

**Human Rights Foundation of Turkey
Documentation Centre**

**Human Rights Report of Turkey
January-February-March 2002**

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Summary

I. Right to Life	
I.1. Death Penalty	
<i>Pending files at the GNAT Justice Commission</i>	Total 63 files/120 persons
<i>TPC 125</i>	36 persons
<i>TPC 146</i>	38 persons
<i>Ordinary crimes</i>	46 persons
<i>Cases ended with death penalty</i>	for 10 persons
<i>death penalty decisions approved by the Court of Appeal</i>	for 3 persons
I.2. Killings by Unidentified Assailants (political)	
<i>Deaths</i>	8 persons
I.3. Extra-judicial Executions	
<i>Deaths (house raids, not obeying stop warning, random shooting)</i>	13 persons
I.4. Landmines / Explosives	
<i>Deaths</i>	13 persons (9 of which younger than 18 years)
<i>Woundeds</i>	20 persons
I.5. Deaths in Custody	
	1
I.6. Deaths in Prisons	
<i>Deaths due to death fast action (in the prisons and after release)</i>	7 convicts
<i>Deaths other than death fast action</i>	3 prisoners & convicts
<i>Released hunger strikers due to health problems</i>	15
<i>Prisoners who have health problems but not released</i>	18
II. Right to Personal Security	
II.1. Torture Occurrences	
<i>Torture, ill-treatment, inhuman conduct (except for the demonstrations)</i>	80 persons (identified by the Documentation Centre of)
<i>Applications to HRFT</i>	1229 persons (341 of which released from prisons due to their health conditions)
<i>People subjected to ill-treatment due to excessive use of force of security forces during demonstrations (8 March, Newroz,</i>	Hundreds of people
III. Freedom of Thought	
III.1. Cases launched at SSCs and Heavy Penal Courts due to the press releases, speeches, and articles	38
III.2. RTÜK Punishments and Warnings	
<i>Ban on broadcasting</i>	68 TV channels & radio stations
<i>Total amount of broadcasting bans</i>	2666 days
<i>Warnings</i>	68 TV channels & radio stations
III.3. Confiscated books	10
III.4. Confiscated periodicals	300 (at least)

IV. Demonstrations and Meetings	
<i>IV.1. Detainees</i>	
<i>Newroz Celebrations</i>	1201 persons (at least)
<i>8 March Women Day</i>	83 persons (1 arrested) – at least
<i>Protest activities for Disappearances</i>	209 (31 arrested)
<i>Other activities</i>	154
<i>IV.5. Not allowed or banned activities</i>	25
V. Right of Organisation	
<i>V.1. Associations and foundations</i>	
V.1.1. Nos of associations & foundations under trial or investigation	5
V.1.2. Closed association/foundation	3
V.1.3. <i>Not allowed activities</i>	8 (excluding Newroz and Womens Day)
<i>V.3. Political Parties</i>	
<i>V.3.2. Detained executives or members of parties</i>	3468
<i>HADEP</i>	2603 (132 arrested)
<i>EMEP</i>	17
<i>TSIP</i>	3 arrested
<i>ÖBP</i>	17
<i>V.4. Trade Unions</i>	
<i>Deatined trade unionists</i>	61
<i>Trade unionists under trial</i>	65
European Court of Human Rights Decisions	
Ended cases between 1 January 2002 and 31 March 2002	11
Friendly settlements	6
Cases without any violation	1
Cases ended with the decision of at least one violation	4

1. Introduction

There has been no improvement in practice in the human rights field, although the constitutional amendments made in October 2001 and following efforts to harmonise the legislation in relation to the political criteria in the beginning of 2002 in the context of the Accession Partnership to the European Union. In the first three months of the year – January-March 2002 - , at least 34 individuals lost their lives in detention places, prisons, armed conflicts and in explosion of land mines. In the same period, the Human Rights Foundation of Turkey identified 80 incidents of torture ¹. The government did not change its position vis a vis the hunger strikes and death fasts continuing in F type prisons. Proposals and calls by professional organisations, human rights organisations and other democratic mass organisations to end hunger strikes and death fasts have not been taken into consideration by the government. 7 more inmates died on death fasts. The use of excessive force by security forces have continued in demonstrations and meetings. As a result, one person died at Newroz celebrations in Mersin due to the intervention of security forces.

The national security concept formed by the Chief of General Staff and “Fighting Strategies against threats” identified within the national security concept have continued to be determining factor of the public life. In the context of the “Fight Against Radical Islamism”, an about thousand of students and parents were taken under custody. About 1700 students and parents were taken under custody due to petitions given for Kurdish education in universities. Hundreds of them were arrested. Hundreds of students were given punishments of discipline and suspension of education and many students were sacked out universities. By ignoring decisions given by the Court of Appeal in previous years, legal proceedings were launched against families who named their children in Kurdish.

Only 7 of court cases launched in 2001 were concluded in the first three months of 2002. Three of those concluded with sentence of imprisonment and four concluded with acquittals. 30 new court cases were launched against the ones who expressed their opinion within the period of January-March 2002. The High Council of Radio and Televisions (RTÜK) continued to give penalties to radios and televisions. A total of 68 radio and television channels were given total of 2666 days of closure.

1.1. Accession partnership, National Programme for Adoption to the EU and Harmonisation Packages

Following 34-article amendments in the constitution in October 2001, harmonization packages to fulfill the political criteria started to be prepared. During the period of January-March 2002, two harmonization packages were passed from the General Assembly of the Turkish Grand National Assembly (TGNA).

The first harmonization package, known as “mini democracy package”, covering amendments in the Articles 159 and 312 of the Turkish penal Code, Articles 7 and 8 of the Anti-Terror Law, Articles 107 and 128 of the Criminal Procedure Law and the Article 16 of the Law on Establishment and Trial procedures of the State Security Courts was approved on 6 February at the General Assembly of the TGNA. After the approval of the President Ahmet Necdet Sezer on 19 February, the package published in the Official Gazettee and entered into force on 20 February.

The second harmonisation package was approved by the General Assembly of the TGNA and entered into force on 11 April on the day it was published on the Official Gazettee. This package covered the Article 9 of the Act on the Organisation, Duties and Competences of the Gendarmerie, Article 29 of the Act on Provincial Administration, Supplementary Articles 1 and 2 and Article 16 of the Act on Press, Article 13 of the Act on Civil Servants, Articles 101, 102 and 103 of the Political Parties Act, Articles 5, 6, 7, 11, 12, 34, 38, 43 of the Act on Associations, Articles 9, 17, 19 and 21 of the Act on Meetings and Demonstration Marches.

On 29 January, Turkish Government made a decision to withdraw its derogation to Article 5 of the European Convention of Human Rights which was made on 6 August 1990 with respect to provinces under the State of Emergency rule.

¹ These figures have been collected from some HRA Branches and from the press. It should not be forgotten that this figure does not reflect the real picture of the torture as individuals who have been taken under custody from ordinary crimes and received torture do not generally know how to defend their rights and as it is difficult to get information from places other than big cities.

1. Kurdish Question and State of Emergency

The government reducing the Kurdish problem only to a question of fighting against terrorism has not taken any step forward in the first three months of 2002 in solving the Kurdish problem with peaceful means. No progress has been made towards making legal arrangements to guarantee the experience of cultural rights and broadcasting in mother language, elimination of the State of Emergency in the context of the Accession Partnership. On the contrary, ones who defend the right to use mother language explicitly, who handed over petitions to educational organisations for elective courses in mother language were prosecuted. Many of those were arrested on the grounds of Article 169 of the TPC with allegation of aiding and assisting illegal organisation. Freedom of expression on this sensitive issue was granted only to the government and the military.

According to the information provided by the Ministry of Interior, the total number of incidents was 196 in 2001. Between 19 October 2001 and 13 February 2002 there had been only 54 incidents of which 48% was related to distributing leaflets, 31% use of explosives and the rest was related to armed clash, unlawful demonstrations and armed attacks. According to the Ministry's information, one security officer died and 9 wounded in the incidents. The number of PKK members who were captured was 97. Despite the significant reduction in the number of armed clashes in the Region as revealed in figures of the Ministry, the State of Emergency was extended for another four months from 30th March.

While security operations was being conducted against PKK, a legal study concerning "repentance" to destroy the PKK organisation. was initiated. Jointly prepared by the Ministries of Justice and Interior, details of the draft Act on repentance were discussed at the February meeting of the National Security Council. The aim of the Act was defined as to destroy the leader cadres of the PKK with the Act against the PKK's decision to implement a comprehensive programme to accomplish its target to become a political entity both in Turkey and abroad.

1.1. Broadcasting in Mother Language

The issue of broadcasting in mother language has been debated at governmental level in 2002. The Chief Office of the General Staff had stated its strong reaction against broadcasting in Kurdish in December 2000 when Prime Minister Ecevit was in European Council Meeting in Nice. However, it was reported by newspapers in March that the security units gave their opinion to the government that broadcasting in languages other than Turkish could be permitted provided that they would be limited and controlled. During debates, the example of Corsican broadcasting in French official TV and radios.

ANAP Chairman and Deputy Prime Minister Yilmaz in his reply to a Parliamentary question raised by MHP deputy Sadi Somuncuoğlu said that broadcasting in Kurdish would make more easier rural people to learn Turkish and would not bring any harm to Turkey. He also said that broadcasting in Kurdish would expedite the entrance process of Turkey into the EU.

President Ahmet Necdet Sezer also made a statement in march and he said that the Constitution was not providing any restriction to the broadcasting in Kurdish. He also said:

"There is a misunderstanding here. Education in Kurdish and broadcasting in Kurdish are separate issues. Article 42 of the Constitution is very clear. It reads that education cannot be done in any language other than the official language. However, the issue concerning broadcasting in other languages is to be determined by the political will. This can be done in two ways. Either under the control of the State or through an independent television channel to teach freely the language. The right to choose is with the Parliament."

1.2. Campaign for the Education in Kurdish

The campaign for the education in Kurdish has continued in 2002. A total of 1700 people were taken under custody due to giving petitions to Rectorates of the universities and to the departments of the Ministry of Educations 526 students of those were from the 100.Yil University in Van. Some of detainees alleged that they were subject to torture and ill-treatment. (see. section on torture). 7 teachers were suspended from duty and 13 were subject to investigation as they were alleged to give support to the campaign. Thanks to the campaign, many university students were subject to disciplinary procedures and their education was suspended for durations from one week to one year on the grounds of Articles 9/d and 30 of the Disciplinary Regulation² of the Higher Education Council. Minimum 30 students were dismissed from universities.

On 11 January, Zaman daily published a report allegedly prepared by the Ministry of Interior concerning PKK actions in universities of Ankara, Ankara, Diyarbakır, Mersin, Adana, İstanbul and Van. It was reported in the news that sympathizers of the PKK would apply to the provincial departments of the Directorate General for Population or to courts to change their identities into Kurdish and would extend their actions to primary and high schools on the basis of the decision taken at the PKK Congress in January 2000. Following, the Ministry of Justice issued a circular concerning the prosecution of petitioners at State Security Courts on the grounds of aiding and assisting the illegal organisation (Article 169 of the TPC).

² Discipline crimes requires the punishment of suspension of education for one or two terms ARTICLE 9. Action and manners to be punished:

d) To be involved in actions leading to polarisation on the basis of language, religion and sects, Issues to be taken into consideration in the case of punishment

MADDE 30. a) Superiors and discipline councils authorised to issue discipline penalties have to take into consideration the heaviness of the actions and manners, the aim of the defendant student, whether any penalty was given before and whether the student is regretful from the action

b) If the discipline crime was committed together with students of other universities, a higher discipline penalty is to be given

c) In the discipline crimes collectively committed and in the case of the perpetrators were not identified individually, each student who formed the group should be given necessary penalties by authorised superiors or discipline councils.

On 19 February, the Chairperson of the Interuniversity Council Prof.Dr. Riza Ayhan claimed that the campaign was declared by the separatist organisation and some neighbouring countries of Turkey gave their support to the organisation by violating the principles of neighbourhood after the meeting of the Council in Mersin.

Language of the Education, Education of Language/Tarhan Erdem

(Radikal-22.01.2002)

Demands for “education in mother language” turned into be a wide spread action are handled in the same insight and skill shown in the management of schools, the traffic and hospitals in last 30 years! Is it possible to expect something else?

Ministry of Interior said that petitioners were violating the provision in the Article 14 of the Constitution by reminding the Article 42 of the Constitution concerning the provision therein prohibiting languages other than Turkish in teaching and education institutions.

It is understood that the Ministry considers handing over petitions as an activity targeting to destroy the integrity of the state and elimination of the democratic and laic Republic.

Can you define a governor as watchful who assumes that “handing over a petition” shall destruct the “indivisible integrity”?

Diagnosis of the Deputy Prime Minister is as follows:

“It has been understood that the separatist elements have recently developed some activities in the framework of new strategies, and these elements want to attain their targets indirectly.” (Nevşehir, 20 January)

As Mr. Bahçeli stated, it is true that “the separatist elements” use petitions for “education in Kurdish” to reach their targets from indirect ways. Another truth is that starters of the campaign have expected reactions of the government as it happened. The issue was carried to outside the education area by detentions just as wanted by the problem creators.

Would not it be correct if rectors, sub governors, school directors, so on would have said “I would do my best” to petitioners, if coalition parties would have discussed in the government, if the public debate would have opened, rather than pushing the issue to streets? Isn't it obvious that our heads will be in trouble in coming days as long as policies followed by Mr. Bahçeli are sustained.?

(...) The government should absolutely follow a clear policy either in this way or another.

(...)The official language, education in mother language other than Turkish, language in the basic education, education in foreign language, minority rights, individual rights, all these concepts are defined differently. (...) How are the education in Kurdish or establishing schools to teach Kurdish considered, as a minority right or as an individual right? For me, these are not minority rights, but individual rights.

Instead of reaching to common definitions on issues and concepts and formulating open policies, making statements about “Article 42”, “separatism”, “public sphere” shall not bring a result, but contribute to the destruction of confidence and peace.

1.3. Custodies, Arrests and Court cases

On 29 January, after an examination in the premises, the police put the seal on the door of Kurdish Institute with the allegation of violating the Act on Private Education. President of the Institute Hasan Kayak said that there was no judicial decision but the closure of the Institute was an administrative action taken by the Istanbul Directorate of National Education and Istanbul Directorate for Security with the allegation of violating the Act No.625 on the Private Education.

The panel on “Education and Human Rights” organised by Konya branch of the human rights organization Mazlum-Der was banned by the governor. The decision was based on the Law No. 2911 on Meetings and Demonstrations. Chairman of Konya branch Mustafa Akmesse applied to the Administrative Court of Konya with the demand of the implementation of Governorate’s decision to ban the panel. Even the ban decision was lifted by the court Governorate applied to overrule the implementation decision and the panel was prevented.

Court cases

A court case was launched against members of the executive board of HADEP Bağcılar District in İstanbul with the allegation of publishing a leaflet in Kurdish for the celebrations of 1 May of the Workers Day. (see Right to Assembly)

Ankara State Security Court prosecutor launched a court case against 17 students who gave petition for Kurdish Education on the grounds of Article 169 of the Turkish Penal Code prescribing the crime of assisting and aiding illegal organisation.

On 22 March Adana SSC started to hear the case of 81 defendants, 40 of them in pre-trial detention and 10 of them arrested in absentia, who had signed petitions on education in Kurdish addressed to the director for national education in Seyhan on 2 January. Many people, who had come from outside Adana to observe the trial, were not let into the town and

many spectators had to wait outside the courtroom. During the hearing some defendants testified in Kurdish making use of an interpreter. The court decided for the release of 21 defendants. The charges were changed from "membership of an illegal organization" (Article 168 TPC) to "support for an illegal organization" (Article 169 TPC).

On 21 March Istanbul SSC started to hear the case of 17 students, who had forwarded petitions to the rector on Kurdish as an elective course. After the hearing the arrested students Ferhat Azizoglu, Mürsel Sargut, Özcan Özsoy and Yıldız Polat were released.

Eren Keskin, chairwoman of the Istanbul branch of the Human Rights Association (HRA) was indicted by the prosecutor at Istanbul SSC for a statement on education in Kurdish. She will be charged with "supporting the PKK".

On 7 March Adana SSC heard the case of 11 students, who had been detained some two months ago, when they wanted to hand over petitions on Kurdish as an elective lesson at universities. They are charged with "supporting the PKK". The court ordered the release of Beyaz Aydinoglu, Çetin Oral, Sifa Dagdelen, Asli Dolas, Mikail Koyun, Salim Kaplan, Ahmet Keles, Emin Kiliç and one further defendant. The defendants Çetin Oral and Beyaz Aydinoglu remain imprisoned, since some papers were missing. The hearing was adjourned to 4 April.

On 13 March Adana SSC heard the case of 18 women, on trial for having presented petitions to the director for national education in Seyhan on 2 January. After their testimony Gevre Bilgin, Saadet Atis, Sükriye Demirel, Saadet Dizman, Gülizar Önce, Hidayet Tasgir, Ayse Timur, Zekiye Önder, Vesile Gültekin, Hacire Bilgin, Sefika Alagas, Kumriye Aktas, Gevrisan Kurt, Fatma Yavuz and another four women were acquitted of the charges of "supporting the PKK".

The prosecutor at Ankara SSC launched a case against 26 persons, who signed petitions for education in Kurdish. 9 defendants are charged with membership and 17 with support of the PKK. The indictment states that HADEP is a step on the rule of the PKK and that the parallelism of demands imposed by the European Union and separatist movements does not make them harmless.

21 March Istanbul SSC No. 5 heard the case of 17 students in connection with petitions on education in Kurdish. The court ordered the release of the defendants and adjourned the hearing to a later date. In Malatya the trial against 35 students, 15 of them in pre-trial detention, started at Malatya SSC No. 1. The students are charged with supporting the PKK by signing a petition for education in Kurdish. The court released Hüseyin Aslan and Ismail Korkut and adjourned the hearing to a later date.

On 22 March Adana SSC started to hear the case of 81 defendants, 40 of them in pre-trial detention and 10 of them arrested in absentia, who had signed petitions on education in Kurdish addressed to the director for national education in Seyhan on 2 January. Many people, who had come from outside Adana to observe the trial, were not let into the town and many spectators had to wait outside the courtroom. During the hearing some defendants testified in Kurdish making use of an interpreter. The court decided for the release of 21 defendants, namely Ibrahim Yakut, Mahmut Erdem, Mehmet Aksu, Semsi Aydin, Ömer Çinar, Resit Gültekin, Abdullah Çiçek, Durmaz Özmen, Abuzer Çaliskan, Aydin Sincar, Hasan Yas, Sori Atilla, Mehmet Demir, Mehmet Danis, Kadir Yagmur, Sultani Harman, Ismet Çetin, Sakine Bayav, Zehra Bayav, Fatma Aykut and Cevahir Aykutbut, but rejected the release of the officials of the People's Democracy Party (HADEP), Osman Fatih Sanli, Ahmet Yıldız, Hasan Beliren, Fatih Demir, Fadile Bayram, Leyla Deniz, Ahmet Gül, Zeki Sekin and Ferit Tatli. The charges were changed from "membership of an illegal organization" (Article 168 TPC) to "support for an illegal organization" (Article 169 TPC). On 21 March Istanbul SSC started to hear the case of 17 students, who had forwarded petitions to the rector on Kurdish as an elective course. After the hearing the arrested students Ferhat Azizoglu, Mürsel Sargut, Özcan Özsoy and Yıldız Polat were released. In Ankara the students Mesut Çalgan, Durmus Doga Ates, Nazim Duman, Tugba Atakan, Özlem Dileç, Kahraman Elaltun Kara and Eylem Tuna, who had been detained for presenting petition to the dean of the faculty, were released on 22 March. Selma Güzel was arrested.

On 25 March Adana SSC No. 2 acquitted 17 women, who had forward petition for education in Kurdish to the governor of Adana of charges of "supporting the PKK". Istanbul SSC No. 5 heard the case of 33 students, 10 of them in pre-trial detention, who had signed petitions for elective courses in the Kurdish language to the rector of Çanakkale 18 March University. The defendants rejected the charges of "supporting an illegal organization". The court ordered the release of Ilker Ates, Abdülbaki Kardas, Ali Bagci, Kemal Yigit, Mücahit Kara, Beyler Erkmen, Erdal Gürer, Abdullah Asil, Bulus Giyik and Sirin Akin. Of the defendants not under arrest, namely Veli Baçaru, Hüseyin Balci, Yedigir Acar, Gökhan Erdal Özalp, Mehmet Ali Çetinkaya, Mehmet Disçi, Ali Atahan, Haci Isik, Cengiz Eren, Seyit Ahmet Atmaz, Gülizar Dogan, Hasan Kan, Sehmuz Güler, Emine Bozkurt, Hüseyin Alinca, Mahir Akin, Muhterem Nur Erdogan, Özcan Özgül, Arife Karakol, Erkan Demir, Sanem Kartal, Yücel Aslan and Hüseyin Ilhan only Hüseyin Balci, Yedigir Acar, Gökhan Erdal Özalp, Sehmuz Güler, Mahir Akin and Muhterem Nur Erdogan had appeared. The court adjourned the hearing to a later date to complete the files. Istanbul SSC No. 5 also heard the case of 19 defendants, 5 of them in pre-trial detention. Since many of the female defendants did not know Turkish, Esbender Demir, employed at the court as cleaning staff, acted as interpreter. The court decided for a continuation of the pre-trial detention of defendant Nur Muhammed Magat, but ordered the release of Mehmet Ergezen, Cahit Agaya, Mustafa Alhan and Mehmet Kutum.

In Malatya the gendarmerie detained the student Murat Satici from İnönü University. Reportedly he was dismissed from university for two terms, because he participated in the action against the Law on Higher Education (YÖK) on 6 November. However, his detention allegedly was based on the fact that he signed a petition for Kurdish as elective lesson.

Earlier 17 students from the same university had been detained and 13 later arrested on the same charges. Their trial will start at Malatya SSC on 16 April.

On 27 March the teachers Metin Çakir, chairman of the Van branch of the teachers' trade union Egitim-Sen, Seyfettin Özkaçmaz, former secretary of Egitim-Sen in Van and the members Aysel Duran and Lezgin Bozkurt were called to Van Police HQ. to testify in connection with their speeches on the union's general assembly in February this year. They had spoken in favour of education in Kurdish. In the evening the teachers were taken to Van SSC. The prosecutor wanted them to be arrested for supporting the PKK, but the court released them. They will be tried without arrest.

On 27 March Izmir SSC heard the case of 7 HADEP members and officials, who had been detained between 29 January and 5 February, when they forwarded petition on education in Kurdish to three primary schools in Asarlik town, Menemen district (Izmir). They had later been arrested on charges of "supporting the PKK". Nuray Halisdemir and Vahit Çakar had been released on objection of their lawyers. The other defendants Nihat Diner, Lokman Aydemir, Ramazan Çavak, Ismail Soysal and Ercan Topuz were released after the hearing.

Pressures at Educational Institutions

The Ministry of the Interior and for National Education started investigations against 3 persons from the photographer group in Diyarbakir for their exhibition entitled "the withering colour of Anatolia: the Syrians". The investigation by the Ministry for National Education was directed against the teacher Hüseyin Elçi and Selahattin Dogan, while the Ministry of the Interior investigates against Yusuf Begtas, working as a secretary in the Mor Gabriel Monastery in Midyat district (Mardin).

In Eskisehir investigations started against 221 students, who had handed in petitions on education in Kurdish. 68 are students of literature, 61 of communication, 80 of education and 12 of economy and administration.

The teachers' union Egitim-Sen announced that 13 teachers from the Atatürk Lyceum in Diyarbakir are subjected to an investigation after some students handed in petitions on education in Kurdish. The teachers were named as Nurten Kurcan, Mehmet Aydogdu, Handan Bulut, Necmettin Kalin, Çigdem Bulut, Elif Döner, Recep Ülkü, Mehmet Turan, Sevim Acar and another 4, whose names are not known.

The Rector of Istanbul University terminated the investigation against students, who signed petitions for elective lessons in Kurdish. 30 students were indefinitely dismissed from university and 37 students were dismissed for two semesters. The students in question are: from the Faculty of Literature: Mehmet Korkmaz, Yılmaz Melek, Levent Duran, Nergis Ekinci, Ali Turgay, Inan Akin, Ruken Buken Isik, Sinan Güner, Yesim Sönmez, Baris Ulas Soysal, Mustafa Yildirim, Münir Ay, Salim Çinar; from the Faculty of Education: Mustafa Çalışkan, Mürsel Bek, Yavuz Uçak, Yüksel Ekine, Avni Dal, Nursel Yalçın, Ömer Sahin; from the Law Faculty: Yildiz Polat; from the Faculty for Communication: Cem Türker, Nurettin Fırak, Özgün Açıkalin, Turgay Dakak, Hakan Simsek; from the Faculty of Political Sciences: Fatma Kiraç, Hasim Gülen, Mehmet Emin Turan; from the Faculty for Social Sciences: Inci Aşik.

The rector of the Anatolian University in Eskisehir punished 107 students, who did not withdraw their signatures under a petition for elective lessons in Kurdish by dismissing them from university. 52 students were dismissed for two terms and 55 students for one term.

Denizli Administrative Court rejected the appeals of 14 out of 49 students from Afyon Kocatepe University against their temporary dismissal from university for having signed statements on elective courses in Kurdish. Their lawyer Mustafa Rollas stated that he would take the case to the regional administrative court.

The rector of Ankara University started an investigation against 160 students, who signed petitions for elective courses in Kurdish. The students were asked to testify between 15 March and 15 April.

The students Çetin Oral, Serafettin Aktürk, Salim Kaplan, Yoldas Polat, Selahattin Önal, Leyla Sakalli, Evrim Koç and Veysel Arslan were dismissed from the Mustafa Kemal University in Antakya, because they signed petitions on education in Kurdish.

Petition to change Article 42 of the Constitution

In Istanbul a crowd of some 500 people had gathered in front of the Great Post Office with the aim to send petitions to the Grand National Assembly of Turkey (TBMM) calling for a change of Article 42 of the Constitution to make education in Kurdish possible. The police intervened and detained some 100 people, mostly members of the People's Democracy Party (HADEP), including the chairman for the province, Dogan Erbas.

In Istanbul the HADEP members, who had been detained on 27 March, when they wanted to send petitions to the Grand National Assembly of Turkey (TBMM) asking for a change of Article 42 of the Constitution, were released on 28 March, except for three persons.

1.4. Kurdish Names

Some newspapers reported that the Ministry of Interior has issued a secret circular at the end of 2001 concerning the identification of families who named their children in Kurdish. "The secret circular" is reported to cover following items:

"Article 16/4 of the Act No.1587 on the Population rules that names contradicting our national culture, traditions and moral rules and offending the public opinion cannot be given. In case of violation of this provision, what sort of proceedings will be followed was prescribed in the Article 77/2 of the Directive concerning establishment, duties and performance of the

population services. Even the contradiction to the Article 16/4 of the Act on Population is clearly and precisely known, as it was indicated in our Ministry's circulars, opinion of the Ministry shall be asked."

In the context of this circular, it was also reported that the Diyarbakır gendarmaire Regional Commanding Office has prepared a list of 600 names and sent it to Public Prosecutor of Diyarbakır by asking legal proceedings to be launched against families who named their children in Kurdish. It was also claimed that the correspondence of the Gendarmaire alleging that the ones insisting on Kurdish names were acting in the direction of PKK by stating that the demand to put Kurdish name was one of the targets of the PKK for becoming political entity.

Followingly, in the examination conducted by the Dicle Gendarmairy Commandership in Dicle Population Directorate seven families were identified as they named their children in Kurdish like Berivan, Zilan, Rojda, Baver, Velat, Serhat, Kendal, Zinar, Hebun, Baran, Rojhat, Agit, Zelal ve Zozan, from villages of Meydan, Uğrak, Üzümlü, Bozoba and Çavlı.

On 21 December 2001, the District Commandership of the Gendarmaire in Dicle/Diyarbakır applied to the Dicle Public Prosecutor and claimed that names of 21 children in the District were the nick names of PKK militants. In the indictment prepared upon this claim, the Prosecutor asked defendant families the change of names given to 21 children with the allegation that those names were nicknames of PKK militants, not in accordance with national culture, traditions and customs and hurting the public opinion by making a reference to the Article 16 of the Act No.1587 on Population. (The article reads that "names are given by families. However, names which contradict to national culture, usage and customs and hurt the public opinion cannot be given). The indictment was forwarded to the Dicle Court of First Instance to launch a court case on correction of the name.

No Named/Doç. Dr. Mithat Sancar (Radikal-05.01.2002)

(...).

(...). From the statement made by the NSC on its approach towards "Elective Course in Kurdish" up to now, the issue was dropped from the agenda of the general public as an democratic discussion issue, and prisoned into the secret agenda of the State as an object of public security. (...) As we have learnt from Cumhuriyet daily the issue is as follows.

"In the circular undersigned by Interior Minister Rustu Kazim Yucelen sent to 81 governors, it was asked departments of Population in provinces to be warned on Kurdish names given to children. Upon this circular which orders also the ones insisting to give Kurdish name to be informed to the Ministry, Population departments started to refuse citizens demands for giving Kurdish name to their children."

In the news, it was also underlined that the Ministry has taken this measure after the identification that demands for Kurdish names is part of the campaign initiated by the PKK.

(...) Giving names in their mother language has been always a problem since Kurds get known to the State. The problem started with "Act on Family Name" dated in 1934 and the Regulation on Family Names" issued in the same year when all citizens had to take a family name. After this Regulation, most of family names which had to be taken by Kurds had not been the choice of Kurds. In the region where Kurds live, comparing with other parts of the country, coming across oftenly with family names like "Turk", "Turkoğlu" (*son of Turk*), "Türkekul" (*servant to Turk*) in every districts is one of the striking example. The legal source of the problem on names lies in the Article 16 of the Act on Population dated 1972 which reads "names contradicting to national culture, moral rules and hurting the general public cannot be given". Article 77 of the "Regulation on the Establishment and Duties of the Population Services" asserts that if any name was given in contradiction to these provisions, that name should be asked to change, if it was written in the State Registry of Person the Public Prosecutor should be informed to launch a court case". Both in the past and in present, practices of banning Kurdish names have always been reasoned with impropriety to our national culture and usage and customs. Courts of First Instance in several places have given their decisions on changing names which can also be interpreted as ban on name based on this reason. These provisions were also referred in the circular issued by the Ministry of Interior.

The official position in Kurdish name has in fact become less troublesome since the beginning of 1990 especially after the famous statement made by the then-Prime Minister on the recognition of Kurdish Reality. It is possible to follow this development at the judicial decisions. For example, names like "Berfin", "Nuşin" have been abolished in local courts on the grounds of contradicting to national culture and usage and customs. However, these judgements were abrogated by the 3rd Chamber of the Court of Appeal. (...).

The most important development, of course, was experienced with the decision taken two years ago at the General Chamber of the Court of Cassation. A father from Guroymak District of Birlis province applied to the court to change his daughters name from Hatice to Mizgin by claiming that her daughter was called in the family as Mizgin. The Court decided to refuse the demand on the grounds of the absence of justifiable reasons to change the name. In addition the Court made an argument that the word Mizgin was not in the Turkish language and naming the child as Mizgin would not be in conformity with "national culture", usage and customs and would harm the public conscience. The father appealed against the decision of the Court.

18th Chamber of the Court of Cassation abrogated the decision of the local court. However, the local court insisted on its decision. Then the case was handled at the General Chamber of the Court of Cassation. The General Chamber contradicted to the local court decision and abrogated the decision. In the reason of the abrogation, instead of the interpretation of concepts of "national culture" and "usage and customs" narrowed to Turkish ethnicity, an interpretation which opened up doors to a democratic pluralism. The important parts of the reason are as follows:

"Article 16 of the Act on Population was brought with the aim to prevent to give names in contradiction to national culture, customs and usage and moral values but not to protect the Turkish language from foreign words. East and South East are regions where not only a certain ethnic group live in but also people from various ethnic origin do live as a reality exist in our country. It is an unavoidable reality that families as the smallest unit of the society and members of a family are influenced from economic and social conditions, cultural patterns and customs and usage of the society in which they live. Because of this reason, it is inevitable that an individual should be assessed within his/her structure. Moreover, it should not be disregarded the formulation of an individual according to his/her specific region. In reality, there should not be any hesitation or doubt to consider it as a part of our national culture and customs and usage. As a matter of fact, names of individuals in our country are come from Arabic and Persian languages which are embedded in national culture and our customs in historical course of time. (...) *The local court's interpretation is is invalid regarding that as being only a foreign word (Persian) the word Mizgin does not constitute an obstacle to be given to the one as a name and cannot be talked about that this name would offend the public conscience, when our historical past as source of our culture and customs and usage and necessities of our contemporary social life are considered.*" (dated 01.03.2000, nos.E:2000/18-127 and K:2000/154).

(...)

(...)

In Sirvan district (Siirt) a case was filed against the family Anig with the aim to change the name of their child named "Rojbin" to a Turkish name. The case is based on Law 1587 on Registration and a decree by the Ministry of the Interior and started on 12 March at Sirvan Judicial Court. The mother of Rojbin Anig, Elife Anig, had recently been detained in Bagcilar (Istanbul) in connection with a petition on education in Kurdish.

1.5. State of Emergency Practices

The government proposal on the extension of State of Emergency for four months in provinces of Diyarbakır, Hakkari, Şırnak ve Tunceli from 30 March 2002 was approved by the General Assembly of the Turkish Grand National Assembly on 13 March. In his supporting speech at the Assembly, Interior Minister Rüstü Kazım Yucelen claimed that the threat in the region has not yet been disappeared.

Human Rights Violations in the State of Emergency Region

Pressures towards members and executives of the trade unions of the Confederation of Public Servants Trade Unions (KESK) have continued. Metin Turan, the founder of the trade Union called Yapi-Yol-Sen affiliated to the KESK and public servant of the Ministry of Public Works and Resettlement in Tunceli, was exiled to Yozgat by the order of the Office of the State of Emergency Governor. It was reported that Metin Turan was not informed about the exile reason. Metin Turan had been subject to court cases launched on the grounds of Article 312 of the TPC in several times, but a majority of those trials the acquittal was granted to him.

Three members of the teachers' union Egitim-Sen in Bismil district of Diyarbakır were also exiled. Mesut Firat was exiled to Cankiri, Leyla Durmus to Isparta and Rojhat kayran to Bilecik

Necmettin Kaya was sentenced to 4 billion 196 million TL fine at the first hearing held on 19 February as he sold music tape called "Girtiye Azadiye" of Ciwan Haco which was banned by the Office of Muş Governor.

2. The Right to Seek Asylum and the Condition of Refugees

The number of those people who tried to enter or leave Turkey through illegal means decreased between January-March 2002 due to seasonal changes. Nevertheless, within this period a considerable number of people were arrested while trying to enter or leave Turkey. According to the news covered in the press, during the last 3 months, a total of 3,600 people, including those who are Turkish citizens, were arrested while trying to cross the border.

On 19 March, the semi-official Anatolian agency (AA) reported that during the previous 2 months and a half a total of 1.175 illegal refugees were arrested and that out of them 269 people of foreign nationality were deported. Among those foreign nationals who were arrested the most crowded were Iraqis with 477 people, the second crowded were of Palestinian origin with 172 people. Besides, 906 illegal immigrants, who had the certificate of delivering documents, were reportedly released.

According to a news covered by the AA on 11 January, building upon the data provided by the General Directorate of Security, the number of those people who were arrested while trying to enter Turkey during the first 11 months of the year 2001 was 86.104. The number of people who sought for refugee and temporary asylum in Turkey was given in the news as 4.097. However, in another news covered in late February, again on the basis of the data provided by the General Directorate of Security, it was alleged that a total of 58.481 illegal immigrants were arrested in Turkey in 2001. According to the news, the distribution of those people according to nationality is as follows: 11.430 Iraqis, 7.067 Moldavians, 6.247 Afghans, 3.704 Pakistanis, 2.837 Romanians, 2.657 Iranians, 2.200 Russians and 19.786 people of different nationalities.

On 25 February the daily Cumhuriyet published a statement by the Turkey Representative of the UNHCR Mirza Hussain Khan. Khan stated on the basis of the UNHCR data that 80 thousand people left Turkey via illegal means during the year 2001.

Another statement was made in the same period asserting that 7 billion US dollars were needed to control Turkey's territorial borders by electronic devices.

The fact that Turkey is not only a transit country for the refugees but also a "refugee producing country" was stated in a report concluded by the UNHCR in mid-January. The report titled "Asylum Applications in the Industrialized Countries Between 1980-1999" states that between 1980 and 1989, Turkish nationals ranked second in the list showing the number of asylum applications in the Industrialized countries with a number of some 202 thousand people (According to the report Polish nationals ranked first in the same list). Between 1990-1999, however, Turkish nationals ranked third in the list. This was due to the overall increase in the world in the demand for asylum. According to this, the nationals of former Yugoslavia ranked first in the list with 746 thousand applications; Romanians ranked second with 392 thousand applications and Turkish nationals ranked third with 313 thousand applications.

Between January and March 2000, there took place some incidents, which ended with the death of (illegal) migrants:

In Havuzdere area of the Budakdoganca village of Edirne, an Iraqi national named Ali Muhammet Musa El Decil was frozen to death on 9 January when trying to cross the border via illegal means.

On 12 January Metin Güngör (Günes, 18) and Hasan Kalkan (15) were shot, when they tried to cross the border between Turkey and the Iran. Metin Güngör was killed by a single bullet and taken to hospital. Reportedly an investigation was launched to clarify the incident.

The names of the people, who recently died, when they stepped on a mine at the border to Greece, were announced as Sezgin Sayan (24) and Tahsin Esen (22). Their corpses were taken to Turkey on 27 March.

3. Forced Displacement

No effective measures were taken on the problems derived from forced displacement during the first three months of 2002. The “village-town” model continued to be shown as one of the solutions to get villagers back to their place of origin, but during the first quarter of 2002 the term of “central village” also entered the discussion. The authorities did not take any notice of criticism by NGOs on both, the “village-town” model and the “central village” project. The attitude of the security forces towards villagers, who wanted to return to their homes, did not change either during this time.

On 24 January Diyarbakir Governor Cemil Serhadli provided information on the “central village” project. He stated that the Ministry of the Interior and the General Directorate for Villages had been involved, as well as the Administration of GAP (Southeastern Anatolian Project for a huge dam). Aiming at joining scattered villages and avoiding migration research had been carried out in 21 provinces, but practical steps were first to be taken in the districts of Çüngüş (Diyarbakir), Karliova (Bingöl), Karayazi (Erzurum), Çukurca (Hakkari) and Sagurlu village (Siirt). In Yeniköyü village (Çüngüş) 216 families of 6 villages had been settled. Each family would be given land of 1,000 square meter and TL 6 billion as a loan.

In another statement Governor Serhadli made in January he stated that 7,900 people had returned on the basis of the “village-town” model. These people had returned to 42 villages and 39 hamlets and provided with different kind of aid. In Kulp district (Diyarbakir) 30 houses had been built in Islamköy and 20 in Tur hamlet. The aid amounted to TL 700 billion. He promised that the activities would continue in 2002.

On 24 January Siirt Governor Nuri Okutan announced that the return to 14 villages had been granted for the year 2002. He added that so far 4,000 people had returned to 16 villages and TL 1 trillion had been spent on within the “return to the villages” project.

Reports from Çeniri (Yolveren) village, Besiri district (Batman) that had been evacuated by its Yezidi population in 1992 because of the pressure to become village guards and a lack of security stated that the villagers started to return in January. In summer 2001 they had tried to do so, but were prevented by village guards, who had occupied their land and homes. The villagers had appealed to Batman Penal Court and, during the legal process an agreement was reached between the village guards and the returning families. In December 2001 the village guards left the village.

In other places pressure against those willing to return to their homes continued. Following the decision by the European Court of Human Rights awarding compensation for the “disappearance” of 11 villagers from Nederan (Alaca) village in Kulp district (Diyarbakir) Kulp Governor Ibrahim Akin allegedly declared this village not suitable (for living).³ He gave this reply to the village headman Vehbi Baser and 7 villagers, who had approached him with the wish to return on 15 February.

In February asked the governor of Tatvan district in Bitlis province for permission to return to Çorsin (Düzcealan) village, form they had been forced to move in 1993. Tatvan Governor Ali Yener Erçin told them that they would only be allowed to return, if they signed statements that the PKK forced them to leave the village. The governor claimed that the people had left the village on their own initiative in order to avoid the pressure of the PKK. Their land and house were intact, apart from damages resulting from winter conditions. He also claimed that the villagers had sold their stock, when they left.⁴

Yusuf Zümrüt, inhabitant of Konuklu village, Kulp district (Diyarbakir) appealed to the European Court of Human Rights, when his official complaint against members of the security forces, who had prevented him from moving back to the village, despite an official permission, was turned down. His village had been evacuated on 21 March 1994. On 29 December 1998 the Zümrüt family (20 persons) appealed to the governor of Diyarbakir to be allowed to return. In reply the governorate stated that there was no obstacle to return, since other people were living there. On 2 April 2001 the family wanted to move back into the village, but were hindered by a sergeant of the gendarmerie, who threatened them not to dare going back.

Nevertheless Yusuf Zümrüt started to live there, until he and the former village headman Nesibullah Zümrüt were called to Sivrice Gendarmerie Station on 28 July 2001. Having been threatened Yusuf Zümrüt went to Diyarbakir and got a second permission from the deputy governor. This time a sergeant by the name of Menaf threatened him at Sivrice Gendarmerie Station, who said that he did not recognize the governor. Yusuf and Nesibullah Zümrüt filed an official complaint with the public prosecutor, but he decided not to prosecute.

An initiative started by the Association of Industrialists and Businessmen in Diyarbakir (DISIAD) in December 2001 under the name of “Campaign for the Return to the Villages” was supported by other business organizations in the region. The chairman of the Chamber for Trade and Industry in Van, Zahir Kandasoglu stated that they supported such an initiative, because the people living in the cities were in a very bad situation. He said that Van of those towns with a large number of displaced people. The evacuation of villages had increased the number of children working in the streets and families with 6-

³ On 31 May the European Court of Human Rights made the decision on *Akdeniz and Others v. Turkey*. The application related to 11 men who went missing in October 1993 when security forces were carrying out a massive operation around the village of Alaca, in the region between Kulp, Mus and Lice, in southeast Turkey. From around 9 to 12 October, the 11 men were detained outside under guard at Kepir by the security forces, where all but one were tied up. They were held until about 17 to 19 October, when at least some of them were seen being loaded onto a helicopter. The Court awarded a total of 382,340 pounds sterling (GBP) for pecuniary and GBP 2,500 for non pecuniary damages to each applicant, plus GBP 20,000 to be held for the heirs of each missing relative.

⁴ Çorsin (Düzcealan) village was evacuated after a rocket and artillery attack on 23 December 1993, during which Kasim Çaçar lost his life. General Korkmaz Tagma, commander of a tank division, had threatened the villagers by saying “I know how to deal with you.”

12 members had no income and could only survive by aid from outside. He criticized the system of village guards and said that the villagers' return would be easier, if the system of village guards was abandoned.

Ahmet Danlar, chairman of the Chamber of Shopowners and Craftsmen in Batman, also expressed his support for the initiative of DISIAD, but added that the return of villagers would only be possible if democracy existed and the system of village guards and the state of emergency were lifted.

4. Right To Life

According to the findings of the Human Rights Foundation of Turkey, during the first quarter of 2002, at least 13 persons were killed either during house raids or because they refused "Stop" warnings or as a result of random shootings by the security forces. At least 3 persons were killed in armed clashes and 9 being children at least 13 people died due to mine explosions or explosion of abandoned explosives. Within this period 3 people died during mass civil clashes due to ethnic-political-religious reasons. The number of killings by unknown assailants was recorded as 8 for the same period.

The Emergency State Governor Gökhan Aydiner, held a press meeting on 28 January concerning the events of 2001. Aydiner stated that in the year 2001 "199 incidents took place in 11 provinces, 111 illegal organization members were killed and 248 people were arrested during the operations against these organizations". According to the figures given by Aydiner, 22 security officers and 9 civilian people died and 56 security officers and 29 citizens were injured within the same year.

4.1. Death Penalty⁵

The Act No: 4709 concerning the amendment of Article 38 of the Constitution was put in force as of October 17, 2001. Thereafter, the Turkish Grand National Assembly (TGNA) started to work on a harmonization act for the adoption of the Acquis to the amendments made in the Constitution.

Prime Minister Bülent Ecevit made a statement on 2 January concerning death penalty. Ecevit said, "Despite the fact that Turkey has undergone such problems, suffered from terrorism as such, no death penalty sentence has been executed. This implies that the death penalty has been abolished in practice. However, it may take some time to abolish this sentence by law".

Concerning the objections raised by the Nationalist Action Party (MHP) Ecevit said that MHP knew well that the abolition of death penalty is among the prerequisites for acquiring EU membership and continued: "They have internal problems. They have loyalties inherited from the past. These [loyalties] should be tolerated. MHP follows the changes in Turkey and in the world through experience. Therefore I believe that we shall solve this problem without further delay".

Later on the MHP leader Devlet Bahçeli made a statement concerning death penalty:

"The two other partners of the Coalition Government may have different opinions on death penalty. The Democratic Left Party (DSP) and Motherland Party (ANAP) may want death penalty be abolished. They raise this issue to the agenda. But, regarding Turkey's sensibilities, the MHP is of the opinion that it will be a mistake to abolish death penalty in offences of terror. It is not logical to think that we would enter the EU by abolishing the death penalties of the terrorists. Concerning the death penalty the MHP is eager to do what is to the best interest of the Turkish Nation."

Draft Laws

Justice Minister Hikmet Sami Türk, submitted 5 draft laws to the meeting of the Council of Ministers on 18 February. After the meeting, Government Spokesman Yılmaz Karakoyunlu made a statement asserting that the Council negotiated the draft laws submitted by Minister Türk. Karakoyunlu stated that no objection was raised concerning the amendments and continued: "The draft law titled 'The Act Concerning the Rearrangement of the Offences and Punishments Included in the Turkish Penal Code [TPC] and The Act on the Banning and Prevention of Smuggling' foresaw the partial, not full, abolishment of death penalty."

The draft law preserves death penalty for "terror crimes" and for those offences committed in conditions of "war and imminent threat of war". The draft law foresees the abolition of death penalty for other offences cited in the Acquis including homicide and forestry crimes that are not committed for terrorist aims and brings life imprisonment in its stead.

The draft law abolishes death penalty for homicide offences cited in the TPC and the Law on Smuggling; and preserves death penalty for offenders under Article 125 (action in contrary to the indivisible integrity of the state), Article 131 (destroying the military bases in times of war), Article 146 (intending to destroy the constitutional order), Article 147 (assassination against the government members), Article 149 (inciting the people to armed uprising) and Article 156. (assassination against the President) of the TPC and for the offence "putting a fire serving terrorist purposes" as indicated in the Act on Forest. Provided that the draft law is put in force, the files of all the offenders under its content will have to be concluded by the competent court within one month.

In an information note that was allegedly sent to the Prime Ministry, Justice Ministry, Ministry of Foreign Affairs and the EU General Secretary by the Chief of the General Staff, in February, it was recorded that death penalty was restricted in

⁵ By February 2001, the number of files on death penalty at the Justice Commission of the TGNA reached 63. 120 persons have been sentenced to death penalty in these files. Of them 36 have been convicted under Article 125 of the TPC and 38 have been convicted under Article 146 of the TPC. The names of these persons are:

Nizamettin Özoglu, M.Sait Dayan, Sinan Iyit, A.Osman Köse, Rabbena Hanedar, Hasan Sahingöz, Ali Nazik, Selmani Özcan, Cemal Çakmak, Kemal Gömi, Aslan Kaya, Abdurrahim Akalp, Ali Teke, Yusuf Akbaba, Türkan Ipek, Mehmet Darga, Celal Türk, Salih Gün, Zübeyir Paksoy, Yusuf Çabuk, Hüseyin Güçlü, Bayram Kaymaz, Fikri Demir, Lütfi Topal, Ali Tekin, Mehmet Yıldırım, Nihat Yagiz, M.Emin Çeçi, Cumali Karasu, Enver Özer, Ahmet Güven, Kadri Sönmez, Ramazan Akdag, Nadir Kalkan, Vefa Kartal, Ramazan Kizildag, M.Nuri Özen, Hasan Askin, Seyhmus Poyraz, Semdin Sakik, Muhsin Erbas, Harun Gülbas, Bekir Çinar, Erol Sarikaya, A.Turan Kiliç, Kenan Kale, Harun Yıldiz, Zafer Yelok, Yunis Karatas, Halil Ibrahim Düzbiçer, Ö.Faruk Gez, Ahmet Ofiaz, Ekrem Kurt, Erkan Çetintas, Faruk Sarikaya, Hayrettin Gül, Harun Kavak, Süleyman Toksun, Hayreddin Yegin, Mehmet Yılmaz, Adem Kozu, M.Ugur Yaras, Faruk Belkavli, Ömer Demir, Alim Özhan, Ibrahim Duran, Etem Ceylan, Vahit Kaynar, Turan Kaya, C.Tayyar Soykök, Faruk Ceylan, Sahin Gümüş, Nuri Akbulut, Cemalettin Polat.

the Constitutional Amendments and that the amendments foreseen in the harmonization packages (on death penalty) were sufficient. The information note emphasized that it would be sufficient to amend Article 125 of the TPC so as to get it in harmony with the Constitution.

The issue of death penalty was handled at the National Security Council's (MGK) meeting of 27 February. The generals represented in the MGK stated that they had expressed their opinions on death penalty before and that would leave the issue to the TGNA and the Government.

From then on, the discussions on death penalty evolved around whether it was necessary to make a constitutional amendment to abolish death penalty. ANAP and DSP held that "no constitutional amendment were necessary, while on the other hand MHP insisted that the constitution should be amended before. Upon this difference of opinion, ANAP and DSP decided to ask for the opinion of the Council of State. This situation created a discontent within the MHP.

The Council of State asserted that it was not necessary to make a constitutional amendment to abolish death penalty in times of "war, imminent threat of war and crimes of terror" through an amendment in the TPC.

The TGNA negotiated the "UN Convention (hereinafter the Convention) on Civil and Political Rights" in January. According to the Accession Partnership Document Turkey had accepted the obligation to ratify the Convention in the medium term.

Provided that the Convention is ratified in the TGNA, death penalty will be abolished from the Acquis in Turkey.

Article 6 of the Convention reads as follows:

"In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."

Court Cases

Decisions by the Court of Cassation

The 1st Chamber of the Court of Cassation quashed the sentences imposed by Istanbul Criminal Court No. 2 on Zinnur Gülsah Dinçer, Ömer Çelik and Engin Arslan for the killing of Sehiban Coskunfirat in Ortaköy (Istanbul) as a "sacrifice for the devil". Istanbul Penal Court had sentenced the defendants to 25 years' imprisonment under Article 448 TPC (intentional killing). The Court of Cassation ruled that paragraph 3 and 4 of Article 450 TPC should be applied that provides for the death penalty if the intentional killing is carried with brutality or under torture.

The chief prosecutor at the Court of Cassation has filed an objection against the decision by the 9th Chamber of the Court of Cassation to quash the death penalty for the alleged leader of the radical Islam organization IBDA-C, Salih İzzet Erdis (Salih Mirzabeyoglu).

The Panel of Chamber at the Court of Cassation accepted the objection. The 9th Chamber will have to deal with the case in principle and not just on formal grounds such as the identity not being clearly written or minutes of the hearings not being sealed.

On 2 April 2001 Istanbul SSC had sentenced Mr. Erdis to death according to Article 146 TPC. Sadettin Ustaosmanoglu and Mehmet Fazil Aslantürk had been convicted under Article 168 TPC and sentenced to 18 years' imprisonment. The file of Hüsnü Göktas, who had been tried without remand was suspended according to the Law on Conditional Release and Suspension of Trials and Sentences.

On 30 January the 9th Chamber of the Court of Cassation held a hearing on the case of 44 defendants from the organization "Islamic Movement", who are held responsible for the killing of journalist Çetin Emeç, driver Aydin Ercan, researcher on Islam, Turan Dursun and the Iranian Ali Akbar Gorani. Defence lawyer Abdurrahman Sarioglu stated that he did not accept the secular order of the State, which had no right to judge on Muslims. The defence lawyers Yalçın Kasaroglu and Sehmuz Poyraz objected to his statement saying that the right to defense was misused. The objection was refused. However, the main prosecutor at the Court of Cassation has filed an official complaint against Sarioglu later.

On 6 March, the 6th Chamber of the Court of Cassation passed its verdict on the case. The Court confirmed the death penalty for İrfan Çağrıci, who is held responsible for various violent acts including the killings of writer and journalists Çetin Emeç and Turan Dursun and the Iranian oppositional Ali Akbar Gorani. The sentences for Mehmet Ali Seker, Cengiz Sarıkaya and Tamer Arslan, whose death penalties had been commuted to life imprisonment, were also confirmed. The same sentence was quashed for defendant Ekrem Baytap. The Court also quashed the sentences of 12.5 years' imprisonment for İhsan Deniz, Mehmet Kaya, Mehmet Zeki Yıldırım, Kudbettin Gök and Hüsnü Yazgan. The sentence of 45 months' imprisonment for "supporting the organization" passed on Mehmet Salih Yıldız was suspended according to the Law on Conditional Release and Suspension of Trials and Sentences.

On 24 July 2000, Istanbul SSC had sentenced İrfan Çağrıci to death according to Article 146 TPC. Under the same provision the defendants Cengiz Sarıkaya, Ekrem Baytap, Tamer Arslan and Mehmet Ali Seker had been sentenced to life imprisonment. The defendants Ridvan Çağrıci, Ziver Kartal, Mehmet Okatan, Gül Arslan, Hüsnü Yazgan, Mehmet Kaya, Kutbettin Gök, Mehmet Zeki Yıldırım, İhsan Deniz and Mehmet Zeki Deniz had been sentenced to 12.5 years' imprisonment

under Article 168 TPC for “membership of the organization”. The defendants Abdülkerim Yagmur and Mehmet Salih Yildiz were sentenced to 45 months’ imprisonment for “supporting the organization” (Article 169 TPC) and 20 defendants had been acquitted.

The 9th Chamber of the Court of Cassation approved the death penalties for Adem Kepeneklioglu, Turan Tarakçi and Mehmet Hakan Canpolat. On 3 April 1998 Istanbul SSC No. 1 had found them guilty of killing Adil Özbek and Ömer Demirbag in the name of the Turkish Revolutionary Communists’ Union (TIKB).

Court Cases Concluded

The case launched against 24 people on trial for the killings of 24 persons including Ugur Mumcu, Ahmet Taner Kislali, Bahriye Üçok and Muammer Aksoy was concluded on 7 January at Ankara State Security Court (SSC). (For details, see Political Killings)

On 4 February Istanbul SSC announced its verdict in a trial of 6 people allegedly belonging to the “KP/İÖ” (Communist Party / Establishment Committee). The defendants Mehmet Canpolat, Fikret Yildiz, Atilla Dinçer Tekel, Engin Çakmak and Kenan Taybora (he was released because of poor health as a result of the hunger strike) to death. The death penalties were commuted to life imprisonment. Özcan Erol was sentenced to 12.5 years’ imprisonment for membership of the organization.

On 7 February Istanbul SSC announced its verdict in the case of 31 people on trial for membership of the radical Islamic organization IBDA/C. The defendants Ender Toz, Serdar Atas and Mehmet Sahin were sentenced to death according to Article 146/1 TPC. Their sentences were commuted to life imprisonment. Ali Osman Zor, said to be a leading member of the organization, was sentenced to 18 years’, 9 months’ imprisonment. Samil Igde, Olcay Oguz, Ramazan Gönçör, Saban Çavdar, Alaattin Baki Aytemiz, Önder Erdem, Mehmet Fatih Aydın and Mehmet Galis Turan received sentences of 15.5 years’ imprisonment for “membership of the organization”. The other 19 defendants were sentenced for supporting the organization, but their sentences were suspended.

On 12 February Istanbul SSC No. 5 passed its verdict on 3 defendants, who were held responsible for throwing molotov cocktails into a shop in Küçükçekmece (Istanbul) on 4 May 1995 during a demonstration reportedly organized by the PKK. The defendants Murat Kit and Orhan Bingöl were sentenced to death according to Article 125 TPC and the defendant Abidin Dogan was sentenced to 12.5 years’ imprisonment according to Article 168/2 TPC. The sentences of Kit and Bingöl were commuted to life imprisonment because of good conduct.

On 14 February Ankara SSC No. 1 passed the verdict in the trial concerning the bomb attack on Usak Governor Ayhan Çevik, at the time governor of Çankiri. In their final words the defendants and their lawyers pleaded not guilty and asked for acquittal. However, presiding judge announced the verdict by saying that the defendants Kemal Ertürk, Küçük Hasan Çoban, Kemal Kaygisiz and Mesut Deniz had been sentenced to death according to Article 146/1 TPC for the “violent attempt to overthrow the constitutional order”. He added that there was no reason for extenuating circumstances as described in Article 59 TPC. The defendants Lale Açık, Nihat Konak, Hakan Eren and Savas Kör were sentenced to 15 years’ imprisonment, while the case against Muharrem Horoz, who died as a result of the hunger strikes, was dropped. The sentences for the defendants Sener Kökten, Erkan Balçık, Devrim Karacan, Bülent Ertürk, Özgür Deniz Demirdis, Arap Deniz, Bilal Ekin, Halil Köseoglu, Cemile Sönmez, Serdal Çitil, Murat Yılmaz, Sevinç Güden, Selahattin Yurdaer, Murat Demirdis, Turan Açık, Ömer Necmi Hatipoğlu, Aziz Batur, Cafer Kaya Bozkurt, Metin Sezgin and Eren Karacan were suspended according to the Law on Conditional Release and Suspension of Sentences. During the attack on Ayhan Çevik on 5 March 1999 the body guard Nurettin Cinsoy, the students Fatma Dönmez and Emrah Ersoy and the worker Alpay Evirgen had lost their lives.

On 28 February Diyarbakir SSC No. 4 passed a verdict on Serdar Güzelçay, who allegedly participated in the killing of 7 soldiers and two civilians in the name of the PKK. He was sentenced to death.

On 18 March Istanbul SSC passed its verdict on Ümit Günger and Gökhan Gündüz. Both were sentenced to death for actions in the name of Devrimci Sol under Article 146 TPC. These sentences were later commuted to life imprisonment.

Continuing Court Cases

The public prosecutor in Adana opened a case against Sedat Gözüküçük on charges of having killed the lawyer Savas Bedir and the civil servant Hasan Findil on 23 October 2001. They had come as bailiffs. During the opening hearing at Adana Penal Court No. 1 the prosecutor demanded twice the death penalty according to Article 450/5 TPC.

The prosecutor in Erzurum SSC launched a case against Metin Kaplan, the leader of the radical Islamic organization “Federal Islamic State of Anatolia”, with the demand of death penalty. Kaplan is still in remand in Germany.

The public prosecutor in Bakirköy has indicted Bahar Karulman and Eralp Erol for the killing of the women Nedret Abdullahoglu in Avcılar (Istanbul). He wants the defendants to be sentenced to death.

The public prosecutor in Bursa launched a case with the demand of the death penalty against Adem Güney, Figen Yildirim and Sahin Korkmaz (on the run) for killing Lütfullah Ahmet Erdin, Efan Açıcı and Bülent Kepçeli on 31 January.

On 17 January Diyarbakir SSC No. 3 continued to hear the case of Mehmet Sudan, an alleged leading member of the radical Islam organization Hezbollah. In summing up the case the prosecutor changed the charges from Article 146/1 TPC (the attempt of a violent overthrow of the constitutional order) that demands the death penalty to Article 168/1 TPC

(leading membership of an armed gang) that provides for imprisonment of no less than 15 years' imprisonment. The defendants rejected the charges stating that he was no leader of the organization and that there was not sufficient evidence to support that claim. The court adjourned the hearing to 14 March to listen to the final defence of the lawyer.

On the same day, in another trial, Diyarbakir SSC No. 3 heard the testimony of defendant Yunus Aysu, who is held responsible for the killing of police officer Mehmet Zengin. The defendant on trial with 4 more alleged Hezbollah members rejected the charges. The court adjourned the hearing to 21 March to listen to the testimony of the defendants Veysi Elbahadir and Süleyman Çiftsüren.

On 22 January Istanbul SSC continued to hear the case on the killing of Yildirim Tas and Hasan Hüseyin Mercan in Istanbul on 10 May 1999. During the hearing the defendant Aysel Alhan was told that her application of benefiting from the repentance law had been rejected by the Ministry of the Interior. In 1995 Aysel Alhan had benefited from that law when she was charged as "member of the PKK" at Adana SSC. For the defendants Selçuk Güngör, Hakan Tunç, Mustafa Gül, Yüksel Kaya and Bülent Aytunç Cömert the prosecution demanded prison terms.

On 25 January, 6 February and 5 March Ankara SSC continued to hear the case of Cevat Soysal, an alleged leading member of the PKK, who had been taken from Moldavia to Turkey, Ali Kandemir, former board member of the trade union SES and Osman Özcelik, former deputy chairman of the People's Democracy Party (HADEP). The hearing of 5 March was adjourned so as to conclude the decision.

The main trial against members of the organization "Revolutionary Path" (Dev-Yol) that had started at Ankara Military Court on 18 October 1982 continued at Ankara Criminal Court No. 6 on 25 January. The hearing was adjourned to 26 March to give the prosecutor time to prepare his summing ups of the case. The previous prosecutor had asked for the death penalty in 23 cases. On 18 October 1982 the trial against 574 alleged members of Dev-Yol had started at Ankara Military Court. Until the verdict was announced on 19 July 1989 the number of defendants had increased to 723. Seven defendants were sentenced to death, 39 to life imprisonment and 346 defendants received sentences of between 2 and 20 years' imprisonment. On 27 December the 11th Chamber of the Court of Cassation had ruled that 23 defendants, who had received terms of imprisonment, should be sentenced to death. The retrial had to be conducted at a criminal court, because military courts were no longer responsible for such trials, after martial law had been lifted.

During the hearing of 26 March the prosecutor repeated the demand of death penalty for all 23 defendants. The defense lawyers asked for additional time to prepare their final statements and the hearing was adjourned to a later date.

On 29 January Diyarbakir SSC continued the hearing against 12 defendants, 6 of them village guards, charged with activities for the PKK. The demand by defendant Hamdullah Salman to benefit from the Repentance Law was rejected. In this trial the death penalty is demanded for Mustafa Ürek, Ömer Yaman, Kerem Bilen and Hamdullah Salman. The prosecutor wants the other defendants to be sentence according to Article 169 TPC.

On 5 February Diyarbakir SSC No. 3 continued to hear the case of Sahin Çeribasi, an alleged member of the radical Islamic organization Hezbollah, on trial for the assassination of ex-Chief of Diyarbakir Police, Gaffar Okkan, and five police officers. During the hearing Çeribasi stated that he was tortured in custody. In the trial, the prosecutor demands Çeribasi be sentenced to death penalty.

On 12 February Diyarbakir SSC No. 3 continued to hear the case of Mehmet Fidanci, one of the alleged triggerers of the radical Islamic organization Hezbollah. The defendant asked for transfer to another prison and rejected the charges of being involved in the assassination of ex-Chief of Diyarbakir Police, Gaffar Okkan. The court ordered a medical examination in order to establish whether the defendant had been tortured and adjourned the hearing to a later date.

On 15 February Diyarbakir SSC continued to hear the case of Haci Bayancik and Mehmet Veysi Özel (alleged leaders of the radical Islamic organization Hezbollah) and the alleged members Aydin Dagli, Remzi Kaçar and Fadil Sani Aydin Dagli testified to the effect that he had stayed in a flat in Mardin belonging to the organization, but had no knowledge of the organization and its activities. In this trial the death penalty is being sought for the defendants Haci Bayancik, Mehmet Veysi Özel, Aydin Dagli and Remzi Kaçar according to Article 146 TPC. The defendant Fadil Sani has to expect a sentence of imprisonment.

On 8 February Istanbul SSC continued to hear the case of 23 defendants (9 of them under arrest), who are charged with membership of the Revolutionary Communists' Union of Turkey (TIKB) and the killing of Nihat Uygun, chairman of the MHP for Kartal district (Istanbul) and Ethem Ekin, public prosecutor in Adana. The hearing was adjourned to 26 April to wait for the testimony of Tamer Tuncer, whose health deteriorated due to the hunger strike and shall testify to Kocaeli Criminal Court. The prosecution has demanded for the death penalty for the defendants Tamer Tuncer, Sevgi Ülkemin Ordu, Mete Tuncer, Ergül Çelik, Nuri Akalin, Kenan Güngör, Sefa Gönültas and Turgay Ulu. According to information provided by lawyer Gülizar Tuncer, the first prosecutor in this trial asked for acquittal for Turgay Ulu, now under arrest since 6 years, but the second prosecutor asked for the death penalty.

The case launched against Yener Yermmez with the demand of death penalty on charges of killing the businessman Üzeyir Garih on 25 August 2001 continued on 15 February at Eyüp Heavy Penal Court No. 2.

On 27 February Istanbul SSC continued to hear the case of 15 defendants in connection with an explosion in the "Egyptian Bazaar" on 9 July 1998 that resulted in the death of 7 and injuries of 120 people. The report from the forensics

stated that the reason for the explosion could not be established clearly. Confessing defendants Alaattin Öget claimed that Pinar Selek and the other defendants planted the bomb as members of the PKK. The prosecutor demanded that another expertise report should be prepared by the Middle East Technical University, the Machine Chemistry Institute and the Laboratory of the Gendarmerie. Subsequently the court ordered the release of the defendants Baran Öztürk and Delibas Arat. In this trial the death penalty is demanded for the defendants Pinar Selek, Abdülmecit Öztürk (under arrest), Alaattin Öget (under arrest), Isa Kaya (under arrest) and Kübra Sevgi (under arrest) according to Article 125 TPC. For the defendants Baran Öztürk, Hreview Öztürk (under arrest), Ercan Alir, Masallah Yagin (under arrest), Delibas Arat, Menderes Öget, Erkan Öget, Hasan Kiliçdogan, Alican Öget and Suat Kaya the prosecutor has demanded sentences of between 3 and 31 years' imprisonment.

On 28 February Diyarbakir SSC No. 3 continued to hear the case of 20 alleged members of the radical Islamic organization Hezbollah, including the alleged leaders Cemal Tutar and Edip Gümüs. Defendant Mehmet Veysi Özen, being held responsible for the kidnapping of writer Gonca Kuris, rejected the charges stating that he had been held in detention for 43 days. His lawyer stated that his client was being accused with actions in Adana and Tarsus and, therefore, decree 430 (prolonged detention in the region under a state of emergency) could not be applied. Defendant Musa Özer, said to have killed Mehmet Sincar (MP for DEP) in 1993 and also held responsible for other killings in Batman and Diyarbakir also rejected the charges. The court adjourned the hearing to 9 May. In this trial death penalties are being sought for 18 defendants, while two defendants have to expect sentences according to Article 168/2 TPC.

On 5 March Kadiköy Criminal Court No. 2 started to hear the case of Mert Kulabas, charged with killing his companion Ali Cafer Lüle. The prosecutor demanded the death penalty for him and prison terms for his father Erkan Kulabas, his mother Aybikem Kulabas and his brother Onur Kulabas.

On 12 March Diyarbakir SSC No. 1 started to hear the case of 4 alleged members of the radical Islamic organization Hezbollah. The defendant Rifat Demir, charged with the killing of 22 people including ex-MP for the Democracy Party (DEP) Mehmet Sincar, rejected the charges stating that at the time (1993/1994) he had been suffering from a broken leg. He alleged to have been tortured in detention and stated that he filed an official complaint against the torturers. In this trial the death penalty is being demanded against all 4 defendants, Rifat Demir, Ahmet Durmaz, Ahmet Sahin and Mehmet Garip Özer, according to Article 146 TPC

The trial against Ergin Atabey, Abdullah Günay, Azime Isik and Metin Yamalak accused of "having thrown a bomb into the 'blue bazaar' in Istanbul-Göztepe on 13 March 1999" which resulted in the death of 13 people continued on 28 March at Istanbul SSC. All defendants are charged with the demand of the death penalty. In the trial, Azime Isik's mother Sahime Isik was heard. Sahime Isik said that that day they were together with her daughter and that they heard about the incident from the television. Lawyer Eren Keskin emphasized that the testimonies of the witnesses were inconsistent with one another and that there were evidences proving that Metin Yamalak had been in Adana that day, as a HADEP mission. The hearing was adjourned to 7 June.

The case against Recep Ipek, accused of having killed the child Afsar Sila Çaldıran (11) in Susurluk district (Balıkesir) on 6 April, continued at Balıkesir Criminal Court on 30 March. During the hearing, the report given by Manisa Hospital for Mental Health and Disorders concerning Recep Ipek was heard. The report stated that Ipek was not suffering from any mental disorder. Defendant Ipek confessed that he had killed the child, but alleged that he had done so on the orders of two people who he did not know.

4.2. Killings by Unknown Assailants

Seredin Sancar, Newroz Sancar

From Xanike village in Nusaybin district (Mardin), a village with Yezidi population, it was reported that unknown assailants killed Seredin Sancar and his wife Newroz Sancar. According to an item in the daily "Özgür Politika" both persons left the village on 12 March to work in the fields. Allegedly they were kidnapped. The corpse of Seredin Sancar was later found in their car near Daline village, Midyat district. Some days later the corpse of Newroz Sancar was found in a well near Xanike village. Reportedly the prosecutor ordered an autopsy following an official complaint from abroad.

X.X., X.X., X.X., X.X., X.X.

On 11 March the People's Defense Forces (Armed wing of the PKK) announced that 5 corpses, one of them dressed as a PKK militant, had been found near Gabar village of Sirkak-Cizre. Reportedly, the corpses had been thrown into a hole and that there had been rope pieces and empty bullet cases in the surroundings.

After the release of this announcement in the press the police deployed an operation in the district. In Cizre the police raided houses of people registered in Gabar village on 12 March and detained Mahmut Atabey, Isa Atabey, Ahmet Atabey, Ali Atabey, Tahir Atabey, Halil Yılmaz, Isa Ural and 8 people with the first name of Sefer, Seref, Ali, Ebubekir, Sitki, Yusuf, Abdullah and Ahmet. The suspects were taken to Sirkak Police HQ.

Ferhat Dikmen

The person named Ferhat Dikmen (27) was shot death on 30 March near Üsküdar Haydarpaşa Numune Hospital (Istanbul). Dikmen was reported to be a PKK repentant.

4.3. Extra Judicial Executions

1) Mahmut Ölçer

2) Siyar Bahtiyar (Ahmet)

Two PKK militants, Mahmut Ölcer, born in Hınıs-Erzurum, and a person named Ahmet, from the Soran region in Northern Iraq were killed during a house raid in Mescit quarter of Silvan district (Diyarbakir) on 16 January.

Diyarbakir Governor Ahmet Cemil Serhadli stated that the police called on the persons to surrender for about two hours, and that a clash broke out when they refuse to give in. Serhadli said that one of the persons was killed in the clash, and that the other died when trying to throw a hand grenade to the security forces. On the other hand, the daily Özgür Politika, issued in Germany asserted that “there were two militias in the house and they committed suicide”.

Meanwhile, the three persons, who had been detained after the raid, Fahriye Kaya, the owner of the house, her 17-year-old son Ibrahim Kaya and Yasar Simsek were arrested by Diyarbakir SSC and put in Diyarbakir E-type Prison on 21 January.

Fahriye Kaya told her lawyer Reyhan Yalçındag that Ibrahim Kaya and Yasar Simsek were tortured in custody. Fahriye Kaya said that while in custody she was taken to interrogation blindfolded, that she was threatened to rape, beaten and forced to sign testimonies in Turkish although her Turkish was poor. According to the information provided by lawyer Yalçındag, the other detainee Ibrahim Kaya told the following:

“After being detained in Silvan, we were taken to a care. On the way to the Diyarbakir Security Headquarter, the police were talking among themselves saying “It would have been better if we had killed these three people, too. In Diyarbakir Security Headquarter I was given electricity from my foot and I was beaten. I started to bleed from my ear and throat. I am still bleeding.”

Yasar Simsek, who reportedly had a cardiac operation in the past, was also tortured in custody. Reportedly, his testicles were squeezed; he was beaten and threatened to death.

Mahmut Ölçer was buried in Diyarbakir on 21 January. Siyar Bahtiyar’s corpse was kept in the morgue of Diyarbakir State Hospital until 7 February, and then he was buried by the police.

3) Hatip (Habib) Dag

4) Arif Keser

On 6 March at 4am the police raided a house in Aydinlar quarter (Adana), suspected of being an organizational flat of Hezbollah. Nine police officers were injured due to hand grenade explosion. Allegedly the inhabitants fired back and the police threw gas bombs. One woman and four girls came out of the flat. Hatip Dag, allegedly responsible for the armed wing and Arif Keser, allegedly responsible for Gaziantep were killed. Reportedly Hatip Dag (born 1960) was on trial at Adana SSC and Arif Keser at Diyarbakir SSC.

5) Suat Durmus (29)

6) Mustafa Muratoglu (35)

On 6 March during a bank robbery in Kazasker (Istanbul) Suat Durmus (29) and Mustafa Muratoglu (35) were shot dead by a bank guard⁶ named Engin Bozkurt.

On, 11 March Bozkurt was remanded. He was later indicted by the prosecution in Kadiköy. The prosecutor wants Article 450/5 TPC to be applied. This would require the death penalty. Since the offence was committed in self defense the Articles 49 and 50 TPC should also be applied.

7) Metin Günes

On 12 January Metin Güngör (Günes, 18) and Hasan Kalkan (15) were shot, when they tried to cross the border between Turkey and the Iran. Metin Güngör was killed by a single bullet and taken to hospital. Reportedly an investigation was launched to clarify the incident.

8) Ahmet Cabbar

9) Cuma Yildiz (24)

10) Mehmet Yildiz (22)

In the Çayir region in Reyhanli district (Hatay) the gendarmerie tried to stop a group of people from entering a van after crossing the border to Turkey illegally. Reportedly the group fired back. During the clash Iraqi national Ahmet Cabbar and the escape agents Cuma Yildiz (24) and Mehmet Yildiz (22) were killed.

Following the incident four Iraqi nationals named Hasan Ali, Talip Muhammed, Salim Tala, Diya Muhammed Ali and a Palesitnian national Zekeriya Hüseyin were detained.

11) Bedri Esmer (Necdet Günes)

⁶ Same day 4 people robbed a bank in 4. Levent (Istanbul) and took the police officer Erdal Demir hostage and set him free later. The robbers allegedly belong to the Workers’ and Peasants’ Liberation Army of Turkey (TIKKO).

Elazig Chief of Police Atilla Germiyanlioglu announced that officers killed a person carrying an ID on the name of Necdet Günes on 18 March. Reportedly the true name is Bedri Esmer. The chief of police maintained that the person, who had been followed by the police for the last six months, first shot at the police officers three times and that he was a militant of the radical Islamic organization Hezbollah.

Esmer is reported to be a relative of Hasan Sariagaç who was killed on 28 March 2001 during a house raid in Baglar quarter of Diyarbakir.

12) Yüksel Aktas

On 2 January the police officer Salih Hacı Süleymanoglu opened fire on two person in Esenler district. Yüksel Aktas died and Zeki Kaya was seriously injured. The police officer was later arrested.

13) Mahmut Gezgin

On 8 March Mahmut Gezgin (5) was killed by a bullet near Sadikbey village (Afyon). Allegedly the shot was fired from a training area of the police. Afyon Chief of Police, however, maintained that the police had no long ranging weapons to hit someone over a distance of 500-600 meter. On the other hand villagers said that the police did not warn them before training and animals had been killed earlier. The family hopes that the reason for Mahmut Gezgin's death will be clarified by an autopsy.

Erhan Esin

On 27 February the police shot at Erhan Esin (15) in Asarlik town (Izmir) and injured him. On that day Erhan Esin went to the school, where he earlier had been dismissed after a fight with another pupil. The director called the police and Erhan Esin tried to run away. According to his testimony he fell down and was handcuffed on his back. "One of the officer beat me on my waist and another shot at my heels. They took me to Menemen State Hospital, from where I was taken home later."

Esin's family filed an official complaint against the police officers.

Gürkan Kanbaz

On 3 March the police officers Serkan Duman and Murat Dedeoglu, employed at the Department for Special Actions in Hakkari, shot out of their car near Ortac village, when they were driving to Yüksekova. One of the bullets hit Gürkan Kanbaz (10), who was playing at the side of the road, at his head. He was taken to Yüksekova State Hospital and from there to the university hospital in Van, where he is under intensive care. Physicians stated that the bullet entered the head on the left side and came out on the right side, so that damage was done to the brain. The police officers were interrogated and Serkan Duman was arrested, while Murat Dedeoglu shall be tried without pre-trial detention.

4.4. Cases on Extra-Judicial Executions

Ismail Kahraman: The public prosecutor indicted the police officers Nihat Çulhaoglu and Ismail Ersan⁷ for killing Ismail Kahraman (Karaman) in Avcilar (Istanbul) on 6 July 2001. The police officers had shot at the alleged member of the Revolutionary People's Liberation Party-Front (DHKP-C) because he did not listen to stop warnings.

Incidents in Akkise: The case concerning the incidents in Akkise (Konya) on 9 August 2001 started at Ahirli Penal Court on 15 January. The case involved 52 soldiers and 22 civilians as defendants. The soldiers are charged with "ill-treatment", while the civilians are charged with "damaging public property" and "resisting the security forces". In their testimony the soldiers said that the population had been swearing and cursing at them and that nobody ordered them to shoot. The civilians on the other hand stated that the soldiers were not guilty, but the officer Ali Çaliskan was responsible. The incident in Akkise started when two people could not identify themselves during a check by the gendarmerie. The officer Ali Çaliskan came with some 100 soldiers and Hasan Gültekin (21) was killed, Sami Tokmak, Kemal Candan and Ismet Tasbasi were injured. A trial against the officer is continuing at Konya Criminal Court.

Fuat Erdogan, Elmas Yalçın, Ismet Erdogan: The case of 4 police officers charged with killing the three alleged members of the organization Revolutionary Left (Dev Sol) lawyer Fuat Erdogan, Elmas Yalçın and Ismet Erdogan in a cafe in Besiktas on 28 September 1994, continued on 22 January at Istanbul Penal Court No. 5. In summing up the case the prosecutor stated that the police officers had called upon the victims to surrender, but they did not and in the ensuing clash the persons had been killed. He asked for acquittal. The court adjourned the hearing to 7 February for the sub-plaintiffs to present their final statements.

During the hearing of 7 February Istanbul Criminal Court No. 5 acquitted the police officers Sefik Kul, Mustafa Karabulut, Ramazan Ayan and Hilmi Kalayci on the grounds that the defendants acted in legal and legitimate self-defense.

In this trial, the police officers had been charged with causing the death of persons, without the actual offender being identified. During the hearings the court had received contradictory reports on the incident. The first report stated that the bullet from the corpse of the lawyer belonged to the pistol of police officer Mustafa Kul. The second report from the Forensic Institute said the opposite. The third report confirmed that the bullets belonged to the arms of the police officers, but stated

⁷ Aside from the cases on torture, Ali Ersan and Nihat Çulhaoglu has been tried in several cases concerning extra-judicial execution. Ali Ersan was tried in three separate cases concerning the killings of Meral Akpinar, Ayten Korkulu and Fuat Perk on 9 February 1996 in Istanbul-Bahçelievler; Güner Sar, Özlem Kiliç and Hüseyin Arslan on 4 August 1994 in Istanbul-Bagcilar, Ibrahim Ilçi and Bilal Karakaya on 12 July 1991 in Istanbul-Nisantasi. Nihat Çulhaoglu was tried in connection with the killings of Meral Akpinar, Ayten Korkulu and Fuat Perk. The cases ended in acquittal.

that it could not be established to whose arms the bullets belonged. Contrary to the defense the reports, which stated that bullets were shot from below, some of them directly hit the victims from the head. Defendant Baki Avci had died after the trial was opened.

Burhan Koçkar: On 24 January Dogubeyazit Criminal Court started to hear the case of the police officer Halil Akdag, charged with killing Burhan Koçkar on 30 October 2001. The defendant, imprisoned in Agri Prison, had not appeared. The court heard the testimony of the wife of the victim, Ufuk Koçkar, his father Mehmet Koçkar, his mother Rabia Koçkar, his elderly brothers Emin Koçkar and M. Selim Koçkar and their wives Figan and Ayse Koçkar. Speaking for the sub-plaintiffs lawyer Erdogan Teomete demanded to make an on-site-inspection since nothing had been changed at the spot after the incident. He accused the prosecutor of not having investigated the incident appropriately. The court decided on the continuation of pre-trial detention of the defendant and adjourned the hearing to 19 February. Outside the courtroom Hüseyin Yılmaz, Mayor of Agri and Ayhan Demir, HADEP chairman for Agri province, were detained on allegations of having organized the funeral. The detainees were released on 25 January.

In this trial the prosecutor wants Halil Akdag, in remand since 3 November, be punished according to Article 448 of the TPC (murdering a person on intention). But, Article 49 of the TPC, which requires "the civil servants be immune to punishment when following the orders" will also be considered.

Özkan Tekin: On 5 February Beyoglu Criminal Court No. 1 started to hear the case of 15 police officers charged with the killing of Özkan Tekin in Okmeydani (Istanbul) on 11 December 2000, while he was hanging up posters. None of the defendants had appeared. Speaking for the sub-plaintiffs lawyer Keles Öztürk asked that the defendants be arrested, because there was a danger of evidence being manipulated. Defense lawyer Ekrem Demirel alleged that the pistol of the victim had been found and it had been established that he had shot at the police officers. He asked that Article 49 TPC should be applied. The court adjourned the hearing to 7 May in order to listen to the testimony of the defendants and the witnesses Sükrü Yıldız and Kamil Caneren, who are imprisoned in Kandira F-type Prison. The police had shot at all three and Sükrü Yıldız had been seriously wounded.

In this trial the police officers Necati Öcel, Hüseyin Yagmur, Halil Yorulmaz, Kemal Koçer, Kadir Gümes, Celalettin Durmus, Köksal Öztas, Ayhan Mert, Satılmış Karakaya, Mehmet Yabul, Sabri Kahraman, Seyfettin Kara and Nevzat Demirel are charged under Articles 448 and 463 TPC, but Article 49 TPC might also be applied that does not allow for sentences if "the offence was committed on duty or order of a superior".

Cem Selçuk Akgül, Sadik Mamati: On 4 March Beyoglu Criminal Court No. 2 passed the verdict in the case of the police officers Sami Sen, Selim Orhan Dogan and Rüstü Günes, charged with having killed Cem Selçuk Akgül and Sadik Mamati in Tarlabasi (Istanbul) on 4 June 1999. The court acquitted the defendants on the grounds that they had acted in self-defense. However, the report from the criminal laboratory of Istanbul Police HQ suggests that the bullets were shot from close range.

Cem Selçuk Akgül and Sadik Mamati, alleged members of the Revolutionary People's Liberation Party-Front (DHKP-C), allegedly were in preparation for an attack on the US Consulate in Istanbul, when they were killed in the cellar of a house opposite to the Consulate. The lawyers of the sub-plaintiffs had not been informed, when the trial against the three police officers started. They only heard about it later and participated in the hearings since 2 February 2000. In June the authorization for 50 lawyers disappeared from the court files.

4.5. Armed Clashes

On 5 January, the Central police Station in Siverek district of Urfa was raked. In the incident, the police officer Ahmet Kilic was injured.

Near Yesilkent town, Ünye district (Ordu province) three alleged militants of the Revolutionary People's Liberation Party/Front (DHKP/C) were killed, when they reportedly clashed with the security forces. Two militants are said to have escaped. The names of the killed persons were given as Gökçe Sahin, Ipek Yücel (f) and Turan Sahin.

Turan Sahin was planned to be buried in Almus district of Tokat on 22 March. However, the police intervened and funeral was held in Istanbul, because of the obstacles. The Association of Solidarity with Prisoners' Families (TAYAD) announced that relatives, who wanted to attend the funeral of Sahin, coming from Ünye, were stopped near Niksar. The relatives were reportedly beaten and the windows of the bus were smashed.

4.6. Land Mines

The issue of de-mining the Turkish-Syrian border, which has long been in the agenda, was discussed during the first quarter of 2002. In his statement of 28 January, the Emergency State Governor Gökhan Aydiner recorded that the Governorate had initiated a joint project with the Commandment of the 7th Army Corps to de-mine Mardin area and its surroundings. Aydiner said, "We will submit the project to the Chief of the General Staff when completed. When we get the necessary authorization we will need human power, which exists in the army ranks. Besides, we need some expensive equipment. If we manage to arrange this, we will initiate the project. We are planning to de-mine an area of some 40 thousands hectares. Aydiner stated that within the previous 6 months 55 of them being around Sırnak and Hakkari, a total of 88 mine-blowing incidents took place; and that 5 people had lost their lives and 33 civilians and security forces had been injured in the incidents.

In February, the press covered news concerning a five-year project launched by the Chief of the General Staff (at a cost of appr. 37,6 million US dollars) to demine the Turkish-Syrian border. It was reported that the Chief of the General Staff asked the Government for 35 million US dollars, and that the Government, in turn, agreed to allocate some 15-17 trillion Turkish liras for the first phase of the Project. According to the Project, the forces of the Commandment of Land Forces will demine the 877 kilometers-long Syrian border (passing from the provinces of Mardin, Urfa, Antep, Kilis and Hatay)

The True Path Party (DYP) MP for Urfa province Mehmet Yalçinkaya stated that the de-mined area, without any need for additional investments, would produce an annual income of 64 trillion Turkish liras through cotton cultivation. Yalçinkaya said, "With the demining of the area and irrigatable area of 350 bin acres will be opened for agricultural production. The area will give an annual production of some 160 bin tonnes of cotton, which means an annual income of some 64 trillion Turkish liras".

In the rural area of Yolüstü village, Sason district (Batman) the brothers Ferhat Bulgan (6) and Davut Bulgan (7) stepped on a mine. The incident happened at 11am on 29 January, killing both children instantly.

In Çukurca district (Hakkari) children playing behind the prison found a hand grenade and started to play with it in their own quarter. When the bomb exploded Cüneyt Keskin (9) and his cousin Ayhan Keskin (11) died. İmdat Sen (9) was seriously wounded and taken to a hospital.

In Cizre (Simak) Ahmet Bakis died, when, on 18 February, he tried to open a rocket bullet. In the explosion, Ahmet Atabay, Jiyan Biçer and Fatma Biçer were wounded and taken to Cizre State Hospital.

On 19 February the child Fikret Sengül (8) died, when he took a bullet to his home in Silopi (Sirnak). In the explosion, Yılmaz Sengül, Fehmi Sengül, Kıymet Sengül, Pakize Sengül, Muhammed Sengül, Saliha Sengül and Zeki Sengül were injured. Reportedly, what exploded was a rocket bullet and was taken from the military churn.

On 15 March two children played with a hand grenade they found in Çakmak quarter in Siirt close to a military training area. The bomb explosion killed Ridvan Özalp (15). Ahmet Özalp was seriously injured.

The names of the people, who recently died, when they stepped on a mine at the border to Greece, were announced as Sezgin Sayan (24) and Tahsin Esen (22). Their corpses were taken to Turkey on 27 March.

On 28 March the brothers Ahmet (11) and Mehmet Kuze (13) died when a mortar exploded. They had found the device near the gendarmerie station of Suçeken village, taken home to Yolderen village in Besiri district (Batman) and, after playing with it, thrown it into the stove. Their brother M. Sait (6) was seriously injured. Sait Kuze died on 31 March.

At the Turkish-Greek border a group of 4 people stepped on a mine on 28 March. The Greek authorities announced that two of them were killed and another one injured. Esref Durmaz (38) managed to get back to the Turkish side.

Hasan Uzunca (33) stepped on a mine, when he reportedly tried to cross the border to Turkey, coming from Syria. The explosion ribbed off part of his right leg and he was taken to Kilis State Hospital for treatment.

4.7. Civil Clashes

Ali Köse

On 31 December three armed people robbed the vehicle for monetary transport of Sümerbank in Trabzon. They opened fire and injured the bank staff member Ali Köse. He died in hospital.

Esenler Incident - Nusret Özcan (38), Volkan Karaöz (22)

On 2 March fight broke out in Karabayir quarter of Esenler district (Istanbul), reportedly because of debts of a Rumanian citizens to a shop-owner from Southeast Turkey. The fights continued on 3 March. Although the security forces intervened with units of the anti-riot police and special teams 14 people were injured, four by bullets. Nusret Özcan (38) died in hospital. The police detained a total of 138 persons and announced a curfew on 3 March.

Mustafa Aribogan, Nazmi Özkan and Bülent Gezginci who were injured from the leg were discharged from hospital on 3 March. Murat Bal, Murat Mizrak, Birol Atli, Kadir Bal, Esat Özkan, Serdar Basiñç, Memduh Basiñç, Nedim Basiñç and Sennur Sagir were treated as outpatients.

Following the incident, on 7 March, a youngster named Volkan Karagöz was stabbed to death on the Davutpasa Street in Esenler.

Of the 43 detainees 39 were arrested on 7 March on charges of "acting in contrary to the Law on Firearms", "destroying the public property", "resisting the police", "injuring" and "involving in a deadly fight". 4 persons were released to be tried without remand. Of the 95 detainees released before, 17 were taken to the Public Order department as they were searched in connection with some other incidents.

Eyüp Göçer who was searched on the allegation of having killed Nusret Özcan was detained on 22 March.

Selami Zencir

A similar incident took place in Yüregir district (Adana). On 8 March an armed clash broke out between the members of "Cono" tribe and other youngsters living in the district. In the clash Selami Zencir (31) lost his life and 6 people were injured.⁸

After this incident, on 11 March, Orhan Eken, a member of "Cono" tribe, kidnapped a sixteen-years-old girl with the initials G.Y. A crowd gathered in front of Eken's house. The group stoned the house first, then raked the house and set it to fire. Fifteen people who were inside the house were rescued by the police and the firemen. Reportedly, the crowd tried to prevent the police.

Among the people who were rescued, Nayme Eken (45) and Pinar Sahin (28) were injured by bullet shots, Burhan Eken (42), Metin Eken (44), Nurhan Eken (33), Ali Eken (8) and Anil Eken (6) were poisoned by smoke and wounded by stones.

Following the incident persons named Ordubey Çirkin, İzzet Çirkin, Hasan Hüseyin Akkaya, Hasan Yıldız, Güler Yıldız and Cengiz Türk were detained on charges of starting the attack and inciting the people.

Court Cases

Hüseyin Duman: On 25 January Kadiköy Criminal Court No. 2 continued to hear the case of İhsan Bal, chairman of the idealists' union in Küçükbakkalköy (Istanbul) for having killed Hüseyin Duman, member of the Socialist Power Party (SIP) on 17 April 1999. At the hearing the ballistic report on the pistol belonging to İhsan Bal was read out. İhsan Bal claimed that he had lost the pistol some time before the incident.

During the hearing of 19 March, the prosecutor summed up the case and demanded İhsan Bal be sentenced for "killing on purpose". The hearing was adjourned to 19 April so as to wait for the preparation of defense.

Swissotel Raid: On 8 February Istanbul Penal Court No. 1 continued to hear the case of 13 defendants, who had entered the Swissotel (Istanbul) on 22 April 2001 and taken hostages. According to the latest changes in the law on state security courts Istanbul SSC had ruled not be responsible for this case any more. However, Istanbul Penal Court No. 1 also decided not be responsible to hear this case. It will be sent to the Court of Cassation to make a decision on which court has to hear the trial. In this case Muhammed Emin Tokcan, Emin Tastan, Ali Tokcan, Hayri Kadi, Yüksel Özdemir, Yalçın Sahin, Bahri Demir, Atilla Kivik, Bünyamin Kivik, Hayati Ak, Mehmet Yapici, Serdal Seferoglu and Ramazan Karabulut are on trial.

Incidents:

On 29 December 2001 the student Abdülkadir Bozdoğan was attacked by followers of the Nationalist Movement Party (MHP) at Konya University. He was injured.

On the same day the artist Mehmet Budak was beaten by MHP followers in Devrek district (Zonguldak). The attackers Erdal Çolak and his brother Engin Çolak surrendered to the police.

On 22 November 2001 the rector of Marmara University (Istanbul) was given a petition signed by some 200 students calling for education in Kurdish. On 6 January the students were called to university in order to testify on signing a joint petition. The students were warned that disciplinary punishment could be given, if they did not appear. They were given a form with questions such as "did you sign the petition voluntarily?" or "are you still supporting the demand?". The form was declared to be held anonymous. When the students left university they were attacked by right-wing militants and neither the rectorate nor the police intervened. The student Harun Ece said that many of them were being threatened and some were detained and asked to become police informers. "After we had rejected to fill in the forms we wanted to leave university and told the police waiting in armoured vehicles that a group of 20-30 right-wing militants were threatening us. However, the police did do nothing and apparently waited that we would attack the group. We did not, but they attacked us and injured one friend with a hatchet." The name of the student who was heavily injured was reported to be Ramazan Adiyaman.

The Iranian national Seyed Hamid Seyedi was detained on 16 January after throwing a molotov cocktail into the garden of the Iranian Embassy. He stated that he, his wife and children had come to Turkey about a year ago, but asylum had not been granted. He said that he had conducted the action in order not to be refouled to the Iran.

On 24 January, the 9th anniversary of the assassination of the journalist and writer Ugur Mumcu a commemoration ceremony was held by the Club of Atatürk's Ideas in Eskisehir. The student Vedat Dogan, who participated in the ceremony, was later attacked by five people identified as followers of the Nationalist Movement Party (MHP). Three of them were detained by the police but late released.

On 7 March Esen Bermek, son of Prof. Dr. Engin Bermek, chairman of the Science Academy in Turkey (TÜBA), was injured when a bomb exploded in front of the house in Kadiköy (Istanbul). No information was available on the reasons of the attack.

⁸ On 4 March, in Karsiyaka district of Izmir, a clash broke out between two families, one from the Black Sea region (the Tayar family) and the other being Gypsy (the Demirkiran Family). Hundreds of people involved in the clash which reportedly broke out of a competition between the two families both of whom were working as vendors. In the clash, the gypsies named Serafettin Demirkiran, Emine Yüm and Sultan Kirhan were injured by Turgay Tayar.

Following the incidents at Antep University during Ramadan (December 2001), when rightist students kidnapped leftist students, took them to the woods and beat them up, because they did not fasten, the administration now punished 22 students, who had been involved in the fight that broke out, when leftist students tried to stage a protest against the incident and were attacked by right-wing students. The students concerned reportedly belong to the group of leftist students. Permanently dismissed were: Sahin Bakir, Orhan Çiftçi, Vural Tarla, Sezai Karatay, Sunrullah Canbey, Gökhan Kurtbeyoglu and Ali Sönmez. A ban for one term was issued for Salman Kiliç, Aydın Çelik, Anil Oktay Çelik, Ümit Özoktay, Yusuf Çiftçi, Haydar Akishan, Murat Aktas, Erol Kanar, Redi Adibelli and Zekeriya Çetinkaya and a ban for one week was issued for Özgür Vicdan, Durmus Saglam, Yilmaz Çağlar and Ismail Elmali.

Those students, who were banned from school for one term will reportedly be accepted as being dismissed, since they will not be able to "enter the exams and get the necessary GPA to proceed".

On 3 December 2001 a group of leftist students had been attacked by the extreme rightist Nationalist Action Party (MHP) followers at the cafeteria.

On 4 December 2001, the students named Burhan Çelik and Sedat (surname unknown) were beaten by the MHP followers in the Student Dormitory of Antep University. The day after, the MHP followers attacked the students who were standing at the table opened for reading in Kurdish. After these incidents many students were detained during the raids deployed against their houses and dormitories. Among the detainees 13 were remanded, but were released during the opening hearing to be tried without remand.

The lycee student Onurkan Pekdemir (Avci), in Ankara, stated that he was attacked on 28 March by the rightist students. Pekdemir maintained that he was threatened by the same group before and that he was attacked because he did not obey the rules put by them. Pekdemir added that although he had informed the school administration that some students were going to school with guns no precaution had been taken. Pekdemir received a medical report for two days.

On 11 March Ömer Kiliç, student at Mersin University, was found in Yurt-Kur students' hostel, his feet being tied up and his wrists being cut. He said that he had been attacked by MHP followers, not all them being students. During a search of his room a note was found saying that "jackals cannot stay at the same place with wolves". The roommate Burak Saticioglu said that they had been attacked by unknown people and he had hardly rescued himself.

However, Mersin Police HQ. alleged that "Kiliç attempted to commit suicide" and added that the note had been written by himself. The statement maintained that he had been in a crisis, had tied up his feet, put a t-shirt around his neck and cut his wrists with a knife.

In response Kiliç stated that he had been forced to write the note himself and asked lawyer Adnan Gündoğdu, chairman of the CHP for the central district to represent him in filing a case against the attackers.

4.8. Radical Islamic Organizations

The Emergency State Governor Gökhan Aydiner, held a press meeting on 28 January concerning the events of 2001. Aydiner stated that a total of 625 operations were deployed against the Hezbollah, and that out of the 1462 alleged members of the organization who were detained 570 were remanded.

On 22 January an operation was deployed against Hezbollah in Batman. Two houses were raided. In one of the houses, a police officer was injured during clashes with the alleged militants. 10 alleged members of the organization were detained during the operation. Of the 10 detainees Ibrahim Gülceğiz and Mustafa Bozkurt were accused of involving in the assassination against Gaffar Okkan, the former Security Director for Diyarbakir. Meanwhile, it was reported that the police raked a house "in error" as if it was the house, which they were raiding. The material damage to the house will reportedly be afforded by Batman Security Directorate.

On 26 March Adana SSC No. 1 announced its verdict on 14 defendants, who had been detained in Gaziantep as alleged members of Hezbollah, after the initial verdict had been quashed by the 9th Chamber of the Court of Cassation. The defendants Ramazan Yavuz Atmaca, Davut Tastekin, Nezir Sen, Mehmet Tosun, Mustafa Kara, Mehmet Altinbas and Mecit Horoz were sentenced to 12.5 years' imprisonment for membership of an illegal organization. The defendants Seydi Ataç (under arrest), Kasim Aslanca, Mehmet Sezer, Mustafa Sezer, Müslüm Tas, Mustafa Gül and Sahin Evsen were sentenced to 45 months' imprisonment for supporting an illegal organization. Their sentences were suspended for five years according to the Law on Conditional Release and Suspension of Sentences.

On 4 March a trial of 7 alleged members and supporters of the radical Islamic organization Hezb-al Tahrir (Islamic Salvation Party) concluded at Adana SSC. The court acquitted the defendants Mustafa Güler (he had been under arrest), Mesut Yildiz, Celil Cevher, Ömer Akkoyun, Halil Sezen and Mehmet Ali Çelebi on the grounds that Article 7/2 of the Law to Fight Terrorism had been amended in favor of the defendants.

On 13 March Ankara SSC No. 2 passed its verdict in the trial of 22 defendants from Hezb-al Tahrir. The alleged leader of the organization, Remzi Özer was sentenced to 50 months' imprisonment. The other defendants received sentences of between 6 and 30 months' imprisonment.

4.9. Cases on Political Killings

Kemal Türkler: On 4 March Bakirköy Criminal Court No. 2 continued to hear the case concerning the killing of ex-President of the trade union confederation (DISK), Kemal Türkler, on 22 July 1980. The only imprisoned defendant Ünal

Osmanagaoglu and his lawyers demanded that Celal Adan, who had been tried in connection with the killing but had been acquitted, be heard as witness. The court rejected the demand and decided to wait for files on the main MHP trial from Ankara Criminal Court No. 5.

Bahçelievler Massacre: Mahmut Korkmaz, one of the suspects for the so-called Bahçelievler massacre, during which seven students, members of the Turkish Workers' Party (TIP) were killed on 8 October 1978, was apprehended in Refahiye district (Erzincan). Another suspect, Kadri Kürsat Poyraz, is still "on the run". On 26 February, Ankara Criminal Court No. 3 was informed of the detention during a routine traffic control. The court ordered his arrest and he was put in Erzincan Prison.

Mahmut Korkmaz had been arrested in 1986 and was later sentenced to 15 years imprisonment. The Court of Cassation quashed the verdict. In the retrial Mahmut Korkmaz was sentenced to 105 years' imprisonment (15 years for each killing). This verdict, too, was quashed by the Court of Cassation. In 1991 Mahmut Korkmaz was released according to the Law on Conditional Release of March 1991. Mahmut Korkmaz is facing the death penalty. Ankara Criminal Court No. 3 sentenced his co-defendants Haluk Kirci, Bünyamin Adanali and Ünal Osmanagaoglu seven times to death and these sentences were confirmed by the Court of Cassation. All three are still in prison. The case against Abdullah Çatli who died during the car accident near Susurluk, the so-called Susurluk Scandal, was closed. Some defendants, tried at Ankara Military Court No. 1, were acquitted. In the reasoned verdict of Ankara Criminal Court No. 3 Mahmut Korkmaz, at the time deputy chairman of the Association of Idealist Youth in Ankara with responsibilities for the Bahçelievler/Emek area, is shown as having participated in the action, during which the hands of the students were tied on their backs, they were strangled and shot to death and two of them were placed at the road to Eskisehir with shots to their heads.

Since they have been on the run, the file of Kursat Poyraz and Mahmut Korkmaz was separated. This trial continued in Ankara Heavy Penal Court No. 3 on 7 March. At the hearing Mahmut Korkmaz testified and said that he didn't know he was searched for trial and since his release in 1991 his address was the same in Istanbul, he joined the elections and got driving license. The hearing was adjourned to a later date.

Umut (Hope) Operation: On 7 January Ankara SSC No. 2 announced the verdict in the so-called "Umut" case, 24 defendants on trial for 22 actions, including the killing of journalist Ugur Mumcu, Dr. Bahriye Üçok, Prof. Dr. Muammer Aksoy and Prof. Dr. Ahmet Taner Kislali. Before the verdict was announced the main 13 defendants including 6 defendants for whom the prosecution had demanded the death penalty pleaded not guilty. The lawyer of Ferhan Özmen, Necdet Yüksel and Rüstü Aytufan claimed that his client had been tortured and demanded an on-site inspection. The court rejected the demand stating that this would cost too much time. Subsequently the court sentenced Ferhan Özmen, Necdet Yüksel and Rüstü Aytufan to death according to Article 146/1 TPC for the "violent attempt to overthrow the constitutional order". The defendants Mehmet Ali Tekin, Abdülhamit Çelik, Muzaffer Dagdeviren, Fatih Aydın, Mehmet Sahin, Talip Özçelik, Hakkı Selçuk Sanli, Mehmet Kassap, Mehmet Gürova, Adil Aydın and Murat Nazli were sentenced to 15.5 years' imprisonment according to Article 168/2 TPC. Under the same provision the defendant Yusuf Karakus was sentenced to 15 years' imprisonment and Hasan Kiliç was sentenced to 18 years', 9 months' imprisonment according to Article 168/1 TPC. Dervis Polat and Yüksel Pekdemir were sentenced to 45 months' imprisonment according to Article 169 TPC. The defendants Musa Koca, Ismail Koçhan, Seref Dursun, Adnan Yükdag and Abdullah Argun Çetin were acquitted. Abdullah Argun Çetin will, however, be charged at a criminal court. The defendants Yusuf Karakus and Muzaffer Dagdeviren are facing additional terms in prison, because earlier convictions had been suspended conditionally.

5. Decisions on Turkey by the European Court of Human Rights

According to the Court's annual statistics, issued on 21 January, 889 judgments were delivered in 2001 and 8,989 judicial decisions were taken where applications were ruled inadmissible or struck out. There were 683 judgments giving rise to a finding of at least one violation of the European Convention on Human Rights in 2001. More than half of these concerned Italy (359) and approaching a quarter concerned Turkey (169).

Slightly contradictory figures were published in the Turkish press. On 8 January the daily Zaman reported that the number of applications from Turkey had risen to 4,500. Half of them had come from Cyprus and 1,500 from southeastern Anatolia. So far 141 decisions had been made against and 9 in favor of Turkey. 377 cases had resulted in a friendly settlement and 33 applications had been declared non-admissible.

On the same day the daily "Özgür Politika" appearing in Europe put the figure as high as 5,000 applications since Turkey accepted the right of individual complaints. In 2001 another 735 complaints had been made against Turkey, putting it in fifth place of States against which petitions had been filed. So far 11 decisions had been in favor of Turkey, 244 against it and in 106 cases a friendly settlement had been reached.

Another set of different figures was presented in the daily "Milliyet" of 22 January. The paper stated that a total of 1,059 applications against Turkey had been received in 2001. During that year the Court had reached 229 decisions on Turkey, 169 of them condemning Turkey, two in favor of Turkey and 58 resulting in friendly settlements.

Some decisions on Turkey between January and March 2001

Özbey v. Turkey (no. 31883/96)

On 31 January a friendly settlement was reached in this case. Hasan Özbey had complained about torture following his detention in Istanbul on 27 January 1995 on suspicion of activities for the DHKP/C (Revolutionary People's Liberation Front/Party). On 2 June 1995 Istanbul SSC sentenced Mr. Özbey to three years and nine months' imprisonment under Article 169 of the Penal Code which makes it an offence to lend assistance to an armed gang.

According to the friendly settlement the applicant was awarded a global sum of 100,000 French francs for any non-pecuniary and pecuniary damage, costs and expenses.

Yolcu v. Turkey (application no. 34684/97)

On 5 February a friendly settlement was reached in the case of Vahdettin Yolcu. He had complained, among other things, under Article 5 § 3 (right to liberty and security) of the European Convention on Human Rights that he was kept in police custody for 12 days (24 July to 5 August 1996) without being brought before a judge and that he had been a victim of a violation of Article 6 § 3 (c) (right to defend himself through legal assistance of own choosing), in that he was not permitted legal assistance during questioning by the police, the public prosecutor and the investigating judge.

Vahdettin Yolcu had been detained in Istanbul on suspicion of activities for the Kurdistan Workers' Party (PKK). At a hearing on 18 October 1996 before Istanbul SSC he claimed he had been forced to sign a statement without having read it. His requests for release pending trial were rejected. On 23 May 1997 he was convicted of aiding and abetting the PKK, under Article 169 of the Turkish Criminal Code and Article 5 of Law No. 3713 on the Prevention of Terrorism (Law No. 3713), and sentenced to five years' imprisonment and debarred from employment in public service.

The friendly settlement regulates that 40,000 French francs inclusive of costs and expenses are to be paid to the applicant.

E. K. v. Turkey (no. 28496/95)

On 7 February an important decision was taken relating to freedom of expression. The applicant is named as E.K., but there is no doubt that it is Eren Keskin, lawyer and chairwoman of the Istanbul branch of the Human Rights Association (HRA). At the time she was also the owner of "Doz" publishing house.

On 16 September 1994 the Istanbul SSC convicted her for an article in the daily "Özgür Gündem" entitled her "The world owes a debt to the Kurdish people". Under Article 8 (1) and (2) of Law No. 3713 she was sentenced to two years' imprisonment and a fine of TL 250 million, holding that she had expressed support in the article for the activities of the PKK and referred to part of the national territory as "Kurdistan".

In October 1992 Doz published a book, which Eren Keskin edited. On 9 September 1994 Istanbul SSC convicted her under Article 8 (2) of Law No. 3713 and sentenced her to six months' imprisonment and a fine of TL 50 million. The Court found that an article in the book undermined territorial integrity and the unity of the nation.

On 30 October 1995 Law No. 4126 came into force. It amended, among other provisions, Article 8 of Law No. 3713. The State Security Court reviewed the Eren Keskin's case and reached the same verdict as in its judgment of 9 September 1994. On 4 August 1997 Law No. 4304 was enacted, which provided for the suspension of judgment and sentence in cases concerning offences committed before 12 July 1997 by editors of periodical publications. Following the new provision the Court of Cassation quashed the verdict on 27 November 1997 and remitted the case for retrial before the lower court. On 25 December 1997 Istanbul SSC ruled under Article 1 (3) of Law No. 4304, that the penalty should be suspended in this case, and only delivered if Eren keskin was convicted, in her capacity as editor, of a new offence with intent within three years, otherwise the charges were to be dropped.

Eren Keskin complained that her conviction under Article 8 (2) of Law No. 3713, in relation to the publication of the book, violated Article 7 (no punishment without law), as under that law, prison sentences could be imposed only on editors of periodicals, newspapers and magazines and not books. She also maintained that her two convictions infringed her right to freedom of expression and that she had been denied a fair hearing, since the state security court that had twice convicted her included a military judge.

The Court held unanimously that there had been a violation of Article 7 concerning Eren Keskin's conviction as editor of the book, because, while her punishment was foreseeable, the application of a prison sentence to a book editor was not in accordance with the law.

The Court also held, unanimously, that there had been a violation of Article 10 concerning both convictions. The article signed by the applicant did not incite hatred or condone violence and her punishment was harsh. Concerning the article in the book she had edited, nothing incited violence or opposed democratic principles. The book included all the speeches made at an international conference and the book had to be taken as a whole. In both cases the Court found the applicant's punishment disproportionate.

Finally, the Court held, unanimously, that there had been a violation of Article 6 § 1 (access to an independent and impartial tribunal) concerning both sets of criminal proceedings, in view of the presence of a military judge.

The applicant was awarded EUR 10,700 for non-pecuniary damage and EUR 3,000 for costs and expenses.

Orak v. Turkey (no. 31889/96)

On 14 February the European Court of Human Rights notified in writing its judgment in this case to the applicant, Abdurrahman Orak. He is the father of Abduselam Orak, (A.O.), who was born in 1970 and died on 25 June 1993, aged 23.

On 10 June 1993 security forces went to the village of Harabengesor in Bitlis province, southeast Turkey. Early in the morning of 11 June 1993 A.O. and one A.G. were detained and transferred to the gendarmerie barracks in Bitlis. The Turkish authorities maintained that at 3.30 a.m. on 14 June 1993 A.O. and A.G. tried to escape. During the attempted escape a violent struggle broke out. Following the alleged attempt to escape there was no medical examination of A.O. According to the reports signed by the gendarmes, he then began a hunger strike, during which the gendarmes and the military doctor administered serotherapy.

The father said that he was prepared to accept that the alleged attempt to escape had taken place, but stated that it was difficult to envisage an attempt to escape in such circumstances.

On 20 June 1993 A.O. was transferred to Bitlis Hospital and later to Diyarbakir Hospital. He was diagnosed as suffering from "extra renal uremia". The doctors who examined him noted that he was unconscious and had injuries all over his body. On 23 June 1993 he died in hospital without coming out of the coma. According to the autopsy report of 23 June 1993, death was caused by a stroke.

On 6 July 1993 the father lodged a complaint against the gendarmes in whose custody his son had been placed. On 1 October 1993 a prosecution was brought against the four gendarmes in question for manslaughter. On 25 November 1997 Bitlis Penal Court acquitted the defendants on the ground that, notwithstanding the findings of the medical reports that death had been caused by traumatic shock, it was not possible on the basis of the evidence adduced before it to establish that this shock had been caused by the accused.

When appealing to the ECoHR the Abdurrahman Orak alleged that his son had died from the consequences of acts of torture inflicted on him in the gendarmerie barracks in Bitlis. Criticising the lack of an effective mechanism to establish the circumstances in which his son had lost his life, he complained that the inadequate nature of the inquiry into his death had prevented him from bringing judicial proceedings for compensation. He further asserted that there had been discrimination based on his son's ethnic origin. He relied on Articles 2, 3, 5, 6, 13, 14 and 18 of the Convention.

Decision of the Court

Article 2

The Court held unanimously, that there had been a violation of Article 2 of the European Convention on Human Rights (right to life) on account of the death of the applicant's son; also on account of the fact that the authorities had not conducted an appropriate or effective inquiry into the circumstances of the applicant's son's death;

Firstly, it had not been contested that A.O., aged 23, was arrested on 11 June 1993 when he was in good health and showed no signs of illness or previous injuries. The State has a positive responsibility to protect the lives of persons deprived of their liberty. The Court noted that A.O., who had cuts and bruises all over his body and a head injury, had not been taken to hospital until 20 June 1993, that is six days after the alleged escape attempt. Accordingly, the Court considered that the Government's responsibility for A.O.'s death was engaged by the fact that they had given no explanation of the reasons for the stroke which caused A.O.'s death and because they had failed to discharge their duty to protect his life when he was subject to State supervision while in police custody. It followed that there had been a violation of Article 2 in that respect.

Alleged inadequacy of the inquiry

The Court noted that following the complaint the public prosecutor did no more than order a medical report and question the gendarmes in whose charge A.O. had been placed, without bothering to summon A.G., who had been with A.O.

No statements were taken from A.G. until 3 March 1994, when he was questioned under a request for evidence on commission. The Court concluded that the authorities had not conducted an effective inquiry into the circumstances surrounding A.O.'s death, which made civil remedies equally incapable of providing redress in the circumstances of the case.

Article 3

The Court noted that the autopsy report of 23 June 1993 revealed that A.O. had injuries all over his body. That report, and a further report of 16 September 1993 drawn up by a panel of four doctors, confirmed the presence of traumatic lesions of various dimensions and colours on the deceased's body. In the absence of any plausible explanation, the Court considered it to have been established that the lesions found on A.O.'s body were caused by treatment for which the Government bore responsibility.

In the light of the foregoing considerations, and regard being had to all the evidence adduced before it, the Court concluded that the way A.O. had been treated when in police custody constituted treatment prohibited by Article 3. There had accordingly been a violation of Article 3.

Article 13

For the reasons set out above, the Court could not accept that an effective judicial investigation had been conducted, in accordance with Article 13. The Court accordingly considered that the applicant had been denied an effective remedy to complain of his son's death and thereby access to any other available remedies at his disposal, including a claim for compensation. There had accordingly been a breach of Article 13.

Articles 5, 6, 14 and 18

The Court noted that these complaints concerned the same facts as those considered under Articles 2, 3 and 13. Having regard to its conclusions in respect of those provisions, it considered that it was not necessary to examine them separately.

Under Article 41 of the Convention (just satisfaction), the Court awarded, by six votes to one:

2,660 euros (EUR) (less 4,100 French francs paid by the Council of Europe in legal aid) for the applicant's costs and expenses and EUR 4,000 in respect of the non-pecuniary damage he had sustained;

EUR 46,000 for pecuniary damage and EUR 22,500 for non-pecuniary damage, to be held by the applicant for his son's heirs;

EUR 457 for funeral expenses.

Matyar v. Turkey (no. 23423/94)

On 21 February the ECoHR decided against the application of Izzet Matyar, who alleged that, in July 1993, his house and property were damaged and crops burned, following an armed attack on Basog village, in the province of Sirnak in South-East Turkey by village guards. The Government submitted that an armed clash broke out between villagers from Boyunlu, a village near Basog, and PKK (Kurdistan Workers' Party) terrorists, who then fled through Ormandisi, firing their guns at random and killing two people.

The Court found that the evidence supported the village guards' account of how events began with a clash with the PKK outside Ormandisi. The Court did not find sufficient, consistent or reliable evidence to establish, to the necessary degree of proof, that the village guards or gendarmes damaged the applicant's home and property as alleged. The Court therefore held, unanimously, that there had been no violation of Articles 3, 6, 8, 13, 14, 18 or of Article 1 of Protocol No. 1.

Finding that there was an insufficient factual basis to enable it to conclude that the Turkish authorities had intimidated or threatened the applicant in circumstances calculated to induce him to withdraw or modify his complaint or otherwise interfere with the exercise of his right of individual petition, the Court also held, by four votes to three, that Turkey had not failed to comply with its obligations under former Article 25 § 1. (The judgment is available only in English.)

Kaplan v. Turkey (application no. 24932/94)

On 26 February a friendly settlement was reached in the case of Faruk Kaplan. He alleged that he was arrested and taken into custody on 10 February 1994 as part of a police operation against the illegal Kurdistan Workers' Party (PKK). On 18 February 1994 he was questioned by the Public Prosecutor at the Istanbul State Security Court before being brought before a judge of that court, who made an order for his detention pending trial. The prosecutor accused the applicant of aiding and abetting the PKK and asked the court to apply Article 169 of the Penal Code and Article 5 of the Law to Fight Terrorism (Law No. 3713). On 30 December 1995 the applicant was released on bail.

Faruk Kaplan alleged, among other things, that he had been the victim of a violation of Article 5 § 3 (right to liberty and security) of the European Convention on Human Rights in that he had not been brought before a judge "immediately" after arrest. Relying on Articles 3 (prohibition of torture) and 13 (right to an effective remedy) of the Convention, he also complained that he had been subjected to ill-treatment while in police custody, had suffered discrimination, in breach of Article 14 (prohibition of discrimination) taken together with Article 5, and, lastly, that he had been denied a fair hearing within the meaning of Article 6 §§ 1 and 3 (c) (right to a fair trial), taken alone or together with Article 14, before the state security court.

The friendly settlement was reached by awarding Faruk Kaplan the global sum of 24,000 French francs for any pecuniary or non-pecuniary damage, costs and expenses.

Sabuktekin v. Turkey (no. 27243/95)

On 19 March the ECoHR also turned down the application of Sultan Sabuktekin. Her husband, Salih Sabuktekin, a local delegate of the Yüregir/Adana organisation and a member of the People's Democracy Party (HADEP), was killed outside his house on 28 September 1994. According to Mrs. Sabuktekin, her brother-in-law set out in pursuit of the killers but was prevented from doing so by plainclothes police officers, who subsequently arrested and detained him, releasing him a short while later. The police visited the scene of the crime and took statements from witnesses. Adana Public Prosecutor started a preliminary investigation into the murder and, in July 1995, the political police detained a suspect and alleged member of the radical Islamic organization Hezbollah. He and others were charged notably with the premeditated murder of Mr. Sabuktekin. They were acquitted for lack of evidence.

As to the allegations that Salih Sabuktekin had been killed by the security forces or at their instigation, the Court noted that the statement by the Mrs. Sabuktekin's brother-in-law was not corroborated by any other evidence and was even contradicted by statements made by other eye witnesses. In the absence of evidence to support the applicant's case, the Court held unanimously that there had been no violation of Article 2 on that point.

Haran v. Turkey (no. 25754/94)

Mr. Haran from the province of Diyarbakir alleged that his son was unlawfully killed by the Turkish security forces in May 1994, following operations in the area. He alleged a violation of Articles 2, 3, 6 and 14 of the Convention on account of his son's death.

The case was struck out on 26 March in the light of a declaration by the Government and their agreement to pay 80,000 pounds Sterling (GBP) inclusive of costs and expenses.

Erat and Saglam v. Turkey (no. 30492/96)

On 27 February 1995 Mr. Erat and on 8 March 1995 Mr Saglam were taken into custody in Istanbul by the police officers from the Istanbul Anti-Terrorist Unit. Both persons complained under Article 3 that they were severely tortured while in police custody.

The case was struck out on 26 March following a friendly settlement in which 150,000 French francs (FRF) inclusive of costs and expenses are to be paid to the applicants.

Oral and others v. Turkey (application no. 27735/95)

The applicants complained under Article 2 about the alleged extra-judicial killing of their relative Ismail Oral, during a police operation carried out in the Kadiköy district of Istanbul on 19 May 1991.

The case was struck out on 28 March following a friendly settlement in which 500,000 French francs (FRF) inclusive of costs and expenses is to be paid to the applicant on an *ex gratia* basis. (The judgment is available only in English.)

Ülger v. Turkey (no. 28505/95)

On 19 March 1995 Mr. Ülger was taken into custody by police officers from the Ankara Security Directorate on suspicion of membership of an illegal organisation, namely the Revolution Party of Turkey (TDP). He complained that there was no reasonable suspicion for his arrest and that he was not informed of the reasons for his arrest. He further complained that he was kept in police custody for ten days without being brought before a judge or other officer and that Turkish law does not provide any remedy by which he can challenge the lawfulness of his arrest. Finally he complained that he was deprived of his right to compensation for unlawfulness of his arrest and detention. He relied on Article 5 §§ 1, 2, 3, 4 and 5 (right to liberty and security).

The case was struck out on 28 March following a friendly settlement in which 30,000 FRF is to be paid for any non-pecuniary damage, pecuniary damage and for costs and expenses.

6. Personal Security

Adjustment Laws

After State President Ahmet Necdet Sezer signed the draft amendments to various laws, called the "adjustment laws" (for joining the EU), they entered into force by being published in the Official Gazette on 20 February. As far as Article 159 TPC (insult of State authorities) is concerned the maximum sentences were reduced from 6 to 3 years' imprisonment. Conviction under this provision will no longer result in fines. Article 312 TPC (praising an offence or inciting to enmity or hatred) now includes the condition of "in a way that may endanger the public order".

The new legislation further provides for an increase of fines for offences under Article 7/2 of the Law to Fight Terrorism (LFT; propaganda for a terrorist organization) by 10 times. As far as Article 8 LFT is concerned (separatist propaganda) the minimum sentence was lowered from 2 to 1 year's imprisonment and the maximum sentence from 5 to 3 years' imprisonment. However the fines were increased by 20 times on the low level (TL 1 billion) and 30 times on the maximum level (TL 3 billion). The fines for publications were lowered from 90% of one monthly income to 75% of a monthly income. TV and radio stations may be closed for periods of 1 to 7 days. Changes made to Article 16 of the Law on State Security Courts shortens the maximum length of detention for offences committed jointly by three or more people from 7 to 4 days. In the region under a state of emergency the period may be extended on demand of a prosecutor and decision by a judge to 7 days. Previously the maximum period of detention had been 10 days. Prisoners in pre-trial detention may at any time confer with legal counsel. The same applies for prisoners, whose period of detention was prolonged. Provisions under Article 107 and 128 of the criminal procedure code (TCPC) were reworded so that relatives will have to be informed, once a person has been detained.⁹

Charges against Sema Piskinsüt and Hüseyin Akgül

In January the public prosecutor in Izmir brought charges against the MPs Sema Piskinsüt and Hüseyin Akgül, who at different times had been chairing the Human Rights Commission in the Grand National Assembly of Turkey (TBMM) and refused to provide names of torture victims they had interviewed. The public prosecutor in Izmir wants the immunity of both MPs to be lifted in order to try them according to Article 230/1 TPC for "misconduct of duty". The request to lift the immunity of both MPs is still with the Constitutional and Joint Judicial Commission of the TBMM.

Decree 430 (with the effect of a law)

The Ministry of Justice started an investigation against the judge Ali Haydar Yücesoy, who refused to extend the length of detention for Emrullah Karagöz and Mustafa Yasar, who had been detained in Diyarbakir and held for more than 40 days in custody. The judge had been confronted with such a demand on 20 November 2001. The gendarmerie wanted to continue the interrogation according to Decree 430 that allows for prolonged detention in the region under a state of emergency. Judge Yücesoy had asked for information and documents to support the demand of extension, but had not received any details. The prosecutor at Diyarbakir SSC objected to the refusal and another judge granted a third extension of the period of detention. The interrogation against judge Yücesoy is based on the allegation that he might not be trustworthy. Reportedly further incidents are also part of the investigation. One of them is an official complaint against the officials, who conducted the raid of a house in Silvan (Diyarbakir) on 17 October 2001 that resulted in the death of three people. Meanwhile it was reported that Naif Demirci, detained in Diyarbakir on 21 December and his wife Mekiye Demirci, detained on 22 December, were arrested after 4 days in detention, but taken back for interrogation according to Decree 430. Similar reports were received on Medeni Kavak, who was detained in Diyarbakir on 11 December 2001.

In mid-January the objection against the prolongation of detention of Naif Demirci (detained on 21 December 2000) and Mekiye Demirci (detained on 22 December 2001) was rejected by Diyarbakir SSC. The court ruled that decree 430 that allows for repeated detention in the region under a state of emergency (OHAL) was still in force. The lawyers Cihan Aydin, Ayla Akat and Metin Kilavuz argued that the detention should not be longer than 4 days according to recent changes in the Constitution, but the court found that all other sentences in Article 19 of the Constitution had remained unchanged, in particular the expression that "detention may be prolonged in the OHAL region".

On 13 January Justice Minister Hikmet Sami Türk stated that the length of detention in the region under a state of emergency (OHAL) would be reduced from 10 to 7 days, but there was no intention of changing Decree 430.

On 5 February the Ministry uttered the wish not to repeat interrogation of prisoners for 10 days, since this would unnecessarily extend the length of detention in the region under a state of emergency.

On 30 January Hüseyin Diriöz, spokesperson of the Foreign Ministry, held a press conference stating that the Turkish government had informed the Council of Europe that Turkey would stick to the maximum length of detention in the region under a state of emergency (OHAL). In the same letter the Council of Europe had been informed that the statement by the Turkish government of 6 August 1990 to the effect that Article 5 of the European Convention of Human Rights would not apply in the OHAL region was no longer valid.

⁹ On 8 February Volkan Vural, EU Secretary General in the Prime Ministry, said at a conference on "Relations between Turkey and the EU": "We still have a lot to do. Take the torture allegations. Does it not happen in Europe? It does. But the State there does not take responsibility. They go against the torturer. It is directed against the individual, who is punished. We have been unable to individualize it. Torture trials last long. The person get his wage, but is not caught. That injures the institution as well as the State and cannot be accepted."

In January the Turkey initiative of Amnesty International started a campaign against "impunity of torturers" inviting other NGOs to participate.

Human Rights Watch issued its 2001 report in January. The Turkey chapter includes remarks such as "Legal safeguards for children in police custody were frequently ignored. In March, parliamentary deputy Sema Piskinsüt, former president of the Parliamentary Human Rights Commission, estimated that 90 percent of imprisoned children had been tortured in police custody... Women reported sexual abuse and rape in police custody. The Women's Commission of the Diyarbakir Bar stated in February that over the preceding year it had received complaints of sexual assault or rape by police or gendarmes from 123 women... The climate of impunity for torture remained unchanged... Torturers continued to be protected by the abuse of medical examination procedures." For a full account see: <http://www.hrw.org/wr2k2/europe19.html>

In March the US State Department announced its annual report. In summarizing the situation the report stated: "The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in some areas, and several serious problems remained. Extra judicial killings continued, including deaths due to excessive use of force and torture... Torture, beatings, and other abuses by security forces remained widespread, although the number of reported cases declined. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (particularly in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces... Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists. At times the Government restricted freedom of assembly and association. The police beat, abused, detained, and harassed some demonstrators. The Government continued to impose some restrictions on religious minorities and on some forms of religious expression. At times the Government restricted freedom of movement. The Government permitted thousands of forcibly displaced persons to return to their villages in the southeast and initiated some resettlement efforts; some villagers returned by themselves... Restrictions on and discrimination against ethnic minorities persisted, particularly for the Kurdish minority... In October Parliament passed an extensive constitutional reform package that aims to improve human rights. Full report: <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8358.htm>

On 19 March the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report on its visit to Turkey from 2 to 14 September 2001. Some of the conclusions were: "The information gathered by the delegation has tended to confirm the gradual improvement observed by the CPT in the Istanbul area in July 2000, as regards the treatment of persons in police custody. In particular, resort to methods such as suspension by the arms and the application of electric shocks would appear to be far less frequent than in the past... However, there are still credible allegations of resort to methods of ill-treatment such as prolonged standing and sleep deprivation, in particular in Headquarters' departments. Further, the delegation received a number of allegations of the infliction of physical ill-treatment, including one occasion of falanga, in district and local police stations in Istanbul. A number of allegations of physical ill-treatment were received in Elazig; however, several persons with past experience of being in custody stated that they had been treated far worse on previous occasions. Serious allegations were received in the Sanliurfa and Van areas, where resort to methods such as electric shocks and, on occasion, suspension by the arms apparently still occurs. In a few cases, medical evidence consistent with the allegations was gathered by the delegation. The delegation trusts that the Turkish authorities will continue their efforts to stamp out all forms of ill-treatment by law enforcement officials throughout the country."

6.1. Disappearances

There was no development on the "disappearance" of Serdar Tanis and Ebubekir Deniz, two HADEP officials in Silopi (Sirnak), who disappeared on 25 January 2001 after a visit to the local gendarmerie station.

The State Minister with Responsibilities for Human Rights, Nejat Arseven, answered a question by MP Mehmet Bekaroglu, stating that the investigation had born no results. A special team had been formed, since the persons still counted as "disappeared", with no evidence that they had been killed.

During public press statements on 25 January in commemoration of the "disappearance" the police intervened in many towns and detained a large number of people (details in the chapter on "Meetings and Demonstration").

6.2. Deaths in Custody

Varvara Savastin

On 1 January the woman Varvara Savastin (46) from Moldavia, who was held in custody at the Foreign Department of Istanbul Police HQ. on allegations of "illegal work and a violation of visa", died in custody. Her death was allegedly caused by insufficiency of heart and aspiration.

6.3. Deaths in Custody (court cases)

The governor in Istanbul did not give permission to investigate against police officers, who participated in preventive actions prior to the World Peace Day on 1 September 2001 and an action that resulted in the death of the juvenile Zeynel Durmus, when he tried to escape detention. Lawyer Eren Keskin stated that they would appeal against this decision to the administrative court.

Baki Erdogan: On 5 March Aydin Criminal Court No. 1 passed its verdict on 6 police officers, charged with the death in custody of Baki Erdogan, the alleged leader of the Revolutionary People's Liberation Party-Front (DHKP-C) for the Aegean region.

Baki Erdogan was detained on 11 August 1993 and died on 21 August. The trial of former deputy chief of Aydin police, Ibrahim Türedi, director of the political police, Necmettin Aydınkaya, commissioner Cavit Sandıkçı and the police officers Abdurrahman Çetinkaya, Ali Kumal and Ayhan Erdal has been continuing for over 8 years, after the 8th Chamber and the Panel of Chambers of the Court of Cassation sent the verdicts of 21 April 1998 and 25 June 1999 back for a retrial. During the first two hearings the court had sentenced the police officers to 5 years', six months' imprisonment. Although the prosecutor asked for acquittal this time, Aydin Criminal Court sentenced the defendants to 5.5 years' imprisonment for "causing the death by ill-treatment aimed at extracting a confession". Defense lawyer Ibrahim Pehlivan stated that he would appeal against the verdict.

Mahmut Yıldız: On 29 January the trial against Major Dursun Senol, the sergeants Bestami Gelebek, Cemalettin Evgi and Yildiray Görlek and the soldiers Hidir Küçük, Ahmet Bozkus and Celalettin Demir concluded at Siirt Criminal Court. They had been charged with the death under torture of Mahmut Yıldız (16), after his detention on 22 November 1997. He had to be taken to Diyarbakir Military Hospital on 25 November and died on 5 December as a result of a trauma he suffered from a hard tool. Siirt Criminal Court acquitted all defendants. In the beginning the investigation by the public prosecutor in Siirt had resulted in a decision not to prosecute, but when the European Court of Human Right found a violation of the European Convention of Human Rights the court case had been opened.

Süleyman Yeter: On 23 January Istanbul Penal Court continued to hear the case of the police officers Ahmet Okuducu, Mehmet Yutar (under arrest) and Erol Ersan (under arrest), who are charged with killing the trade unionist Süleyman Yeter under torture on 7 March 1999. The hearing was adjourned for a completion of the files.¹⁰

Asim Ceylan: On 7 February Trabzon Criminal Court continued to hear the case of Commissioner Hüseyin Capkin (28) for his responsibility of the death of Asim Ceylan in Trabzon on 20 March 2001. The other defendants Servet Özlü, Birol Ceylan and Çetin Koçkeser are on trial for their involvement in the fight before the death. The hearing was adjourned so that the testimony of Çetin Koçkeser may be taken, who fired in the air during the fight. Asim Ceylan had died in the police car, when he was taken away from the scene of the fight.

Alpaslan Yelden: On 27 February Izmir Criminal Court No. 2 continued to hear the case of 10 police officers in connection with the death in custody of Alpaslan Yelden on 15 July 1999. The defense claimed that the death was caused by an epileptic attack. The family in return provided a report by the Turkish Medical Association (TTB) stating that outward interference caused the death. The head of the victim had shown three wounds. The court decided to send the file to the Forensic Institute and adjourned the hearing to 22 May.

In this trial the police officers Ibrahim Peker, Tarkan Gündoğdu, Hakan Ergüden, Muharrem Çetinkaya, Ali Aykol, Hikmet Kudu, Yusuf Oyan, Ugur Kocal and Nevzat Sagoglu are charged with "having caused the death by torture" and might receive sentences of up to 15 years' imprisonment, while commissioner Cemil Bulut is facing a sentence of between 3 months' and 1 year's imprisonment for "misconduct of duty".

6.4. Torture Allegations

Cengiz Dönder: Cengiz Dönder alleged, that on 4 December 2001 he was beaten by police officers, who detained him, while watching a football match. After the time at the department for robbery at Diyarbakir Police HQ. he went to Diyarbakir State Hospital and got an injection against the pain. Since the pain got worse, after he had gone home, he went to the hospital of the medical faculty. He met the chief of the police department, who reportedly apologized for what the officers had done to him.

On 5 December Cengiz Dönder had to undergo an operation, during which one of his testicles was removed. He had to stay in hospital for about 10 days. During this time police officers visited him frequently, asking him not to file a complaint against them and to say that he was beaten, when he tried to prevent other people from having a fight. Allegedly they even offered him money. A commissioner threatened his brother that it would be unwise to file a complaint, because afterwards he would either have to leave Diyarbakir or they would kill him. Cengiz Dönder said that he tried to file a complaint in January, but did not meet the prosecutor. Later the police officers came to his house, took him to the prosecutor and put him under pressure that he was injured during a fight. Being afraid of the police officers he reportedly said what they had asked him to say. Since the prosecutor did not believe him, he finally told the true story. The prosecutor sent him to the Forensic Institute. Cengiz Dönder finally said that the police officers had visited him again, provided food from the canteen and TL 600 million.

¹⁰ On 27 March Istanbul SSC continued to hear the case of 18 defendants including journalists and trade unionists charged with membership and support for the Marxist Leninist Communist Party (MLKP). In summing up the case the prosecutor demanded sentences for membership of the MLKP (Article 168 TPC) for the journalist of the journal "Atılım", Asiye Güzel Zeybek, Gönül Karagöz, Arif Çelebi, Zabit İltimur and Erdogan Ber and a sentence for support of the MLKP for the editing manager of the journal "Özgür Atılım", Bayram Namaz. He wanted the defendants Süleyman Yeter (died under torture), Mukaddes Çelik, Necati Abay (trade unionist), Hasan Ozan, Sultan Arıkan Seçik (journalist), Birsen Kaya, Sedat Senoglu, Erdogan Yilmaz, Ayse Yilmaz, Ferhat Akçay and Mesut Gerçek to be acquitted and the file of Serdar Güzel, who was not apprehended, to be separated. One trial concerning torture of the defendants is continuing at Istanbul Criminal Court No. 7 and the death in custody of Süleyman Yeter is subject of a trial at Istanbul Criminal Court No. 6. An investigation into allegations by Asiye Güzel Zeybek to have been raped in detention, ended in November 2000 with a decision not to prosecute anybody.

Hamit Sefa: In Halfeti town (Iğdır) the chairman for the town Hamit Sefa was detained on 31 December 2001. Reportedly he was stripped naked and threatened to leave the party. He was released later that day.

Sefik Tekkaynar: Sefik Tekkaynar, who was detained in Solhan district (Bingöl) on 31 December 2001, declared that he was tortured in custody. He stated that he had been detained, when he visited a friend in Solhan State Hospital and taken to Sehit Recep Batal Police Station. The police officers had tied him to a billiard table and beaten him. The chief of the station had stepped on his head and insulted him. Sefik Tekkaynar filed an official complaint with the prosecutor in Solhan.

Aziz Bayin: On 1 January the police in Diyarbakir beat the juvenile Aziz Bayin when he put up posters calling to become a member of HADEP. He was released on 2 January. Having appealed the Diyarbakir HRA he filed an official complaint on 8 January stating that the police officers had beaten him despite the fact that he showed them an official permission to put up the posters. The beatings had continued at police headquarters and at 4am the next morning the police had dropped him close to Dagkapi. Later he had gone to the state hospital, where he received a medical report.

Abdülkerim Özdemir, Hamza Özdemir, Ramazan Özdemir, Abdullah Kutlutekin, Hasan Özdemir, Neset Basli, Mesut Sadak, Hasan Aybi, Rasit Sadak, Yakup Aybi, Mahmut Özdel, Hazim Rasitoglu: On 3 January these 12 village guards and civilians were beaten by soldiers, when they went hunting near Görümlü town, Silopi district (Sırtak). On return they had been stopped by the soldiers, who took away their arms and beat them. When a huge crowd went to the place of the scene, the soldiers withdrew. The 12 people were first taken to the gendarmerie station, but later treated at the health center. On 4 January the commander of the gendarmerie station apologized for the incident and said that it was a misunderstanding.

One of the village guards, who did not want to disclose his name, reported the following:

"Usually they informed us via the mayor or the municipality, if we were not allowed to go outside the town, but for 2 months there had not been any restrictions. On 3 January we went hunting to a place, where other people had been before. On the way back the soldiers stopped us. They did not accept our excuse that we had been looking for lost goats and said that the commander had ordered them to detain anybody coming that way. They took our arms and started to beat us. It was close to the town and some women started to shout and scream. The inhabitants thought that we had been killed and walked towards the place, where we were held. First the soldiers retreated, but later they took us to the station and beat us so heavily that we could not stand on our feet. We were taken to the health center for treatment. The dressing material was not enough, but the commander of the gendarmerie station did not allow that we were taken to Silopi. A doctor came from Silopi and the commander asked us in his presence, whether he had fallen from the rocks. Hasan Aybi reacted by saying that so many people would not fall from the rocks at one and stated that we had been beaten in front of all the people. The commander did not respond. The next day some officers came and apologized for what had been done. Out of fear we did not file an official complaint."

Sıraç Budancir (15), Orhan Armutçu, Yüksel Azak, Erkan Yıldırım, Ahmet Akbas, Mahmut Bugruhan, Türkan Bugruhan: In Bingöl Orhan Armutçu, staff of the journal "Özgür Halk" and Ahmet Akbas were arrested on 12 January, while Erkan Yıldırım was released. Yasar Bugruhan and Türkan Bugruhan were released without being taken to the prosecutor. Sıraç Budancir, who like the others had been detained on 8 January, was also released. He went to the Human Rights Association and filed a complaint about torture at Bingöl Police HQ. He stated that he had been blindfolded, beaten, forced to wait naked on the snow and given electric shocks. From the voices he had understood that one of the torturers was the chief of police, while one of the others was named Tuncay.

The prosecutor released Yüksel Azak, distributor of "Yedinci Gündem", who was detained on 11 January, on 14 January. After his release he said that he had been beaten and given electric shocks at Bingöl Police HQ. Amnesty International issued an urgent action on behalf of the detainees.

Sehmus Algor, Sehmus Vural, Mustafa Konur: The students Sehmus Algor, Sehmus Vural and Mustafa Konur stated that they had been tortured following their detention in Silopi district (Sırtak) on 9 January. They had been beaten and their heads had been banged against the wall. At the same time they had been cursed at. Their detention followed a discussion at the Lyceum for Industrial Profession with the history teacher Selda Sidika Ataca, known as a right-winger. The police had come to their houses and following their interrogation at the police station they had been taken to a prosecutor, who ordered their release. A physician in the state hospital had not certified any injuries because of the torture. The students were indicted for insulting a civil servant in duty. The hearing was scheduled for 2 April.

Tayfun Çelikes (17), Ahmet Bayir: Tayfun Çelikes (17) and Ahmet Bayir, who were detained on 13 January on suspicion of theft, alleged that they were tortured at Beylikdüzü Gendarmerie Station. In his complaint Çelikes said that they were tortured to confess: "They hosed with cold water and beat on our hands and feet with truncheons. Having been afraid I didn't file a complaint" Both suspects reportedly received medical report certifying their inability to work for 10 days.

Zübeyde Sapan: Zübeyde Sapan, board member of the women's wing of the People's Democracy Party (HADEP) in Adana, alleged that the police beat her. She said that she had been taken to an empty street and beaten by some officers, while others kept watching the main street. "I was bleeding all over and they asked me to run away. I thought that they would shoot me and did not run away. When they left they threatened me with a stick saying that I would know what they would do to me. When I reached the house of an unknown person, I fainted. Later I told the doctor what had happened to me and I had to stay in bed for two days."

Mustafa Kaya, Yılmaz Yigit, Erdal Usluer, Seyfettin Elçiboga, Sabiha Temizkan, Aydın Sahin, Abdullah Töre, Özmen Durmus, Abdullah Vural, Mehmet Bakir, Mehmet Emin Toktas, Adem Sönmez, Ömer Demir, Muzaffer Bilgiç, Mehmet Aslan, Edip Kaya, Adem Gümüs: In Antep 3 of 20 HADEP members and official, who had been detained on 22 January were arrested on 28 January. Mustafa Kaya, Yılmaz Yigit and Erdal Usluer will be charged in connection with the campaign in education in Kurdish. Some names of the released persons are: Edip Kaya, Adem Gümüs, Seyfettin Elçiboga, Sabiha Temizkan, Aydın Sahin, Abdullah Töre, Özmen Durmus, Abdullah Vural, Mehmet Bakir, Mehmet Aslan, M.Emin Toktas, Adem Sönmez, Ömer Demir and Muzaffer Bilgiç. After release Sabiha Temizkan, board member of the youth wing of HADEP, said that they had been tortured in detention by electric shocks and beatings. They had also been hosed with pressurized water.

Deniz Dogan: The lawyer Deniz Dogan from Diyarbakir Bar Association was reportedly beaten, when on 22 January he opposed a body search at the entrance of a conference. The lawyer wanted to attend the conference on the “future of the trade union movement”. He tried to convince the police officers Bahattin Çetindere, responsible for political parties, and Bülent Yavasoglu that lawyers may only be body searched if caught “red-handed”, but the officers kicked him and dragged him out of the meeting place. Lawyer Deniz Dogan stated that he had received a medical report certifying the blows and stated that he would file an official complaint.

Yılmaz Sorguç: On 2 February the juvenile Yılmaz Sorguç, who is said to be mentally disturbed, discussed with police officer during the raid of a coffee shop. The father Mehmet Sorguç reported to Diyarbakir HRA that his son was beaten until he fainted and taken away in a car, despite the fact that he was carrying a report on his mental illness.

Metin Acet, Mehmet Isik, Fevzi Sahin, Ali Ihsan Gundogdu, Tahir Özmen, Ibrahim Sahin: Metin Acet, reporter of “Yedinci Gündem” in Antep and the distributor Mehmet Isik alleged that they had been beaten in detention, which started on 4 February. The torture had included rough beatings, hosing with pressurized water, suspension by the arms and electric shocks.

Orhan Kop: Orhan Kop, who had been taken to Istanbul as the alleged “PKK representative for Romania” and arrested on 8 February, spoke to his lawyer Eren Keskin in Bayrampasa Special Type Prison. He told her that he was given electric shocks and beaten at the department to fight terrorism in Istanbul Police HQ. Although he complained to the physician, who examined him after custody, he had not been treated and still had complaints at his feet, legs, on the back and his arms.

Fatma Maçin: On 12 February Fatma Maçin (45) was detained in Diyarbakir. She is reportedly suffering from a weak heart and high tension. She alleged that she was kicked and sworn at and twice had to be taken to hospital. She was taken back for interrogation but when she started to vomit she was taken back to hospital and released from there.

X.X.: An unnamed student, who was detained in Batman in connection with a demonstration on 15 February, the anniversary of the day, when PKK leader Abdullah Öcalan was taken to Turkey, <alleged that he had been beaten and cursed at during interrogation at Batman Police HQ.

Tamer Topçuoğlu: The distributor of the journal “Yasamda Atilim”, Tamer Topçuoğlu, said at a press conference at the Istanbul branch of the Human Rights Association (HRA) that he had been detained in Esenyurt on 19 February, when he was distributing the paper and that he had been tortured at the gendarmerie station.

Hüseyin Akin, Özkan Poçulu: Hüseyin Akin and Özkan Poçulu, who were detained in Anamur district (Mersin) on 10 February on suspicion of theft, alleged that they were tortured in detention. They filed an official complaint with the public prosecutor in Anamur and presented medical reports from the state hospital certifying “edema and trauma at the soles of the feet” and inability to work for two days.

Pelin Çaliskan: The Bursa representative of the journal “Atilim”, Pelin Çaliskan, was detained on 3 March. After one day in detention she said that she had been subjected to psychological and physical torture.

Zeliha Kaya, Mücahit Koyuncu, Ahmet Esat Sani: In Istanbul the police beat up students, who wanted to protest against the ban of headscarved students from lessons and the theological lyceums. In the morning of 14 March the students had gathered close to Eyüp Anadolu Theological Lyceum. The police intervened when male students wanted to march with a black wreath to the school. Some 20 students were severely beaten so that the crowd dispersed. The police detained 3 students. Some students had to be taken to hospital. Mücahit Koyuncu stated that four officers had beaten him, one in civilian clothes. He had been issued with a medical report by the forensics certifying inability to work for 3 days. He and fellow student Ahmet Esat Sani filed an official complaint against the police officers. The police also prevented another demonstration in front of Üsküdar Theological Lyceum.

Resul Ermis, Sahin Ermis, Ercan Can: Resul and Sahin Ermis, 2 of 19 people, who had been detained in Dilovasi district in Gebze, when they put up posters of the People’s Democracy Party (HADEP) for Newroz day, were arrested on 15 March. Both alleged to have been tortured at Dilovasi Police HQ. Two teeth of Resul Ermis are reportedly broken. Ercan Can, chairman of the youth wing of HADEP in Izmit (Kocaeli) held a press conference at the premises of Kocaeli HRA stating that he had been tortured and threatened to become a police informer.

Cahit Savan: Following the incidents in Mersin on Newroz Day (21 March) Cavit Savan went to the local Human Rights Association (HRA) and told that police officers and members of a special team had beaten him, not only during

detention but also in Siteleer Police Station. At the station he had told the doctor that he had a dislocated shoulder and felt bad. The officers, who heard that, responded by saying that he should not be registered. They had put him into an ambulance and dropped him close to the "free zone" in Mersin. Cavit Savan added that another 85 people had been at the police station and one girl had particularly been beaten. She had lost blood, when she was hit on her head.

Saadet Erdem: In Ankara Saadet Erdem, board member of the Ankara branch of the Human Rights Association (HRA), who was injured during the Newroz celebrations in the Abdi İpekçi Park, had to be treated in the hospital of Hacettepe University.

Metin Dogan Korkmaz, Celal Dogan, Muzaffer Korkmaz, Muzaffer Çavus, Diyar Almaz: In Konya the People's Democracy Party (HADEP) members Metin Dogan Korkmaz, Celal Dogan, and the distributors of "Yedinci Gündem", Muzaffer Korkmaz, Muzaffer Çavus and Diyar Almaz were arrested on 25 March. They alleged to have been tortured.

Gökmen Örnek, Murat Kaymaz, Ali Kemal: Students, who were detained in Istanbul, when they wanted to protest against an attack on students of the Pharmacological Faculty of Istanbul University on 16 March 1978 by sending telegrams to the Justice Minister, reported that they were tortured in detention, Gökmen Örnek, one of the detainees, who were released after 18 hours, fell ill, when he was at home and had to be taken to hospital. A physician looking at an x-ray that had been taken during detention stated that he had an injury coccyx, but did not want to report on this, when he heard that it had happened in detention. Reportedly the state hospital also refused to issue a report. Murat Kaymaz, who had difficulties in walking and talking, because of blows on his kidneys and his chin, was also unable to get a medical report. He stated that his friend Ali Kemal had an epileptic attack, but his handcuffs were not removed.

Adnan Kocaoglu (16), Mevlüt Kocaoglu, (17), Osman Kocaoglu, Müslüm Kocaoglu, Adem Bayan, Ramazan Özgül, Ömer Dogan, Osman Duran, Davut Duran, Fuat Kocaoglu, Mustafa Taskiran, Behçet Taskiran, Seydi Ercan: Soldiers from Yaylak Gendarmerie Station detained the juveniles Adnan Kocaoglu (16), Mevlüt Kocaoglu (17), Osman Kocaoglu, Müslüm Kocaoglu, Adem Bayan, Ramazan Özgül, Ömer Dogan, Osman Duran and the HADEP members Davut Duran, Fuat Kocaoglu, Mustafa Taskiran, Behçet Taskiran and Seydi Ercan from Hacilar village, Bozova district (Urfa) on 25 and 26 March, after a bust of Atatürk at the elementary school had fallen and been damaged on 22 March. The prosecutor later released the suspects.

After release Adnan Kocaoglu said that he had been blindfolded, a weapon had been put to his head and he had been beaten. "I was detained at noon of 25 March. Until 3am the next morning we had to wait in the garden of the gendarmerie station. During this time my cousins and I were taken to the cells of custody, blindfolded and beaten. They wanted us to say that the elderly people had ordered us to damage the bust." His father Hamit Kocaoglu stated that he had been detained one day later, but the questions had not so much been connected to the bust, but the fact that HADEP had gained many votes in the village. Davut Duran and Salih Çetin had been detained, because they were members of HADEP, although they had no children at the school.

N.K.: At the end of March N.K. (21) was detained on suspicion of "selling (other) women". She alleged to have been raped at Ataköy Osmaniye Police Station (Istanbul). Following an investigation by the public prosecutor in Bakırköy the police officer Asim Çetin was indicted and an arrest warrant in absentia was issued.

Campaign on Education in Kurdish

A large number of torture allegations came from people, who were detained in connection with the "campaign for education in Kurdish", that started in November 2001.

The student Mürsel Sargut was allegedly tortured after detention, when he tried to hand over a petition on elective courses in Kurdish to the rector of Istanbul University. In the official complaint to the public prosecutor in Fatih his lawyer Fatma Karakas stated that Mürsel Sargut, student of literature, was detained on 30 November 2001. He said about his detention: "The officers, who interrogated me, wanted me to confess to be a member of an illegal organization and to provide names of other members. When I did not agree, they asked me to undress. They stripped me stark naked and beat me, while also squeezing my testicles. At a different place they hosed me with ice-cold water. They said that they would rape me with a truncheon and kill me in the woods, if I did not agree." Mürsel Sargut was later arrested and reportedly stripped naked and beaten, when he entered Bayrampasa Special Type Prison.

In Van 250 of the 526 students from the 100 Year University, who had been detained on 9 January, were released on 10 January. Some said that they had withdrawn their signatures, because of psychological pressure during detention. On 12 January Van SSC arrested the students Mehmet Ali Ertas, Abdurrahim Aslan, Muhammed Gayrianal, Yusuf Demir, Yunus Demir, Figen Yardimciel, Tekin Çakmak, Gülsen Varisli, Sevda İldan, Mehmet Sıraç Alp, Birkan Dogan, Mehmet Can Diri and Cihan Ballikaya on charges of supporting the PKK.

Students, who appealed to the Van branch of the HRA, stated that they had been beaten, kept hungry for 4 days, had been forced to sign statement without having read them and had been kept waiting in the cold. The student Gülsen Varisli could not stand and her feet and had fainted, Tekin Çakmak had been injured to his head and Cihan Ballikaya had difficulties in hearing.

The student Ali Karaaslan complained that he was tortured after his detention, when he wanted to hand over a petition for Kurdish as elective course to the rector of İnönü University in Malatya. He stated that he and the other detainees

had been blindfolded and they had been prevented from sleeping and talking to each other. The lawyer Kadir Akgünes added that the students were not given anything to eat for 24 hours.

On 21 January 17 of 163 students detained in Malatya, when they wanted to hand over petition demanding elective courses in Kurdish, were arrested. Their names are: Mehmet Bal, Muhammed Demirtas, Zeynep Köse, Evren Aras, Ismail Korkut, Numan Çelebi, Salih Çetin, Burcu Özcan, Erhan Kula, Hüseyin Demirci, Gülsen Aydın, Nesrin Gökalp, Idris Benek, Sinaç Yavas, Resit Yazici, Hüseyin Aslan and Ramazan Yildirim. They will be charged with supporting the PKK. The released students reported that they were not allowed to sleep for 4 days, had to sit on chairs and were not allowed to speak to each other. During interrogation their heads were banged against the wall, officers put fingers into their eyes and beat them with truncheons and sticks.

Hüseyin Güzel, student at Hacettepe University, alleged that he was held in detention over four days and put under pressure to become a police informer. He had been detained after presenting petitions to the rector of the university on 10 January 2002. He stated: "One year ago, I had been detained and the police forced me to sign a paper, saying that I was prepared to work for the police. This time they threatened me to put up that paper and expose me in front of the other students. I was held in cold conditions so that my bronchitis worsened." Kahramanmaraş Social Security Hospital issued a report certifying inability to work for 20 days.

On 29 January Diyarbakir SSC No. 3 heard the case of the teachers Mesut Firat, Leyla Durmus and Rojhat Kayran. They had been detained in Bismil on, after slogans such as "Long live the leader Apo", "We want our national identity" and "We want education in our mother tongue" had been written on the walls of the lyceum. In his testimony Mesut Firat said that he had not prepared the banners. He did not accept his statement to the police saying that he had been forced to sign the statement without being able to read. He had been hosed with pressurized water during interrogation. After the hearing the only defendant under arrest, Mesut Firat was released.

On 30 January the students L.N. (17), A.B., I.N., D.T. (17) and M.B. (17) were detained after leaflets on education in Kurdish had been distributed at the Atatürk Lyceum in Diyarbakir. The pupils were first interrogated by the school administration and the police in their schoolrooms and later taken to Diyarbakir Police HQ.

After release L.N. said: "First the director and two deputy directors interrogated me for two hours at school. Then the police officers entered and interrogated me for a while. Later I was taken to the department to fight terrorism. In the room for interrogations I was constantly asked whether my friends and I had distributed the leaflets. Whenever I said "No" they beat me. I was blindfolded and stripped naked. They hosed me with pressurized water and later applied electric shocks by my toes. That lasted for about 15 minutes. They constantly cursed at me and tried to suffocate me. They wanted me to sign a statement that HADEP was organizing us and that I supported the PKK in attempting to become a political movement. I refused to sign and they beat me again threatening to rape me. I was very much afraid, but did not sign the papers."

The female student D.T. said: "In the room of the director I was questioned for some time. Later the police officers took me to the department to fight terrorism. They blindfolded me and beat me on all parts of my body. They threatened me with rape if I did not confess. When I said that I hadn't done anything they tore me at my hairs. At 2am they came again and asked me the same questions. They wanted me to sign a paper stating that HADEP was behind the action and my friend L. was the activist. When I said that I would not sign such a statement they threatened me with imprisonment. Later I signed a statement, which I was not allowed to read. Only at the prosecutor's office I was informed about the content." The students went to the Human Rights Association in Diyarbakir after release and said that they would file an official complaint.

During a press conference at the Istanbul branch of the Human Rights Association (HRA) Mustafa Tunç stated that on 3 March the houses of 61 people, who on 22 January had forwarded petitions to the director for national education in Kağıthane (Istanbul) had been searched and 18 of them had been detained. The detainees Neriman Aycan, Azize Acar, Mecbure Tacar, Zaide Azrak, Hazal Çakir, Perihan Akbulut, Ayten Ok, Sirin Yasil, Melika Güven, Kübar Öner, Kibar Aksungur, Bilmez Atille, Süslü Tayfur and Sezgi Solmaz were allegedly beaten.

6.5. Trials against Torturers

The public prosecutor in Bolu turned down the complaint of Bülent Parmaksiz and Hüseyin Tut on their allegation of "ill treatment and torture" on 30 July 2001, when they were taken from Gebze Prison to Bolu F-type Prison. Their lawyer had complained that they had been stripped naked, body searched and the beards and hair had been cut forcibly and they had been moved in the prison with their underwear. The guardians responsible for that were named as Abdullah Bayir, Barbaros Dede and Israfil Yavuz. Lawyer. Gülizar Tuncer said that the prosecutor had only taken the testimony of these guardians. While not bringing any charges the prosecutor had concluded that the complaint was aimed at wearing down the security personnel and making ideological propaganda. The lawyer stated that she would appeal against this decision.

The official complaint of Mustafa Albayrak, Necmi Kadioglu and Harun Karaca, who had been detained in September 2001 in connection with fraud in the municipality of Istanbul, resulted in a decision by the public prosecutor of Fatih not to prosecute. Their lawyer Faik Isik appealed against this decision.

He stated that his clients had been interrogated with their eyes being blindfolded. They were kept waiting for days on a concrete floor and had been given electric shocks to their sexual organs, stomach and toes and had been walked around stark naked. He had asked for a medical examination to certify the traces of electric shocks, but the prosecutor had not even

taken the testimony of about 15 persons, who had witnessed the torture. The lawyer added that he might appeal to the European Court of Human Rights.

Muharrem Akburak: On 29 January the trial of the police officers Murat Tener, Haluk Gökçe and Yasar Özkan concluded at Kütahya Criminal Court. They had been charged with torturing Muharrem Akburak, chairman of the trade union for staff in the judiciary (Tüm Yargı-Sen) in Kütahya. The trial that started in June 2000 resulted in acquittal. After the hearing Elif Uysal, lawyer of Muharrem Akburak, stated that the court had not considered a medical report by the Forensic Institute certifying 7 days' inability to work and a report from Eskisehir University considering 90 days for recovery.

Muharrem Akburak told about the incident:

"On 20 January 2000 I had gone to the courtyard in Tavsanli district to deliver some papers from the prison, where I was working. Prosecutor Kemal Demirdön called me into his office and told me that I was being wanted and should make sure that nothing incriminating would be found at home. I wanted to call my wife, but 5-6 civilian dressed people attacked me in the room of the prosecutor. The prosecutor disappeared and I was taken home for a search of my house. During the search my wife and my sister were ill-treated. During one day in detention at Kütahya Police HQ. I was tortured. Yet, Dr. Feyzullah Sacit Öztoprak from the health center in Tavsanli issued a report stating that I was in good health. The prosecutor ordered my release, but at home I fell ill. I went to Tavsanli State Hospital and was given a report certifying traces of torture. Having filed an official complaint I was sent to Bursa Forensic Institute, where a similar report was issued."

The trial against Muharrem Akburak on charges of membership of an illegal organization resulted in acquittal by Ankara SSC. Meanwhile, he was transferred to Sulakyurt district (Kirikkale) on demand of Prosecutor Kemal Demirdön. Mr. Akburak appealed and Eskisehir Administrative Court changed the disciplinary transfer to Cukurca district (Hakkari). In December 2001 Muharrem Akburak was dismissed from duty, since he could not start his new post, because of health problems.

Sehriban Sahin: The trial against the commander of the gendarmerie station in Kurtlapa (Sivas), Sezgin Civelek on charges of rape of the young woman Sehriban Sahin concluded at Sivas Criminal Court No. 1 on 18 February. The officer was sentenced to 8 years', 9 months' imprisonment according to Article 417 and 418 TPC.

Ilhan Türk, Sahabettin Arpacı: On 26 February the trial against 21 police officers charged with beating the students Ilhan Türk and Sahabettin Arpacı in the police bus after a demonstration on 15 January 1999 concluded at Ankara Penal Court No. 23. The students identified the police officer Coskun Hasan Evim, who participated in the hearing for the first time. The court convicted him, but suspended the sentence for five years. 20 police officers were acquitted.

Gülderen Baran: On 12 March Istanbul Criminal Court No. 6 decided that the case against chief commissioner Mustafa Sara and the police officer Ibrahim Batur, Metin Senol, Mustafa Taner Paylasan and Yakup Dogan, charged with having tortured Gülderen Baran was to be dismissed, because of the limitation of period between crime and punishment. During the trial police officer Mustafa Sara admitted to have used force when detaining the suspect and officer Metin Senol stated that they beat the suspect during detention. The 3rd Expertise Council of the Forensic Institute had issued a report certifying that the victim had been tortured. During the trial Gülderen Baran had identified the officers Paylasan, Dogan and Senol. Speaking for the sub-plaintiffs lawyer Gülizar Tuncer stated that Gülderen Baran had also been sexually assaulted in detention. Nevertheless, the court turned down the case, after it had not been finalized after 6 years.

In May 1997 Gülderen Baran had been sentenced to life imprisonment as a member of the "Revolution Party of Turkey" (TDP). She had been one of 5 defendants at Istanbul SSC. The verdict was quashed in March 1999, but on 2 March 2000 Istanbul SSC insisted on the initial sentence.

Sehri Erkoca: The public prosecutor in Ankara indicted the police officers Tahir Duman and Ercan Aglar for beating the pedestrian Sehri Erkoca, whom they stopped for an ID check. The event happened on 9 June 2001. The governor of Çankaya gave permission for an investigation on 10 August and the Administrative Court turned down the appeal of the police officers against this decision. The trial will be conducted at Ankara Penal Court No. 18 for an offence of Article 456/4 TPC on injuring a person.

Zafer Koluman, Sehmus Mete, Heybet Mete, Nofa Koluman: The public prosecutor in Diyarbakir indicted the police officers Bekir Ilker Uyan, Haluk Bayram Deniz, Hüseyin Demir, Lütfi Aydogdu and Musa Güven for having tortured the shop owners Zafer Koluman, Sehmus Mete, Heybet Mete and Nofa Koluman, who had been detained on 23 February 1999, when they did not open their shops after PKK leader Abdullah Öcalan had been arrested in Turkey. The police officers will be charged under Article 243 TPC.

The Manisa Case: The trial of 10 police officers accused of torture of 16 juveniles in Manisa continued on 23 January. The court stated that the testimony of defendant Engin Erdogan had not arrived yet. The sub-plaintiffs said that his testimony had been taken on 4 December 2001, but had willingly not been sent so that the defendants might benefit from limitation of period. The court instructed the prosecutor to find out those people responsible for the delay and adjourned the hearing to 4 March.

On 4 March the testimony of police officer Engin Erdogan, working in Bornova (Izmir) had still not arrived.

On 25 March Manisa Criminal Court conducted the 36th hearing in the fourth round of the trial against 10 police officers, charged with having tortured 16 juveniles between 26 December 1995 and 5 January 1996. One of the defense

lawyers, Talat Tekkiliç, had not appeared and the other 9 lawyers withdrew from the trial. Lawyer Serhan Özbek, acting for the sub-plaintiffs, stated that the lawyers were trying to extend the trial so that the police officers may go without punishment, because of lapse of time, which would be the case in 14 months. The court adjourned the hearing to 15 April.

Meanwhile, the juveniles from Manisa were awarded compensation by the European Court of Human Rights because of the length of their detention.

Metin Candogan, Ismail Candogan: On 12 February the trial against 8 police officers charged with having tortured the brothers Metin and Ismail Candogan after a fight in Ankara-Tuzlucaýir on 26 June 2001 continued at Ankara Penal Court No. 3.

At the hearing the physicians Dr. Cumhuri Akpınar, who had certified no complaints on the day of the incident and Dr. Fuat Karaduman, who on 29 June 2001 had certified broken ribs. Being asked about the divergences in these reports Dr. Akpınar stated that the victims had not complaint about broken bones and Dr. Karaduman stated that the pain might not have been felt immediately after the incident.

On 28 March the trial against 8 police officers charged with torturing the brothers Metin and Ismail Candogan on 26 June 2001, when they had been detained for their involvement in a fight in Ankara-Tuzlucaýir quarter, continued at Ankara Penal Court No. 3. The hearing was adjourned to 19 April to wait for a report from the forensics. In this trial the police officers İlhan Bozkurt, Ali Hasim Erkus, M. Kemal Yildirim, Musa Aktürk, Nedim Binay, Yusuf Büyükoglu, Yılmaz Çetin and Serafettin Varol are charged under Article 245 TPC (ill-treatment).

Fatma Deniz Polattas, Ceren Samanoğlu: On 28 March Iskenderun Criminal Court continued to hear the case of the police officers Murat Çıkar, Halil Özkan, Aysun Yüksel and Gürkan İlhan, charged with torturing Ceren Salmanoglu and Deniz Polattas on 6 March 1999. The trial started on 14 April 2000. The hearing was adjourned since the file expected from Istanbul Forensic Institute had not arrived.

7. Freedom of Thought

The most important development in the area of freedom of thought were the changes to Law No. 5680 on the Press, done in order to confirm with the constitutional amendments of last years (details in the introduction). Despite the changes in legislation, the practice of restricting freedom of thought did not appear to have changed. Following the changes of Article 312 TPC, some trials were conducted again. The only one that was terminated within the first three months was the one against Ahmet Mahmut Ünlü, known as the "priest with the robe". On 29 March Istanbul SSC sentenced him once again to 31 months' and 3 days' imprisonment under Article 312 TPC for his words that the earthquake of 17 August (1999) had been the catastrophe for non-believers (see freedom of expression).

The Freedom of Thought Campaign

"Freedom of Thought-2000"

On 26 March the trial against the persons who had signed the booklet *"Freedom of Thought-2000"* as editors started again at Istanbul SSC. After the first trial 16 defendants, namely Vahdettin Karabay, Salim Uslu, Siyami Erdem, Hüsnü Öndül, Yavuz Önen, Cengiz Bektas, Atilla Maras, Yılmaz Ensaroglu, Zuhale Olcay, Lale Mansur, Sanar Yurdutapan, Ali Nesin, Erdal Öz, Ömer Madra, Etyen Mahçupyan and Sadik Tasdogan had been acquitted by Istanbul SSC No. 5 on 13 February 2001 of charges of "incitement to enmity and hatred". The 9th Chamber of the Court of Cassation had quashed the verdict for 15 defendants in June 2001 arguing that they should be charged with "publishing material, which the law counts an offence". The verdict against Sadik Tasdogan was confirmed. During yesterday's hearing the defendants Mehmet Sanar Yurdutapan, Ayse Lale Mansur and Zuhale Olcay Bilginer stated that they wanted to be charged with the correct provision. The court adjourned the hearing to 11 June.

On 19 February the first hearing was held at Üsküdar Criminal Court No. 2. Here the publishers of the booklet *Freedom of Thought -2000* are charged under Article 159 TPC. The hearing was adjourned to 15 May to complete the testimonies of the defendants.

"Freedom of Thought - For Everyone"

On 23 January Istanbul SSC No. 4 continued to hear the case of 65 intellectuals charged for the booklet "Freedom of Thought - For Everyone". At the hearing the defendants Mehmet Sanar Yurdutapan, Abdurrahman Dilipak, Sabiha Ünlü, Ali Gök, İbrahim Kahraman, Erdoğan Turan, Mustafa Yavuz, Cengiz Tayfur, Yılmaz Tunç and Aydın Polat were present and stated that they had willingly and knowingly signed the booklet as publishers. The court adjourned the hearing to complete the files. Sanar Yurdutapan stated that in the 8th year of their initiative another book entitled "Freedom of Thought 2001" was published and about to be distributed. The new booklet will contain articles and excerpts from books by Celal Baslangıç, Nevin Berktaş, Noam Chomsky, Fikret Baskaya, Mehmet Kutlular, Fehmi Kuru, Yılmaz Çamlıbel, Emine Senlikoğlu and Abdurrahman Dilipak, plus a press statement by Eren Keskin and petitions of the campaign for education in Kurdish.

The following defendants are charged under Article 312/2 TPC and Article 8 of the Law to Fight Terrorism:

Sanar Yurdutapan, Mustafa Kahveci, Hasan Basri Çiplak, Ziver Özdemir, Yasar Buhar, Mustafa Altunel, Murat Kaya, İbrahim Kahraman, Yılmaz Tunç, Abdullah Kaya, Dursun Güleç, Zuhale Olcay, Sabiha Ünlü, Ahmet Sisman, Mustafa İslamoğlu, İhsan Çelik, Oktay Saral, Lale Mansur, Emine Senlikoğlu, Adalet Ağaoglu, Canan Ceylan, Ulvi Alacakaptan, Yalçın Balaban, Erdoğan Turan, Abdurrahman Dilipak, Mustafa Yavuz, Aydın Polat, Atilla Dede, Ahmet Han Yılmaz, Hüsnü Öndül, Halil Ürün, Cengiz Tayfur, Rüstem Altunbas, Saban Sari, Orhan Sahin, Bekir Gürsoy, İlhan Durmus, Mehmet Sami Büyükyılmaz, Hatice Kübra Kalipçi, Hayrullah Küçükdağ, Süleyman Kurnaz, Necip Bilek, Bekir Özer, Gürsoy Bilgin, Mustafa Acar, Veli Tolu, Hasibe Özlem Demirel Çepni, Kazım Batmaz, Ahmet Sorgun, Ahmet Yaradanakul, Bahattin Yıldırım, Hasan Terzi, Suat Altınsoy, Ahmet Güney, Yusuf Karatas, Ali Aslık, Halil Güven, Hasan Ünal, Ertan Kara, Hasan Burgan, Mehmet Çelik, Muzaffer Cengiz, Mustafa Akkas, Rifat Çiftçi, Ali Gök.

7.1. Freedom of Expression

Eren Keskin

Eren Keskin, chairwoman of the Istanbul branch of the Human Rights Association (HRA) was indicted by the prosecutor at Istanbul SSC for a statement on education in Kurdish, she made on 8 January. She will be charged with "supporting the PKK".

The prosecutor at Istanbul SSC had indicted lawyer Eren Keskin, chairwoman of the Istanbul branch of the Human Rights Association (HRA), in connection with a conference on 25 November 2001 on "Violence against Women". According to the indictment Mrs. Keskin said: "A woman imprisoned in the Kurdistan region has no chance of announcing that she was sexually assaulted. The statistics for Mardin and Midyat show that during the war in Kurdistan police officers, gendarmes and village guards are leading in cases of rape." For these words the prosecutor wants her to be convicted for "separatist propaganda". Eren Keskin stated that the hearing would start at Istanbul SSC No. 1 on 11 April.

The public prosecutor in Bağcılar (Istanbul) launched a case against lawyer Eren Keskin, chairwoman of the Istanbul branch of the Human Rights Association (HRA), on the grounds that she insulted the armed forces during a speech in Germany on 16 March. The daily "Hürriyet" had reported on her speech during a conference of the Alevi Women's Union under the title "Are Women's Rights Equal Rights?"

Akin Birdal

On 27 March Ankara Criminal Court No. 2 continued to hear the case of Akin Birdal, honorable chairman of the Human Rights Association (HRA) on charges of insulting Turkey and the Turkish identity during a speech in Germany on the Armenian genocide. The court adjourned the hearing to establish the address of the reporter from the daily "Gözcü" that had cited the incriminating words. So far, eight hearings have been adjourned for the same reason.

Memed Uzun

On 8 March Diyarbakir SSC No. 4 continued to hear the case of the writer Memed Uzun, who is living in Sweden, because of a speech he made on 15 January 2000 during a conference of the teachers' trade union (Egitim-Sen) on "Language, Literature and Culture". His lawyers asked to lift the arrest warrant so that their client would not be detained when he would come to testify as witness in a trial at Istanbul SSC. The court lifted the arrest warrant and adjourned the hearing to 19 April.

Hasan Öztoprak

On 29 January Istanbul SSC No. 1 started to hear the case of the book "Creating a Language", written by Memed Uzun for his. Hasan Öztoprak, editor-in-chief of Gendas Publishing House is charged for it with "inciting the people to hatred and enmity". Hasan Öztoprak stated that he was ashamed of being tried in this context. It was not up to him to comment on the book. The author could only do that. He requested compensation for the damage caused by the order of confiscation. The court adjourned the hearing to 16 April to take the testimony of Memed Uzun and A. Ömer Türkes, author of the preface.

Fatih Tas

On 13 February Istanbul SSC No. 3 heard the case of Fatih Tas, owner of ARAM publishing house, who had been indicted for publishing the book by the US thinker Noam Chomsky entitled "The American Habit of Interventions". The defendant stated that he had written the preface, but the rest of the book belonged to Noam Chomsky, who was among the observers of the trial. His wish to be included in the trial as defendant was rejected. The prosecutor stated that trials of foreigners had to follow certain procedures and continued by saying that the book, if read in its entirety, did not contain the necessary elements of a crime. Subsequently the court acquitted the defendant. After the acquittal Fatih Tas said that he owed this decision to Noam Chomsky: "Had he not come this trial would not have resulted in acquittal. There are another 6 similar cases against me". Noam Chomsky also signed the booklet "Freedom of Thought 2001" and together with Eren Keskin, Mehmet Bekaroglu and Abdurrahman Dilipak he went to the prosecutor's office to file an official complaint against themselves.

"Conference against Sexual and Rape in Custody"

On 5 February Beyoglu Penal Court No. 2 continued to hear the case of 16 defendants, 13 of them women, who had spoken on the Conference against "Sexual and Rape in Custody", conducted in Istanbul in June 2000. The defendants Gülizar Tuncer, Fatma Karakas, Özgül Han, Duygu Aydin, Nazli Top, Fatma Deniz Polattas, Hayriye Ümin Yurdakul, Suna Aras, Tülay Çağlar, Berrin Tas, Safiye Top, Sultan Seçik, Temin Salmanoglu, Cemile Güçlü, Derya Engin, Songül Yıldiz, Nahide Kiliç, Zeynep Ovayolu and Fatma Kara are charged with "insulting the armed forces" under Article 159 TPC. During the hearing defendant Hayriye Ümran Yurdakol stated that she had been a member of the organizing committee, but had not delivered a speech during the conference. The hearing was adjourned to a later date to hear the testimony of two further defendants said to be abroad.

Askin Ayrancioglu, Seyit Saatçi

The cartoonist Askin Ayrancioglu and Seyit Saatçi, civil servant at the municipality of Sinop, are tried under Article 159 TPC for "insulting the armed forces". Together with Yasar Topçu they had opened an exhibition in Boyabat district (Sinop), but on 8 June 2001 the governor ordered the closure of the exhibition. The trial started on 20 February. The defendants stated that they had not insulted anybody, but only criticized certain conditions in a universal language. They asked for their acquittal. The court adjourned the hearing to 27 March to wait for an expertise report. The hearing of 27 March was adjourned to 24 April for the same reason.

On 5 March Ankara SSC No. 1 heard another case against the cartoonist Askin Ayrancioglu on charges relating to membership of an armed gang. On 7 June 2001 Askin Ayrancioglu had been detained in Boyabat (Sinop province). Because of journals, books and cassettes found at his home this trial had been opened. The hearing was adjourned to 22 April.

Mehmet Eren – Dema Nu

On 29 January Diyarbakir Penal Court No. 3 convicted Mehmet Eren, representative of the papers "Dema Nu" and "Deng" in Diyarbakir under Article 25/b-1 of the Law No. 2935 on Emergency Legislation for the possession of "illegal publications" and sentenced him to 8 months' imprisonment. The court also handed back the copies of "Deng", for which there was no order of confiscation. The case had been opened on the allegation that Mehmet Eren had transported publications into the region under a state of emergency for which there was a ban on distribution. Two further trials on similar allegations are still continuing against him.

Coskun Ak

On 12 February the retrial of Coskun Ak, former coordinator of the "Forum" by the internet provider Superonline concerning a message in that "Forum" started at Istanbul Criminal Court No. 4. The hearing was adjourned to await the changes made to Article 159 TPC. On 27 March 2001 Coskun Ak had been sentenced to 40 months' imprisonment for not removing a message another reader had complained about. The Court of Cassation had quashed the verdict on the ground of "insufficient investigation".

On 12 March Istanbul Criminal Court No. 4 passed a second verdict against Coskun Ak. The sentence of 40 months' imprisonment was commuted to a fine of TL 6 million (app. \$ 4). Coskun Ak had been in charge for the human rights forum of the internet provider Superonline and was put on trial for a message posted by an unknown participant. The Court of Cassation ruling that further investigation was necessary to establish the decree of responsibility of Mr. Ak had quashed an earlier conviction by Istanbul Criminal Court No. 4. The court decided that there was no need for further investigation and convicted the defendant for "insulting the armed forces and the judiciary".

Nese Düzel, Hasan Çakkalkurt

On 13 February Istanbul SSC No. 6 heard the case of Nese Düzel, journalist with the daily "Radikal", and Hasan Çakkalkurt, editor-in-chief of "Radikal". For an interview on the faith of "Alevi" they are charged under Article 312 TPC. The court adjourned the hearing to 22 May in order to wait for the implementation of the changes to Article 312 TPC.

Nevzat Bingöl

Nevzat Bingöl, owner of the TV station "Gün TV" in Diyarbakir, was indicted by the prosecutor at Diyarbakir SSC for having broadcasted the Kurdish song 'De Xalo' (Uncle) sung by Sivan Perwer on 4 October 2001. The charges are based on Article 8 of the LFT (disseminating separatist propaganda). On 12 February the High Council for Radio and TV (RTÜK) had imposed a ban on broadcasting for 365 days on the TV station without waiting for the outcome of the trial.

The radio and TV station "Gün" was closed on 31 October 2001. The speaker is charged under Article 312 TPC, because he called the listeners to gather in protest against the illegal act.

Sacit Kayasu

The public prosecutor in Adana, Sacit Kayasu, who had indicted Kenan Evren, leader of the military coup of 12 September 1980 with the demand of the death penalty, was now sentenced for "having insulted the High Council of Judges and Prosecutors". On 1 February the Court of Cassation sentenced him to 6 months' and 20 days' imprisonment. The sentence was commuted to a fine of TL 608 million and suspended.

Hasan Özgün

Hasan Özgün, representative of the daily "Özgür Gündem" in Diyarbakir, was imprisoned in 1993 and later sentenced to 12.5 years' imprisonment for "membership of the PKK". Following the declaration of the so-called "Susurluk Report" he applied for a retrial from Aydin Prison arguing that new light had been shed on some murders of journalists in the region under a state of emergency. However, Hasan Özgün was not granted a retrial, but another case was filed against him on charges of "insulting the armed forces" in his petition. The trial based on Article 159 TPC will commence at a court in Diyarbakir.

Merve Kavakçı

The public prosecutor in Istanbul launched a case against former MP for the Virtue Party (FP), Merve Kavakci, on charges of insulting the Republic, Parliament and the State. On 26 November 2001 Mrs. Kavakci had appeared in a program by El Cezire TV in Qatar from a studio in the USA. Merve Kavakci, who appeared in parliament with a headscarf, had been deprived of her Turkish citizenship, when it was discovered that she was (also) a US citizen. She regained her Turkish citizenship by getting married to a Turkish national, but is living in the USA.

Hasan Mezarci

On 5 February Hasan Mezarci, ex-MP for the closed down Welfare Party (RP) went to the public prosecutor in Ipsala (Edirne) to start the execution of the sentence of one year's imprisonment, imposed on him by Ankara Penal Court No. 5 on 19 December 1998 for a letter of to Nelson Mandela congratulating him for having rejected the Atatürk Peace Prize, since Atatürk was one of the well-known dictators of the world. Hasan Mezarci was put in Ipsala Prison.

Fatih Polat, Aydin Çubukçu, Semih Hiçyılmaz, Bülent Falakaoglu

On 19 February Bakirköy Criminal Court No. 2 continued to hear the case of the journalists Fatih Polat, Aydin Çubukçu, Semih Hiçyılmaz and Bülent Falakaoglu, editor-in-chief of the daily "Yeni Evrensel". Defense lawyer Kamil Tekin Sürek stated that one case had been opened for various articles and demanded that the cases should be separated. The court rejected the demand and adjourned the hearing to 17 September. The trial is based on an article by Fatih Polat of 24 April 2001, Semih Hiçyılmaz of 25 April 2001 and Aydin Çubukçu of 26 April 2001. All articles allegedly contain insults to the armed forces.

Cezayir Serin

On 27 February Diyarbakir SSC heard the case of Cezayir Serin, Mayor of Sur Municipality (Diyarbakir). He was charged under Article 8/1 of the Law to Fight Terrorism (separatist propaganda) for an interview he gave to the French newspaper "Nord Littoral". In the interview he allegedly said that "the important thing for Kurds is that they rule their towns

themselves" and "I'm also worried that 30% of the income in Kurdistan is taken to other places." Cezayir Serin testified to the effect that he had not used the words of the article and also had sent a correction to the newspaper. The court acquitted the defendant because of lack of evidence.

Initiative of Intellectuals and Artists

The prosecutor at Ankara SSC indicted 14 people, who on 24 September 2001 had filed official complaints against themselves in solidarity with the photographer Mehmet Özer, on trial for a press statement of July 2000 concerning the F-type prisons. Like him, the members of the Initiative of Intellectuals and Artists will be charged under Article 169 TPC with "supporting an illegal organization". The trial of Ahmet Telli (poet), Sükrü Erbas (poet), Aydın Çubukçu (writer), Zerrin Taspınar (poet), Selma Agabeyoğlu (poet), Ali Balkız (writer), Oktay Etiman (translator), Yılmaz Demiral (theater player), Fettah Köleli (poet), İlhan Akalin (writer), Abdullah Aydın (writer), Hüseyin Sahin (poet), Necmettin Salaz (poet-writer) and Kuvvet Yurdakul (poet-theater play writer) will start at Ankara SSC No. 2 on 8 April.

Memik Horuz

On 24 January Ankara SSC continued to hear the case of Memik Horuz, editor-in-chief of the journal "İşçi Köylü". The "confessor" Erol Çetin was heard as witness. Being reminded of the fact that videocassettes existed showing Memik Horuz being on Istanbul on the day, when he allegedly met militants of TIKKO, he stated that he did not remember the dates, but his earlier statements were true. The hearing was adjourned to 20 February. During the hearings of 20 February and 18 February no important progress was made in the trial and the hearing was adjourned to 15 April.

Mehmet Kutlular

Mehmet Kutlular, the owner of the daily "Yeni Asya", who had started to serve a sentence imposed by Ankara SSC on 22 May 2001, was released from Vize Prison (Kırklareli) on 21 February. The release followed a decision by Ankara SSC stating that the changes to the Turkish Penal Code (TPC) and the Law to Fight Terrorism (LFT) might be in favor of the defendant, who should no longer suffer from imprisonment. Mehmet Kutlular had been convicted for a speech he made in October 1999 saying that the earthquake was God's punishment for the non-believers. On 9 May 2000 Ankara SSC sentenced him to 2 years' imprisonment. The 8th Chamber of the Court of Cassation confirmed the verdict on 16 January 2001.

A first hearing was held at Ankara SSC on 28 February. The hearing was adjourned to April this year.

Hasan Çakkalkurt

On 21 March Istanbul SSC No. 5 heard the case concerning reports in the daily "Radikal" on the so-called "Return to Life Operation" that resulted in the death of 32 people. The prosecutor, who had alleged that the paper had made written propaganda for an illegal organization, now asked for acquittal since the news had remained in the borders of reporting. The court acquitted the editor-in-chief, Hasan Çakkalkurt. Between 2 and 5 July 2001 "Radikal" had reported on the medical reports issued by the Forensic Institute on the causes of deaths.

Aysenur Zarakolu

On 21 March Istanbul SSC No. 1 heard the case of Ayşe Nur Zarakolu, owner of Belge Publishing House, who had died recently. She had been indicted with separatist propaganda for publishing a book by Hüseyin Turhalli, former chairman of the Democracy Party (DEP) for Diyarbakir province, entitled "Songs of Freedom". During the hearing her husband Ragıp Zarakolu stated that this would have been the 34th court case against his wife, if she had been alive. The court adjourned the hearing to 4 June awaiting the registration of her death.

Celal Baslangıç, Osman Nihat Tuna

On 22 March Istanbul Penal Court No. 2 acquitted the journalist Celal Baslangıç and Osman Nihat Tuna, publishing manager of İletişim Publishing House for the book "Temple of Fear". In summing up the case the prosecutor concluded that the content of the book had remained in the borders of criticism. The court followed his arguments, acquitted the defendants and lifted the order for confiscation of the book.

Ali Bayramoğlu

The case against the journalist Ali Bayramoğlu and editor-in-chief of the daily "Sabah", Semra Uncu, concluded at Istanbul Penal Court No. 2 on 22 March with acquittal from charges related to the article "Chaos in Ankara", dated 10 May 2001.

Ahmet Mahmut Ünlü

Ahmet Mahmut Ünlü, known in public as "Ahmet hodja with the Robe" was arrested on 18 January in order to serve a sentence of 31 months and 3 days' imprisonment after it had been confirmed by the 8th Chamber of the Court of Cassation. The sentence had been given by Istanbul SSC based on Article 312 TPC for comments on the earthquake of 17 August 1999 and confirmed on 21 June 2001. Since then Ahmet Mahmut Ünlü had been wanted.

On 29 March Istanbul SSC sentenced Ahmet Mahmut Ünlü, known in public as "the priest Ahmet with the robe", to 31 months' imprisonment, because he commented on the earthquake of 17 August 1999 saying that those "who did not live according to religious rules, had been confronted with a catastrophe".

Fehmi Koru

On 5 March Istanbul SSC No. 2 acquitted the journalist Fehmi Kuru for a comment he made on the TV station Kanal 7 after the earthquake of 17 August 1999. In his comment on 12 October 1999 he had argued that the earthquake had separated the people into believers and non-believers. In the verdict the court pointed at the changes to Article 312 TPC by Law No. 4744 stating that a statement had to "endanger public order" if evaluated as an offence according to Article 312 TPC.

Prof. Dr. Mustafa Erdogan, Haluk Kürsat Kopuzlu

In January the public prosecutor of Ankara indicted Prof. Dr. Mustafa Erdogan from Hacettepe University and Kürsat Kopuzlu, editor-in-chief of the journal "Liberal Thought" on charges of having insulted the President of the Constitutional Court, Mustafa Bumin and three members. If convicted they have to expect a sentence of 5 years', 4 months' imprisonment.

Emin Deger, Fikret İlkiz

On 22 January Istanbul Penal Court No. 2 acquitted the columnist Emin Deger and the editor-in-chief of the daily Cumhuriyet Fikret İlkiz from charges of "insulting Atatürk". The case had been launched for an article of 8 February 2000 under the title of "Ecevit-Gülen on the Way to Globalism". Emin Deger argued that the quotations had been taken from a book of Fethullah Gülen and did not reflect his own opinion. Subsequently he and Fikret İlkiz were acquitted.

Sadik Albayrak – Milli Gazete

On 5 February Istanbul SSC No. 1 started the trial of Sadik Albayrak, columnist with the daily "Milli Gazete". He is charged with "separatist propaganda" in connection with a comment entitled "What a state of mind?" on a decree regarding crimes of civil servants. The defendant stated that the State President had later corrected the decree. The court adjourned the hearing to a later date.

Nihat Sirdar

At the end of February the public prosecutor in Istanbul indicted Nihat Sirdar, disc jockey at the radio station Best FM, for his program "Jokes with Nihat". According to the indictment Nihat Sirdar used to read out news from the papers. One of the items concerned robbers in a market place in Bostanci (Istanbul), who caused the death of 1 and injuries of 9 people, when they drove into that place. In his comments Nihat Sirdar reportedly created the impression that the thieves and the police were working together. He shall be tried at Istanbul Criminal Court No. 6 for insulting the security forces, an offence according to Article 159 TPC.

Salman Yüksel

Salman Yüksel, writer of the book "Operations to Rescue the Gangs of Ankara" and "Identities of the Gangs", was detained in Sivas during last week and released on 27 February. After his release he said that he had not been tortured, but he and his family had been put under pressure for the book, he published with his own means. He added that an earlier order of confiscation for his first book had been lifted and his detention had been in connection with an order of confiscation for the second book. After one day in detention he had been transferred to the hospital at the university and was confronted with 560 questions. Since he answered all questions correctly he received a report that he was intelligent.

Hakan Albayrak – journal "Gerçek Hayat"

The journalist Hakan Albayrak stood trial at Istanbul Penal Court No. 2 on 25 January. He is accused of "insulting the armed forces" in the article entitled "What remains of the 6 arrows?" published in the journal "Gerçek Hayat".

Kâzım Güleçyüz, Mustafa Döküler, Cevher İlhan, Ali Fersadoğlu, Mustafa Özcan, Sevki Akgünler–daily "Yeni Asya"

On 11 March Istanbul SSC No. 3 passed its verdict on 6 journalists from the daily "Yeni Asya". The court convicted them for an offence of Article 312 in various articles on the earthquake of 17 August 1999. Kazim Güleçyüz, managing director was sentenced to 20 months' imprisonment, Cevher İlhan, the Ankara representative of the paper to 25 months, the journalists Ali Fersadoğlu, Mustafa Özcan and Sevki Akgünler to 23 months' and 10 days' imprisonment and the editor-in-chief, Mustafa Döküler to 25 months' imprisonment. His sentence was commuted to a fine of TL 1.5 billion. The sentences against Güleçyüz, Fersadoğlu, Özcan and Akgünler were suspended.

Hasan Basri Aydın

On 15 March Istanbul Criminal Court No. 6 passed its verdict on retired teacher and author of several books, Hasan Basri Aydın. Four separate cases on various articles and speeches of Mr. Aydın had been combined, the latest referring to a petition to the Justice Minister of 26 January 2001. He had criticized the government for not ruling the country properly and committing murder, because the prisoners Murat Dil and Sevgi Ince were not treated. The court convicted him for violations of Articles 158 and 159 TPC (insulting the authorities) and sentenced him to 40 months' imprisonment.

Mehmet Sevki Eygi, Selami Çaliskan–Milli Gazete

On 20 March Istanbul SSC started to hear the case of journalist Mehmet Sevki Eygi and the editor-in-chief of the daily "Milli Gazete". The trial is related to an article, published on 15 November 2000. During the hearing Mr. Eygi said that the article was only a criticism of a bad administration.

Confiscated Books

The book "Culture of Ponthos" written by Ömer Asan was confiscated on orders of Istanbul SSC. The prosecutor started an investigation in connection with "separatist propaganda", because the book allegedly deals with the renewal of a Greek State in the Eastern Black Sea region.

The book "Last Exile" written by Dragan Babic and published by Ayrinti Publishing House was confiscated 22 January on orders of Istanbul Penal Court No. 3. The decision was based on Article 426 TPC on the allegation that the book "injured the feelings of the public".

The prosecution's office at Istanbul SSC ordered the confiscation of the book "Lazona - The Reality of the Laz People" written by Selma Koçiva. The decision was based on Article 312 TPC (incitement to hatred and enmity). The publishing manager of Tüm Zamanlar Publishing House, Muammer Akyüz, will be indicted together with the author. The book of Cihan Aktas entitled "From Sister to Lady - Experiences of the Islamic Woman in the Public Sector" was confiscated under the same provision.

On 23 January Istanbul SSC No. 5 ordered the confiscation of the book "How can I forgive after so much information - My Impressions from Kurdistan" written by the US author Jonathan C. Randal and published by Avesta Publishing House. The order was taken on the grounds that the book contained "propaganda for separatism".

Istanbul Penal Court No. 4 ordered the confiscation of the books from Enis Batur called "Apple" and by Metin Üstündag called "Lovers of Sunday". Allegedly the books contain pornographic material. The confiscation order for the second book was lifted on appeal by Sel Publishing House.

The "Guide for Marriage" published by the municipality of Kütahya was confiscated on orders of Kütahya Penal Court on the grounds that the proposals of marriage according to Islamic rules contravened the civil code. An investigation was launched against the writer of the book; priest Mustafa Gazal and Mayor Süleyman Canan, from the Bliss Party (SP), who wrote the preface.

Istanbul Penal Court No. 2 ordered the confiscation of the book "Terror in the Bed Room" written by the French author Serge Bramly and published by Everest Publishing House. The translator Nermin Acar and the publisher were sentenced to a fine. The book had been published in 1994 and later became subject for a film. Istanbul Penal Court No. 2 found its content against the "general moral".

On 7 January Ankara SSC ordered the confiscation of a book written by the lawyers Ibrahim Açan and Kazim Bayraktar on the allegation of "supporting armed gangs". The book of Ibrahim Açan entitled "No Justice Here" was confiscated on orders of Ankara SSC.

Banned Films

"Great Man, Little Love" - Handan Ipekçi

The Supervisory Council for Cinema, Video and Music Productions in the Ministry of Culture prohibited the film "Great Man, Little Love" on the grounds that it violated the principle of the indivisible unity of the State. The film directed by Handan Ipekçi had been produced with the support of the Ministry of Culture and might have become a candidate for an Oscar. In the film the relationship between a small girl, whose parents were killed during a house raid and who does not know any other language than Kurdish and a judge, in whose house she sought refuge, is shown.

"Border" - Gani Savata

On 18 January the governor in Mus banned the show of the film "Border", produced by artist-director Gani Savata. A distribution of the film and posters advertising for the film were also banned. Two court cases related to the showing of this film continue at Diyarbakir SSC and in Sivas.

Prevented Cultural and Artistic Activities

The governor for the region under a state of emergency (OHAL) banned the staging of the play "Heart Hell" to be performed by the group "Theatre Orient" on 14 and 15 January. The play is a one-man show presenting the life and poems of Ahmet Arif.

A concert to be performed by the group "Yorum" in Elazig on 1 and 2 March was banned on orders of the governor, maintaining that public order could not be guaranteed.

7.2. Freedom of Communication

Pressure on Publishing Houses and Journalists

Yedinci Gündem - Azadiya Welat

On 27 December 2001 Istanbul SSC ordered the closure of the weekly "Yedinci Gündem" for 15 days for an article that appeared in the issue of 25-31 August 2001 with an interview of Cemil Bayik on "Hope for Peace was created". The order was based on Article 6/2 of the Law to Fight Terrorism that prohibits the "publication of announcements by terrorist organizations".

The governor for the region under a state of emergency banned the distribution of the calendar "Pine 2002" prepared by the journal "Azadiya Welat".

Suat Özalp, representative of that journal in Diyarbakir, was detained on 2 January.

On 11 January Yüksel Azak, distributor of Yedinci Gündem in Bingöl, was detained. The prosecutor released him on 14 January. After his release he said that he had been beaten and given electric shocks.

On 17 January Sibel Güler and Selahattin Hakan Kemaloglu, staff members of the daily Yedinci Gündem, were detained on Taksim Square (Istanbul). They were released on 20 January.

In Antep 14 people were detained on 22 January, including Edip Kaya and Adem Gümüş, distributors of "Yedinci Gündem". They were released on 28 January.

On 24 January the police in Batman raided the offices of the daily "Yedinci Gündem" and the journal "Azadiya Welat" and detained the representative of "Yedinci Gündem", İrfan Aydın and the representative of "Azadiya Welat", Hatice Sen.

On 24 January a group of some 60 parents tried to present petitions on education in Kurdish to the Director for National Education in Gaziosmanpasa district of Istanbul. Among the journalists covering the incident, Salih Demirkaya, reporter of the journal "Azadiya Welat" was detained for a short time, because the police doubted that such a journal existed. Cengiz Kapmaz, reporter for the daily "Yedinci Gündem" was insulted and beaten by the police, who pushed him outside the building.

In the evening of 27 January Devrim Göktaş, news director for "Yedinci Gündem" in Diyarbakir, was attacked by an unidentified person in the corridor of the papers offices.

In Van the distributors of "Yedinci Gündem", Altan Sen, Harun Aslan, Sirin Harhar and Mikail Tunçdemir, who had been detained on 29 January, were released on 31 January. They said that they had been tortured in detention.

On 29 January the gendarmerie stopped a minibus on its way to Pervari district (Siirt). The papers "Yedinci Gündem" and "Azadiya Welat" were confiscated and the driver Mahmut Asan was detained. The next day Hasan Sayir, secretary of HADEP for Pervari district, Ebubekir Aydar, working for a minibus company and Emin Demir, distributor of "Azadiya Welat" in Siirt, were detained. During a raid of the offices of HADEP in Pervari Siddik Yilmaz and Sahbaz Günes were detained. They were later released.

In Antep Metin Acet, reporter for "Yedinci Gündem" and the distributor Mehmet Isik were detained on 3 February, during raids on their houses. After release on 7 February they alleged that they had been beaten in detention. The torture had included rough beatings, hosing with pressurized water, suspension by the arms and electric shocks.

On 13 February the offices of "Azadiya Welat" were robbed.

On 14 February the police intervened in Batman during protests against the arrest of PKK leader Abdullah Öcalan and detained many people. The next morning another protest was held and again the police detained many people, including the representative of the weekly "Yedinci Gündem", İrfan Aydın. He was later arrested.

On 16 February A.Ö. (16) was detained in Aydın when she distributed the weekly "Yedinci Gündem". She was released after the police found out that there was not order for confiscation against that edition.

On 14 February the police in Istanbul raided the offices of the People's Democracy Party (HADEP) in Küçükçekmece, Bahçelievler, Esenler, Zeytinburnu, Kağıthane, Kadıköy and Bağcılar district on the order of the prosecutor at Istanbul SSC. Among the detainees was the distributor of the weekly "Yedinci Gündem", Ömer Kincüce. The security forces first denied his detention.

Hüseyin Yıldız, distributor of the weekly "Yedinci Gündem" in Mus was detained on 10 March and taken to Mus Police HQ.

In Antakya Ali Kalik, reporter for the weekly "Yedinci Gündem" was detained on 17 March, but released after two hours.

Özgür Halk

In Bingöl Erkan Yıldırım, representative of the journal "Özgür Halk" in Elazığ and his friends Orhan Armutçu, Sıraç Budancir and Yasar Burhan were detained on 8 January. Orhan Armutçu and Ahmet Akbas were arrested on 12 January, while Erkan Yıldırım was released. Yasar Bugruhan and Türkan Bugruhan were released without being taken to the prosecutor. Sıraç Budancir, who had been detained with these five people, was also released. He went to the Human Rights Association and filed a complaint about torture at Bingöl Police HQ. He stated that he had been blindfolded, beaten, forced to wait naked on the snow and given electric shocks. From the voices he had understood that one of the torturers was the chief of police, while one of the others was named Tuncay.

On 14 January the police raided the offices of the People's Democracy Party (HADEP) in Urfa and detained 8 people including Celalettin Erkmen, deputy chairman for the province and Özgür Güllü, staff member of the journal "Özgür Halk". They were released the next morning.

During a raid of the offices of the journal "Özgür Halk" in İzmir on 24 January İlhami Çınar, Ekrem Altun, Sultan Arasan, Fatma Duman, Günay Aktas, Ahmet Duman and Zeliha Akbay from the journal "Özgür Kadının Sesi" were detained. İzmir SSC arrested İlhami Çınar and Zeliha Akbay on 25 January.

On 1 March Hasan Kaya, Zuhul Sertkaya, Erkan Yildirim and Mehmet Sari, distributing the journal "Özgür Halk" in Karakoçan district (Elazig) were detained, but released on the same day.

Prior to the celebrations of Newroz Day the police searched house in Hacıbekir and Yenimahalle quarter in Van on 10 March and several people including Mehmet Göktas, working for the journal "Özgür Halk". Mehmet Göktas was released on 15 March.

On 13 March the offices of "Özgür Halk" in Adana were raided, but nobody was detained.

On 28 March Mehmet Gündüz, representative of the journal "Özgür Halk" in Diyarbakir, was detained.

"Yasamda Atilim"

Günaydin Akar, distributor of the bi-weekly "Yasamda Atilim" held a press conference at the premises of the Istanbul Branch of the Human Rights Association. He said that the police had shot at him on 5 February, when he and another 14 friends had been distributing the paper. The same police officer, driving a car with the plate number 34 NCU 46, had later detained them and offered them to become police informers.

On 12 February the police raided the offices of the journals "Alinteri" and "Atilim" in Iskenderun and detained Emel Gültekin in the office of "Alinteri".

Tamer Topçuglu alleged that he had been detained in February, when he was distributing the bi-weekly "Yasamda Atilim" in Esenyurt (Istanbul). He said he had been tortured and put under pressure to become a police informer.

The Bursa representative of the journal "Atilim", Pelin Çaliskan, was detained on 3 March. After one day in detention she said that she had been subjected to psychological and physical torture.

In Istanbul Altan Koman, reporter for the journal "Yasamda Atilim" and the owner Mikail Vayıç were detained on 10 March. During a raid on their flat the guests Yilmaz Koruk, Meral Koca and Kaya Zeybek were also detained. All but Mikail Vayıç were released the same day.

Deniz Sevimli, reporter for the journal "Yasamda Atilim" was detained on 16 March, when she observed celebrations of Newroz in Istanbul Gazi quarter.

Other Incidents

The High Court of Administration (Danistay) decided that Bartın Governor Fatih Eryılmaz has to stand trial for "threatening Esen Alis, the owner of Bartın Newspaper and reporter for the daily 'Cumhuriyet' during a meeting". The case will be heard at Karabük Criminal Court (Zonguldak). In April 2001 the governor had organized a meeting to explain that the industrial plant near Inkumu Seaside was no threat for the environment. During this meeting he threatened the journalist with death. Two secretaries from the Ministry of the Interior did not see a reason for a court case, but on appeal the High Court of Administration decided otherwise.

In Istanbul the daily "Yeni Safak" was prevented from publishing a series on the so-called "Spider's Net", intended to start on 2 January. Ankara SSC took the decision on the grounds that the investigation into this case of fraud was still continuing. On 5 January the police searched the premises of the paper and made an ID check of all the staff. Istanbul SSC confiscated the 20th edition of the journal "Alinteri" on the grounds that some articles contained propaganda for an illegal organization.

The governor in Istanbul ordered the closure of the journal "Yasadigimiz Vatan" on 30 December 2001. The decision was taken because the journal had not applied to the governorate and the technical service's aim had not been explained.

Reports from Hakkari stated that the distribution of the daily "Radikal", reporting on an investigation against the board of HADEP in Hakkari for their calendar, was prevented.

On 29 January Eyüp Penal Court No. 2 ordered that the daily "Cumhuriyet" was not entitled to publish a report on fraud that should appear on 1 February. The decision was taken upon the application of the lawyer of Ahmet Hamdi Pınarcık, who is wanted in connection with fraud at the municipality of Istanbul. In the same verdict the TV station Kanal D was not prevented from broadcasting the same issue in its program Arena.

On 11 February the cartoonist Doğan Güzel was detained at Istanbul Airport. He testified to the prosecutor at Istanbul SSC on 12 February and was released.

After a football match between Petrolspor and Kayserispor on 10 March the chairman of Batman Journalists and Publishers Association, M. Kemal Çelik, was beaten by policemen. Çelik was reportedly beaten due to an article published in Batman Post concerning the reaction of a policeman against women on 8 March Women's Day.

In March Mete Gönültas, chairman of the trade union of radio and TV journalists Medya-Sen, was detained, when he went to Ankara Police HQ. to apply for a passport. The detention was said to be related to a speech he held during a solidarity meeting of HADEP in Sırnak in 1992. He was released the following day, after a court had taken his testimony.

Confiscated Publications

Istanbul SSC confiscated the 20th edition of the journal "Alinteri" on the grounds that some articles contained propaganda for an illegal organization.

In Urfa a civil court ordered the confiscation of the calendars prepared by the People's Democracy Party (HADEP) for the year 2002.

In Mus the calendar for the year 2002 was confiscated on orders of Mus Penal Court.

Bursa Penal Court No. 1 decided to confiscate a calendar that was distributed during the congress of the People's Democracy Party (HADEP) in Bursa on 20 January. The calendar was allegedly written in Kurdish and 15 February, the day when PKK leader Abdullah Öcalan was apprehended, was highlighted.

The 12 February edition of the daily "Günlük Evrensel" was confiscated by Istanbul SSC on the grounds that an article by Cihan Aydiner under the title of "Same old Story of Change in Following Imperialism" contained "propaganda for an illegal organization".

The court also ordered the confiscation of edition 4 of the journal "Odak" on allegations of "propaganda for an illegal organization and incitement to hatred and enmity".

Istanbul SSC confiscated the 13 February edition of the daily "Günlük Evrensel" on the grounds that the second part an article by Cihan Aydiner under the title of "Same old Story of Change in Following Imperialism" contained "propaganda for an illegal organization".

Istanbul SSC ordered the confiscation of the journal "Aydinlik", since the paper did not follow the ban on publishing the e-mails of the EU representative Karen Fogg. On 21 February Istanbul SSC No. 5 had issued the ban on publishing the electronic mails of Karen Fogg, but "Aydinlik" of 24 February had continued with the publication.

Istanbul SSC ordered the confiscation of edition 21 of the journal "Alinteri" on the grounds that it contained propaganda for the Workers' and Peasants' Liberation Army of Turkey (TIKKO).

The last edition of the journal "Devrimci Demokrasi" was confiscated by Istanbul SSC on the ground of "making propaganda for the Workers' and Peasants' Liberation Army of Turkey (TIKKO)".

Istanbul SSC ordered the closure of the journal "Partizan" for one month and imposed a fine of TL 3.96 billion on the grounds that some articles in the 140th edition of the journal were against national security.

The edition of 15 March to 28 March of the journal "İsçi Köylü" was confiscated on orders of Istanbul SSC on the grounds that some articles contained separatist propaganda.

The final issue of the journal "İdea Politika" was confiscated on orders of Sisli Penal Court No. 1 on the grounds that "the articles contained an insult to the government and the armed forces".

7.3. The High Council for Radio and Television (RTÜK)

Bans on Broadcasting

During the first three months of 2002 the High Council for Radio and Television (RTÜK) imposed bans on broadcasting for radio and TV stations totaling 2,666 days. The majority of 2,469 days concerned so-called "separatist and reactionary" programs.

The details on the bans are as follows:

For a violation of section (g) of Article 4 of the RTÜK-Law No. 3984 providing for punishment, if "*programs lead to terror, violence and ethnic discrimination or disgust in society*" the following penalties (bans on broadcasting) were delivered: Radyo Arkadas (Adana) and Gün TV for 365 days each; Özel Fm (Istanbul) 330 days, İmaj Radyo (Ankara) 90 days, Karesi TV (Balıkesir) 90 days, Moral Fm (Istanbul) 30 days, İmparator Fm (Adana) 22 days, Özgür Radyo (Ankara) 15 days, Radyo Dünya (Adana) 15 days, Akra Fm (Istanbul) 15 days, Dolunay Fm (Istanbul) 10 days, Hedef Radyo 7 days, Hakkari Fm 3 days, Er TV (Malatya) 1 day.

For a violation of section (t) of Article 4 of the RTÜK-Law No. 3984 providing that "*programs have to be broadcasted in the Turkish language*" the following penalties (bans on broadcasting) were delivered: Ses Radyo (Sok Radyo/İlçel) 15 days, Özgür Radyo (Ankara) 2 days, Gün Fm (Diyarbakir) 1 day, NRT Fm (Antep) 1 day.

For a violation of section (a) of Article 4 of the RTÜK-Law No. 3984 providing for punishment, if "*programs against the existence and independence of the Turkish Republic and the indivisible unity of the State with its country and nation are broadcasted*" Gün Fm and Gün TV (broadcasting in Diyarbakir) for banned from broadcasting for one year each.

For a violation of section (c) of Article 4 of the RTÜK-Law No. 3984 on "*the principles, democratic rules and individual rights in basic provisions of the Constitution*" ART Radyo was banned from broadcasting for 360 days.

For a violation of section (g) of Article 4 of the RTÜK-Law No. 3984 providing for punishment, if "*programs are of a belittling or insulting nature beyond the borders of criticizing a person or an institution*" the following penalties were delivered: Interstar, NTV, Show TV, TGRT, ATV, Star TV, CNN Türk, Sipas TV (Sivas), Tempo TV (Giresun), Kanal G (Giresun) for one day each, Mesaj TV 2 days, Best Fm 3 days, Radyo D 5 days, Hedef Radyo 7 days, Sev Radyo (Balıkesir) 3 days, Günes TV 7 days, Hedef Radyo (Ankara) 3 days.

For a violation of sections (d) and (m) of Article 4 of the RTÜK-Law No. 3984 providing for punishment on "*programs against the general morel, peace of society and the structure of the Turkish family*" or "*may influence the physical, mental and moral development of children in a negative way*" the following penalties were given: Cine-5 15 days, Kanal 6 7 days,

CNBC-e, Show TV and ATV 3 days each, Flash TV 2 days, Kanal D, Radyo D, Buca Fm (Izmir), Interstar, BRT, TGRT, ETV and Özel Fm (Istanbul) 1 day each.

For other violations High Council for Radio and Television (RTÜK) passed the following punishments: Kanal 6 10 days, Kanal D and Star TV 2 days each, Cine 5, Show TV, Star 2 (Kral, Teleon), BRT, ATV, Lay TV, Radyo Shema, Sky TV (Izmir), Kanal 1 TV (Izmir), Ege TV (Izmir), Yeni TV (Izmir), As TV (Denizli) and Radyo Baris 1 day each.

Court Cases against RTÜK Decisions:

Marmara FM: The Highest Administrative Court (Danistay) confirmed the ban of 30 days' broadcasting against Marmara FM that had been imposed in May 2001 by the High Council for Radio and TV (RTÜK). The ban had been imposed for the program "Speeches to Repair Humans", but was quashed by the regional administrative court. Earlier the station was closed for one day and the remaining 29 days started on 26 January.

Açık Radyo: On 13 January the 10th Chamber of the Danistay quashed the decision of Ankara Administrative Court No. 9 to stop the implementation of a 15 days' ban on broadcasting for Açık Radyo. The ban had been imposed for reading out a story of Bukowski on the "most beautiful girl in town". The story had been evaluated as being "against the general moral and the structure of the Turkish family. The ban started on 15 January. On 30 January Açık Radyo started to broadcast again.

Gün TV: Ankara Administrative Court No. 8 ordered to stop the implementation of a penalty by the High Council for Radio and Television (RTÜK) against Gün TV, broadcasting from Diyarbakir. RTÜK had ordered a 365 days' ban on broadcasting because the station had played Kurdish and Armenian music. The ban would have started on 23 March.

Radyo Dünya: On 22 March Ankara Administrative Court No. 4 stopped the implementation of a 15 days' ban on broadcasting for Radyo Dünya (Adana). The ban had been imposed for a music program of 22 July 2001.

8. Freedom of Organisation

8.1. Pressures on Human Rights Defenders

Pressures on human rights defenders and organisations continued ceaseless during the first three months of the year 2002. Because of the speeches, press meetings and demonstrations cases were lodged against human rights defenders.

Human Rights Foundation of Turkey (HRFT)

Case against HRFT Diyarbakir Representation

The public prosecutor in Diyarbakir launched a case against lawyer Sezgin Tanrikulu, representing the Human Rights Foundation of Turkey (HRFT) in Diyarbakir, on charges of "opening a health centre without permission." The case started at Diyarbakir Penal Court No. 2 on 19 March.

On 7 January Sezgin Tanrikulu had handed in an application pointing out that the search of 7 September 2001 had been carried out without official permission and that the files of patients had been confiscated. The investigation on charges of "supporting members of illegal organizations" had been turned down and similar cases opened against the HRFT's representations in Adana and Istanbul had resulted in acquittals.

On 19 March Diyarbakir Penal Court No. 2 decided to make an on-site inspection on 22 March and adjourned the hearing to 19 April.

The indictment alleges that "banned publications were found during the raid of the offices on 7 September 2001" and that "the fine was not paid within the necessary time". The prosecutor wants lawyer Sezgin Tanrikulu to be sentenced according to Article 119 of the Law on Private Hospitals and Article 526 TPC for "not listening to official orders".

Recai Aldemir, physician working at the representation office of the Human Rights Foundation of Turkey (HRFT) in Diyarbakir, objected to the permission, given by the governor in Diyarbakir, to start an investigation against him. In his application to Diyarbakir Administrative Court he argued that "he had not treated torture victims, but was organizing their treatment", "earlier explanations of the work the HRFT undertakes had not been taken into account" and "the work for the HRFT could not be seen as misconduct of duty".

On 6 December 2001 the Administrative Council of Diyarbakir Province had given permission for prosecution against the physicians Recai Aldemir and Mehmet Emin Yüksel, but had refused to give the same permission for the physicians Selim Ölçer and Necdet Ipekyüz, because they had not been in the office during the search of 7 September 2001.

Human Rights Association (HRA)

The trial against Osman Baydemir, deputy chairman of the HRA, Cafer Demir, chairman of the Elazig branch and Kenan Çetin, secretary of the Elazig branch in connection with a solidarity evening of Elazig HRA, started on 28 December. The hearing was adjourned to 11 April.

Headquarters of HRA

On 29 March the headquarters of the Human Rights Association (HRA) wanted to hold a press conference on their latest report on human rights. The conference in their own premises was observed by police officers, who did not want to leave. Subsequently Hüsnü Öndül, chairman of the HRA declared that he would not make any oral statement and distributed the report to the journalists.

Ankara Branch

On 19 February Ankara SSC continued to hear the case against the Ankara branch of the Human Rights Association (HRA) with the demand of closure and sentences for officials for "supporting illegal organizations".

The hearing was adjourned to 25 April for the completion of the files. For the protests against the F-type prisons the former chairman Lütfi Demirkapi and the board members İlhami Yaban, İsmail Boyraz, Erol Direkçi, Mesut Çetiner, Zeki İrmak, Rıza Resat Çetinbaş, as well as members of the prison commission Ali Rıza Bektas, Selim Necati Ort, Saniye Simsek, Ekrem Erdin, Gökçe Otlı and Emrah Serhan Soysal are charged under Article 169 TPC. The prosecutor has also asked for closure of the branch according to Article 7/4 of the Law on Fighting Terrorism.

Bingöl Branch

Tamer Ersoy, Governor of Bingöl, informed Ridvan Kizgin, chairman of the Bingöl branch of the Human Rights Association (HRA), on 5 January of a revision of an earlier decision, by which he had been dismissed from duty. Allegedly Ridvan Kizgin had violated Article 45/1 of the Law on Association and will stand trial on 16 January. Ridvan Kizgin believed that the new Bingöl Chief of Police Osman Nuri Özdemir played a role in this development and publicly expressed his gratitude for this.

Batman Branch

The board of the Human Rights Association in Batman that was dismissed on 3 December 2001 started office again. The order of Batman Governorate carried the date of 1 February and stated that the necessities according to Article 45 of the Law on Association had been fulfilled and, therefore, the dismissal had to be reversed.

Adana Branch

On 13 March the police in Adana raided the offices of the Human Rights Association (HRA) and detained the chairman Sehmuz Kaya, the secretary Sengül Yildirim and the board members Müslüm Kurucu and Haydar Çıgdemal. Reportedly the raid was carried out because of a press statement on education in the Kurdish language. Detainees were released on 14 March by Adana SSC.

Trial of Zeki Genç

The public prosecutor indicted Zeki Genç, who attacked offices of HADEP in Sisli on 14 November and the offices of the Istanbul branch of the HRA on 15 November 2001. In the indictment Bülent Sat is accused to have provided a gun for the assailant from a person called Turgay Araz. For this offence the indictment demands a sentence of between 6 months' and 1 year's imprisonment. Zeki Genç is being charged with "armed threats and depriving people of their liberty".

On 28 February Istanbul Criminal Court No. 7 started to hear the case of Zeki Genç for his attack on offices of the People's Democracy Party (HADEP) in Sisli (Istanbul) in November 2001. The defendant (under arrest) and co-defendants Bülent Sat and Turgay Aras, charged with having provided the arms for the defendants, but not under arrest, participated.

Bülent Sat testified to the effect that he only advised the defendant to speak to Turgay Aras, who wanted to sell his pistol. Turgay Aras stated that he sold his pistol to the defendant, but had nothing to do with his actions. The court rejected a written defense stating that the defendant did not have his senses together and ordered that a report by a military hospital in Ankara of 1995 should be inspected. The hearing was adjourned to 28 March.

On 28 March the hearing was adjourned in order to establish his sound of mind. The defendant Genç is charged with "armed threat", "deprivation of liberty" and "armed actions". His co-defendants Bülent Sat and Turgay Araz have to expect sentences of six months' to 1 year's imprisonment for providing the arms for him.

On 31 January Istanbul Penal Court No. 12 started to hear the case of Zeki Genç for his attacks on the office of the Istanbul branch of the Human Rights Association on 15 November 2001. The co-defendants Bülent Sat and Turgay Araz are charged with providing help for him.

Saban Dayanan, board member of the HRA testified to the effect that the attacker had threatened them with death. He had been armed and was carrying a parcel. Saban Dayanan jumped on him and was shot at, but the pistol did work. Later he took out his knife to use as a weapon. Eren Keskin, chairwoman of the branch, stated that Zeki Genç might be somebody with special training as a counter-guerilla. He had been forced to quit the military service in Hakkari because of abnormal behavior. He had come to our office with the intention to kill me. Lawyer Kadriye Dogru asked the court to submit the case to a criminal court, because the incident had been intentional killing.

On 27 February Beyoglu Penal Court No. 12 continued to hear the case of Zeki Genç for his armed attack on the Istanbul branch of the Human Rights Association (HRA). The defendant testified to the effect that he had come to the HRA to speak to the chair Eren Keskin, whom he believed to be a man, and that he wanted to give him (her) a Turkish flag. Being reminded of earlier testimonies the defendant later pleaded guilty.

During the hearing Gülseren Yoleri, Ümit Efe and Dogan Genç testified as witnesses. They had been threatened by the attacker with a pistol. Kadriye Dogru, lawyer of the HRA, demanded that the case be heard at a criminal court, but the judge adjourned the hearing to 27 March to listen to further witnesses.

On 27 March Beyoglu Penal Court No. 12 continued to hear the case. The hearing was adjourned in order to establish his sound of mind. The defendant Genç is charged with "armed threat", "deprivation of liberty" and "armed actions". His co-defendants Bülent Sat and Turgay Araz have to expect sentences of six months' to 1 year's imprisonment for providing the arms for him.

Mazlum-Der

The panel on "Education and Human Rights" organised by Konya branch of the human rights organization Mazlum-Der was banned by the governor. The decision was based on the Law No. 2911 on Meetings and Demonstrations. Chairman of Konya branch Mustafa Akmesel applied to the Administrative Court of Konya with the demand of the implementation of Governorate's decision to ban the panel. Even the ban decision was lifted by the court Governorate applied to overrule the implementation decision and the panel was prevented.

Columnist Emin Çölaslan was sentenced to spiritual compensation of 5 billion TL. for insulting Mazlum-Der in an essay. He alleged in his essay that activists of human rights organisations, such as Mazlum-Der, HRFT, HRA, were informers and they were selling the country. After the publication of the article Mazlum-Der made an official complaint and a court case was launched at Fatih Court of First Instance.

8.2. Pressures on Political Parties

On 5 February Ankara SSC No. 1 continued to hear the case of Ahmet Turan Demir, chairman of the People's Democracy Party (HADEP), Turan Koçak, chairman of the Socialist Workers' Party of Turkey (TSIP) and Aydemir Güler, chairman of the Turkish Communist Party (TKP) for speeches they had made on the 4th Ordinary Congress of HADEP in 2000. The court decided to wait for legal changes to be made to Article 312 TPC and adjourned the hearing to 4 April.

People's Democracy Party (HADEP)

Case against HADEP with the Demand of Closure

During a period of discussions on the amendments of Law on Political Parties, which will frustrate the closure of the parties, Chief-prosecutor of the Court of Cassation Sabih Kanadoglu asked the Constitutional Court to deal with the cases against HADEP and AKP as soon as possible.

The court announced that the HADEP case was already in the agenda of January and wanted the Chief-prosecutor not to meddle to the trial processes of the court except for the indictments and summing-ups.

On 9 December the Constitutional Court dealt with the demand of closing the People's Democracy Party (HADEP). The court decided to listen to the main prosecutor on 17 January and to hear the defense of HADEP on 30 January.

On 17 January Kanadoglu appeared in the Constitutional Court to sum up and referring to the amendments of TPC 312 and Law to Fight Terrorism Article 8 argued that there are 68 officials of HADEP sentenced under these articles. Kanadoglu alleged that having been sentenced under these articles and being the officials of HADEP cannot be just coincidence and wanted this to be evaluated as an attempt for an organised separatist movement.

On 30 January the court heard the defence of HADEP by HADEP President Murat Bozlak. Bozlak wanted the case to be rejected according to the amendments of the constitution.

The Constitutional Court will announce its decision on the case later.

During the discussions on the case European Parliament made a press statement concerning that the Parliament is against the closure of HADEP. In the statement it was emphasized that closure of any political party is incoherent with the political principals of EU.

Flag Case

On 29 January Ankara SSC No. 1 continued to hear the case in connection with the 2nd Ordinary Congress of the People's Democracy Party (HADEP) in Ankara on 23 June 1996.

The prosecutor Hakan Kizilarslan presented his final assessment and stated that the defendants had not only "supported the PKK" but acted as members of the organization. He demanded that the 41 defendants be sentenced according to Article 168/2 TPC, to be increased according to the Law to Fight Terrorism so that the sentence might range between 15 and 22.5 years' imprisonment.

After the first trial in this case that ended on 4 June 1997 the 9th Chamber of the Court of Cassation had confirmed the sentence of 22.5 years' imprisonment against Faysal Akcan, accused of having torn down the Turkish flag during the congress and the acquittal of Sirri Sakik.

In the decision of 18 June 1998 the convictions and acquittals of the remaining 41 defendants had been quashed on the grounds of insufficient investigation.

The hearing was adjourned for the defence to prepare the final statements.

Calendar Case

On 4 March Ankara SSC No. 2 continued to hear the case of 56 defendants, charged as members the political wing of the PKK in connection with a calendar distributed by the People's Democracy Party (HADEP) in 1998.

During the hearing the prosecutor summed up the case. He asked for acquittal for 29 defendants including former chairman of HADEP Ahmet Turan Demir, Diyarbakir Mayor Feridun Çelik, former DEP MPs Sirri Sakik and Sedat Yurtdas. One case should be separated and the sentences for 26 defendants should be suspended.

The court adjourned the hearing to 22 April for one defendant to prepare his final statement and arrest warrants to be executed.

Other Pressures on HADEP

On 8 January the police raided the office of the People's Democracy Party (HADEP) in Karakoçan district (Elazig) and detained 15 people, including board members of the party.

In Urfa a civil court ordered the confiscation of the calendars prepared by the People's Democracy Party (HADEP) for the year 2002.

On 13 January the police raided the offices of HADEP in Mus province at 3pm and detained 3 people, Selahattin Islek, secretary of HADEP, Gürkan Asik, distributor of the "Yedinci Gündem" and Fikret Akar, distributor of the journal "Özgür Halk". No detentions were made during raids of HADEP offices in Bulanik and Varto.

On 14 January at 5pm Lütfü Dag, chairman of the People's Democracy Party (HADEP) for Esenler district (Istanbul) was detained and taken to Esenler Central Police Station.

In Kahramanmaraş HADEP had to conduct its 3rd ordinary congress in a coffee-shop, because no official rooms were available. Visitors to the congress were checked for their IDs and the music group Koma Sozdar (from Antep) was not allowed to play Kurdish songs.

In Adana Hasan Yas, Mehmet Demir and Suri Atilla, board members of the People's Democracy Party (HADEP) for Yüreğir district were arrested by Adana SSC on 16 January.

During the Women's Cultural Festival organized by the women's wing of the People's Democracy Party (HADEP) in Ankara the police did not allow the music band to sing in Kurdish and Greek. The commissioner of the government did not allow the group "Yasam" to make a performance saying that the meeting would be banned, if songs were sung in languages other than Turkish.

In Mus the calendar for the year 2002 was confiscated on orders of Mus Penal Court. On 18 February the police in Tunceli raided the offices of HADEP and confiscated some 61 calendars stating that the measure was based on the decision by the court in Mus.

Salih Çetin, chairman of the People's Democracy Party (HADEP) in Yaylak town, Bozova district (Urfa), was arrested. A pistol had been found during searches at the offices of HADEP on 19 January. Allegedly the pistol had been left there by unknown people. And Çetin was collecting allegedly money without receipts and there were banned publications in the party building.

Bursa Penal Court No. 1 decided to confiscate a calendar that was distributed during the congress of the People's Democracy Party (HADEP) in Bursa on 20 January. The calendar was allegedly written in Kurdish and 15 February, the day when PKK leader Abdullah Öcalan was apprehended, was highlighted. On 23 January the police in Bursa raided the offices of the People's Democracy Party (HADEP) and detained a number of members including the chairman for the province Nizam Kapan. During raids of offices in Osman Gazi and Yildirim district further members were detained including Recep Isik, chairman for Osman Gazi district and Kemal Yildirak, chairman for Yildirim district. Other detainees were named as Ayhan Koca, Kevser Tekdemir, Alaattin Sönmez and Mehmet Sakir Demir. Reportedly the police also raided some 15 houses of HADEP members in Bursa. Hidir Alp, former chairman for the province, was detained, when he went to Bursa Police HQ. On 24 January Nizam Kaplan, Recep Isik, Kemal Yildirak, Sakir Demir and Alaattin Sönmez were released by the prosecutor. Kevser Tekdemir and Ayhan Koca, who had asked for a lawyer, will today be taken to the prosecutor's office.

On 25 January Hüseyin Yılmaz, Major of Agri, Ayhan Demir, chairman of HADEP for Agri province and Talha Kaya, board member of HADEP, who had been detained during the hearing on the death of the HADEP Burhan Koçkar in Dogubeyazit (Agri), were released.

On 16 January Sırnak Penal Court passed its verdict on Resul Sadak, chairman of the People's Democracy Party (HADEP) for Sırnak province, on charges of having beaten two soldiers. The court imposed a fine of TL 2.37 billion according to Articles 266, 271 and 456 TPC. The sentence was suspended. Allegedly Resul Sadak beat the soldier Ugur Eker and the lieutenant Ümit Kürkaya, when they stopped him on 15 April 2000. On 16 April Resul Sadak was arrested and released on 16 May 2000.

The case relating to "insulting the armed forces" (Article 159 TPC) concluded on 28 February at Sırnak Criminal Court. Resul Sadak sentenced to 10 months imprisonment. But the sentence was suspended.

On 30 January Hülya Karaçelik, chairwoman of the People's Democracy Party (HADEP) in Bulanik district (Mus) and Gülay Bingöl, member of the local parliament, were detained at the entrance of Mus, where they wanted to attend a gathering of the party. The books by Amin Malouf "Hundredth Name" and "What to do?" reportedly were the reason for the detention. The women were released after three hours.

Rahmi Askan, Ecevit Bozaci, Fuat Durgun, Hamit Isik, Halit Çakir, Abdullah Tatli and Servet Adil, members of the People's Democracy Party (HADEP), who were detained in Yüksekova district (Hakkari) on 27 January, were arrested on 1 and 2 February. Hasan Mert, Ercan Bora, Fahri Isik, Sefer Duman and Veysi Bora were released.

On 1 February Nizamettin Almaz, chairman of the youth wing of HADEP in Mersin was detained by plain clothes detectives, who dragged him into their car. He was arrested on 3 February.

During a raid of the offices of HADEP in Pervari Siddik Yılmaz and Sahbaz Günes were detained. They were later released.

In Izmir the HADEP members Nihat Diner, Semra Kaya, Müzeyyen Bozdoğan, Semsettin Başçı and Erol Berk were detained on 1 February. Müzeyyen Bozdoğan was released shortly afterwards. Semra Kaya and Erol Berk were released on 2 February. Nihat Diner and Yılmaz Sürme were arrested on 4 February.

In Antep Metin Acet, reporter for "Yedinci Gündem", the distributor Mehmet Isik, Sitki Bağrıyanık, board members of TAYDER and the HADEP members Ibrahim Bulut, Ali İhsan Gündoğdu, Nezir Bozan, Ibrahim Sahin, Mahmut Sahin, Mehmet Ali Bozan, Fevzi Sahin and Hüseyin Dektas were detained during raids on their houses.

In Kusadasi (Izmir) plain-clothes detectives kidnapped Murat Tas and Fedai Tas, young members of the youth wing of the People's Democracy Party (HADEP) on 4 February. They were taken to an open field and threatened to leave the party. The juveniles were later released.

In Erzurum the HADEP members Suat Polat, Velat Aktay, Enes Alkan, Sertaç Dalli and Abbas Üçer, who had been detained earlier, were taken to court. All but Enes Alkan were released. He was put in Erzurum Prison.

On 7 February Adana SSC heard the case of the HADEP members Yılmaz Topalca and Yılmaz Atilla in Mersin, who had been detained in connection with activities around 1 September World Peace Day and later were charged with "supporting the PKK". The court ordered the release on bail for both defendants and adjourned the hearing to a later date.

Charges were brought against Celal Aba, board member of the People's Democracy Party (HADEP) in Adana Küçükdikili and Mehmet Yasik, Major for Küçükdikili after they had solved a quarrel between two families. The prosecutor argued that such an act was following the directives of the PKK to "bring peace". On 9 January the offices of HADEP in Adana had been searched and a document was found reporting on the reconciliation of two families on 10 October 2001. On 4 February Celal Aba and Mehmet Yasik testified to Ankara SSC. The judge did not order arrest, but both politicians are facing a trial according to Article 169 TPC for "supporting the PKK". Reportedly Ayşe Karadağ, Major of Derik (Mardin), who took an active part in the act, was not indicted.

During house raids in Van on 9 February the HADEP members and officials Zennur Kizilkaya, Tekin Çakırgöz, Celil Aslan and Kevser Aslan were detained.

On 9 February Ibrahim Yakut, board member of HADEP in Adana was arrested by Adana SSC.

Among the suspects, who had been detained in Elazığ on 9 February, Mehmet Meki Kurt was arrested on 10 February.

In Hakkari the executives of the People's Democracy Party (HADEP), Metin Tekçe, Süleyman Ertus, Selim Engin, Recep Aktas, Bedirhan Koç and Hatice Demir went to the prosecutor's office on 13 February to testify in connection with a search of HADEP's offices in January, during which leaflets of the PKK and a contest in Kurdish had allegedly been found. The suspects were arrested after testifying.

In Urfa the officials and members of HADEP, Cezair Çelik, Cemal Yavuzus, Vahyettin Akyüz and Siracettin Irmak, who had been detained on 13 February, were arrested on 17 February.

The public prosecutor in Bağcılar (Istanbul) indicted the HADEP executives for Bağcılar district for a leaflet on the 1st of May entitled in Kurdish "Biji 1 Gulan (Long Live the May Day)". The board members Ümit Çelik, Cebail Aksoy, Nimet Solmaz, Mehmet Ali Gülün, Abdullah Aydın, Mehmet Haluk Dağ, Mehmet Sait Sasmaz and Abdullah Sasmaz are charged with an offence of Article 81 of the Law on Political Parties providing that parties may not use any other language as Turkish and according to Article 117 of the same law they have to expect sentences of at least 6 months imprisonment. The hearing will start in 5 June.

In İzmir the HADEP officials Mahmut Sigak, Serif Yıldız, Muarrem Sener, Abdülrezzak Kartal, Halise Kaya, Sükrüye Tunç, Fevzi Aslan and İsmail Sener were called to the SSC to present their testimony concerning slogans shouted during an event of 26 January 2002. They went to the prosecutor on 5 March, but instead of taking their testimony the prosecutor transferred them to the police, who should take their testimony.

In Erzurum district (Van) the police detained Fatma Geçer and Hasim Ülke. When they said that they had bought 9 copies of the weekly "Yedinci Gündem", which had been confiscated by an order of Istanbul SSC of 9 March, at the offices of the People's Democracy Party (HADEP) the premises were searched. Here a number of other publications (books, journals and a calendar for 2002) were confiscated. The police detained the HADEP officials Mühtüllağ Dağ, Rukiye Çetin and Mehmet Emin Uzun. Chairman for the district, Kemal Doğruer is being wanted.

In Siirt, Meryem Cellek and Adalet Tasci from the women's wing of the party, who had been detained on 14 March on the grounds of keeping illegal publications, were arrested on 15 March. Selim Can, member of the parliament in Siirt, was released.

A "festival for democracy and peace", planned to be held by the provincial organization of HADEP in Erzincan was prohibited by the governors on the grounds that Article 8 of the Law to Fight Terrorism (separatist propaganda) might be violated.

On 20 March Adana SSC started to hear the case of Abdullah Ölmez, chairman of HADEP for Tarsus district and İdris Erkul, Hacı Ates, Besir Aydın, Ömer Demir, Erdal Dayan and Adil Çatak, who had been detained on 28 January on charges of supporting the PKK. The court ordered the release of the defendants and adjourned the hearing to a later date.

On 23 March the police raided the offices of HADEP in Ergani district (Diyarbakır) and detained the chairman for the district, Sündü Sener and the board members Muzaffer Okan, Ahmet Yılmaz and Ahmet Tektas. Detainees were released.

On 26 March Zeki Manaz, chairman for HADEP in İslahiye district (Antep) was detained in the morning hours, after a search of his home. He was released after testifying.

Party of Virtue (FP)

The verdict of the Constitutional Court of 22 June 2001 on closing down the Virtue Party (FP) was published in the Official Gazette on 5 January. The former deputies Nazlı İlicak (Istanbul) and Bekir Sobacı (Tokat) now officially have lost their mandate. The ban on political activities for five years started for them and Merve Kavakçı, Ramazan Yenidede and Mehmet Silay.

Party for Justice and Development (AKP)

The Constitutional Court accepted the application of the main prosecutor at the Court of Cassation to warn the Party for Justice and Development (AKP) not to have its President Recep Tayyip Erdogan as a founding member.

The Constitutional Court did not include the six female founders with headscarves in this ruling. The decision on Erdogan was made with 6 against 5 votes. The AKP will have to make the necessary changes with the following six months.

Party for Right and Freedoms (Hak-Par)

The main prosecutor at the Court of Cassation has launched a case against the Party for Right and Freedoms, led by Abdülmelik Fırat. He demanded the closure of the party, because the statute and program "includes provisions against the indivisible unity of the State with its country and people".

Socialist Workers' Party of Turkey (TSIP)

On 1 March Turgut Koçak, former chairman of the Socialist Workers' Party of Turkey (TSIP) and the former deputy chairman Necmi Özyurda were detained in Ankara. They were later arrested because of a conviction by Ankara SSC.

Party of Freedom and Solidarity (ÖDP)

During a demonstration in Istanbul demanding sale in natural gas costs 17 ÖDP members were detained in Taksim Square. Police did not allow the press conference organised by ÖDP and dispersed the members.

8.3. Associations, Foundations and Civil Initiatives

Amnesty International (ai)

Nejat Arseven, State Minister with responsibility for human rights, said that the rejection for Amnesty International (ai) to open a section in Turkey had been lifted. The Council of Ministers made the formal decision and approved the application. The file was sent to State President Ahmet Necdet Sezer. Now the organisation has the right to open a representation in Turkey.

Mesopotamian Culture Center (MKM)

Some 10 artists from the Mesopotamian Culture Center (MKM) were detained in Istanbul prior to a show at Taksim Square on New Year's Eve. Ali Köroğlu, Alisan Önlü, Ferhat Sönmez, Özge Sarısoy, Mehmet Dalmaz, Resul Karabulut, Ilker Abay, Kemal Orgun and Serap Sönmez were released on 1 January.

On 27 March Beyoğlu Penal Court No. 10 started to hear the case of theater players from the Mesopotamian Culture Center (MKM), who wanted to stage a play on Taksim Square on New Year's Eve. Ali Köroğlu, Alisan Önlü, Gülçin Özge Sarısoy, Mehmet Dalmaz, Resul Karabulut, Ilker Abay and Serap Sönmez are charged with staging an illegal demonstration. The hearing was adjourned to a later date.

On 6 February Izmir branch of Mesopotamian Culture Center (MKM) was closed down by the governor on the ground that the branch was opened without legal permission.

Istanbul Union of Democratic Lyceums

In January Union of Democratic Lyceums organised a demonstration for education without fee. During the press conference police detained 9 people.

In Istanbul the chairman of the Union of Democratic Lyceums, Baris Ünal was detained on 16 January.

Cultural Association of the Union of Alevi and Bektashi Formations (ABKB)

On 13 February Ankara Judicial Court No. 2 heard the case of the Ministry of the Interior against the "Cultural Association of the Union of Alevi and Bektashi Formations". The prosecutor argued that according to Articles 14 and 24 of the Constitution and Article 5 of the Law on Associations it was not possible to found an association by the name of Alevi or Bektashi.

The court followed these arguments and judge Yılmaz İğrek decided to dissolve the Association. The decision will be taken to the Court of Cassation and later may be taken to the European Court of Human Rights.

Dicle Women's Cultural Center

The governor of Istanbul banned the anniversary dinner of Dicle Women's Cultural Center which was going to be held on 9 February. According to the press release by Dicle Women's Cultural Center the decision was established on the judicial past of Center.

Ensar Foundation

The Kocaeli branch of the Ensar Foundation was closed indefinitely on 9 March. Chairman Mesut Baris stated that they were not informed about the reasons.

8.4. Syndicates and Professional Chambers

1 December One-Day-Stop-Working Action Cases

Istanbul Administrative Court cancelled the punishment of one day's wage lost imposed on the teacher Ergün Gürbüz for participating in the one-day no-work action on 1 December 2000. The decision is a sample case for 194 teachers, who received the same punishment. The court ruled that strike was a natural right and could not be punished.

On 4 March Bagcilar Penal Court N. 2 started to hear the case of 194 teachers, on trial for their participation in the one-day-stop-working action on 1 December 2000. The defendants testified to the effect that their action was justified by the universal declaration of human rights, convention of the ILO and national law. The court adjourned the hearing to 6 May.

On 8 February Üsküdar Penal Court No. 1 continued to hear the case of 440 teachers, who had participated in the one-day-stop-working action on 1 December 2000. 53 teachers from various schools attended the hearing.

The case against 17 members of Tunceli branch of the Trade Union of Staff in the municipality (Tüm Bel-Sen) was started in January. Another case against the officials of the branch is still ongoing.

Pressures on Syndicates and Their Members

Trade Union of Staff in the Judiciary (Tüm Yargı-Sen)

On 14 February the 9th Chamber of the Court of Cassation dealt with the verdict against Tekin Yıldız, chairman of the trade union of staff in the judiciary (Tüm Yargı-Sen) and another 15 officials (Necdet Bekçi, Edip Binbir, Dursun Öztürk, Yıldız Çakmak, Hürriyet Pinar, Kutluay Öztürk, Ahmet Tanboga, Bekir Akkaya, Figen Öner, Fatma Akkus, Incehan Çağlayan, Erol Çavus, Kamur Emir, Nano Kaya and Ali Yücel Sahin) of the union. Ankara SSC had convicted them under Article 169 TPC for their attitude against the F-type prisons and sentenced them to 45 months' imprisonment.

The chief prosecutor at the Court of Cassation stated that the defendants had conducted unionist activities and the court had not discussed which organization they allegedly supported. He demanded acquittal for the defendants. The court adjourned the case to announce its verdict on 13 March.

Other Syndicates

According to the press release by the chair of the trade union for workers in the industry for motorized vehicles (TÜMTİS) Sabri Topçu 2 officials, including the branch chair Nurettin Kiliç, and 3 members of Ankara branch of the union were detained on 5 January. On 8 January another 6 members and 2 officials were detained. Detainees were released after testifying to the prosecutor.

On 17 January the executives of the Ankara branch of the trade union for workers in the industry for motorized vehicles (TÜMTİS), Hacı Çadirli and Hüseyin Babayigit and 8 workers of the transport enterprise Akdeniz kargo were detained. At this place a strike is continuing for more than a months. Detainees were released.

On 13 February Birol Bozkurt, Yılmaz Togan and Alim Ayyıldız, who had been dismissed by the transport company "Aktif" for being members of the trade union TÜMTİS, were beaten by the company owner and his men and later detained by the police.

In Mengen district (Bolu) the gendarmerie prevented a demonstration by workers of Dev-Maden-Sen affiliated to DISK. The meeting was a protest against dismissals of worker from the Northern Anatolian Mineral Company. The gendarmerie detained the trade unionists Tayfun Görgün, Yunus Akbag, Süleyman Çiplak, Yılmaz Kızılırmak and 15 workers. All of them were released later.

Teacher Medeni Alpkaya was detained by police officers on 3 February, after he gave a talk at a meeting of the Haber-Sen trade union in Diyarbakir. Medeni Alpkaya is a board member of the teachers' trade union Eğitim-Sen. Banners and posters in the meeting hall were removed and the speech by Ali Öncü, spokesperson of the Democracy Platform in Diyarbakir was cut.

In Bingöl 8 officials and members of the teachers' trade union (Eğitim-Sen) were detained. Reportedly the detention of Siraz Elçi, Cevdet Çaka, Tarkan Demirkus, Ramazan Sönmez, Mustafa Akgül, Yavuz Karaaslan, Abdullah Akgünsah and another trade unionist Cihan Güres is connected to posters and banners displayed during the 4th Congress of the union.

On 9 February Mehmet Yılmaz, chairman of the teachers' union (Eğitim-Sen) in Halfet district (Urfa) and the board members Ferhat Sayin and Aynur Sayin were detained, when they wanted to put up an information board of the trade union, which the governor had ordered to be removed.

During protest on 27 February against dismissals of workers at the shipyard Yonca in Tuzla (Istanbul) 7 workers were detained, including the trade unionists from Limter-Is, Kazim Bakis and Hakki Demiral. After the protest some 25 workers were also dismissed.

On 12 March police removed the tent of the protestors and 5 workers were detained, including the trade unionists from Limter-Is, Mehmet Barindik and Cem Dinç. The detainees were released after some time.

On 18 March Diyarbakir Penal Court started to hear the case of 32 members of trade union of staff in the health and social services (SES). They are charged under Article 236 TPC because they participated in a strike action on 7 June 2001.

In Gaziantep in front of the Chief Directorate of Postal Services a press conference was organised by the trade union of staff in the postal services (Haber-Sen). The conference was organised to protest in the exiles of the members of the union Zekeriya Aslan, Halil Yalçinkaya and Veysel Özdemir, but the police intervened and detained Haber-Sen representative for Gaziantep, Tüm-Bel-Sen chair for Gaziantep and some officials of the unions.

9. Meetings and Demonstrations

On 12 January some 10 people, who had been detained in Fatih district (Istanbul) on 26 December 2001 on charges of having violated the Law on Dresses, wanted to hold a press conference in the offices of the Istanbul branch of the Human Rights Association (HRA). Seven of them were detained again on the same charges, when they left the premises of the HRA.

In Aliaga district (Izmir) 26 activists of Greenpeace staged a protest against the toxic waste that is set free during the destruction of old ships on 14 January. 17 of them were detained, but released after testifying.

On 8 February Istanbul Criminal Court No. 2 started to hear the case of 31 students and Atilla Bahcivan, board members of the Freedom and Solidarity Party (ÖDP) in Istanbul. The defendants are charged with insulting the Republic in a press statement that was made on 10 December 2001 in connection with human rights week. Atilla Bahcivan stated that after the press statement the police took two separate notes and one of them had been directed against 32 students on allegations of staging an illegal demonstration. The correspondent trial was continuing at Istanbul Penal Court No. 10. He had been included in this trial, because the notes on the demonstrators had only carried 31 names and he had been on top of the list on party officials, named in a separate note. Therefore, he had been included in this trial. Defendant Basak Uluocak and Zeynep Ceren Özer stated that one photograph, introduced as evidence, had been taken during an action of 1 December. The hearing was adjourned to 3 May.

On 4 March Istanbul Penal Court No. 10 continued to hear the case of Atilla Bahcivan, board member of the Party for Freedom and Solidarity (ÖDP) and 31 students, charged in connection with a press conference on 10 December 2001. The students stated that they had not participated in this action on World Human Rights Day and added that the photographs provided by the police had been taken during an action on 1 December. The banners stated that the hunger strikes had reached day 40, although the strikes had reached day 50 on 10 December. Another trial for the same incident is continuing at Istanbul Criminal Court No.2. Here the prosecution wants the defendants to be convicted under Article 150 TPC. At Istanbul Penal Court No. 10 the defendants are charged with an offence of the Law on Demonstrations and Meetings.

On 13 February Kadiköy Penal Court No. 5 continued to hear the case of 46 defendants, who had participated in a press conference on Altıyol Square (Kadiköy-Istanbul) on 14 October 2001, protesting against the US intervention in Afghanistan. The hearing was adjourned to 17 April for more defendants to testify.

In Istanbul EMEP members organised a protest demonstration and press meeting against the rise in mass transportation prices on 17 February. Police detained 17 EMEP members and released some time later.

The governor of Ankara postponed the demonstration and meeting of the Turkish Communist Party, planned for 17 March, for two months. The decision of 12 March also prohibited the putting up of posters entitled "No to the War- Turkish Communist Party" within the borders of Ankara province.

In Ankara US Vice-President Dick Cheney was met with protests. A meeting on Kizilay Square was not permitted so that the press statement was read out in Ziya Gökalp Street. The police detained some 100 "suspicious looking" people and released afterwards.

In Istanbul the police detained 36 people, who wanted to stage a protest against the company Normandy, which is operating a gold mine in Bergama-Ovacik using cyanide. The demonstrators were detained on the Asian side of the Bosphorus Bridge and released later in the evening. In Bergama the trade union Maden-Is organized a meeting against the closure of the mine. Villagers from the region protested against it.

Protests of the Disappearance of Tanis and Deniz

Following a number of protest actions in commemoration of the "disappearance" of Serdar Tanis and Ebubekir Deniz on 25 January many people, mostly members of the People's Democracy Party (HADEP), were detained.

In Siirt 4 HADEP executives, Mehmet Isiktas, Ahmet Konuk, Ali Kaya and Abdullah Gürgen were arrested on charges of having violated Law No. 2911 on Demonstrations and Meetings, but were released on bail of TL 5 million. Meanwhile M. Siddik Çelik, who had been taken to hospital, after he was injured during the demonstration, underwent an operation. Reportedly he was taken out of intensive care, but still is in need of treatment.

During a press meeting organised in Diyarbakir 5 HADEP members were beaten and injured by the police. 14 people were detained and released later. But HADEP official for Central district of Diyarbakir Osman Ocaklik was detained again.

In Tarsus 7 of the 43 people detained on 25 January were arrested on 28 January. Abdullah Ölmez, chairman of HADEP for Tarsus district and the executives and members Idris Erkul, Haci Ates, Besir Aydin, Ömer Demir, Erdal Dayan and Adil Çatak were arrested on charges of membership of the PKK, after "illegal publications" had been found in their homes.

In Bingöl M. Hadi Korkutata, deputy chairman of HADEP for the province, Yasar Yurtsever, secretary of HADEP for the province, the officials Pasa Kiliç, Saadet Gundogdu, Niyazi Azak and Ridvan Kizgin, chairman of the Bingöl branch of the Human Rights Association (HRA) and Kasim Elçi, representing the trade union confederation DISK, were arrested for having violated the Law on Demonstrations and Meetings.

On 20 February Bingöl Judicial Court heard the case of Ridvan Kizgin, chairman of the HRA in Bingöl, Fevzi Akbulut, secretary of the HRA in Bingöl, Hadin Korkutata, deputy chairman of HADEP in Bingöl, Yasar Yurtsever, secretary of HADEP in Bingöl, Pasa Kiliç, HADEP board member, Saadet Gundogdu, chairwoman of the women's wing of HADEP in Bingöl, Niyazi Azak, official of DEHAP and Kasim Elçi, spokesperson for the democracy platform. They had been among 73 people detained on 25 January, when they demonstrated in favor of Serdar Tanis and Ebubekir Deniz, who had "disappeared" one year ago. The court ordered the continuation of pre-trial detention and adjourned the hearing to 21 May.

In Batman a large number of people were detained including Nurhayat Altun, from the central board of HADEP.

In Antep the HADEP officials Tuncer Bakir, Abdullah Ince, Mehmet Aslanoglu and Mehmet Özer were detained. The detainees were released some three hours later.

Fuat Özer, who had been detained in Edremit on 25 January, when he wanted to participate in the meeting in Van, was arrested on 27 January by Van SSC.

In Mus the HADEP executives and members Ferhat Yigen, Naif Erol, Veysel Sakik, Remzi Karaçelik, Mehmet Ali Karagöz and Mehmet Cantoplu were arrested on charges of having violated Article 312 TPC and Law No. 2911.

8 March Women's Day

The governor in Ankara refused permission for an activity by 30 different women's organization and Çankaya Municipality to be held in Yüksel Caddesi on 8 March Women's Day. Before the ban Çankaya Municipality announced to have withdrawn from that action.

The governor in Mersin did not allow a meeting organized by Mersin Women's Platform for 8 March Women's Day. The decision was reportedly taken, because the governorate intends to organize activities for that day. Due to the decision platform organised a press conference on 8 March, press statement was read out in front of the teachers' trade union Eğitim-Sen, because the police did not allow to make a demonstration.

On 7 March the police in Diyarbakir raided offices of the People's Democracy Party (HADEP) in Diyarbakir provincial capital, Kayapinar town, Silvan, Dicle and Ergani districts on orders of Diyarbakir SSC No. 2. Reportedly the order was issued on the assumption that a leaflet on Women's Day was illegal. In Bismil the police detained HADEP officials and members during activities for international women's day. The names of the detainees were given as Sadiye Süer, Emine Özer, Hanim Tanriverdi, Nesibe Uygun, Ayten Kiliç and Dilek Özdas. In Dicle Haci Akengin was detained.

In Hacibekir quarter of Van fire was opened on a demonstration on 8 March Women's Day, injuring three children. Shots were fired on a crowd of some 200 persons from four houses in a street where village guards are living. Abdullah Abi (16) and two unnamed children were injured. Abdullah Abi accused the village guards named Kenan, Zübeyir, Ismail, Rifat and Hikmet to have fired the shots and his father added that they had shot at children last year, when they wanted to dance around a fire on Newroz Day. Reportedly Abdullah Abi identified the village guard named Zübeyir at Van Police HQ.

In Antep Soner Çiçek and Burhan Ayhan on 3 March, Huseyin Berk and someone with the name Cihan on 4 March, who were distributing the leaflets of Workers Women Union on 8 March Women's Day, were detained and reportedly tortured. Çiçek was arrested on charges of "membership of an illegal organisation" on 7 March. Others were released.

In Gebze 30 women from the People's Democracy Party (HADEP) were detained, when they returned from a press statement of the Women's Platform. Also in Dilovasi district (Gebze) members of HADEP women's wing were detained on 7 March. Some 70 HADEP members were released on 10 March.

In Istanbul Berna Aktas and Ayse Akar were detained, because they were wearing scarves in the colors yellow-red-green.

Newroz Celebrations

Pressures due to the preparations for Newroz celebrations were started as usual days before the Newroz day. According to the announcements by HADEP dozens of HADEP offices, especially in Sirnak, Van, Istanbul, Mersin and Tarsus, were raided and hundreds of HADEP members were detained or arrested.

Governors of Balikesir, Bitlis, Çanakkale, Içel, Istanbul, Kars, Maras, Simak, Yalova, Iğdir, Erzurum, Kirsehir, Sakarya, Kayseri, Muğla and Gebze (Kocaeli) did not allow Newroz celebrations. Nevertheless various celebrations were organised in Adana, Adiyaman, Agri, Ankara, Antalya, Antep, Aydin, Batman, Bingöl, Bursa, Denizli, Diyarbakir, Elazig, Eskisehir, Hakkari, Hatay, Izmir, Kocaeli, Konya, Malatya, Manisa, Mardin, Mus, Osmaniye, Siirt, Tunceli, Urfa and Van with official permission.

Prior to the celebrations of Newroz Day the police searched house in Hacibekir and Yenimahalle quarter in Van on 10 March and detained the members of official from the People's Democracy Party (HADEP) Salih Alpdogan, Azim Yacan, Lokman Gezgin, Naime Koçak, Ismail Askan and Mehmet Göktas, working for the journal "Özgür Halk" and Hüseyin Ayaz, board member of the Human Rights Association (HRA). Altan Koman, reporter for the journal "Atilim" and Yilmaz Koruk, Meral Koca and Kaya Zeybek, who had been detained on 10 March, were released.

On 17 March in Batman the police dispersed a crowd of children celebrating the Newroz Feast under beatings.

In Istanbul Bahçelievler-Kocasinan the police detained 35 people, who were dancing around a fire. Ten of them were released shortly afterwards. In Gaziosmanpasa (Istanbul) Karayollari quarter an English photograher was detained when he was taking pictures of the celebrations.

In Seyhan district (Adana) the police used tear gas on 18 March and detained one person.

In Izmir-Kadifekale 5 children were detained. In Istanbul-Gaziosmanpasa a British journalist was detained, when he took photographs of Newroz celebrations.

In Mersin the governor did not allow celebrations of Newroz to be held by the People's Democracy Party (HADEP) under the slogan of "Peace Festival" on the grounds that official celebrations were to be held at the same time and that some members of the organizing committee had a criminal record. In addition, earlier celebrations had been in violation of Law No. 2911 on Meetings and Demonstrations.

Despite a ban on celebrations a large number of people gathered in various quarters of Mersin (Içel) on the evening of 19 March. The police intervned at some places. In Yenimahalle clashes between demonstrators and the police broke. So far there is no definite information on casualties. Detentions started during the night, when members of the anti-riot squads searched houses according to a list in their hands. Several people were detained including officials and members of HADEP.

In Istanbul the police searched 9 district offices of HADEP on the Asian side of the town on orders of Istanbul SSC No. 2 and detained 19 people in Sultanbeyli and 1 person in Pendik district. On the European side of Istanbul all district offices were searched, except for Beyoglu and Silivri districts. The police detained 3 people in Kagithane, 6 in Eminönü and 9 people in Avcılar.

In Simak province members of the intelligence of the gendarmerie (JITEM) carried out operations in the capital and districts and detained many people including Cemil Aydogan, member of parliament of HADEP, his wife, Mehmet Dilsiz, chairman of HADEP for Cizre district, Ismet Tokay, Lezgin Sakir, Süleyman Eren, A.Celil Kiral and Nurettin Elçi.

The Newroz celebrations in Istanbul and Mersin resulted in injuries and deaths.

Hundreds of demonstrators were detained. In Mersin a huge crowd gathered in Sevket Sümer quarter, despite a ban imposed by the governor. The demonstrators responded with sticks and stones, when the police asked them to disperse. Additional forces came and tried to disperse the crowd under beatings. More than 100 demonstrators and 41 police officers were injured. In Günesli quarter the demonstrator Mehmet Sen (34) was killed, when he was crushed between a police tank and the wall of a mosque. During the same incident Ömer Aydin (39) died, when one of his ribs entered his heart.

Relating to the deaths of Mehmet Sen and Ömer Aydin the public prosecutor has started an investigation. The lawyer of the families, Kadir Arıkan, stated that they would wait for the results of an autopsy in order to file an official complaint and ask for compensation. Dr. Günay Agir from Mersin Forensic Institute concluded that Ömer Aydin died because of blows to his chest.

In Mersin 172 people, who had been detained during the incidents on 21 March, were taken to a court on 25 March. 159 of them were arrested and 13 people were released. Reports from Mersin stated that 9 of the 159 people, arrested after the incidents, were juveniles aged 15 to 18. The released 15 persons were children below the age of 15.

Before the demonstration the police officers Hasan Yılmaz (28) and Çetin Ayaz (32) died, when their tank fell from a bridge.

Following the incidents in Mersin on Newroz Day (21 March) Cavit Savan went to the local Human Rights Association (HRA) and told that police officers and members of a special team had beaten him, not only during detention but also in Siteler Police Station. At the station he had told the doctor that he had a dislocated shoulder and felt bad. The officers, who heard that, responded by saying that he should not be registered. They had put him into an ambulance and dropped him close to the "free zone" in Mersin. Cavit Savan added that another 85 people had been at the police station and one girl had particularly been beaten. She had lost blood, when she was hit on her head. Further reports stated that one child, who was injured, when an armored vehicle of the police hit her, is still under treatment. It was alleged that Ömer Aydin did not die as a result of being crushed by a tank, but that a plastic bullet hit him and one rib perforated his heart. He was buried on 22 March. The police organized the funeral of Mehmet Sen, who was crushed by a tank. Allegedly the family was threatened not to organize a public funeral. Meanwhile Minister of the Interior, Rüstü Kazım Yücelen, sent three state secretaries to Mersin to investigate the events. So far, 50 of 230 detainees have been released. Içel Governor Akif Tig announced that 62 police officers were injured during the events and 59 of them had received outpatient treatment.

On 29 March the members of organising committee of Newroz celebrations in Mersin were arrested. Genel-Is Union Chair for Mersin Mithat Fahliogullari, Erdal Ulas, HADEP officials for Mersin Ramazan Basaran, Suphi Aydin, HADEP Youht Wings Chair for Mersin Cafer Simsek and Ibrahim Sahin have been detained on 28 March.

In Istanbul groups of between 100 and 500 people tried to march towards Topkapi, but were prevented from doing so. Clashes between the police and demonstrators broke out in Sulukule and Edirnekapi quarters, where demonstrators had put tires on fire. The police used water cannons, tear gas and plastic bullets, injuring one person to his foot. Many demonstrators were detained and dragged over the ground. During the incidents 546 persons were detained and 21 injured. 81 of them were released on 22 March by the prosecutor.

Detentions of Newroz celebrators were also reported from Simak (5), Silopi (11) and Idil (22). In Silopi Ismet Tokay, Lezgin Sakir, Süleyman Ezen and Celil Kiral, members of the organizing committee were detained on 20 March.

In Cizre the HADEP members Muhsin Gasir, Zübeyir Zeybek and Ramazan Demir were detained. In Idil village guards shot at the crowd.

In Konya the People's Democracy Party (HADEP) members Metin Dogan Korkmaz, Celal Dogan, and the distributors of "Yedinci Gündem", Muzaffer Korkmaz, Muzaffer Çavus and Diyar Almaz were arrested on 25 March. They alleged to have been tortured.

In Ankara the treatment of Saadet Erdem, board member of the Ankara branch of the Human Rights Association (HRA), who injured during the Newroz celebrations in the Abdî İpekçi Park, started at the hospital of Hacettepe University.

The police later announced that in Istanbul 546 people were detained and 21 injured. Until the evening 351 of them had been interrogated. 270 were released, but 81 were taken to court with the demand of arrest. Deputy Chief of Security, Feyzullah Arslan announced that 26 illegal Newroz demonstrations had been held and a total of 1.021 people had been detained. Deputy Director of Security, Feyzullah Arslan announced that 66 Newroz celebrations were held in 44 provinces; 40 legal and 26 illegal. A total of 200,364 had participated in the celebrations. Detentions had been made in Istanbul (546), Bitlis (286), İçel (Mersin, 230), Simak (60), Mugla (30), Yalova (22), Diyarbakir (17), Igdir (7) and Siirt (3).

In Bitlis 12 out of 52 people, detained during the Newroz celebrations were arrested on 23 March. Their names are: Siyar Akbulak, Turgay Soyugüzel, Bülent Bezirganoglu, Serten Basboga, Serhat Özcan, Remzi Soranlı, Kerem Eldes, Orhan Ekinci, Abbas Gürbüz, Umut Bezirganoglu, Caner Ülkü and Hüseyin Ülkü. Caner and Hüseyin Ülkü reportedly were arrested on charges of "attacking officers on duty" and "supporting an illegal organization".

In Tarsus Kutbettin Korhan, Adem Kiliç, Mehmet Güler, Muhittin Dogan, Serdar Beyazit, Mehmet Salih Çelik, Tahsin Temel, Hasan Takir, Ismail Karuç, Latif Uluyazi, Cumali Bayram and Nurettin Topçu were arrested on the 25 March.

In Karaçoban district (Erzurum) the police intervened in Newroz celebrations on 22 March and detained some 60 people. Of the 60 people, who had been detained in Karaçoban district (Erzurum), 55 were released and 5 arrested. They were put in Hınıs Prison.

In Diyarbakir Ramazan Isik, Sahabettin Ay, Erhan Karahan and Ibrahim Bozhan, who had been detained during the Newroz celebrations, were arrested on 27 March on charges of "making propaganda for the PKK". 12 people were released.

In Batman 11 detainees were released.

Council for Higher Education (YÖK) Protests

In Van the students Gülsen Barisli, Suzan Kisikyol, Melek Durgun, Yusuf Tayhan, Meral Dogan, Gülay Trak, Gülfidan Güç and one by the name of Murat were dismissed for half a year from university, because they had protested against the Council for Higher Education (YÖK), when its President Kemal Gürüz had visited the "100 Year University" in October last year.

Following the protest of students at the Anatolian University in Eskisehir against the Law on Higher Education (YÖK) on 6 November 2001 some 60 students were subjected to a disciplinary investigation. All of them were given a warning punishment, and 24 of them were punished by dismissal from university for 1 or and two semesters. The students Emre Atmaca, Ayse Rojda Sendur and Yesim Çitak, who joined the protest activities, were dismissed from university for one year.

On 13 March Diyarbakir Penal Court No. 3 heard the case of the students Kurtulus Aydin, Burhan Ekinci, Özay Ekici, Erdal Karakus, Deniz Özer, Mahmut Atakay, Yılmaz Özalp, Berna Sipahioglu and Sultan Tugay in connection with a protest against the Council (Law) on Higher Education (YÖK) on 6 November 2001. During the protest slogans such as "No to War, Money for Education", "We want Education in Kurdish" and "No to YÖK" were allegedly shouted. The students are also accused of having broken windows of the faculty of Dicle University. They are charged with a violation of Law No. 2911 and Article 516/3 TPC. They have to expect sentences between 1 and 7 years' imprisonment, if convicted. During the hearing they rejected the charges. The court adjourned the hearing to 16 May to complete the criminal records of the students.

In Ege University (Izmir) 28 students were punished by dismissal from university for joining the protest activities against YÖK.

The governor of Diyarbakir did not permit the Party of Labour (EMEP) to open a stand for signatures against the draft law for higher education.

On 20 March the police intervened, when students from Ankara Tuzluçayir Lyceum wanted to stage a demonstration against the draft law on the Council on Higher Education (YÖK). The students were beaten and one of them was detained.

10. Prisons and Human Rights

The agenda of the first three months of 2002 was determined by the discussions about the proposal called “3 doors, 3 keys” by bar associations of Ankara, Istanbul and Izmir. The project was accepted by the prisoners and supported by the civil organisations. Even the death fast activists stated that they will cease the action if the project was put into practice, the Ministry of Justice rejected the proposal and instead published a decree about the social activities in F-type prisons. Having been the project rejected the action continued and caused new deaths.

In the first three months 7 more death fast activists died and 18 activists have not been released despite the reports given by the Forensic Institute displaying that they are not able to survive in the prisons due to bad health conditions. By the way bar associations also wanted Article 399 of the criminal procedure code (TCPC) to be applicable to the prisoners under pre-trial detention, since it was only applied to the arrested prisoners. There are death fast activists whose health are getting worse, but haven't been released since they are still tried and not sentenced yet.

State President Ahmet Necdet Sezer pardoned 15 prisoners whose sentences were suspended according to the Article 399 of the criminal procedure code (TCPC) 6 months ago.

During this period 3 prisoners died in the prisons and the treatment of 2 prisoners were restrained by the prison staff.

In a statement in January Minister of Justice Hikmet Sami Türk announced that there are 260 prisoners in the F-type prisons and 211 of them got disciplinary punishments since the opening of this type prisons. Türk also stated that there are 57.681 prisoners in 533 prisons. According to the statement 128 Human Rights Watch Committees were established in the centres where a heavy penal court already exists.

General Director of Prisons Ali Suat Ertosun announced that the restorations of Çankiri, Erzurum and Amasya prisons were completed and the wards were changed into the cells for 6 prisoners.

Depending on the reports on the prisons in Van and Trabzon Human Rights Observation Commission Chair Hüseyin Akgül alleged that the complaints about the prisons are mostly originated from the ill-treatments by the officials of the prisons.

According to the report on Van prison there are 700 prisoners in the prisons with the capacity of 260. The prison also has been found too old and dilapidated. Some of the prisoners complained to the members of the committee about the ill-treatments of the staff in the prison.

10.1. Legal and Administrative Regulations

A project by the bar associations from Ankara, Istanbul, Antalya and Izmir under the slogan “3 doors and 3 keys” was introduced to the public on 3 January. Yücel Sayman, chairman of Istanbul Bar Association, said that if the doors of three rooms with three prisoners each were opened 9 prisoners could be together. In such a situation no architectural changes would have to be made to the F-type prisons, but this formula could end the death fast action. Apparently the proposal had been presented to the Justice Minister in a different way. The prisoners and their relatives had accepted that the doors did not necessarily have to open to the corridor.

Besides the support of civil organisations including Turkish Medical Association, Human Rights Association, the lawyers of the prisoners announced that the project was accepted by the activists but Justice Minister Hikmet Sami Türk repeated that he could not agree to the formula of several bar associations to end the death fast action under the slogan of “three doors, three keys”, aiming at opening three rooms with three prisoners each during the day. He claimed that security would be in danger, if 9 prisoners came together and expressed his fear that the corridors would be filled with prisoners. In return, he proposed weekly meetings of a maximum of 10 prisoners for the maximum length of 5 hours. Türk promised that an international conference on the situation in the prisons might be held and a decree would enter into force allowing for such conferences, in case that the death fast actions are stopped.

The decree of the Ministry of Justice countering the proposal of the bar associations on the situation in F-type prisons was published in the Official Gazette on 18 January.

The decree provides that an “electing council” will determine which 10 prisoners can come together during the week for conversations of up to 5 hours. The prisoners, who want to benefit from this opportunity, have the obligation to participate in at least one of the rehabilitation programs of education, sport, profession and work.

“The prisoners will be split up into groups according to their offences, behaviour in prison, interest and abilities. They will participate in the rehabilitation program in a manner that does not endanger security... For those, who do not show the expected results, the program may be terminated. Among those who participate in such a program groups of a maximum of 10 prisoners will be determined by an “election council”.

They will have the opportunity to communicate for a maximum of 5 hours under the observance of the administration in places determined by the administration. Their gathering will be held at times that do not interfere with visits by relatives and lawyers.”

By 21 January there have been 129 death fast activists from 12 different organisations according to the official statements. Despite of the decree the action didn't cease even the number of the activists decreased.

In Gazi quarter of Istanbul Deniz Bakir restarted his action in order to support the project by the bars. But the police intervened and did not allow press meeting. 12 Persons were detained including reporter of Yedinci Gündem Fatih Atabey and reporter of Yasamda Atılım Nuran Dogan.

Another action by HRA Istanbul branch was also intervened by the police on 20 February. In Sultanahmet Square police detained Eren Keskin, Gülseren Yoleri, Kivanç Sert, Ümit Efe, Suzan Zezgin, Ali Armutlu, Gülnaz Koç, Huri Vayıç, Nurcan Sonuç, Zahide Honca, Resit Salis, Nimet Aslan, Düzgün Akyol, Musa Kiliç, İsmail Karagöz and Birsen Gülünay.

On 27 January the police intervened when some people wanted to make a press statement on the issue of "3 doors and 3 locks" in Gazi quarter of Istanbul. The protesters threw stones at the police and 13 people including Fatih Atabey from the weekly "Yedinci Gündem", Nuran Dogan, from the journal "Yasamda Atilim" were detained.

Merdan Özçelik, former editor-in-chief of the journal "Alinteri" was detained in Kandira on 25 January. He had been released some time ago, when her health deteriorated on day 242 of her death fast action.

10.2. Death Fasts and Hunger Strikes

Yücel Hanoglu reported that the police prevented him from repairing his house in Küçükarmutlu (Istanbul), which had been damaged during the operation of the security forces against hunger strikers in November 2001. During a press conference on 9 December he said that during the first attack on 5 November the police had set the house on fire and during the second attack on 13 November the front wall had been torn down. Together with a prosecutor and a lawyer they had determined the damage and started to repair the damage. On 14 December the bricklayer Sakir Kan had been detained and threatened not to continue with the work. On 28 December the electricians working in the house had been threatened in a similar way. On 2 January he had gone to a prosecutor and asked for official permission, but the prosecutor had told him that he was only trying to keep the judiciary occupied.

Meanwhile three prisoners were taken from Edirne F-type Prison to hospital on 8 January, after their health deteriorated. Reportedly they did not accept treatment.

On 13 March 10 prisoners on death fast were taken to various hospitals in Istanbul. Erkan Altin (Tatli), Ahmet Özdemir, Kemal Yarar Berkan Abatay, Ramazan Öktülmüs and Mehmet Karaman were taken to Sisli Etfal Hospital, Hasan Aydogan, Murat Aslan and Aydan Odabas to Haseki Hospital and Meryem Altun was taken to Kartal State Hospital. In Ankara and Izmir another 12 prisoners were taken to various hospitals.

In answering a parliamentary request by Bliss Party (SP) MP Mehmet Bekaroglu Justice Minister Hikmet Sami Türk claimed that everything was done to terminate the hunger strikes. On 26 December 2000 a total of 1,596 prisoners had been on hunger strike and 432 on death fast, while on 7 January 2002 the number had dropped to 8 prisoners on hunger strike and 142 on death fast. The Minister believed that these figures would drop further.

Justice Minister Hikmet Sami Türk announced that 8 prisoners on hunger strike and 14 of 139 prisoners on death fast stopped their action on 18 January.

10.3. Deaths as a Result of the Death Fast Action

On 2 January the prisoner Ali Çamyar (32) died in Izmir Yesilyurt Hospital. He had been staying in Kiriklar F-type Prison before he was taken to hospital and was on day 265 of his action. Reportedly his release was demanded five weeks ago because of poor health, but the file had been sent to Istanbul and not come back. Ali Çamyar had been detained in 1996 as a member of the Turkish Revolutionary Communist Union (TIKB) and was later sentenced to 18 years' imprisonment. Before that time he had been working as a reporter for the journal "Alinteri". During the operation in Burdur Prison he was injured on 25 July 2000. Reportedly he was suffering from tuberculosis.

On 6 January Zeynel Karatas died in Tekirdag F-type Prison. He was under arrest in connection with an attack on a police bus in Istanbul on 25 December 2000 and on day 240 of the death fast action.

Lale Çolak (27) died in the hospital of the medical faculty of Istanbul University. She had been taken there last month after her release from prison and was on day 222 of the death fast action. She was in Prison since 1996 as an alleged member of the Turkish Revolutionary Communist Union (TIKB) and stayed in Kartal Special Type Prison.

On 8 March Yusuf Kutlu (27) died in Ankara Numune Hospital. He was serving a prison term for membership of the Revolutionary People's Liberation Party-Front (DHKP-C) and was on day 285 of the death fast action.

On 10 March Yeter Güzel (38) died in Sagmalcilar State Hospital. She was on day 272 of the death fast action. In 1999 he had been arrested for supporting the Turkish Communist Party/Marxist Leninist (TKP/ML). He was released temporarily last year, but continued the death fast action in a house in Alibeyköy. He was again arrested after the raid of this house and put in Bayrampasa Prison.

On 15 March the prisoner Dogan Tokmak died on day 290 of his death fast action. He had been transferred from Sagmalcilar State Hospital to Sisli Etfal Hospital for Education and Research on 13 March. On 9 March 2000 he had been imprisoned for membership of the Revolutionary People's Liberation Party/Front (DHKP/C).

Ex-prisoner Tuncay Yildirim (30), conducting his death fast action in Izmir, died this morning on day 231 of his action. He had been released on 15 March, when his health deteriorated.

10.4. Pardoned Prisoners

State President Ahmet Necdet Sezer pardoned several prisoners, who had been released after they caught the Wernicke-Korsakoff disease as a result of the death fast action. The names are as follows:

Erdal Dogan 28 December

Yasar Demircan and Ilhan Demirel 4 January

Ramazan Çiçek 9 January

Metin Günay 16 January

Atilla Selçuk and Hasan Yıldız 2 February

Baris Kaya 12 February

Aydin Bayhan 19 February

Mehmet Tamer and Mehmet Emin Ayin 21 February

Suat Karabulut and Mustafa Acar 14 March

Yusuf Gülhan and Hasan Yigit 22 March

10.5. Prisoners who have not been released temporarily

Dervis Orhan was detained near Eskiköy village (Uzunköprü-Edirne), when he reportedly tried to escape to Greece. He is said to have been released temporarily on 30 October 2001 according to Article 399 of the criminal procedure code (TCPC) because of poor health as a result of his death fast action.

The political prisoner Hüseyin Yıldırım was arrested in July 2001, despite the fact that he is paralyzed from his waist downward due to a traffic accident. Oral Çalışlar reported in his column "Point Zero" in the daily "Cumhuriyet" of 16 February that Hüseyin Yıldırım had been interrogated after detention and later had to be taken to a bed. He had been arrested and taken to Tekirdag F-type Prison. He had been taken to the sickroom and later into a cell for 3 persons, because he was not able to relieve himself on his own. Later Tekirdag State Hospital had issued a report stating that the prisoner needed special care. A similar report had been issued by the 3rd Expertise Council of the Forensic Institute on 14 January certifying that the person was not able to lead a life under prison conditions and should be released for one year according to Article 399 of the Criminal Procedure Code (TCPC). However, Istanbul SSC had rejected the demand of release.

On 2 January lawyer Ender Büyükçulha, chairman of the Ankara branch of the Human Rights Association (HRA) and lawyer Filiz Kalayci held a press conference stating that the prisoners Hakki Alphan and Kemal Yarar had not been released although their health had deteriorated as a result of their death fast action. Lawyer Filiz Kalayci said that the prisoner Kemal Yarar had been certified to suffer from the Wernicke-Korsakoff disease already on 3 August 2001. She had forwarded the report to Ankara SSC, but despite frequent reminders nothing had happened. The lawyer pointed to the fact that the prisoner Muharrem Horuz, who had not been released despite such a disease had died on 2 August 2001.

Reports from Bolu F-type Prison said that the prisoner Bekir Sitki Keçeci had not been released despite a report by Ankara Numune Hospital of 11 December 2001 certifying that he was suffering from the "Wernicke-Korsakoff disease". This report apparently was sent to Istanbul Forensic Institute for verification. The lawyers of Mr. Keçeci said that the report had not reached the Institute within one month. Istanbul SSC ordered the release of Bekir Çadirci and M. Ali Eser after the Wernicke-Korsakoff syndrome had been certified. Both prisoners were held in Edirne F-type Prison.

The ex-prisoner Erdal Arikan was arrested, after the six months' period for his temporary release because of bad health was over. His lawyers stated that there was no improvement in his health situation.

The prisoner Selahattin Hira, imprisoned in Sincan F-type Prison was not transferred to Istanbul Forensic Institute for an examination whether he can benefit from Article 399 of the Criminal Procedure Code. His father Bektas Hira said that his son had been taken to Ankara Numune Hospital in August 2001 and the physicians there had concluded that the prisoner should temporarily be released for a proper treatment. He had paid for the transport, but allegedly there were no personnel to accompany the prisoner.

Ankara SSC No. 2 did not release the prisoner Kemal Yarar, despite a medical report that his imprisonment constitutes a live threat. Kemal Yarar, imprisoned for membership of the Turkish Communist Party/Marxist-Leninist-Workers' and Peasants' Liberation Army of Turkey (TKP/ML-TIKKO) had been taken to hospital some time ago, because his health deteriorated due to the death fast action. The Forensic Institute testified that he had lost his memory and could no longer be held under prison conditions. The report proposed a temporary release of 5 months. However, Ankara SSC No. 1 rejected the demand by lawyer Filiz Kalayci, who objected to this decision. Ankara SSC No. 2 turned down the objection stating that the prisoner had himself chosen the form of protest that made him ill.

While Istanbul SSC No. 6 rejected the demand for temporary release of the prisoners Murat Bahçeli and Ali Riza Seçik, who are suffering from the Wernicke Korsakoff syndrome, Istanbul SSC No. 1 ordered the temporary release of Mehmet Hakan Canpolat for a period of six months according to Article 399 of the Criminal Procedure Code. All prisoners are held in Edirne F-type Prison and for all Istanbul Forensic Institute issued a report on 28 December 2001, stating that they are suffering from the Wernicke Korsakoff syndromes proposing a temporary release. On 3 January 2002, however, Istanbul SSC No. 6 ruled that the prisoners Bahçeli and Secik should not be released, stating that prisoners, who had been released earlier, had not remained at their homes, some had once again become active and others had gone abroad.

For similar reasons the release of the prisoners Yusuf Polat and Erdal Öz (Kandira F-type Prison) and Ihsan Civelek (Tekirdag F-type Prison) had been rejected.

Reports from Kocaeli F-type Prison said that Celal Keles and Erkut Cebeci were not released, despite reports by the Forensic Institute recommending their temporary release because of poor health. Istanbul SSC No. 6 based its decision on a report by the General Directorate for Security stating that released prisoners did not stay at their addresses, continued their actions or went abroad. The court also wanted another institution to examine the prisoners.

Istanbul SSC No. 2 rejected the same demand for Tamer Tuncer. The Ankara branch of the Human Rights Association (HRA) announced that in Sincan F-type Prison the prisoners Halil Can Dogan, Baris Gönülseven, Necati Gönenc and Yunus Özgür were not released because Ankara Numune Hospital and Ankara Forensic Institute had issued reports on them being well, although they suffered from the Wernicke-Korsakoff syndrome.

From Bayrampasa Prison it was reported that Ramazan Öktülmüs was not released, despite a medical report by the forensic institute that his life was endangered, when he remained in prison.

10.6. Pressures on Death Fast Activists

On 7 January Fikret Lüle, who had been released from Edirne F-type Prison on 29 December 2001, was taken by the police from his home to Gaziosmanpasa Özel Safak Hospital. Fikret Lüle was on day 243 of the death fast action and reportedly forcibly treated in hospital. Gökçe Otlı and Dilek Asu, who wanted to visit him in hospital, were detained and interrogated for some time at Gazi Police Station.

The association of prisoners' relatives, TAYAD, announced that the prisoner Cengizhan Pıllaf lost his memory because of forcible treatment after he had been taken to hospital from Edirne F-type Prison. He had not been able to identify his sister. Meanwhile Justice Minister Hikmet Sami Türk announced that 8 prisoners on hunger strike and 14 of 139 prisoners on death fast stopped their action on 18 January.

The police raided a house in Alibeyköy where the death fast activists stay.

On 13 February relatives of prisoners on hunger strike or death fast actions held a press conference at the offices of the Istanbul branch of the Human Rights Association (HRA). Erdal Aslan said that his brother Murat Aslan was about to die in Bayrampasa Prison. His family had asked for a temporary release of 6 months. Erdal Aslan added that during a visit he had seen that his brother had been beaten in order to stop his death fast action. His brother Murat Aslan was in a very bad mood, because one of the hunger strikers had died at his side. Dursun Coskun, relative of Celal Coskun, who was transferred to Yesilyurt State Hospital in Izmir because of poor health stated that his brother had not been released, despite a medical report suggesting temporary release. Celal Coskun was on day 202 of his action and did not remember anything, could not speak or walk. Hasan Arslan, whose son Irfan Arslan is also held at Yesilyurt State Hospital, said that the prisoners in this hospital were held in the cellar under very unhealthy conditions.

The prisoners Yunus Özgür, Baris Gönülseven and Necati Gönenc, who are suffering as a result of the death fast actions, reportedly were transferred from Ankara Numune Hospital to Istanbul Forensic Institute without any water or blankets. Relatives also claimed that the prisoners first were taken to Metris Prison after a journey of seven hours and put on a concrete floor, where they had to wait for several hours. After their medical examination they allegedly were taken back to Ankara under the same conditions.

10.7 Relatives of the Prisoners and F-Type Protests

On 7 February Ankara SSC No. 1 passed its verdict on 20 persons, who had participated in a protest meeting against the F-type prisons. Ali Çelik, Nuray Aslan, Erhan Günes, Kemal Us, Engin Yurdakul, İpek Hacitalıoğlu, Cihangir Arslan, Hasiyin Bozdağ, Ulviye Günes, Zeynep Dogan, Özgür Cihan Gül, Gülsema Erdal, Bilge Gündoğdu, Evrim Dirican, Müslüm Aydoğan, Ethem Akdoğan, Ozan Demirok, Özgür Onur and Serpil Sahin were sentenced to 45 months' imprisonment under Article 169 TPC (support of an illegal organization). Defense lawyer Ender Büyükçulha stated that other people, who had participated in the same meeting, had been acquitted by a civilian court, where they had been charged with an offense of the Law 2911 on Meetings and Demonstrations.

On 12 March, The case launched against the police officers Arif Ceylan, Beyhan Karaköse, Mehtap Geyik, Sengül Göçen, Emel Kaya and Fatih Güngör on charges of beating 26 executives and members of the Contemporary Lawyers Association during a press release held on 16 September 2000 in Istanbul to protest the F-type Prisons, continued at Beyoğlu Penal Court of First Instance No.4. The hearing was adjourned to 9 July so as to hear the testimonies of the defendants.

10.8. Deaths and Cases in the Prisons

In Eskisehir Prison Cafer Özpınar hanged allegedly himself with the sheet on 3 January. He was arrested on 2 January for killing his wife.

In Kayseri Prison Selahattin Kuyak (56) committed suicide on 18 January. He had been imprisoned for sexually assaulted a little girl and reportedly committed suicide with an iron of the stove.

On 15 March, Rumanian prisoner Pavel Adrian Schiopu was killed by Azerbaijani prisoner Rezzak Aliyev in Bayrampasa Prison by strangling him to death with a rope.

In the block A of Bakırköy Women and Children's Prison (Istanbul) some 50 children set their ward on fire on 14 January, reportedly because they were freezing. The gendarmerie intervened and stopped the riot. Two children were affected by the smoke and some had cut wounds to their hands because of broken glass.

Reports said that the riot in Bakirköy Women's and Children's Prison on 14 January was the result of ill-treatment. The children stated that they were frequently beaten by the guards, the meals were bad and they had to bribe the guards for getting tea. In their statements to the prosecutor some children said:

G.K. (17) "In particular two guards, who were appointed recently, are constantly beating me. I started to have nervous breakdowns. It is almost impossible to get to the director to make a complaint."

M.Y. (17) "About 15 to 20 days two friends had a fight. The guards took seven to eight of us to the administration and beat us. If you want to be taken to another ward, you have to bribe the guards. The meals contain beetles and even cigarette butts."

G.T. (17) "I was not allowed to go to another ward, although there are enemies in the ward I'm in. About two months ago I was beaten for 17 hours. We felt that only a riot would solve our problems, but they did not want to listen and said 'wait until the prosecutor is here'. We wanted to open the door because of the smoke, but were not able to."

18 of children were transported to Kırklareli and Edirne prisons for being allegedly the leaders of them. An investigation was started against 38 children about the incident.

The lawyer of the children Mustafa Engin stated that there are at least 15 children in the cells for 4 persons. The lawyer also added that there is only one physician in the prison while there is a need for more physicians. Since the children did not complain about sexual abuses in the prisons Engin alleged that male ones do not want to talk about the issue, therefore they were sent to Forensic Institute for examination.

In the prisons of Alanya where 168 prisoners are staying a tunnel was found on 27 March. An investigation was started.

6 children did jailbreak from Keçiören Children's Prison on 18 March. 4 of them were caught and alleged that they wanted call attention to ill-treatment in the prisons, they did not want to disclose to anybody what ill-treatment includes, but to the prosecutor.

10.9. Medical Treatment Prevented Prisoners

Cuma Orhan (52), imprisoned in Ceyhan (Mersin) will not be released for a treatment of skin cancer. His wife Serife Orhan had appealed to the State President and was told to approach the local prosecutor. Following her application to the prosecutor Cuma Orhan was taken to Adana Numune Hospital and examined. On the presumption that his illness is not "on the verge of death" he was taken back to prison. Serife Orhan will once again appeal to the State President and the Minister of Justice.

A different report stated that the prisoner Mustafa Hira was held in isolation in Sincan F-type Prison, although he was in very poor health. His father Ali Hira stated that his son was on hunger strike and that one kidney was not functioning.

10.10. Pressures at Prisons

Lawyers of the prisoners in Erzurum Prison, charged with activities for the PKK, announced in January that pressures at the prison increased recent days. According to the statement there were problems concerning the medical treatment of the prisoners. Also visitors were not allowed to cater to the prisoners.

The Ankara branch of the Association for Solidarity with Prisoners' Families (THYD-DER) announced that the situation of prisoners charged with membership of the PKK had worsened. In Amasya Prison visits among the wards had been suspended and in Yozgat Prison the administration tried to charge the prisoners for electricity and water. Books and journals in Kurdish were not allowed in prison.

Prisoners in Maras and Bursa, charged with activities for the PKK, declared that the conditions were worsening. In Maras the wards were searched on 9 January under the presence of the prosecutor. The prisoners alleged that this search had been different. All their belongings had been confiscated and they had been insulted in order to provoke them. They had protested by shouting slogans and on that day they had not received visitors. The prisoners in Bursa complained that they did not get the things their relatives had brought for them. The relatives were insulted and some were not allowed in saying that they had no direct relationship.

In Kürkçüler Prison (Adana) the 22 HADEP members, who were arrested recently, stated that they would go on hunger strike in protest at torture during detention and the fact that they were not allowed into the ward for political prisoners.

Reports from Adana Kürkçüler Prison stated that some prisoners had been put up in single cells and been banned from receiving visits for one month. Prisoners charged with membership of the PKK announced that prisoners in ward C-2 had been beaten on 11 January and locked up in the toilet.

Relatives of prisoners in Kahramanmaraş appealed to various institutions alleging that the situation in prison was getting worse. They stated that the number of books for each prisoner had been restricted to 3. The guards were threatening the prisoners during searches. The water supply had been cut so that the prisoner had to collect water from rain. Warm water only was provided once in a fortnight. Over the last 2 months lawyers had not been allowed to meet their clients.

The human rights organization Mazlum-Der announced that prisoners in Adana E-type Prison had been attacked by guards on 13 January. Lawyers had been informed that the reason for that attack had been a complaint by the prisoners to

the supervisory council. After the attack several prisoners were injured, but only one of them was medically treated. In a letter to several ministries Mazlum-Der demanded an investigation into the situation in Adana E-type Prison.

The public prosecutor in Bolu turned down the complaint of Bülent Parmaksiz and Hüseyin Tut on their allegation of "ill treatment and torture" on 30 July 2001, when they were taken from Gebze Prison to Bolu F-type Prison. Their lawyer had complained that they had been stripped naked, body searched and the beards and hair had been cut forcibly and they had been moved in the prison with their underwear. The guardians responsible for that were named as Abdullah Bayir, Barbaros Dede and Israfil Yavuz. Lawyer. Gülizar Tuncer said that the prosecutor had only taken the testimony of these guardians. While not bringing any charges the prosecutor had concluded that the complaint was aimed at wearing down the security personnel and making ideological propaganda. The lawyer stated that she would appeal against this decision.

Rabia Sengör, writer for the paper "Firat'ta Yasam", stated that she was kept waiting on her feet, when she came back from an examination to Gebze Prison, forcibly stripped naked and body searched and would file an official complaint against the prison administration.

According to a report by Prison Watch Committee, published in February, since there are 650 prisoners in Kocaeli, its capacity was just for 294, they were sleeping by shift.

On 5 January the prisoner Hüseyin Cig was taken from Maras Prison to Adana Kürkçüler Prison in order to be medically treated at Adana Balcali Hospital. Reportedly he was tortured in Kürkçüler Prison over four days. Unable to speak and without receiving the necessary treatment he was allegedly held in a single cell.

Prisoners in Batman, charged with activities for the PKK, declared in February that the conditions were worsening. Having not been paid the electricity bills there hasn't been electricity in wards since then. Prisoners were also subjected to the ill-treatment of the staff and security forces.

The prisoners in Iskenderun complained that they did not get the things their relatives had brought for them. Books and journals were not allowed in prison, too. Their letters for campaign for education in Kurdish also haven't been sent by the prison administration.

Because she was speaking Kurdish, Fatma Farisoglu haven't been allowed to see his son in Diyarbakir Prison in February.

Konya Public Prosecution did not allow the prisoners to send letters to support campaign for education in Kurdish. The prosecution also opened an investigation.

In an announcement the Platform for Democratic Struggle stated that Habib Akkaya, who had been arrested by Istanbul SSC on 18 February, was beaten by 15 guardians after his mother visited him in Bayrampasa Prison.

Filiz Yilmaz made an announcement in the name of relatives of prisoners, held in Maras Prison. She said that the pressure on the prisoners was growing. On their way to visitors the prisoners were searched in an inhuman way. In protest at the repression the prisoners had entered a hunger strike.

Reports from Bitlis Prison stated that 8 members of the People's Democracy Party (HADEP) including Sabahattin Sivaci, chairman of HADEP for Hakkari province, were stripped naked and forced to perform a military drill. Their relatives alleged that the prisoners did not receive newspapers and books and had been held in isolation for 3 days. The prison director had rejected their wish to be transferred to Mus Prison, unless they became confessors.

10.11. Cases on the 19 December Operations

An investigation into the claims of prisoner from Kandira F-type Prison, who had alleged that they had been tortured during the operations in prisons of 19 December 2000 and that part of their belongings had been stolen, resulted in a decision not to prosecute members of the security forces. Lawyer Gülizar Tuncer had filed a complaint in the name of 65 prisoners. She said that only the testimony of one prisoner had been taken and the decision not to bring charges was based on the testimony of the prison staff. The prosecutor had not even looked into the files on each prisoner. The reports on torture were included in these files. Lawyer Gülizar Tuncer also complained about the fact that she had not been informed about this decision, although the address of her office was well known and added that she would appeal against this decision.

On 4 February Eyüp Penal Court No. 3 continued to hear the case of 167 prisoners, 31 of them female, in connection with the operation in the prisons that started on 19 December 2000. 10 women from Bakirköy Prison and two ex-prisoners attended the hearing. The prisoner Birsen Kars read out a joint statement of the female prisoners stating that six of the 27 women in her ward were killed during the operation. However, they were on trial and not the members of the security forces. She said: "We did not set ourselves on fire. A gas with black color was spread over us and we started to burn like candles."

Defense lawyer Ercan Kanar stated that Justice Minister Hikmet Sami Türk presented block C to the press on 2 February and made statements that might influence the trial. He asked that block C be locked up and demanded that an investigation should be conducted against Mr. Türk. The court rejected the demand to investigate against the Justice Minister, but ordered the closure of block C. The hearing was adjourned to 5 June. On 2 February the Justice Minister had told journalists that the holes of bullets in the ceiling showed that the security forces had shot in the air. He maintained that the prisoners had shot at the officers. Reports by the Forensic Institute however indicated that the shots had been fired from the outside to the inside.

10.12. Cases on Prisons

On 16 January Diyarbakir Penal Court No. 3 continued to hear the case of 72 defendants charged in connection with the killing of 10 and injuries of 23 prisoners in Diyarbakir E-Type Prison on 24 September 1996. None of the defendants had appeared. The court rejected the demand by the sub-plaintiffs to arrest the defendants and adjourned the hearing to 26 March.

On 4 February the trial of 17 prisoners charged with "rioting and damaging public property" ended in Alanya Heavy Penal Court. The prisoners Hüseyin Darsokak, Firat Solmaz, Ibrahim Demir, Adem Gökdemir, Ali Ekmer, Tekin Karakulah, Ozan Sen, Hakan Dal and Selim Demiraslan were sentenced to 36 years' imprisonment. The court acquitted 7 prisoners for not having participated the uprising. The defendant on the run Ahmet Ulusoy was also sentenced to 36 years' imprisonment.

The Court of Cassation rejected the demand to combine two trials in connection with the events in Ankara Closed Prison on 26 September 1999, during which 10 prisoners died. Later one trial was initiated at Ankara Criminal Court No. 5 against 85 prisoners and another trial was launched against the security personnel at Ankara Criminal Court No. 6. The decision against the combination of both trials was announced during the hearing at Ankara Criminal Court No. 6.

In this trial 161 members of the security forces including the officers Ali Öz, Zahit Engin, Muhittin Ates and Nevel Denizyilmaz are on trial. The court rejected the demand by sub-plaintiff lawyer Zeki Rüzgar, not to follow the directives of the Court of Cassation and to combine both trials and adjourned the hearing to 24 April.

Kartal public prosecutor started an investigation in Kartal Prison. Prosecutor alleged that prison staff steal food from prison kitchen and sell to so-called "famous" prisoners.

In Izmir three officers of Kiriklar F-type prison were put on trial for beating political prisoners. Lawyer Gül Kireçkaya provided the following information: "On 24 November 2001 the political prisoners Veli Akdag, Ali Can Kaya and Kekil Yazar were beaten, because they did not stand up during the count. The prisoners complained, but were not medically examined. A week later the prison doctor stated that he could not issue a formal report, but write down the traces. The Forensic Institute issued a report on this basis and certified inability to work for one day.

Veli Akdag filed another complaint on the fact that he was not medically treated. Since the prison administration did not forward this complaint, lawyer Gül Kireçkaya filed an official complaint regarding the beating and the refusal to forward the complaint. After the investigation the public prosecutor in Izmir opened a case against the deputy director and two guardians on charges of "ill treatment" according to Article 245 TPC.

Lawyer Gül Kireçkaya alleged that the administration in Kiriklar F-type Prison did not forward any petitions by the prisoners and only responded to complaints by lawyers, but they had not been given a copy of the prison regulations. She added that visits were difficult and letters of prisoners to their lawyers had been destroyed.

Veli Saçılık: Ankara Public Prosecutor started an investigation against Veli Saçılık who has lost his arm during the operation in Burdur Prison in 2000 for collecting money without official permission. An aid campaign was organised for collecting money to buy an arm prothesis for him. But then the persons who used to organise the campaign rejected their attempt and alleged that they just gave advise to him to organise such a campaign.

The case against Yasar Seyman, Servet Ünsal, Abdülrezzak Oral and Tuncay Karakis who have participated the campaign was ended with acquittal.

10.13. Pressures on Lawyers

On 31 January Istanbul Criminal Court No. 5 continued to hear the case of lawyer Cem Alptekin, active in the so-called "16 March massacre" case on charges of having insulted the secret service MIT. On 16 October he had been acquitted, but the 9th Chamber of the Court of Cassation had quashed the verdict on 15 March 2001. The prosecutor argued that the reason to quash the sentence had been that a state security court should have dealt with the charges. He argued, on the other hand, that a trial introduced under Article 159 TPC would fall under the Law 4611 and asked for a suspension of the case. The court followed his arguments.

In connection with the hearing of 5 December 2000 concerning the massacre in Ankara Closed Prison on 26 September 1999 a court case was opened at Ankara Criminal Court No. 5 against 27 lawyers. The hearing will start on 9 May. Following a complaint by the Command of the Gendarmerie the investigation file was sent to the closest criminal court in Kirikkale. The prosecution in Kirikkale concluded that the lawyers had made their clients, members of illegal organizations, shout slogans and stirred them up against the security forces. Subsequently the Ministry of Justice had given permission to try the lawyers. However, Kirikkale Criminal Court had ruled not be competent and the file was sent to Ankara Criminal Court No. 1. The lawyers Medeni Ayhan, Nurten Çağlar, Fahriye Belgün, Dilek Midik, Vahide Özgür Sariyildiz, Sevil Ceylan, Aytül Kaplan, Devrim Karakulah, Riza Karaman, Gaye Dinçel, Hüseyin Yüksel Biçen, Nuray Özdoğan, Nazan Betül Vangölü, Vedat Aytaç, Hacı Ali Özhan, Filiz Kalayci, Suna Coskun, Kazim Bayraktar, Gülizar Tuncer, Ibrahim Ergün, Selçuk Kozagaçlı, Sevim Akat, Keles Öztürk, Göksel Arslan, Zeki Rüzgar, Mecit Engeci and Oya Aydin will be charged under Article 240 TPC with "misconduct of duty".

On 5 December 2000 relatives of the prisoners had not been allowed into the courtroom. The presiding judge had refused to read out petitions of the defendants. The lawyers reacted by tabling an appeal against the judge as being biased. When the defendants started to shout slogans the soldiers from the gendarmerie had dragged them out of the courtroom.

10.15. Conditional Release Law

After the Constitutional Court canceled article 3 of Conditional Release Law¹¹ in July 2001 a legal vacuum appeared. An urgent need for a new law to fill this vacuum was discussed and determined the agenda of recent months.

Ministry of Justice prepared a draft law in January concerning the article 3 of the law.

According to the 3. article "Sentences will be reduced by 10 years. The reduction does not count for each sentence, but once on the sum of sentences." And this part of the law was canceled by the Constitutional Court. With the change the reduction will count for each sentence and not on the sum of the sentences but on the sentence to be served. This means that Haluk Kirci will benefit several times for each death penalty that he received.

Trials on offences committed before 23 April 1999 that does not require a sentence of more than 10 years' imprisonment were going to be suspended. According to the first law suspended sentences, trials and interrogations will be taken up again if, according to the seriousness of the offence, the same or another (more serious) offence is committed in the next 1 to 5 years. But the new draft restricts suspension of sentences. The defendants have to surrender within 3 months after the law was put in force.

Since the law was put in practice in different ways by different courts due to the legal interpretations the application of the law was subjected to discussion. According to the news in daily Zaman a prisoner from Balikesir, who couldn't benefit the law, wanted to move to Canakkale Prison and after that he was released there.

Constitutional Court canceled the judgment "Sentences will be reduced by 10 years on the sum of sentences" in the law and decided that its decision will be put in force on 27 April, that is 6 months after the decision. And alleged that the reduction should count for sentences to be served. After the decision the courts started to interpret and apply the law in different ways.

According to Act on Execution prisoners serve just 1/5 of their sentences. In different courts sentences were reduced by 10 years either on the sum of sentences or sentences to be served. Therefore Minister of Justice Hikmet Sami Türk announced on 26 January that they were going to prepare a new draft and more prisoners will benefit the Suspension of Sentences Law with the changes and the legal vacuum will be filled.

¹¹ On 18 July the Constitutional Court finished the review of some 400 applications regarding changes in the Law No. 4616 on Conditional Release and Suspension of Sentences. Demands to include offences committed after 23 April 1999 were rejected. According to the decision by the Constitutional Court the following offences are still not included in the scope of the law. Torture (Article/s 243), Fraud (Article/s 503-504), Cheat (Article/s 202), Organizing gangs (Article/s 313), Forgery (Article/s 339, 342, 343, 345, 346 and 347: invented export) bribery (Article/s 202, 209, 219), rape (Article/s 414, 415, 416, 417, 418), smuggling (Article/s 264, 403, 404. and the provisions of the Law to Protect Culture and Nature), faulty bids (Article/s 366, 367), offences concerning woods (Articles 91, 93, 108, 110 of the Law on Woods), Articles 79, 82, 88, 91 and 131 concerning fines in the military penal code and unjust possession and tax offences (Law No. 3628). The Constitutional Court included the following provisions: Article/s 188 (forcing someone to provide information), Article/s 191 (threat), Article/s 240 (miscarriage of duty), Article/s 298 (escape from prison), Article/s 383 (causing fire, accidents at sea and damage). The Constitutional Court annulled the provision that prison sentences are to be reduced by 10 years, because this provision was against the principle of equality for people with life imprisonment. The Court also canceled the provision that people who benefited from earlier laws on conditional release cannot benefit from the law. Besides Esber Yagmurdereli the defendants in the case of the "Bahçelievler massacre" Haluk Kirci, Bünyamin Adanali and Ünal Osmanagaoglu will benefit from this decision.