teachers would not be targets unless they fell into one of the four categories above. On February 14, 1995, the PKK's armed wing issued a statement in Athens saying it would attack only those villages which had willingly joined the village guards. Guards who were coerced by Turkish security forces into joining, on the other hand, would be spared. The statement also said that PKK guerrillas would only launch attacks against village guards after giving ample warning and opportunity for non-combatants to escape.

PKK actions in 1995, however, demonstrated that the PKK had not substantially changed its practice of violating the Geneva Conventions. Human Rights Watch has received the following information concerning PKK violations:[226]

- On January 1, PKK fighters used indiscriminate fire during a raid in Hamzalı, a village integrated into the village guard system in the Kulp

[225] İsmet İmset, "Fighting Separatist Terrorism," *Turkish Probe* (Ankara), November 4, 1993, p. 6.

[226] Information gleaned from press reports by Human Rights Watch and double-checked with independent sources in Turkey.

district of Diyarbakır province. Eight women and seven children were killed. Two children and three women were wounded in the attack.

- On January 12, PKK militants reportedly raided the village of Narlıca, located in the Kulp district of Diyarbakır province. Five civilians were killed, including two women, two children, and an elderly man. As the result of a rocket attack on a house, two women and four children were wounded.

- On January 16, PKK militants committed two summary executions during a raid on the village of Erdemli, located in the Sason district of Batman province.

- On February 27, PKK fighters raided the village of Kocakuyu, located in the Ömerli district of Mardin province, killing four civilians, including a child, who were related to the head of the local village guard unit, who also died. An additional eight civilians were wounded, including seven children.

- On March 31, PKK fighters kidnapped two journalists from the Reuters and Agence France Press news agencies who were traveling in southeastern Turkey, holding them prisoner for nearly a month before releasing them unharmed.

- On April 7, the mayor of Nazimiye, located in the district of Tunceli, was reported to have been summarily executed by PKK militants after being accused of "collaborating" with the state.

- On May 14, it was reported that PKK militants raided the Sricki village of Nusaybin district in Mardin province, executing Hakim Bakır, a former PKK member.

- On June 7, PKK militants who raided Döşeme hamlet in the Eğil district of Diyarbakır province killed two civilians.

- On June 24, PKK fighters summarily executed three individuals in the Kuyuluk village of Erzin district, located in Hatay province. Another individual was wounded.

- On the evening of June 25, PKK militants attacked the Olukbasi plateau near the Osmaniye district of Adana province and summarily executed three men believed to be members of Turkey's nationalist political party, the Nationalist Action Party (MHP). While fleeing the scene, the PKK fighters reportedly threw a bomb at a truck and opened fire at it, wounding six civilians.

- On July 2, two shepherds on the Sirkan Plateau, located in the Çağlayancerit district of Kahraman Maraş province, were kidnapped by PKK militants. They were discovered dead on July 10. The ARGK, the military wing of the PKK, announced that it had executed them for "cooperating with the state and acting as informants."

- On July 20, PKK militants executed the headman of the village of Görmez, located in the Silvan district of Diyarbakır province, because he "collaborated" with the state.

- On the evening of July 23, PKK militants raided the Atabilen hamlet of Akdoğu village, located in the Gürpınar district of Van province. Ten civilians were killed, including six women and two children. PKK fighters also burned four homes in the settlement.

- On August 4, PKK fighters raided the town of Akbez, located in the Hassa district of Hatay province. Village guards in the town had gone to a nearby settlement to watch a football match on television. In their absence PKK fighters set fire to several homes of village guards, killing eight civilians, including four children. A further two individuals were wounded.

- According to the Interior Minister of the German state of Bavaria, Turkish businesses there were attacked 147 times between February-April 1995. While the German authorities believe radical left-wing Turkish groups may have carried out some of the attacks, they believe the PKK is responsible for the majority.

The 1995 attacks followed a pattern of serious abuses in 1993 and 1994. From September 12, 1994 to October 12, 1994, for example, the PKK killed at least fourteen teachers in southeastern Turkey. The following are examples of other PKK attacks which involved grave violations of the laws of war:

- On May 16, 1994, PKK members raided the village of Edebük in Tercan district of Erzincan, killing nine individuals between the ages of three and eighty.[227]

[227] Human Rights Foundation of Turkey, Documentation Center, May 17, 1994.

- On July 25, 1994, the PKK executed two former guerrillas who the organization said had become government informers in the village of Güzelağaç located in the Ömerli district of Mardin province.[228]

- On June 19, 1994, PKK fighters raided the house of Halil Taşkiran, identified by them as a former guerrilla turned informer, in the village of Yeniköprü, situated in the Kurtalan district of Batman province, and killed his mother Zahide, aged thirty-eight, sisters Filiz, aged seven, and Ayşe, aged twelve, and brothers Ali, aged four, Süleyman, aged six, and Ekrem, aged thirteen.[229]

- On July 12, 1994, PKK members stopped a minibus on the Batman-Kozluk road and executed Nezir Ekrem, aged fifty, and Şerif Ekrem, aged thirty-five, because "they were state supporters."[230]

- On September 11, 1994, just before the start of the school year, PKK members executed six teachers between the ages of twenty-five and thirty-three in Darıkent village of Mazgirt district, located in Tunceli province.[231]

PKK Arms Supplies

[228] Ibid., July 27, 1994.

[229] Ibid., June 21, 1994.

[230] Ibid., July 14, 1994.

[231] Ibid., September 13, 1994.

According to the few published reports on the PKK's supply of weapons, the organization receives weapons from a wide variety of sources, including through purchases on the open market and transfers from friendly states. The PKK generally does not purchase heavy or sophisticated weapons and encounters few difficulties in obtaining a regular supply of assault rifles, grenades, light machine guns and ammunition.[232] According to an American reporter who visited the PKK in northern Iraq during 1992, PKK rebels were primarily armed with AKM assault rifles, U.S.-designed M-16s, and German-designed G-3s, all of which are also used by Turkish forces.[233]

Turkish authorities have argued that the governments of Iraq, Syria, Iran, Armenia and others have sold or donated weapons to the PKK in an effort to

[232] On March 25, 1994, Turkish security forces announced that they had for the first time seized two shoulder-launched SAM surface-to-air missiles in a raid on a PKK base on Mount Ararat, located in southeastern Turkey. The discovery of sophisticated anti-aircraft missiles in the PKK arsenal is rare.

[233] Jake Border, "Orphan Guerrillas," *Soldier of Fortune* (October 1992), p. 42.

destabilize Turkey.[234] As evidence, Turkey cites the fact that the PKK has traditionally maintained its headquarters in Lebanon's Beqa' valley, which is under Syrian influence, but also has forward bases in northern Iraq, bordering on Iran, and in Armenia.

[234] On October 11, 1993, for example, Iraq denied Turkish allegations that it was selling weapons to the PKK. According to a report by the Turkish national news agency, the Iraqi embassy in Ankara declared that it had never had relations with the Kurdish organization. On October 19, 1993, Iran pledged it would crack down on PKK operations from Iranian territory ("Iran, Turkey to Strengthen Ties, Fight Drugs," Reuters, October 19, 1993.) In 1992, a Turkish-Syrian security pact included a Syrian pledge to ban PKK activities from its soil and from the Beqa' valley, and PKK leader Abdullah Öcalan was reportedly forced to leave his base in Damascus. Nonetheless, the PKK apparently continues to maintain one or more bases in the Beqa'. In 1994, the U.S. State Department alleged that Syria continued to offer sanctuary to members of the PKK (Alan Elsner, "U.S. Terror Report Cites Syria Despite Peace Role," Reuters, May 9, 1994). In January 1995, according to Turkish Interior Minister Nahit Menteşe, Russia agreed to cut back on PKK activities in the Federation, although the PKK still maintains an office in Moscow ("Protocol Against Cross-Border Terrorism Signed with Russia," *Middle East Economic Digest*, February 6, 1995).

Other experts, however, maintain that weapons transfers from states such as Iran and Armenia represent only a small portion of the PKK arms-gathering activities. The PKK can easily satisfy all of its small arm needs on the open market, such experts maintain, provided it has access to cash. In 1993 *Jane's Intelligence Review* stated that the PKK encountered few obstacles in purchasing weapons in the Kurdish areas of northern Iraq and Iran, which were "awash with weaponry of all types." "A PKK guerrilla," the magazine wrote, "can buy an RPG-7 [a shoulder-launched rocket-propelled grenade] launcher for US$6 in Iranian Kurdistan - the key to possessing arms is money, not necessarily good relations with any states."[235] Martin Stone, a senior Middle East analyst for Control Risks Information Services, told Human Rights Watch that "the PKK has no problem whatsoever purchasing arms in weapons bazaars stretching from Antwerp and Hamburg to Central Asia. If one market closes down or one state blocks access to the PKK, they simply move on to another location; there are no shortages of small arms suppliers."[236] According to Jake Border, the American reporter who visited PKK camps in northern Iraq during 1992, "guns are cheap. AKs are priced from as little as $50 up to $150, depending on condition and country of origin. Thirty rounds of AK ammo costs only $1, and Soviet RGD-5 hand grenades sell for 50 cents each."[237] In addition to purchasing weapons in local arms markets, Border said, the PKK had collected weapons from Iraqi soldiers who fled during the Gulf war, and from Turkish soldiers captured in combat.

The Kurdish community is scattered over a diverse geographical area, forming a network of potential PKK supporters from northwest Europe to Armenia and Iran. In many cases, PKK activists are able to raise money and transport weapons through committed supporters active in the Kurdish diaspora. In other cases, however, PKK militants reportedly extort funds from Kurdish and Turkish businessmen, which they then use to purchase weapons.[238] "Money is not difficult to

[235] Hazhir Teimourian, "Turkey: The Challenge of the Kurdistan Workers' Party," *Jane's Intelligence Review,* vol. 5, no. 1 (January 1993), p. 29.

[236] Human Rights Watch telephone interview, August 18, 1995.

[237] Border, "Orphan Guerrillas."

[238] See, for example, Duncan Campbell, "Crime in the Community," *The Guardian*, April 29, 1994 for an analysis of alleged PKK criminal activity in London. See also "Dutch Police Smash PKK-Linked Drug Ring," Reuters, December 12, 1994 for an example of alleged PKK extortion from Turks living in Amsterdam.

obtain for guerrilla organizations of any size," *Jane's Intelligence Review* argues; the PKK forcibly levies taxes in southeastern Turkey, while "several hundred thousand Turkish citizens of Kurdish origin in Western Europe pay a small part of their monthly salaries to the organization. The European offices and publications of the PKK," the magazine stated, "are easily the most professional of those belonging to other Kurds."[239]

[239] Teimourian, "Turkey: The Challenge."

The PKK has also been accused of involvement in drug-running operations, which it is alleged to use to finance weapons purchases. Turkey is by all accounts a major transit route for heroin and hashish from south Asia, Afghanistan and Iran to northern Europe via the Balkans or Italy. The PKK's share of the trade, however, is difficult to estimate, given the clandestine nature of the business. According to Turkish officials, drug smuggling is the PKK's single most important source of funds,[240] a claim supported by some Western officials.[241] Other European officials have raised doubts about the magnitude of PKK drug-running activities, saying it has been exaggerated by Turkish authorities, while the PKK has denied

[240] "Interior Minister Calls for Western Cooperation To Combat Drugs Trafficking," Anatolia News Agency (Ankara), April 20, 1995.

[241] According to a January 1995 Reuters report, "A senior Interpol official said...that the PKK's 10-year-old revolt in southeastern Turkey was largely financed by heroin trafficking." (Ayşe Sarıoğlu, "Turkey Reports 1994 Success Against Drugs Trade," Reuters, January 6, 1995).

involvement in the trade.[242] In 1994 Robert Gelbard, U.S. Assistant Secretary of State for International Narcotics Matters, said that based on reports from European drug enforcement agencies, the U.S. government believed that the PKK was "involved in the transit of drugs...as a fund-raising mechanism." Gelbard said the U.S. government had no knowledge, however, of PKK involvement in actual drug-production, e.g. in the growing of opium or in the operation of drug-processing laboratories.[243] According to another source, however, Kurdish landlords, working in collusion with Turkish criminal organizations, pay PKK militants for permission to grow opium and hashish in Turkey's southeast.[244]

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[242] See for example Jonathan Rugman, "Making the Kurdish Connection," *The Guardian*, January 5, 1994, which quotes an anonymous "European intelligence source" accusing Turkish officials of exaggerating the PKK-drug link. The article also quotes a PKK commander, Cemil Bayık, as stating that the PKK considered and rejected drug-smuggling as a way of raising funds.

[243] Robert Gelbard, "International Narcotics Strategy Report," United States Information Agency briefing, April 4, 1994.

[244] "Çiller Clamps Down on Mafia," *The Economist Intelligence Unit: Business Middle East*, June 28, 1995. The article stated that in addition to its links with Kurdish landlords and the PKK, the Turkish mafia had strong connections to mainstream Turkish politicians.

In August 1995, Hungarian customs officials said Turkey's March 1995 raid on PKK bases in northern Iraq had slowed Middle Eastern heroin exports to Europe. According to the officials, heroin shipped through southeastern Turkey travels through Bulgaria, Serbia or Romania, Hungary, Slovakia and the Czech Republic before reaching markets in Germany and western Europe.[245]

[245] Blaise Szolgyemy, "Turkey's Kurdish War Cuts Heroin Trade - Hungary," Reuters, August 15, 1995.

VII. THE U.S. GOVERNMENT AND THE WAR

The U.S. maintains a close relationship with Turkey, valuing it as an important NATO ally. With the end of the Cold War and the decline in military tensions in Central Europe, the U.S. is now seeking to portray Turkey's borders with Central Asia and the Middle East as NATO's new front line. As recently as June 21, 1995, General John Shalikashvili, Chairman of the Joint Chiefs of Staff, implored Congress not to cut aid to Turkey because of human rights abuses, stating, "Turkey occupies the new front line in the post-Cold War era" and "Turkey has had a tradition of supporting Western interests."[246]

General Shalikashvili's statement does not demonstrate a lack of knowledge on the part of key officials within the U.S. government regarding Turkey's abusive counterinsurgency policies. On the contrary, many officials within the U.S. government are aware of the more brutal components of Turkey's military campaign and of the role played by U.S. weapons in the commission of human rights abuses.

Despite the U.S. government's awareness of Turkey's dismal human rights record, senior policy makers have chosen to downplay the evidence. The U.S. is determined to keep the Turkish government closely aligned with U.S. and European interests, so as to provide a bulwark against the perceived threat of Islamic fundamentalism. U.S. military and political leaders believe that if they link arms sales to improved human rights behavior, Turkey may pull away from the U.S. sphere of influence and may refuse to buy U.S. weapons. They fear that turning to other sources of arms would be disastrous both for U.S. arms manufacturers and U.S. foreign policy interests. Consequently, the U.S. government pursues quiet, friendly contacts with Turkish counterparts, alternately pleading and cajoling them

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[246] Letter from General John Shalikashvili, Chairman of the Joint Chiefs of Staff, to Representative Sonny Callahan, Chairman of the House Appropriations Subcommittee on Foreign Operations, June 21, 1995.

to cut down on abusive activities, but doing little else to effect real change. The U.S. pours sophisticated weapons into Turkey's arsenals every year, becoming complicit in a scorched earth campaign that violates the fundamental tenets of international law.

Most U.S. government reports on Turkey's human rights record acknowledge the existence of systematic abuses. U.S. policy makers, however, refuse to press Turkey publicly to account for its forces' actions, to require that Turkey enact structural reforms within its military to ensure accountability and transparency, and to link U.S. foreign assistance to improvements in Turkey's behavior.

Official Statements

In a letter to the Chairman of the House Appropriations Subcommittee on Foreign Operations, General Shalikashvili indirectly acknowledged Turkey's problematic human rights record, telling U.S. legislators, "The Turkish military is actively engaging in efforts to improve human rights awareness among its personnel." Implicitly acknowledging U.S. recognition of the gravity of the problem, General Shalikashvili said he had made it his business to raise human rights issues with Turkey's top military leader. "I have personally engaged General [İsmail Hakkı] Karadayı, Turkey's Chief of Defense, in dialogue regarding human rights," Shalikashvili stated, promising Congress that "Turkey's military leadership is backing progress on human rights."[247] General Shalikashvili pointed to "Operation Steel," Turkey's April 1995 invasion of northern Iraq, as an example of its improved human rights record and said Turkey had adopted a special code of conduct to protect civilians. The U.S. general did not, however, suggest that Turkey had made any structural reforms to enforce the new code, nor did he indicate it had taken any steps to institutionalize greater accountability and transparency.

The State Department's 1994 annual report on human rights conditions in Turkey was more forthright in its evaluation of Turkey's record, stating, "Despite the [Turkish Prime Minister] Çiller Government's pledge in 1993 to end torture and

[247] Ibid.

to establish a state of law based on respect for human rights, torture and excessive use of force by security personnel persisted throughout 1994."[248]

[248] U.S. Department of State, *Country Reports on Human Rights Practices for 1994* (Washington, D.C.: February 1995), pp. 2-3.

A special, unprecedented June 1995 report mandated by Congress and prepared jointly by the Departments of State and Defense went further than any past U.S. government statements on Turkey, reporting that Turkey had engaged in village "evacuation and/or destruction," resulting in human rights abuses.[249] In addition to listing grave abuses such as torture and excessive force, the June 1995 report acknowledged that "U.S.-origin equipment...has been used in operations against the PKK during which human rights abuses have occurred."[250] General Shalikashvili, however, made no reference to these findings in his letter to Congress, even though his letter was dated only weeks after the publication of the June 1995 report.

Acknowledgments of Turkey's Behavior: Not for Attribution

In interviews with U.S. officials, Human Rights Watch found a significant divergence of interest, knowledge and opinion within the different U.S. government agencies about Turkey's human rights policies.[251] As a general rule, the U.S. military is Turkey's strongest supporter, the most uninterested in seriously investigating Turkish behavior, and the most eager advocate of enhanced military sales to Turkey. Its priority is to modernize Turkey's armed forces and to obtain contracts for major U.S. weapons suppliers. Within the State Department, on the

[249] U.S. Department of State, *Report on Allegations,* p. 1.

[250] Ibid.

[251] All of the officials, with the exception of the officers from the Office of Defense Cooperation in Ankara, requested anonymity. The dates of the interviews, which were conducted in the U.S. and abroad during the period February-June 1995, are also withheld.

other hand, a consensus existed that Turkey had a serious human rights problem and that U.S. arms were systematically used to commit violations, although officials held different views regarding the best way to compel Turkey to better respect human rights.

One mid-level State Department official, for example, told Human Rights Watch that he was very aware of the abusive nature of Turkey's counterinsurgency campaign. "It's a scorched earth strategy, or very nearly so," he stated flatly. "They're eliminating the countryside in an effort to deny the guerrillas support."[252] Another mid-ranking U.S. official in Turkey agreed: "There's a lot of misery being caused by the village evacuations. It's being done in a very brutal way, and no provision is being made for the refugees."[253]

[252] Human Rights Watch interview, Washington, D.C., February-May 1995.

[253] Human Rights Watch interview, Ankara, June 1995.

Both officials, as well as other State Department representatives interviewed for this report, stated unequivocally that U.S. weapons were predominant throughout Turkey's armed forces, and that consequently, they must be involved in whatever abuses occurred. "The majority of what their military has is from us, so of course U.S. weapons are involved in whatever it is they do," the first official explained. Obtaining concrete proof of the use of U.S. weapons in specific incidents, however, was far more problematic. "The Turks won't tell us what they used in specific incidents," he said, "and of course we can't spy on them, they are our allies."[254]

In the Department of Defense, some mid-level officers belittled reports by the State Department's Human Rights Bureau, Human Rights Watch/Helsinki and other monitoring agencies regarding Turkish human rights violations. One officer dismissed allegations that Turkey had systematically depopulated some 2,000 villages, acknowledging only that Turkish forces "may have blown up a few hamlets where terrorists were hiding."[255] Another officer said he didn't believe Human Rights Watch would find evidence of violations of the laws of war. Even if such evidence were found, he argued, such violations would be justified in light of the PKK's being a "terrorist" organization. "You have to understand Turkish reality," he explained. "These are terrorists they are fighting, and they believe that they are justified in doing whatever they can to fight the terrorists."[256]

U.S. military officers in Turkey were better informed than their colleagues in the U.S., and more sensitive to the public relations problems stemming from Turkey's human rights record. General Jack Wilde, commander of the Office of Defense Cooperation (ODC) in Ankara, said human rights concerns were a

[254] Human Rights Watch interview, Washington, D.C., February-May 1995.

[255] Human Rights Watch interview, Washington, D.C., February-May 1995.

[256] Human Rights Watch interview, Washington, D.C., February-May 1995.

legitimate topic of discussion and figured prominently in his talks with Turkish counterparts.[257] Like other U.S. officials in Turkey, General Wilde said that "in the past seven months things have gotten significantly better," indirectly acknowledging that Turkey's human rights record prior to January 1995, at least, was a substantial problem.

General Wilde said that although it was not his job to investigate allegations of Turkish human rights abuses, he had, upon receiving requests from U.S. officials, engaged senior members of the Turkish General Staff in discussions about their human rights record. "The [U.S.] ambassador has ordered a full-court press on human rights," he said, "so I do the best I can." General Wilde said that the Turkish authorities were "difficult to criticize" and were generally reluctant to demonstrate transparency by allowing Turkish and U.S. outsiders to review their actions.

[257] The interviews with Office of Defense Cooperation commander General Jack Wilde and his deputy, Colonel Edward Fitzgerald, were held in Ankara on June 13, 1995.

U.S. officials in Turkey told Human Rights Watch that in 1994, following reports of systematic violations and allegations of Turkish air raids on civilians, they had requested and received a Turkish commitment to abide by a new set of rules of engagement. The Turkish military's rules prior to 1994 are not known, except through the practical evidence available by observing military operations; none were ever made public either before 1994 or after. The officials said that the 1994 regulations include a commitment not to conduct bombing raids within a four-kilometer radius of villages, unless a trained air-controller is on the scene; a commitment not to open fire on villages unless troops are first fired upon by guerrillas; and a commitment to accept that civilians are "non-combatants" unless proven otherwise.[258]

When Turkey invaded Iraq in April 1995, one official said, U.S. diplomats and military personnel in Ankara told the Turkish General Staff that "the human rights groups will be all over you," and after some initial Turkish foot-dragging, obtained a commitment to apply the 1994 Rules of Engagement to the invasion and to designate a senior officer as responsible for registering and investigating human rights complaints. The officer was reportedly a temporary appointee for the duration of the invasion. The Turkish authorities have not created an investigative agency within the military to deal expressly with allegations of abuse in the southeast.

[258] Human Rights Watch interviews, Ankara, June 1995. See also U.S. Department of State, *Report on Allegations*, Annex II-A for a list of what the U.S. claims is the "Turkish General Staff Code of Conduct."

Despite the U.S. official's enthusiasm for the new rules, it appears that their main role is to assuage U.S. criticisms rather than to regulate the behavior of Turkish troops in the field. Interviews with Turkish soldiers, for example, suggested that the rules of engagement had not been widely disseminated in the Turkish military. Former infantry soldier B.G. told Human Rights Watch that he had seen one photocopy of the rules of engagement by chance during a visit to military headquarters in the town of Silvan. "No commander ever talked about these rules in any of the operational briefings we received," B.G. said.[259] The mere fact that the U.S. had to push the Turkish military to incorporate the rules of engagement into its invasion of northern Iraq in March 1995 indicates the rules are not well integrated into the military's standard operating procedures.

Following the autumn 1994 campaign in Tunceli province, which was covered widely in the domestic and international media, the officials said that the U.S. government submitted a list of detailed questions to the Turkish General Staff regarding allegations of village destruction and human rights abuses. "For the first time ever," one official said, "the TGS [Turkish General Staff] submitted responses to questions about specific abuses. We view the fact that they even agreed to respond to our questions as a very positive development."[260]

The official's gratitude to the Turkish General Staff for its willingness to respond to U.S. questions was repeated by other U.S. officials in Turkey. "You have to understand that the Turks are a proud people," the first official explained, echoing comments made by other U.S. representatives. "They don't like having to answer questions about the things they do when fighting terrorism."[261] Another U.S. official in Turkey told Human Rights Watch, "There is no one to talk to in the Turkish military on a regular basis about human rights; the TGS [Turkish General Staff] chief's response to us was a real big favor."[262]

The question-and-answer routine with the Turkish General Staff was reportedly repeated once again in 1995, when the U.S. sent a retired four-star general, whom the officials interviewed did not name, to Turkey to pose a list of

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[259] The Human Rights Watch interview with B.G., cited throughout this report, took place in İstanbul on June 12 and 13, 1995.

[260] Human Rights Watch interview, Ankara, June 1995.

[261] Human Rights Watch interview, Ankara, June 1995.

[262] Human Rights Watch interview, Ankara, June 1995.

questions regarding specific allegations discussed in the June 1995 report to Congress. The general was sent to Turkey to deal directly with the chief of the Turkish General Staff, General İsmail Hakkı Karadayı, because the Turkish military has no body dealing with human rights complaints and investigations. Although all the U.S. officials Human Rights Watch spoke to in Turkey acknowledged that some of General Karadayi's responses were unsatisfactory, they again expressed their enthusiasm for the Turkish General Staff's willingness to even engage in a dialogue, however superficial, over specific cases.[263]

[263] For a copy of the U.S. allegations and the Turkish General Staff's reply, see U.S. Department of State, *Report on Allegations*, Annex I.

Despite ODC Commander General Wilde's apparent concern for human rights, his office—which is charged with evaluating Turkish military needs and matching those needs to U.S. military products—makes no attempt to gauge the human rights implications of specific weapons transfers. "That's not our job," he stated flatly.[264]

General Wilde's deputy, Colonel Edward Fitzgerald, told Human Rights Watch he was involved in helping Colt, a major U.S. weapons manufacturer, sell M-16 assault rifles to the Turkish government. "The Turks want some modifications," he explained, "and our office is suggesting ways in which Colt can meet their requirements." The M-16, however, is commonly used by Turkish police special counterinsurgency forces, whom one senior official in the U.S. Embassy described as "thugs," and whom Human Rights Watch and other observers have identified as major abusers of human rights. Colonel Fitzgerald said he was uninterested in learning exactly how the M-16s might be used. "We don't get into operational details here," he explained.[265]

In another case, Colonel Fitzgerald said he had supported a Turkish bid to purchase the Mark 19 machine gun grenade launcher, which he said the Turkish military wanted for convoy protection. The State Department was holding up the sale, Fitzgerald said, because of the weapon's potential to be used in human rights abuses. Although Fitzgerald acknowledged that the launcher, which fires powerful bursts of 40mm grenades, might be abusively used during counterinsurgency operations, he again stressed that "it was not my job to evaluate these problems." Fitzgerald was aware of the potential for Turkish abuse of the Mark 19, although he did not seem overly concerned. "Sure, if they wanted, they could pop off rounds into villages, and that would be a problem," he said. He stressed that other weapons systems, such as M-60 tanks, had less potential for being used to commit human rights abuses, and advised Human Rights Watch to "stick to small arms and helicopters" during its investigation.

[264] Human Rights Watch interview, Ankara, June 13, 1995.

[265] Human Rights Watch interview, Ankara, June 13, 1995.

U.S. military officials said they were dismayed that the State Department, which is charged with approving military sales, had held up the Mark 19 deal as well as other sales such as those of cluster bombs and the Army Tactical Missile System (ATACMS), a long-range, ground-launched, surface-to-surface, semi-guided ballistic missile armed with anti-tank or antipersonnel warheads, because of concern over human rights. "The Turks need those cluster bombs for their conventional defense requirements," one U.S. officer said, "and they wouldn't use those to abuse anybody's human rights." Cluster bombs, he explained, were "too expensive" to use against guerrilla forces. "They would use something cheaper if they were going after the PKK," he said.[266] U.S. military officers in Turkey and in the U.S. said they hoped that "human rights people" and their advocates in Congress and the State Department would not interfere with other major purchases currently under discussion.

Among other U.S. officials in Turkey, acknowledged awareness of Turkey's abusive record was more detailed than at the ODC. "Things were pretty bad during the previous Turkish Chief of Staff's term," one embassy official conceded, "but we have now reached an acceptable level of violence. Reports of human rights violations are down," he stated. The official said that General Doğan Güreş, who was Chief of the General Staff from 1990 to 1994, "was a real closed guy, impervious to criticism, and very tough in his policies." The official said, however, that the new head of the Turkish General Staff, General Karadayı, was "open, modern, and interested in hearing what we have to say about human rights." Karadayı was eager to modernize his forces with U.S. weapons, the official said, and realized that human rights abuses needed to be curbed in order to ensure a regular supply of sophisticated Western arms.

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[266] Human Rights Watch interview, Washington, D.C., February-May 1995. The Human Rights Watch Arms Project disputes this interpretation. Turkish air attacks on suspected PKK targets are frequent and are often indiscriminate. Civilians have been killed in both Turkey and northern Iraq during these raids. At the end of January 1994, cluster bombs were apparently used during a Turkish Air Force raid on the Zaleh PKK camp in northern Iraq near the Iranian border. According to the Iranian government, some of the bombs fell into its territory, killing nine civilians and wounding nineteen. For a discussion of the dangers of selling cluster bombs to Turkey, see Human Rights Watch Arms Project "U.S. Cluster Bombs For Turkey?," a Human Rights Watch Short Report, vol. 6, no. 19 (December 1994). The report has been credited with influencing the U.S. government's decision in the spring of 1995 to refuse to issue an export license for the transfer of 493 CBU-87 cluster bombs to Turkey.

The official acknowledged, however, that no structural changes had been made in the Turkish military to guarantee transparency and accountability, and indicated he knew of no attempts by General Karadayı to set up an investigative body within the Turkish military empowered to pursue allegations of abuse. The official seemed to be pinning all his hopes on Karadayı's goodwill. "The Turkish Army is a real top down thing," he said "so whatever Karadayı wants, Karadayı gets. You don't need much else," he promised.[267]

Other State Department officials in Turkey were less confident of General Karadayı's ability or desire to enforce change, but acknowledged there was no will on the part of the U.S. government to force Turkish officers to create independent investigative watchdogs within the military. The Turkish military, for its part, was believed to be staunchly opposed to institutionalizing mechanisms of accountability and transparency, viewing them as outside interference in internal military affairs and as threats to the military's ability to function independently.

The June 1995 Report to the U.S. Congress

The June 1995 report to the U.S. Congress, written jointly by the embassy in Ankara, the Department of State's Human Rights Bureau, the State Department's Turkey desk officer and the Department of Defense, is a study in creative ambiguity. On the one hand, the report is the most compelling and critical statement on Turkey's human rights record ever made by the U.S. government. Yet some of the report's editors appear to have made a concerted effort to remove or ignore evidence that would force the Clinton administration to link U.S. arms sales to Turkey's human rights record. The result is a confusing and clearly less-than-forthright report. For example:

[267] Human Rights Watch interview, Ankara, June 1995.

- **On torture**: The report acknowledges the persistence of grave abuses such as torture, stating that torture is a continuing process[268] and that a "number of aspects of the structure of Turkey's legal system and laws are conducive to torture."[269] The report claims, however, that there is no "direct evidence" linking U.S. equipment to torture. Yet in the same paragraph the report goes on to note, "U.S.-origin trucks, APC's (armored personnel carriers) and helicopters" can be assumed to have been "used to transport any security forces perpetrating such acts."[270] Stated thus, the report carefully avoids openly admitting the involvement of U.S. equipment in a grave abuse, although the implication is that this is indeed the case.

[268] U.S. Department of State, *Report on Allegations*, p. 16.

[269] Ibid., p. 15.

[270] Ibid., p. 19.

- **Extrajudicial executions:** The report finds "credible" reports that the Turkish government has been heavily involved in death-squad activities[271] and notes reports of disappeared persons being abducted in security force helicopters, which would have almost certainly been U.S.-supplied. The report then goes on to say that the U.S. government "has no reliable information" on what equipment was used to commit extrajudicial executions.[272]

- **The scorched earth campaign:** The report acknowledges the role of U.S. weapons in forced village evacuations, saying "it is highly likely that U.S. equipment and ordnance has been involved in such operations."[273] Yet the report fails to describe the Turkish scorched earth campaign as systematic and intentional,[274] and offers few concrete examples of the involvement of U.S. equipment. The U.S. government apparently had fewer compunctions about openly admitting the use of U.S. weapons in the village depopulation campaign, because it was portraying the forced depopulation of Kurdish villages as not being a systematic and severe violation of international law.

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[271] Ibid., p. 14.

[272] Ibid., p. 19.

[273] Ibid.

[274] Ibid., p. 12.

- **Air raids on civilians:** The report states that U.S. personnel did ascertain that Turkish warplanes had bombed civilian villages in the Şirnak area in March 1994, and reported that at least four F-16s were believed to have been involved.[275] The Turkish government's assertion that "No air raids were conducted on the day in the Şirnak area"[276] passes without comment by the report's authors.

[275] Ibid., pp. 13 and 19.

[276] Ibid., Annex I, response no. 6.

The report's most important drawback is that it reflects an apparent lack of substantive investigation, as well as its failure to document individual cases of abuse. The authors "had no reliable information" on a number of key issues, despite being ordered to conduct a serious investigation by the U.S. Congress. After months of research and the involvement of investigative resources from the State and Defense Departments, the thirty-seven-page report produced only three individual cases in which U.S. weapons were detected, none of which were based on the U.S. government's own findings.[277] The first case, the depopulation of the village of Nurettin in November 1993 by Turkish troops, appears to have been borrowed directly from an October 1994 Human Rights Watch/Helsinki report, although no attribution was given;[278] the second, regarding the involvement of Black Hawk and Super Cobra helicopters in unspecified "operations" in the Tunceli province in September-October 1994, was "identified from press reports"; while the third incident, involving the bombing of villages in March 1994 by F-16s, was apparently largely gleaned from reports in the Turkish press and from Turkish human rights organizations.

Human Rights Watch compiled, in the space of a twenty-eight-day field investigation, twenty-nine documented cases of human rights abuse and violations of the laws of war in which hundreds of Turkish citizens—as well as a number of Iraqi citizens—were victimized and many of which appear to have involved U.S.-origin or -designed weapons. As opposed to the ten witnesses whom the U.S. government says it interviewed for the report, Human Rights Watch spoke to over one hundred witnesses, over fifty of whom had witnessed incidents of relevance to this report.

One official involved in researching and writing the June 1995 report admitted to Human Rights Watch that "the embassy is not an investigative body. If we start asking detailed questions and seeking detailed replies, we will be in trouble with the embassy and with our Turkish counterparts." Turkish government officials

[277] Ibid., p. 19.

[278] See Human Rights Watch/Helsinki, "Turkey: Forced Displacement," pp. 11-14.

would blacklist diplomats undertaking serious investigative efforts, he said, and the embassy would be placed in an extremely uncomfortable position. The official said that senior officials in the U.S. embassy in Ankara "made it very clear to all of us that we are not an investigative unit, and that we are not going to run around Turkey with cameras taking pictures."[279] The lack of a serious investigative effort, coupled with the relevant U.S. officials' failure to visit the southeastern emergency zone and with Turkish resistance to transparency, undermine the effectiveness of the June 1995 report.

[279] Human Rights Watch interview, Washington, D.C., February-May 1995.

Despite these significant methodological drawbacks, however, the June 1995 report does list numerous general allegations of Turkish abuses, including indiscriminate fire, air raids on civilians, torture, village destruction, disappearances and summary executions. With respect to village "evacuations and/or destructions," for example, it acknowledges that "evacuations of villages have been accompanied by burning, bombing, shelling or other destruction. In some cases," the report states, "the PKK has been responsible for burnings and evacuations. In other instances, government security forces have been involved in village burning and destruction."[280]

The report also acknowledges that at least in some instances, village evacuations appear to be part of a military policy aimed at denying a civilian base of support to the PKK: "The scale of these evacuations...suggests that in many instances they are part of a GOT [Government of Turkey] military strategy designed to deprive the PKK of any logistical base..."[281]

The report stops short, however, of drawing any serious conclusions from its findings. U.S. government officials refused to admit publicly what at least some will admit in private, namely that Turkey, a full NATO partner, is violently depopulating its countryside to eradicate an irksome insurgency. At no point does the report state clearly that village eradication is a systematic Turkish policy and a violation of international law, although at points, the document appears to imply as much. The report's lack of forthrightness about the village eradication campaign suggests a desire to cover up for the Turkish government, which denies employing scorched earth tactics, and for the Clinton administration, which does not want to link arms sales to Turkey's human rights record.

Failure to Gain Independent Access to the Southeast

[280] U.S. Department of State, *Report on Allegations*, p. 13.

[281] Ibid., p. 11.

In addition to the small number of witnesses interviewed, the June 1995 report was limited by the U.S. government's failure to gain access to the southeastern emergency zone. The lack of concrete data regarding specific incidents underlines a crucial flaw in the entire Turkish-U.S. dialogue over human rights: U.S. officials maintain they are not given, and apparently do not demand, full and independent access to all areas in the emergency zone. When traveling to the southeast, U.S. embassy officials are followed by covert Turkish security personnel or are assigned official Turkish military escorts. "Whenever I go to the southeast I'm with the Turkish Army," said one senior embassy official.[282] Colonel Fitzgerald of the Office of Defense Cooperation in Ankara said his experience was the same: "I'm totally covered by Turkish security people everywhere I go. They don't want me killed by the PKK," he explained.[283] Both men also acknowledged, however, that Turkey's apparent concern for their safety blocked independent access to events in the southeast.

The State Department's June 1995 report said that limitations on information-gathering were substantial, but it remains unclear whether U.S. officials raised this issue with their Turkish counterparts. According to the report, U.S. embassy personnel did not travel to the southeast between May 1993 and May 1994, when the counterinsurgency and village destruction campaigns were at their height. Prior to the winter of 1994-95, the report said, U.S. officials visited the southeast and attempted to visit areas where village burnings were alleged to have taken place. The Turkish authorities, however, denied the officials access. In general, the report stated, "our information is limited by U.S. personnel constraints, security problems in the area and restricted access to the southeast under the terms of emergency rule."[284]

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[282] Human Rights Watch interview, Ankara, June 1995.

[283] Human Rights Watch interview, Ankara, June 1995.

[284] U.S. Department of State, *Report on Allegations*, p. 2.

Although some of the access problems were undoubtedly due to legitimate security concerns, it is likely that the Turkish authorities also blocked entry to the area to prevent U.S. officials from undertaking a serious investigation of allegations of abuse. The U.S. officials should have made more of an effort to gain access to the emergency zone, and the U.S. government should consider sanctions if Turkey continues to obstruct U.S. investigations into the use of U.S.-origin and NATO weaponry.

Need for Turkish Investigative Bureau

One U.S. official involved in writing the June 1995 report said that in addition to problems of access, no one in the Turkish military hierarchy was authorized to engage with U.S. officials or any other body over human rights questions. Although the Turkish Foreign Ministry does have a human rights bureau, the U.S. official dismissed its effectiveness and access to hard information, remarking that the bureau was "out of the loop, they are not plugged in to what's going on." Similarly, the State Minister for Human Rights is generally regarded as a powerless attempt at window-dressing, with no real authority, staff, or resources. The only people with real answers to difficult questions, the U.S. official said, were Turkish military personnel, "but the military will not talk directly to us or anyone else on human rights issues." He said that the military preferred to refer all questions to the Foreign Ministry, and then "consistently fails to tell the Foreign Ministry anything of substance."[285] By cutting U.S. embassy officials off from informed military sources, the U.S.'s ability to track Turkish use of U.S.-supplied weaponry is extremely limited. Isolated informational meetings between senior U.S. and Turkish generals, such as the two meetings between U.S. generals and the Turkish General Staff chief described above, are no substitute for a meaningful and routine dialogue between U.S. officials and Turkish officers involved in the counterinsurgency campaign.

By deflecting inquiries to the Turkish Foreign Ministry and by failing to allow access to the southeast, the Turkish authorities block all attempts at increasing transparency within their security forces and stonewall efforts to increase their accountability. Up until now, the U.S. government has accepted these restrictions and obfuscation without public protest.

[285] Human Rights Watch interview, Ankara, June 1995.

APPENDIX A
THE LAWS OF WAR AND THE TURKISH/PKK CONFLICT

The Turkish Government Versus the PKK: A Non-International Armed Conflict

International humanitarian law makes a critical distinction between "international" and "internal" armed conflicts. For the past eleven years, the government of Turkey has engaged in an armed conflict with the PKK. Since no state has declared war against Turkey or directly intervened with its armed forces against the government, the conflict with the PKK cannot be considered an international conflict and should rather be considered an "internal armed conflict." Internal violence is typically considered to be an "internal war" when it passes a threshold bringing it beyond the level of "internal disturbances" such as riots or general lawlessness. The conflict in Turkey's southeastern emergency zone, involving over a quarter of a million government troops and thousands of full-time PKK combatants, has passed well beyond the level of violence required to be considered an internal armed conflict.[286]

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[286] The Government of Turkey disagrees with this analysis. In a letter to Joost Hiltermann, director of the Human Rights Watch Arms Project, on August 16, 1995, the Chargé d'Affaires at the Turkish Embassy in the U.S., Minister Counselor Rafet Akgunay, argued that the PKK is a "terror organization" which "systematically resorts to methods of terrorism to further its aims and indiscriminately commits human rights violations against civilians through terrorist acts." Mr. Akgunay continued: "This is in no way a conflict between the Turkish and Kurdish peoples or two armed forces which can be characterized as an internal armed conflict. The great majority of the victims of PKK terror are innocent

The conduct of government armies and insurgent forces fighting an internal conflict is governed by the laws of war, also called international humanitarian law. These laws, which are different from human rights law, include:

- The four 1949 Geneva Conventions;
- The two 1977 Protocols to those Conventions;
- The customary laws of war.

Unlike human rights law, which was created especially for governments, humanitarian law applies to all parties involved in armed conflicts. Humanitarian law, which also includes treaties predating World War II such as the Hague Conventions, is aimed at regulating *all* armed conflicts, whether internal or international in nature.

Guerrilla War: The Need to Distinguish Between Active Participants and Non-Combatants Under Complex Conditions

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Kurdish civilians -- including the elderly, women and children, as well as those who do not agree with the PKK's agenda. On the other hand, it also cannot be characterized as an armed struggle by a certain people against a tyrannical or colonial administration in exercise of the principle of self-determination. As you know, no act (not even a peaceful one, not to mention terrorist violence) is authorized to dismember or impair the territorial integrity or political unity of a State whose government represents the whole people, i.e. a democracy (Vienna Declaration and Programme of Action, I, para. 2)."

The laws of both international and internal war are based upon the all-important necessity of distinguishing between combatants and non-combatants. This distinction, which is often difficult to establish in practice even during international wars between regular armies, becomes even more problematic during a guerrilla war. In such wars, it is harder than usual to draw a clear line dividing civilians from fighters. Government authorities, for example, employ a whole range of counter-guerrilla forces such as informers, citizen-militias, paramilitaries, and part- or full-time "vigilantes." Guerrillas, for their part, often draw on the support of civilians for food and supplies, and on the contribution of part-time fighters who alternate between civilian occupations and militant activities.

Despite these difficult conditions, one authority has commented,

> The distinction between the civilian population and combatants is still necessary and possible in guerrilla warfare, even if it is more fluid and subtle. The civilians are, theoretically, all engaged in the struggle; in practice, however, only a minority participate permanently and directly in military operations. A larger number take part directly only briefly, while the great majority take no more than an indirect role in the hostilities.[287]

Both the Turkish government and the PKK attempt to mobilize segments of the population in the southeast to serve their cause. The Turkish authorities recruit civilians as informers and "village guard" paramilitaries to fight the PKK, and these groups have been implicated in a series of grave human rights abuses. Many persons recruited into the village guards were coerced into doing so under threat of having their homes destroyed by the Turkish security forces.The PKK, on the other hand, depends on the support of civilians who offer food, shelter,

[287] Michel Veuthy, *Guerilla et Droit Humanitaire.* (Geneva: International Committee of the Red Cross, 1983), p. 369.

information, and part-time services as recruiters or activists. Some villagers who provide support have also been coerced into doing so by the guerrillas.

Both the PKK and the government have taken advantage of the subsequent confusion to attack persons who should in fact be considered "protected persons" and therefore to be safeguarded from harm under international law. Thus the Turkish authorities have targeted large sections of the civilian rural population for forced displacement and have fired indiscriminately at civilians, while the PKK has attacked the families of village guards. In both cases, the combatants are in violation of international humanitarian law.

In general, civilians should be regarded as combatants once they take up arms, join an organized force operating under the general command of a party to the conflict, and participate in activities of a warlike nature. If combatants are injured during a legitimate attack, that fact does not constitute a violation; still, the attacker is at all times under the obligation to minimize the risk to the civilian population. According to this method of classifying "combatants," Kurds belonging to the government-initiated and controlled village guard system are clearly taking an active part in the conflict as long as they are armed and are engaging in activities such as patrols in and around their villages, or accompanying the security forces on raids. Kurdish civilians bearing arms who join in or support armed PKK activities should also be regarded as combatants.

The Application of Article 3

Turkey, as a signatory to the Geneva Conventions, is unequivocally bound by all its provisions, including Common Article 3, the only provision of the Conventions applying directly to internal war. Article 3 imposes fixed legal obligations on the parties to an internal conflict to ensure humane treatment of persons not taking an active role in the hostilities. Among these obligations are:

- The requirement to treat non-combatants humanely, including combatants taken prisoner or rendered incapable of fighting;
- A ban on the use of humiliating or degrading treatment against civilians and prisoners alike;
- A ban on the summary execution of civilians or captured fighters.

Persons protected by Article 3 include all civilians in the emergency zone as well as members of both the Turkish government and PKK forces who surrender, are wounded, sick or unarmed, or are captured.

Article 3 applies when a situation of internal armed conflict exists in the territory of a State Party; it expressly binds all parties to the internal conflict, including insurgents, even though they do not have the legal capacity to sign the Geneva Conventions. In Turkey, therefore, the government and the PKK are parties to the conflict, even though the PKK has not, and indeed legally cannot, sign the Conventions.

Unlike international conflicts, the laws of internal war do not provide any special status for combatants, even when captured. Thus, the Turkish government is not obliged to grant captured members of the PKK prisoner of war status. Similarly, government soldiers captured by the PKK need not be accorded this status. In addition, PKK fighters do not enjoy "combatants' privileges," i.e., the legal waiver provided by the Geneva Conventions allowing soldiers in international armed conflict to kill or injure their enemies without being liable for criminal prosecution. Consequently, PKK fighters may be tried and punished by the Turkish government for treason, sedition, and the commission of other crimes under domestic laws.

Although Turkey is within its rights to bring suspected PKK members to trial under domestic law, international human rights law requires Turkey to grant PKK members a fair trial. Severe violations of internationally recognized standards of due process during "national security" trials, including the pervasive use of torture during interrogation, demonstrate that Turkey is not in compliance with this requirement. By torturing or summarily executing captured combatants, Turkey is in violation of international human rights law and the laws of war.

The Application of Customary Law

United Nations General Assembly Resolution 2444, adopted by unanimous vote on December 19, 1969, expressly recognized the customary law principle of civilian immunity and its complementary principle requiring warring parties to distinguish civilians from combatants at all times. The preamble to this resolution states that these fundamental humanitarian law principles apply "in all armed conflicts," meaning both international and internal armed conflicts. Resolution 2444 affirms:

- That combatants are limited in the means they can use to attack their enemies;
- That combatants may not launch attacks against civilians as such;
- That parties to the conflict must at all times distinguish between combatants and civilians, and that the latter be spared as much as possible.

The Application of Protocol II to the Geneva Conventions

The 1949 Geneva Conventions deal primarily with international war. In 1977, following twenty-eight years of conflicts that were often internal in nature, Protocol II to the Geneva Conventions was drafted to regulate internal wars in greater detail. Turkey has refused to ratify Protocol II for fear it might hamper its freedom of action against the PKK and bestow legitimacy on the Kurdish organization. Nonetheless, Human Rights Watch, like other organizations specializing in the laws of war, looks to Protocol II for authoritative guidance when interpreting Turkey's customary and treaty obligations embodied in Common Article 3. Human Rights Watch does the same in *all* internal wars that it monitors, regardless of whether or not the governments in question have ratified Protocol II. In looking to Protocol II for guidance when analyzing Turkish behavior, Human Rights Watch is not singling the Turkish government out from others engaged in internal wars.

Restrictions Flowing From the Laws of War

Common Article 3, customary law and Protocol II all require Turkey and the PKK to distinguish between civilians and combatants, to refrain from using torture, inhumane or degrading treatment, and to refrain from attacking civilians. In addition, the laws of war specify two requirements that are of special relevance to Turkey: the ban on forcibly displacing civilians, and the ban on indiscriminate attacks.

1. Protection of civilians from displacement and the ban on pillage/destruction of property

It is forbidden to forcibly relocate civilians during wartime for war-related reasons. There are only two exceptions to this strict ban: forcible relocation is permissible to safeguard the civilians' immediate security, or for imperative military reasons. These requirements flow from Article 4 of the Geneva Conventions, as well as from Article 17 of Protocol II. Although Protocol II has not been ratified by Turkey, Human Rights Watch looks to it for authoritative guidance in interpreting Turkey's obligations under the Geneva Conventions regarding civilian displacements. As mentioned above, Turkey has signed the Geneva Conventions and they do apply to its war with the PKK, regardless of its failure to ratify Protocol II.

The term "civilians' immediate security" does not apply to their well-being in some hypothetical future set of conditions; it is meant to apply to their safety in a concrete and direct way, in the immediate future. The term "imperative military reasons" usually refers to evacuation because of imminent military operations. Evacuation is appropriate if an area is in danger or if, as a result of military operations, it is liable to be subjected to intense bombing. It may also be permitted when the presence of civilians in an area hampers a specific set of military operations.

It is crucial to note, however, that even if the warring parties feel compelled to evacuate civilians for imperative military reasons, they *must* return the evacuees to their homes as soon as hostilities in the immediate area have ceased. During the evacuation, which must be as short as possible, the evacuating authorities must provide evacuees with proper shelter, food, and hygienic conditions.

In *each and every* individual case of displacement, the evacuating authority must prove that forcible relocation was justified, that it returned civilians to their homes as soon as possible, and that it provided for their needs during the evacuation. Vague, blanket justifications for large-scale displacements carried out over a long period of time are not acceptable. Mass displacement of civilians for the purpose of denying a willing social base to the opposing force is unequivocally prohibited.

The drafters of Protocol II intended Article 17, which governs civilian displacement, to prevent precisely the kind of policy undertaken by the Turkish authorities, i.e., to prevent the unnecessary coerced displacement of civilians arising from counterinsurgency strategies. Thus, according to one authority:

> The felt need for a prohibition...was based on concern over policies sometimes practiced in counterinsurgency operations of "drying up the sea in which guerrilla fish swim." This practice consists of relocating the civilian population in secure centers in order to deprive guerrilla groups of the logistical, political and intelligence support they derive, voluntarily or through duress, from the civilian community.[288]

[288] M. Bothe, K. Partsch, W. Solf, eds., *New Rules for Victims of Armed Conflicts:*

Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949. (Boston: Martinus Nijhoff, 1982), p. 691.

In addition, in light of abusive Turkish behavior during forcible relocation, it is important to note that the laws of war prohibit acts of destruction and pillage against civilian property. This prohibition is designed to spare civilians the suffering resulting from the destruction of their property, such as houses, furniture, clothing, provisions, tools, and so forth. Pillage includes organized as well as individual acts by security forces acting without the consent of their superiors.[289]

2. Protecting civilians from indiscriminate attacks: The principles of necessity and proportionality

When choosing to launch an attack against a given target, the attackers must first ensure that the target is a legitimate military object. According to the principle of necessity, legitimate military targets must:

- contribute effectively to the enemy's military capability or activity;
- be important enough so that their total or partial destruction offers a definite military advantage to the attackers.

The laws of war implicitly characterize all objects as civilian unless they satisfy this two-fold test. The attacker also must do everything feasible to verify that the objectives to be attacked are not civilian.

Even attacks on legitimate military targets, however, are legal only if they conform to the principle of proportionality, which obligates combatants to choose means of attack that avoid or minimize damage to civilians. In many instances, the use of artillery or mortars to attack a handful of guerrillas in an inhabited village would be illegitimate; most artillery and mortars are not precise enough to ensure that civilian casualties would be kept to a minimum. In this case, the attacking force would be obliged to use other methods, such as house-to-house searches with ground troops armed with light infantry weapons.

If an attack can be expected to cause incidental civilian casualties or damage, two requirements must be met before that attack is launched. First, there

[289] International Committee of the Red Cross, *Commentary, IV Geneva Convention*. (Geneva: 1958), p. 226.

must be an anticipated "concrete and direct" military advantage. According to the ICRC's expert commentary on the Geneva Conventions, "[a] remote advantage to be gained at some unknown time in the future would not be a proper consideration to weigh against civilian losses."[290]

[290] Ibid., p. 365.

In addition, the foreseeable injury to civilians and damage to civilian objects must not be disproportionate, that is, it cannot be excessive in comparison to the expected "concrete and definite military advantage" the attackers hope to obtain. "Excessive" damage is a relative concept; for example, the presence of one PKK guerrilla cannot serve as justification for the destruction of an entire village by the security forces. There is never a justification for excessive civilian casualties, no matter how valuable the military target.[291]

PKK Violations of International Humanitarian Law

Like Turkey, the PKK is bound by Article 3, even though it is not a signatory to the Geneva Conventions. As in the case of its evaluation of Turkey's conduct, Human Rights Watch looks to Protocol II for authoritative guidance in analyzing the PKK's conduct, even though Turkey's failure to ratify Protocol II makes it technically impossible to impose Protocol II on the PKK.

The thrust of international humanitarian law as applied to the PKK requires it to distinguish between government forces taking a direct and active part in the hostilities, such as members of the Turkish security forces, and non-combatants. Even when attacking combatants, certain rules apply; Turkish soldiers who are disarmed and are in the guerrillas' power, for example, are protected persons and may not be harmed.

Paramilitary village guards recruited and paid for by the Turkish authorities are not protected persons under the laws of war while taking a direct part in the hostilities, such as patrolling their villages or joining the security forces on raids. Members of the village guards who are unarmed or who are not directly participating in military activities, however, are protected persons under international law. In all cases, family members and fellow villagers who are not active members of the village guards are protected persons.

The PKK is in violation of international law on a number of counts, including its use of bombs in crowded civilian areas, its practice of attacking the families of village guards, its practice of summarily executing persons deemed state

[291] Ibid., p. 626.

supporters, and its policy of attacking civilian state employees, such as school teachers, engineers, road-maintenance crews, and others.

APPENDIX B
TURKEY'S ARMS INVENTORY

Partial List of Weapons in Turkey's Inventory[292]

Weapon Designation	**Producer**	**Type**
Aircraft		
Air Force		
F-16C/D	U.S./Turkey	Advanced fighter aircraft
F-5	U.S./Netherlands	Fighter/trainer aircraft
F-4E/RF-4Es	U.S./Germany	Fighter/Reconnaissance
F-104s	Netherlands/Italy/ Canada	Fighter aircraft
Army		
UH-1H	U.S.	Transport helicopter
S-70A Black Hawk (also used by Jandarma)	U.S.	Transport helicopter

[292] Sources: International Institute for Strategic Studies, *The Military Balance 1994-1995* (London: Brassey's, 1994), p. 66-68; Jane's Information Group, *Jane's Infantry Weapons 1994-95* (Surrey: Jane's Information Group Limited, 1995), p. 694; Jane's Information Group, *Jane's Armour and Artillery 1993-94* (Surrey: Jane's Information Group Limited, 1994), p. 668; *Jane's Defence Weekly*; *Jane's Intelligence Review*; Stockholm International Peace Research Institute, *SIPRI Yearbook 1994* (Oxford: Oxford University Press, 1994), pp. 544, 555; United Nations, *United Nations Register of Conventional Arms* (New York: United Nations Publications, 1993 and 1994).

AH-1 Cobra	U.S.	Attack helicopter
AS-532-Ul (Eurocopter)	France/Germany	Transport helicopter
Mi-8 Hip-E (also used by Jandarma)	Russia	Transport helicopter
Mi-17 Hip-H	Russia	Transport helicopter
AB-204B (also used by Jandarma)	Italy	Transport helicopter
AB-205A1 (also used by Jandarma)	Italy	Transport helicopter
AB-206 Jet Ranger (also used by Jandarma)	Italy	Light helicopter
AB-212 (also used by Jandarma)	Italy	Utility helicopter
Tanks		
Leopard 1-A3	Germany	Main battle tank
M-41	U.S.	Light tank
M-47	U.S.	Medium tank
M-48/M-48-A1/M-48-A2C	U.S.	Main battle tank
M-48-A5	U.S./Turkey	Main battle tank
M-48-A5T1	U.S./Turkey	Main battle tank
M-60	U.S./Turkey	Main battle tank
Armored Personnel		

Carriers		
Commando V-150, V-150S	U.S.	
M-59	U.S.	
M-113/M-113-A1	U.S.	
UR-416 (used by Jandarma)	Germany	
Condor	Germany	
S-55 Shorland (used by Jandarma)	U.K.	
AIFV (Armored Infantry Fighting Vehicle)	U.S.	
BTR-60/80 (also used by Jandarma) Russia/East Germany		
Mortars		
107mm M-30s	U.S.	
60mm MKEK Commando	Turkey	
81mm MKEK UT1	Turkey	
81mm MKEK NT1	Turkey	
120mm MKEK Tosam HY-12 D1	Turkey	
60mm M-2	U.S.	

Artillery		
105 mm M-108	U.S.	Self-propelled howitzer
155 mm M-44A1	U.S.	Self-propelled howitzer
155 mm M-44T	Germany	Self-propelled gun
155 mm M-109	U.S.	Self-propelled howitzer
175 mm M-107	U.S.	Self-propelled howitzer
203 mm M-110	U.S.	Self-propelled howitzer
105 mm M-101	U.S.	Towed howitzer
105 mm M-102	U.S.	Towed howitzer
155 mm M-114	U.S.	Towed howitzer
203 mm M-115	U.S.	Towed howitzer
155 mm M-59	U.S.	Anti-tank gun
227 mm MLRS	U.S.	Multiple launch rocket system
122 mm RM-70/85	Czechoslovakia origin; transferred to East Germany and then to Turkey	Multiple rocket system
Small Arms		
M-16-A2 rifle	U.S.	Assault rifle
G-3 rifle	Germany	Assault rifle
MG-3 machine gun	Germany	Machine gun
M-203 grenade	U.S.	Attaches to M-16

launcher		
40mm M-79 grenade launcher	U.S.	Grenade launcher
M-67 hand grenade	U.S.	Fragmentation grenade
M-14 hand grenade	U.S.	Incendiary grenade