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FOR REFUGEES**

BACKGROUND PAPER

ON

REFUGEES AND ASYLUM SEEKERS FROM Turkey

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List of Acronyms

ANAP	Anavatan Partisi (Motherland Party)
BBP	Buyuk Birlik Partisi (Great Unity Party)
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CERD	International Convention on the Elimination of all forms of Racial Discrimination
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CFM	Council of Forensic Medicine
CDR	Centre for Documentation and Research (UNHCR)
CHP	Cumhuriyat Halk Partisi (Republican People's Party)
CPJ	Committee to Protect Journalist
CRC	Convention on the Rights of the Child
CTV	Cultural Television
DBP	Demokrasi ve Barış Partisi (Democracy and Peace Party)
DEPAR	Değişen Türkiye Partisi (Changing Turkey Party)
DHKP-C	Revolutionary People's Liberation Party-Front
DLP	Democratic Left Party
DEP	Demokratik Party (Democratic Party)
DSP	Demokratik Sol Partisi (Democratic Left Party-DSP)
DTP	Demokrat Türkiye Partisi (Democratic Turkey Party)
DYP	Doğru Yol Partisi (True Path Party)
EU	European Union
EIU	Economist Intelligence Unit
ECHR	European Court of Human Rights
FP	Fazilet Partisi (Virtue Party)
GAP	Guneydogu Anadolu Projesi
HRA	Human Rights Association (Insan Haklari Dernegi)
HRF	Human Rights Foundation (Insan Haklari Vakfi)
HRC	Human Rights Commission
HRW	Human Rights Watch
HADEP	Halkin Demokrasi Partisi (People's Democracy Party)
IBDA-C	Islamist Great Eastern Raiders-Front
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee for the Red Cross
IDPs	Internally Displaced Persons
IMF	International Monetary Fund
IND	Immigration and Nationality Directorate of the United Kingdom
IOM	International Organisation for Migration
IPS	Inter Press Service

ISKD	Izmir Savas Karsitlari Dernegi (Izmir War Resisters' Association)
KTV	Kurdish Television
LDP	Liberal Demokratik Partisi (Liberal Democratic Party)
MDP	Milliyetci Demokrasi Partisi (Nationalist Democracy Party)
MHP	Milliyetci Hareket Partisi (National Movement Party)
MSP	National Salvation Party
MP	Millet Party (Nation Party)
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organization
NSC	National Security Council
OECD	Organisation for Economic Cooperation and Development
OSCE	Organisation for Security and Cooperation in Europe
OHAL	State of Emergency Region Governor's Office
OYAK	Armed Forces Mutual Assistance Fund
PKK	Partiya Karkeren Kurdistan (Kurdistan Workers' Party)
RP	Refah Party (Welfare Party)
RTUK	The Turkish Radio and Television Supreme Council
SP	Social Democratic Populist Party
SSC	State Security Courts
TMA	Turkish Medical Association
TGNA	Turkish Grand National Assembly
TIKKO	Workers and Peasants' Army of Turkey
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations
USCR	US Committee for Refugees
USDOS	United States Department of State
WFP	World Food Programme
WHO	World Health Organisation
WGEID	United Nations Working Group on Enforced or Involuntary Disappearances.
WTO	World Trade Organisation

A Introduction¹

Geography, Population, Religion and Language

1. Türkiye Cumhuriyeti or the Republic of Turkey covers an area of 779,452 sq km.² It lies partly in south-eastern Europe and partly in south Asia. The European and Asian portions of the country, known respectively as Thrace and Anatolia, are separated by the Sea of Marmara, linking the Black Sea and the Aegean Sea. Turkey has an extensive coastline: on the Black Sea to the north; the Mediterranean Sea to the south; and the Aegean Sea to the west.³ Turkey is bordered on the north-west by Bulgaria and Greece; on the north by the Black Sea; on the north-east by Georgia and Armenia; on the east by Iran; on the south by Iraq, Syria and the Mediterranean Sea and on the west by the Aegean Sea.⁴

2. Turkey has a population of 65,666,677.⁵ The principle majority are the Turks who account for 85% of the population. The largest ethnic minority are the Kurds who account for 11% of the population and are concentrated in the poor areas of the east and south-east. Other minorities include Greeks, Armenians and Jews.⁶ The major cities are Istanbul, Ankara – the capital, Izmir, Adana and Bursa. The official language is Turkish. In addition, nearly 15% of the population speak a different mother tongue, usually Kurdish (about 7% mainly in the south-east)⁷, Arabic, Armenian, Greek and Caucasian dialects.⁸

3. Islam ceased to be the official state religion of Turkey in 1928.⁹ Nevertheless, 99% of the population is Muslim—primarily Sunnite, although large numbers of Shiite Muslims are found in the south-east. Christians account for less than 1% of the population.¹⁰ The Jewish community numbers about 25,000.¹¹

¹ This UNHCR Background Paper on Turkey is an update of previous background paper from October 1997. It covers the period of November 1997 until September 2001.

² Economist Intelligence Unit (EIU), *Country Profile 2000 – Turkey*, London, 2000, p. 3 (estimate as of 1 January 2000).

³ Europa Publications Limited, *The Europa World Year Book 2001*, Vol. II, 42nd edition, London, 2001, p. 3911

⁴ Facts On Files News Service, *Turkey-Country Profile, 2001*

⁵ Regional Surveys of the World, *The Middle East and North Africa 2001*, Europa Publications, 2001, p. 1157 (estimate as of 1 July 2000).

⁶ Atlapedia Online, *Country Profiles-Turkey: Key Facts and Statistics on the Country 2001*

⁷ Europa Publications Limited, *The Europa World Year Book 2001*, Vol. II, 42nd edition, London, 2001, p. 3911

⁸ Facts On Files News Service, *Turkey – Country Profile, 2001*

⁹ Turkey is a secular state. Although Islam was stated to be the official religion in the Constitution of 1924, an amendment in 1928 removed this privilege. See Europa Publications Limited, *The Europa World Year Book 2001*, Vol. II, 42nd edition, London, 2001, p. 3934

¹⁰ Facts On Files News Service, *Turkey – Country Profile, 2001*

¹¹ United Nations, *General Assembly, Interim Report on Elimination of all forms of Intolerance and of Discrimination based on Religion or Belief, prepared by Abdelfattah Amor, Special Rapporteur on the Commission on Human Rights, in accordance with the GA resolution 54/159, A55/280/Add.1 of 17 December 1999, 11 August 2000*, p. 3

Institutions of the State and Government

4. Modern Turkish politics has been shaped by two crucial historical experiences: the foundation by Mustafa Kemal (who assumed the surname Ataturk in 1936) of a secular, unitary republic in the 1920s, and the establishment of a multiparty democratic regime since 1945. This has been interrupted by three periods of military rule in 1960-61, 1971-73 and 1980-83.¹²

5. Turkey was created in 1923 from the Turkish remnants of the Ottoman Empire. It is a Republic with a Parliament, President, Government, Public Administration, Judicial System and a National Security Council (NSC). The political structure was drawn up by the military after the 1980 coup and was approved by a referendum.¹³ In October 1981 the NSC, announced the formation of a Consultative Assembly to draft a new constitution, replacing that of 1961. Upon the ratification of the 1982 Constitution, General Evren became President of the Republic.¹⁴ According to the constitution, the Turkish republic is “ a democratic, secular and social state governed by the rule of law.”¹⁵

Legislative Branch

6. Under the 1982 constitution, legislative power rests in the Turkish Grand National Assembly (TGNA), a 550 member unicameral parliament, directly elected to 5-year terms. The president, as chief of state, is chosen by parliament for a 7-year term. Executive power rests with the President. The prime minister is the head of the government, who represents the majority party or coalition in parliament.¹⁶ As part of the government, the prime minister chairs the council of ministers composed of 32 ministers at present, nominated by the prime minister and again appointed by the president.

7. After the April 1999 elections, 5 political parties were represented in parliament and the present government is a three-party coalition. The Democratic Left Party (DLP) emerged as the strongest party, winning 136 seats and is headed by the Bulent Ecevit, who is the present Prime Minister. The National Movement Party (MHP) holds 130 seats and is headed by Devlet Bahçeli, who is one of the two deputy prime ministers. The Motherland Party holds 88 seats and is headed by Mesut Yılmaz, the second deputy prime minister. The other two parties represented in the parliament are the True Path Party (TPP, also DYP) headed by former Prime Minister Tansu Ciller and Recai Kutan’s pro-Islamist Virtue Party (Fazilet Partisi-FP). DYP has 85 seats and the FP has 103. In May 2000 presidential elections, members of parliament decided to support Ahmet Necdet Sezer who was elected President. His main focus is giving primacy to the rule of law and advocating greater protection for the rights of citizens.

8. The parliamentary opposition consists of the DYP and Independents. Until June 2001, the largest opposition party was the FP, of Islamist orientation. The Constitutional

¹² Economist Intelligence Unit (EIU), *Country Profile 2000 – Turkey*, London, 2000, p. 4

¹³ Austrian Centre for Country of Origin and Asylum Research and Documentation, *UNHCR/ACCORD 6th European Country of Origin and Information Seminar*, Vienna, 13-14 November 2000. p. 86

¹⁴ Facts On Files News Service, *Turkey – Country Profile*, 2001

¹⁵ Article 2 of the Constitution of the Republic of Turkey. The full text of the Constitution can be found in UNHCR/CDR’s Refworld 2000.

¹⁶ Facts On Files News Service, *Turkey – Country Profile*, 2001

Court ruled on 22 June that the party should be closed, on grounds that it was a “focal point” for anti-secularist activities. FP became the latest in a series of Islamist parties to fall foul of Turkey’s staunchly secularist system. The People’s Democracy Party (HADEP), a pro-Kurdish party, won 4.75% of the national vote in the general election of 18 April 1999, and therefore failed to obtain the necessary 10% for gaining any seats in Parliament. In the 1999 local elections (held at the same time as the general elections) HADEP succeeded in winning control of local councils in the southeast and some municipalities including Diyarbakir. There are 81 provinces in Turkey.¹⁷

Executive Branch

9. The NSC established by the 1961 constitution manifests the greatest powers in Turkey. It plays a unique role in the formulation and implementation of not only the national security policy, but also a wide range of political matters. The NSC is chaired by the President and is composed of the Prime Minister, Ministers of Defence, Internal Affairs and Foreign Affairs, the Chief of General Staff, Commanders of the Army, Navy and Air-Force and the General Commander of the Jandarma. Its conclusions, statements and recommendations are not legally binding, however it exerts tremendous influence on the political process in Turkey.¹⁸

The Judiciary

10. Until the foundation of the Turkish Republic, a large part of the Turkish civil laws affecting the family, inheritance, property, obligations, etc was based on the Koran, and this holy law was administered by special religious (Shari’a) courts. The legal reform of 1926 was not only a process of secularization, but also a radical change of the legal system. The Swiss Civil Code and the Code of Obligation, the Italian Penal Code and the Neuchâtel Code of Civil Procedure were adopted and modified to fit Turkish customs and traditions. According to Turkish law, the power of the judiciary is exercised by judicial (criminal), military and administrative courts. These courts render their verdicts in the first instance, while superior courts examine the verdict for subsequent rulings. The Constitution provides for an independent judiciary, and in practice the courts generally act independently of the executive.¹⁹

Supreme Council of Judges and Public Prosecutors

11. The Council is chaired by the Minister of Justice, a Ministry of Justice Under-Secretary and five judges selected by the President, thereby failing to separate the judiciary from the executive. Amnesty International expressed concerns over the make up of this ruling body of the judiciary, which appoints, transfers, promotes, disciplines and dismisses judges. Decisions of the Council are not open to judicial review. Discussion within the Turkish government about possible changes to the Supreme Council suggests that the government is aware that it is not satisfactory.²⁰ The public prosecutors according to Turkish law, are responsible for preparatory investigations of a case. They are independent and they alone determine whether cases are brought before

¹⁷ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, p. 20

¹⁸ Austrian Centre for Country of Origin and Asylum Research and Documentation, *UNHCR/ACCORD 6th European Country of Origin and Information Seminar, Vienna*, 13-14 November 2000 p. 87

¹⁹ Regional Surveys of the World, *The Middle East and North Africa 2001*, 47th Edition, Europa Publications. p. 88

²⁰ Amnesty International, *Turkey: The Duty to Supervise, Investigate and Prosecute*, April 1999

court. The Minister of Justice has the power to direct a particular case to be brought to court but this power has been used only twice in the past 20 years. The public prosecutors have the right to order police and Jandarma to investigate matters brought to their attention. Allegations such as bribery, extortion or embezzlement against the police or Jandarma are investigated by them. The governor's permission is needed to investigate into allegations of crimes such as torture, negligence relating directly to the duties of the police or Jandarma. The public prosecutors can use any resources they see fit to investigate a complaint. If the investigation is into misconduct by police officers, police independent of, and from different units to the officers being investigated can be used to carry out parts of the investigation.²¹

12. **Criminal Courts:** are divided into general and special courts. General courts have jurisdiction over every criminal case except those expressly reserved by law to courts of special jurisdiction, namely State Security Courts (SSC) and Military Courts. There are 3 types of general security courts which are normally presided over by one judge:

- Aggravated felony courts, located in provincial capitals.
- Courts of general criminal jurisdiction (courts of first instance), normally located in the sub-provincial capitals.
- Justice of the Peace courts, normally located in the sub-provincial capitals.

13. **Military Courts:** have responsibility over military personnel but additionally have jurisdiction over civilians in areas of martial law. It should also be noted that Turkish law still allows civilians to be tried in military courts under military law for offences against military institutions.²²

14. **Supreme Court of Appeals or Court of Cession:** are divided into a number of chambers with each having a panel of judges and a president. The Supreme Court of Appeals deals with appeals from all of the lower courts including state security courts.

15. **State Security Courts:** Article 143 of the Constitution provides for the establishment of SSCs (Devlet Güvenlik Mahkemesi), to deal with "offences against the indivisible integrity of the State with its territory and nation, the free democratic order, or against the republic whose characteristics are defined in the constitution, offences directly involving the internal and external security of the state as well as organised crime." SSCs predominantly handle cases under the Anti-Terror Law and Section 312 of the Criminal Code (incitement to racial or ethnic enmity). The following prosecutions are amongst those dealt with by the SSCs: Articles 125-139, 146-157, 161, 168, 169, 171, 172, 174 of the Turkish Penal Code.

16. SSCs began to operate in May 1984, under Law No. 2845 of 1983. There are eighteen security court panels in eight different cities. The panels, which preside over the hearings of these courts, consisted of two civilian and one military judge. In October 1998 the European Court of Human Rights (ECHR) ruled in the case of Incal v Turkey (41/1997/825/1031), that the presence of a military justice on the SSC's was

²¹ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, p. 27

²² Regional Surveys of the World, *The Middle East and North Africa 2001*, 47th Edition, London: Europa Publications, p. 1192

inconsistent with relevant European conventions.²³ Constitutional and legal amendments removing the military judge in the SSCs were adopted by the TGNA and entered into force on 22 June 1999. As a direct effect of this reform, the military judge of the Ankara SSC in charge of the trial of Abdullah Ocalan was replaced by a civilian judge on 23 June 1999.²⁴

17. A heavy caseload may prolong SSC trials for years. Hearings may be closed and testimony gathered during interrogation in the absence of legal counsel may be admitted. No immediate access to a lawyer is provided under the law for persons falling under the jurisdiction of the SSC. In March 1997, parliament passed legislation, allowing access to a lawyer after 4 days for those charged under the Anti-Terror Law. Implementation was reported to be uneven. The lack of access to a lawyer was reported as a major factor in the widespread use of torture by police and security forces.²⁵

The Military Establishment

18. In 1960, 1971 and 1980 Turkish military leaders intervened to uphold the principles on which the constitution is based upon and to preserve internal law and order. On each occasion the armed forces emphasised their commitment to democratic principles and returned Turkey to civilian rule. However, in accordance with the Constitution, all important foreign policy and national security questions are still discussed by the National Security Council. In addition to political power, the military authorities also wield considerable economic power. In the 1960s, it created the Armed Forces Mutual Assistance Fund (OYAK), one of the largest investment companies in Turkey. OYAK is active in the automobile, petroleum, insurance, food processing, construction, banking and import-export sectors.²⁶

Law Enforcement Forces/Security Forces

19. The law enforcement forces are constituted by the Turkish National Police, the Jandarma, the Special Security Forces, Special Police Teams and the Coast Guard. The National Police has responsibility for security in urban areas. A Jandarma command area is present in each province and a company in each rural town. They work in co-operation with the governors and the Ministry of Interior and cooperate with the public prosecutors. In zones under a state of emergency, the police force acts under the direct authority of the governor concerned, who may also call army units for support. Intelligence units of the police force are present in various parts of the country and act as information units. According to the information provided by the government, they act under the strict control of the command chain.

20. The UN Commission on Human Rights working group on Enforced and Involuntary Disappearances (UNWGEID) in its 1998 report stated that the security forces were fighting the Partiya Karkeren Kurdistan (PKK-The Kurdish Workers' Party), Islamist radicals and urban terrorist groups. NGO sources complained to the members of the

²³ Immigration and Nationality Directorate of the United Kingdom, *Country Assessment – Turkey*, 1 April 2000, p. 7

²⁴ Council of Europe, European Commission, 1999 Regular Report from the commission on Turkey's progress towards accession, 13 October 1999, p. 9

²⁵ Immigration and Nationality Directorate of the United Kingdom, *Country Assessment – Turkey*, 1 April 2000, p. 7

²⁶ Regional Surveys of the World, *The Middle East and North Africa*, 47th Edition, Europa Publications, 2000

working group that detectives in the Anti-Terror departments of the Ankara and Diyarbakir police frequently resorted to arbitrary detention, torture and other forms of ill-treatment of suspects. It was claimed that, although Article 181 of the Turkish Penal Code provided hard punishments for such offences, only a few disciplinary and judicial sanctions were taken against the police. Law enforcement personnel arrested in cases of extrajudicial executions and other serious human rights violations were acquitted or only charged with use of excessive force.

21. The Turkish authorities reported to the working group that they had issued several instructions and circulars addressed to law enforcement personnel. In addition, training programmes and human rights education strategies were devised.²⁷ The International Committee of the Red Cross (ICRC) delegates held talks with the Ministry of Foreign Affairs on many occasions in 1998 and discussed strengthening cooperation with the Turkish Red Crescent Society in the fields of dissemination and tracing. In 1999, ICRC continued talks with Turkish authorities to promote international humanitarian law among the armed forces.²⁸

Village Guards: a Civil Defence Corps

22. The village guards are a civil defence force of more than 65,000 people. In April 1985 two articles were added to Village Law No. 442, permitting the temporary creation of village guards in provinces under emergency rule. The village guard system was implemented during 1985 and 1986 in order to provide self-defence for villages and support for local Jandarma. The official (July 2000) regulations set out village guards' duties as including the identification of people who violate the rights, lives, property and safety of villagers, informing the village headman and Jandarma of such people, and capturing them; informing the village headman and Jandarma of news about the activities of those residents of the village who have previous convictions, investigating the activities of suspected and convicted people, following up military absentees and draft evaders; and taking all necessary precautions to protect, and avoid violations against village assets such as vineyards, gardens, drinking water facilities, transformers, water dams and waterways.

23. Names of proposed village guards are identified by the village council (village elders), notified to the head official of the district (kaimakan) by the village headman, and the head official approves them if he sees fit.²⁹ Participation in this system is mainly voluntary, but the US DOS Report in 2000 observes that villagers face danger from both the PKK and the government when choosing whether or not to join the guard force. The official (July 2000) regulations for village guards stipulates the conditions required of a person to become a village guard, and these include not having served a prison sentence for a crime, not having taken part in subversive, separatist and reactionary activities, and being known as a good mannered person who does not have a bad temper, who does not fight with anyone, and who is not a drunkard. However, the US State Department report

²⁷ United Nations, Commission on Human Rights, *Civil and Political Rights, Including Questions of Disappearances and Summary Executions, Report of the Working Group on Enforced or Involuntary Disappearances*, Fifty-fifth session, Item 11 (b) of the provisional agenda, E/CN.4/1999/62/Add.2, 28 December 1998 paras. 19, 20

²⁸ International Committee of the Red Cross, ICRC, *Annual Report 1998 and 1999*.

²⁹ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, p. 55

for 2001 noted that village guards had a reputation for being the least disciplined of the government's security forces, and were accused repeatedly of drug trafficking, rape, corruption, theft and human rights abuses. It noted that inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution.³⁰

24. A judgement by the German High Administrative Court, Nordrhein-Westfalen, on 22 January 2000 stated that nobody is legally obliged to serve as a village guard. The judgement went on, however, to say that in practice the total male population of a village is frequently summoned or detained in order to force them to become village guards. The security forces use this as a way of testing the loyalty of a village. These men are left with the choice of their village being evacuated or of their being interrogated and beaten at local police posts. If a person is detained and individually reiterates his refusal, he will usually come under suspicion of supporting the PKK.³¹

25. According to the European Commission's report on Turkey for 2000, the "state of emergency" continues in four provinces (Diyarbakir, Hakkari, Sirnak Tunceli), and more than 60,000 villagers were still armed and paid by the state as village guards. Being a member of PKK or a sympathiser of separatist ideas is still punishable under article 312. Authorities fabricate reasons to accuse people and family members of suspects are equally subjected to some form of persecution. The village guards also use their guns and power to extort money from their fellow villagers, and there have been cases of rape brought to the ECHR resulting in decisions against Turkey.³²

Main Political Parties

26. Turkey's multi-party year began in 1946.³³ Articles 68-69 of the Constitution lay down provisions concerning political parties, and state that the statutes and programmes of political parties shall not conflict with the indivisible integrity of the State, and the principles of the democratic and secular republic. The Office of the Chief Public Prosecutor examines the conformity of the statutes and programmes of new parties, and of the legal positions of those parties' founders, with the Constitution and the law, and monitors the activities of those new parties. Closure of political parties is determined by the Constitutional Court after the filing of a suit by the Office of the Chief Public Prosecutor of the Republic. Article 169 of the Penal Code deals with aiding an illegal organisation, and lays down punishment of heavy imprisonment for three to five years.³⁴

27. The political parties at present in Turkey according the *Europa Regional Surveys of the World 2001* are:

➤ Anavatan Partisi (ANAP) (Motherland Party): propagates moderate nationalist and conservative policies, integration with the EU, supports free market and a rational social justice system. Chair: Mesut Yilmaz

³⁰ USDOS, 2000 *Country Report on Human Rights Practices: Turkey*, February 2001, p. 13

³¹ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, p. 56

³² Austrian Centre for Country of Origin and Asylum Research and Documentation, *UNHCR/ACCORD 6th European Country of Origin and Information Seminar*, Vienna, 13-14 November 2000, p. 94

³³ Facts On Files News Service, *Turkey – Country Profile, 2001*

³⁴ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, p. 22

- Büyük Birlik Partisi (BBP) (Great Unity Party)
- Cumhuriyet Halk Partisi (CHP) (Republican People's Party): Left-wing party. Founded by Kemal Ataturk in 1923, the party was dissolved in 1981, reactivated in 1992, merged with Sosyal Demokrat Halkçı Partisi (Social Democratic Populist Party) in February 1995. Leader: Deniz Baykal
- Değişen Türkiye Partisi (DEPAR) (Changing Turkey Party)
- Demokrasi ve Barış Partisi (DBP) (Democracy and Peace Party): Pro-Kurdish Party
- Demokrat Türkiye Partisi (DTP) (Democratic Turkey Party): centre right. Leader: Husametin Cindoruk.
- Demokratik Sol Partisi (DSP) (Democratic Left Party-DSP): centre-left party, drawing support from the former Republican People's Party. Chair: Bülent Ecevit
- Doğru Yol Partisi (DYP) (True Path Party-TPP): centre-left party, replaced the Justice Party formed in 1961 and banned in 1981. Chair: Tansu Çiller
- Fazilet Partisi (FP) (Virtue Party): replaced the Refah Partisi (Welfare Party), dissolved by Constitutional Court; Islamic fundamentalist, interested in free- market economy. Leader: Recai Kutan
- Halkın Demokrasi Partisi (HADEP) (People's Democracy Party): pro-Kurdish nationalist party. Chair: Ahmet Turan Demir
- İşçi Partisi (Worker's Party)
- Liberal Demokratik Partisi (LDP) (Liberal Democratic Party)
- Millet Partisi (MP) (Nation Party)
- Milliyetçi Hareket Partisi (MHP) (Nationalist Movement Party): formed in 1983 formerly conservative party. Leader: Devlet Bahçeli

28. The following proscribed organisations have been engaged in an armed struggle against the government:

- **Partiya Karkeren Kurdistan (PKK) (Kurdistan Workers' Party):** primarily a separatist movement that has sought an independent Kurdish state in south-east Turkey. The PKK was formed in 1978 by Abdullah Ocalan. It has a 57-member directorate and formed a military wing in 1984, when it became a serious terrorist threat.³⁵ The Turkish Government denies separate Kurdish identity and rights, and the conflict between the Government and the PKK has led to serious human rights violations on both sides and the death toll on all sides is estimated to 33,000 people. In June 1999, Abdullah Ocalan was found guilty by a Turkish court of treason, and was sentenced to death. On 2 August 1999, he called on the PKK to withdraw its troops

³⁵ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, p.

from Turkey, and cease military operations from 1 September 1999. On 8 February 2000, it formally announced that it would abandon the armed struggle in favour of a political approach. The security situation improved considerably since.

Occasional clashes between the Turkish army and the remaining PKK militants continue to be reported. The semi-official news agency Anatolia reported on 7 July 2000 that a total of 218 fighters, including 15 of its high ranking officials, were killed in clashes between 1 January to 30 June 2000. Over 480 PKK fighters had deserted the PKK, with 70 more who had tried to escape being punished by death, and some who had failed to escape committing suicide. The Istanbul daily "Sabah" quoted on 15 October 2000, a pamphlet distributed to representatives of the national media during a tour organised by the Turkish Army of several eastern provinces: "The TSK (Turkish Armed Forces) has successfully completed the struggle that it has maintained against the terror organisation PKK." Turkish Daily News on Wednesday 21 March 2001 quoted a military official announcing that 16 terrorists and 3 soldiers had been killed in fighting between security forces and PKK terrorists in south-east Turkey on Sunday 18 March. The military estimated about 500 PKK militants remain in southeast Turkey with around 5,000 encamped in the mountains of northern Iraq and Iran.

➤ **Revolutionary People's Liberation Party-Front (DHKP-C):** formed in 1993 following a split in the Marxist-Leninist terrorist group Dev-Sol (Revolutionary Left). Its aim is to establish a Marxist-Leninist regime in Turkey by means of armed revolutionary struggle. DHKP-C subsumed its parent organisation in 1996 and is indistinguishable from its predecessor Dev-Sol in leadership, ideology, objectives and methods of operation.³⁶

29. Information produced by the German Federal Office for the Recognition of Foreign Refugees list the following political parties that have been proscribed in Turkey:³⁷

- DHKP/C (Devrimci Halk Kurtulus Partisi/Cephesi)
- THKP/C Dev-Sol (Türkiye Halk Kurtulus Partisi/Cephesi Devrimci Sol)
- TIKB/B (Türkiye Ihtilalci Komünistler Birliđi/Bolşevik)
- TKIP (Türkiye Komünist İşçi Partisi)
- KDHL (Komünist Devrim Hareketi/Leninist)
- KDB (Komünist Devrimci Birlik)
- THKP/C Dev Yol (Türkiye Halk Kurtulus Partisi/Cephesi Devrimci Yol)
- THKP/C Acilciler (Türkiye Halk Kurtulus Partisi/Cephesi Acilciler)
- MLSPB (Marksist Leninist Silahlı Propaganda Birliđi)
- TKKKÖ (Türkiye ve Kuzey Kürdistan Kurtulus Örgütü)
- HDÖ (Halkın Devrimci Öncüleri)
- TDP (Türkiye Devrim Partisi)
- TKP/(M-L) DABK (Türkiye Komünist Partisi (Marxist-Leninist) Dođu Anadolu Bölge Komitesi)
- TKP/M-L Kons. Kes (Türkiye Komünist Partisi/Marksist-Leninist Konferansçı Kesim)
- MLKP (Marksist Leninist Komünist Parti)
- KP-IÖ (Komünist Partisi-Inşaa Örgütü)
- BP/KK-T (Bolşevik Parti/Kuzey Kürdistan-Türkiye)

³⁶ Immigration and Nationality Directorate of the United Kingdom, *Report of fact-finding mission to Turkey (17-23 March 2001)*, 22 August 2001, pp. 23-24

³⁷ Bundesamt für die Anerkennung ausländischer Flüchtlinge Informationszentrum Asyl "Türkei. *Erkenntnisse des Bundesamtes*", February 2001

- TKP/(ML)Birlik (Türkiye Komünist Partisi/(Marksist-Leninist)-Birlik)
- TKP/M-L MPM (Türkiye Komünist Partisi/Marksist Leninist Maoist Parti Merkezi)
- Spartaküs
- TKP/IS (Türkiye Komünist Partisi/Işçinin Sesi)
- DSIH (Devrimci Sosyalist İşçi Hareketi)
- TDKP (Türkiye Devrimci Komünist Partisi)
- TIKB (Türkiye İhtilalci Komünistler Birliği)
- TKEP/L (Türkiye Komünist Emek Partisi/Leninist)
- TKEP (Türkiye Komünist Emek Partisi)
- KKP (Kürdistan Komünist Partisi)
- KDH (Komünist Devrim Hareketi)
- TKP/K (Türkiye Komünist Partisi/Kivilcim)
- PKK (Kürdistan İşçi Partisi)
- PSK (Kürdistan Sosyalist Partisi)
- PRK/Rizgari (Kürdistan Kurtulus Partisi)
- PDK (Kürdistan Demokrat Partisi)
- PDK/Bakur (Kürdistan Demokrat Partisi – Kuzey)
- PRNK (Kürdistan Ulusal Özgürlük Partisi)
- RNK/KUK (Kürdistan Ulusal Kurtuluşçular)
- Devrim Partisi-Kawa (Partiye Soreş-Kawa)
- RDSK (Kürdistan Demokratik Sosyalist Örgütü)
- PSK- (Devrimci Kürdistan Partisi – Partiye Soreşa Kürdistan)
- Hizbullah/Ilim Grubu
- Hizbullah/Menzil Grubu
- IBDA/C (İslami Büyük Doğu Akıncılar Cephesi)
- IHÖ (İslami Hareket Örgütü)
- Müslüman Gençlik Grubu
- Sözde
- Vasat Grubu/Ehl-i Sünnet vel Cemaat
- Mezhepsizler Grubu
- Selam Grubu

B Political History of Modern Turkey

Summary of Developments from 1923 to 1973

30. Mustapha Kemal Atatürk, leader of the nationalist movement and a distinguished military officer launched a reform programme under which Turkey, a former monarchy, abandoned much of its Ottoman and Islamic heritage, and proclaimed Turkey a republic in 1923. His reforms included secularisation of the State (1928), the abolition of Islamic courts and religious instruction in schools, the emancipation of women (enfranchised in 1934), the banning of polygamy, the development of industry, the introduction of the Latin alphabet, the adoption of the Gregorian calendar and the encouragement of European culture and technology. The Cumhuriyat Halk Partisi (CHP-Republican People's Party), the only political grouping authorized by Atatürk remained in power until the one party system was ended in 1946. The Demokratik Parti (DP- Democratic Party) formed by opposition leaders won Turkey's first free election in 1950 stayed in power for the next decade.³⁸ The doctrine of "Kemalism" was used by the military to

³⁸ *The Europa World Year Book 2001, Turkey*, Volume II, 42nd edition, London. p. 3911

justify three coups since 1960.³⁹ General Gursel overthrew the DP government in May 1960, claiming the DP regime had betrayed Atatürk's principle of secularism. The conservative Adalet Partisi (Justice Party) led by Suleyman Demirel remained in power between 1965 and 1971. "Guided Democracy" under the military supervision continued until 1973 with a succession of right-wing "non-party" administrations, martial law and rigorous suppression of left-wing activities. Military participation in government was ended by an election in October 1973 where Bulent Ecevit, leader of the CHP negotiated a coalition with the MSP (National Salvation Party), a pro-Islamic right-wing group.

The 1974 and 1980 Coups

31. In 1974, Turkey responded to a Greek-backed coup in Cyprus by occupying the northern part of the island to protect the Turkish Cypriot population, effectively partitioning the island. A long period of unsuccessful coalitions headed either by Bulent Ecevit or Suleyman Demirel fostered political instability and escalation of violence between left-wing and right-wing groups inside Turkey. Armed forces led by General Evren seized power in 1980, forming a five member NSC with a mainly civilian cabinet. During 1981-83, a campaign to eradicate all possible sources of political violence was undertaken, political parties were disbanded and politicians banned from future political activities. As a result, Turkey was banned from the Parliamentary Assembly of the Council of Europe and aid from the European Community-now European Union-was suspended. A new constitution was approved in November 1982, despite widely-expressed objections to excessive powers granted to the President and judicial limitations placed on the rights of trades unions and the press.⁴⁰ Turkey returned to civilian rule in 1983.⁴¹

32. With the NSC's removal of a 30-month ban on formation of political parties, former political parties remained proscribed and members regrouped under new names with new leaders. The MDP-Nationalist Democracy Party, HP-Populist Party and the ANAP-Motherland Party were the only parties allowed to participate in the November 1983 elections. ANAP won the elections and Turgut Ozal was appointed the Prime Minister in December 1983. A repeal of the ban imposed in 1987 on more than 200 politicians in 1981, enabled Bulent Ecevit to assume leadership of the DSP-Democratic Left Party and Suleyman Demirel to be elected leader of the DYP-True Path Party.

General Elections in 1991

33. In October 1990, owing to factional disaffection within the ANAP ruling party, Mesut Yilmaz emerged as the leader of the more liberal faction of the ANAP party and formed the new administration. In the October 1991, general elections, Suleyman Demirel formed a coalition administration with SHP-Social Democratic Populist Party narrowly defeating ANAP setting out a programme for political and economic reform, including implementation of amendments to discourage torture; this programme was however impeded by a lack of consensus within the government.

34. In 1993, President Turgut Ozal died of a heart failure and Suleyman Demirel was elected to the presidency. Tansu Ciller, the elected DYP party leader, formed a

³⁹ Freedom in the World 1999-2000, *The Annual Survey of Political Rights and Civil Liberties, Turkey*

⁴⁰ *The Europa World Year Book 2001, Turkey*, Volume II, 42nd edition, London. p. 3911

⁴¹ Freedom in the World 1999-2000, *The Annual Survey of Political Rights and Civil Liberties, Turkey*

government and became the first woman premier of Turkey. She implemented a TGNA approved economic programme, the key aspect being accelerated privatisation plans for state-owned enterprises. However the new administration was strained by sharp escalation of violence by the outlawed PKK and in early 1994, the devaluation of the Turkish Lira following a loss of confidence in the currency on the part of international credit agencies. In November 1994, the TGNA transferred 100 state enterprises to the private sector after facing opposition from the coalition government party-SHP. In February 1995, SHP announced its merger with CHP and enlarged the government majority after renegotiation of the conditions of the coalition. Ciller succeeded in passing constitutional reforms such as removal of restrictions on political associations and trade unions, lowering the age of suffrage from 21 to 18 years, expansion of the TGNA by 100 parliamentary seats to 550. She however, failed to obtain sufficient support for the amendment of the “Anti-Terrorism” legislation, which was expected to be crucial in securing the European Parliament’s ratification of the EU-Turkish customs union.⁴² concerning industrial and processed agricultural goods.⁴³

General Elections in 1995

35. In 1995, the Islamist Refah Party-RP (Welfare Party) took advantage of the discontent over corruption, high inflation and unemployment to win a majority in the general elections of December 1995. RP and the centre-right DYP formed Turkey’s first Islamist-led coalition government in June 1996. It campaigned to strengthen political and economic relations with other Islamic countries, to withdraw from NATO and the EU customs union and to increase state involvement in the economy.⁴⁴ Refah Prime Minister Necmettin Erbakan was at odds with the military, over government policies such as allowing female civil servants to wear traditional headscarves. Necmettin Erbakan resigned under intense military pressure in June 1997.⁴⁵ On 16 January 1998, Turkey’s Constitutional Court banned the RP on the grounds of a “hidden” fundamentalist agenda and conspiracy against the secular order. Necmettin Erbakan and 6 other RP officials were banned from holding political office for five years. Some 100 former RP deputies launched the FP in February 1998. In August 1998, 12 former RP deputies including Necmettin Erbakan and the FP leader Recai Kutan, were charged for illegally diverting funds from the RP prior to its dissolution.⁴⁶

Islamic Activism and Corruption

36. A tripartite government formed in July 1997 comprised of ANAP, DSP-Democratic Left and the DTP-Democratic Turkey Party under the leadership of ANAP’s Mesut Yilmaz. The new government pledged to improve law and order and vigorously improve EU membership. It approved legislation extending compulsory education from 5 to 8 years, intending to raise the entry age to Islamic schools from 11 years to 14 years and lessening Islamic influence. After 16 months under severe military pressure to curb Islamic activism, the government collapsed in November 1998 over corruption charges. Public demonstrations followed the military’s insistence on banning the wearing of Islamic dress in public buildings, notably educational establishments at the end of

⁴² The Europe World Book 2001, *Turkey*, Volume II, 42nd edition, London. p. 3912

⁴³ USDOS, Bureau for Europe, *Background Notes: Turkey*, October 1999 p. 12

⁴⁴ The Europe World Book 2001, *Turkey*, Volume II, 42nd edition, London. p. 3912

⁴⁵ Facts on File News Service, *Turkey – Country Profile, 2001*

⁴⁶ Regional Surveys of the World, *The Middle East and North Africa 2001*, 47th Edition, Europa Publications. p. 1171

February 1998. In May 1998, the TGNA confirmed an enquiry against Prime Minister Mesut Yilmaz over corruption allegations connected with tendering for government contracts. He resigned at the end of the year following corruption allegations concerning privatisation of the Turk Ticaret Bankasi and a no-confidence vote in Parliament. The same month, trial of former Minister of Interior, Mehmet Agar, was announced his involvement in the Susurluk incident. In September 1998, Tansu Ciller was investigated for misused government funds during her premiership which she admitted to withdrawing from a secret government “slush fund. Corruption charges were dismissed in November 1998 owing to insufficient evidence. In September the 10-month prison sentence handed down to the mayor of Istanbul, Recep Tayyip Erdogan, for inciting hatred was upheld and new charges of “insulting the judiciary” were added in December 1998. He resigned as mayor and as leader of the FP. In November 1998, the TGNA approved an investigation into the Minister of Public Works and Housing, Yasar Topcu, on charges that he had misused his office in the tender for the Izmit Bay Project. In December 1998, Ozer Ciller was acquitted on charges of falsifying documents.⁴⁷

General Elections in 1999

37. In January 1999, DSP’s Bulent Ecevit headed an interim government to oversee the holding of early legislative elections in April 1999. The DSP won 22% of the vote, the MHP 18%, and the FP 16%. ANAP and DYP won 13% and 12% respectively. MHP’s impressive showing was attributed to public weariness with perceived corruption in the centre-right, a military campaign to prevent a strong showing by Islamists, and a wave of nationalist sentiment following the capture of Abdullah Ocalan in February 1999. Bulent Ecevit assembled a coalition of the DSP, MHP and ANAP and won a vote of confidence in June 1999.⁴⁸ The new government commanded 351 seats in the TGNA, the first overall parliamentary majority since 1995. In January 1999, a motion to close HADEP by alleging links with the PKK did not succeed and in March 1999 the Constitutional Court ruled that HADEP was to be allowed to contest the April 1999 elections.⁴⁹

Abdullah Ocalan Leader of the PKK Captured

38. Abdullah Ocalan was captured on 16 February 1999 at the Greek Embassy in Kenya after being expelled from Syria in October 1998 and unsuccessfully seeking asylum in Russia and Italy. He was charged with treason on 23 February 1999 before a SSC and held personally responsible for the deaths of 30,000 people during the 15-year Kurdish struggle for autonomy. During the proceedings, Ocalan depicted himself as a moderate, called for a PKK ceasefire and declared his willingness to negotiate a peace agreement for the Kurdish region. He was sentenced to death in June 1999, whereupon Ocalan’s lawyers lodged an appeal in Turkey and with the ECHR.⁵⁰ Execution requires a parliamentary vote and presidential ratification, and the ECHR demanded suspension of the vote while it decided whether to hear Ocalan’s appeal.⁵¹ The Turkish Court of Appeals and the Chief Prosecutor refused Ocalan’s appeal but granted a stay on execution on 12 January 2000 until such time that ECHR considered his case.

⁴⁷ The Europe Year Book 2001, *Turkey, Volume II*, 42nd edition, London. p. 3914

⁴⁸ Freedom in the World 1999-2000, *The Annual Survey of Political Rights and Civil Liberties, Turkey*

⁴⁹ Regional Surveys of the World, *The Middle East and North Africa 2001*, 47th Edition, Europa Publications. p. 1172

⁵⁰ Ibid

⁵¹ Freedom in the World 1999-2000, *The Annual Survey of Political Rights and Civil Liberties, Turkey*

39. In February 2000, the PKK leadership declared a cease-fire and reportedly removed the proscribed word, “Kurdistan”, from the organisation’s title. Some 1,500 militants reportedly surrendered in October 1999. However Turkish authorities continued to harass pro-Kurdish HADEP politicians and in April 2000 launched a new offensive against Kurdish guerrillas in northern Iraq, claiming that the PKK was re-establishing positions near the Turkish border despite the cease-fire declaration. The army forcibly depopulated more than half the 5,000 villages and hamlets in the south-east, in many cases killing and torturing villagers. Parliament lifted the 12-year-old state of emergency in Siirt province in November 1999, leaving four provinces Diyarbakir, Hakkari, Sirnak and Tunceli under emergency law.⁵²

Relations with Syria, Italy and Greece

40. Relations with Syria, which deteriorated in July 1998 owing to Syria’s repeated claim to the Hatay region of Turkey, worsened in October after Turkey threatened the use of force if Syria did not expel Abdullah Ocalan and close down terrorist training camps both in Syria and in the Beka’a valley in Lebanon. It was reported that 10,000 Turkish troops had been deployed near the border and the Turkish Ambassador to Syria was recalled. Egypt and Iran attempted to mediate in the dispute and an agreement was signed between Turkey and Syria to stop the PKK from operating on Syrian territory and Abdullah Ocalan was forced to leave Syria. Turkey recalled briefly its ambassador to Italy in October 1998 after the country hosted a meeting of the Kurdish parliament-in-exile. Relations further deteriorated after Abdullah Ocalan’s application for asylum in Italy and Italy’s refusal to extradite him. Anti-Italian demonstrations were held in Turkey and Italian goods were boycotted until he reportedly left Italy in January 1999.

Earthquakes

41. An earthquake, measuring 7.4 on the Richter scale devastated the industrial region of Izmit, in north-west Turkey on 17 August 1999, killing more than 17,000 people, injuring 40,000, leaving an estimated 600,000 homeless and inflicting huge damage on the economy. On 14 November 1999, a second earthquake in the same area, measuring 7.2 on the Richter scale killed a further 7000 people. Wide spread anger focused on the slow response of the state institutions, particularly the Red Crescent Society, to the disaster and on the endemic corruption which allowed many substandard constructions of apartment blocks in a region known to be vulnerable to earthquakes. International assistance and considerable help from Greece marked the improvement of Turkish-Greek relations. Encouraged by the US President Bill Clinton in November 1999, Greece accepted the decision of the European Union (EU) Summit meeting in Helsinki, Finland in December 1999 to grant Turkey the status of a candidate for EU membership. In return, Turkey encouraged Turkish Cypriots to participate in the United Nations (UN) sponsored negotiations on Cyprus.

Turkey-European Union (EU) relations

42. Turkey has been an associate member of the then European Commission (now EU) since 1 December 1964 and made a formal application to join the EU in April 1987. The

⁵² Ibid

application was rejected by the EU until 1993 on the grounds of unsatisfactory human rights record, high rate of inflation, dependence upon the rural population, lack of social security and lack of political negotiations regarding Cyprus. Turkey entered into a customs union with the EU on 1 January 1996 after the government's guarantees on improvement of human rights and treatment of the Kurdish population as well as the withdrawal of the veto on the customs union by Greece as it received assurance of accession of Cyprus to the EU. However, EU aid over a five year period, to assist Turkey in the implementation of a new trade regime was blocked by Greece claiming Turkey's action in the Aegean as a violation of the economic agreement. The Turkish government criticized the EU for its failure to adhere to the agreement and in January 1997 warned it would disrupt expansion of NATO if EU refused to consider Turkey's membership application to the EU.

43. In December 1997, at the Luxembourg meeting of the European Council of the EU, Turkey was excluded from the list of candidates for enlargement. Turkey declined the invitation to attend the newly created EU Conference in March 1998. It threatened to boycott EU goods and withdraw its application if it was not included in the next list of candidates by June 1998. It froze its relations with the EU until 1999.⁵³ In June 1998, the EU pointed to Turkey's human rights record as its primary concern but took steps to improve relations with Turkey by expanding the Turkey/EU customs union to promote economic and social development in the country. It also decided to issue regular reports on Turkey's progress in meeting EU general standards for admission however, continuing to block aid to Turkey due to human rights concerns.⁵⁴

44. In 1999, the EU declared Turkey a candidate for EU Accession at its Helsinki Summit. Besides laying down the important conditions regarding Turkey's relation with Greece, Cyprus, the EU clearly stated that accession negotiations could not begin until Turkey met the political conditions stipulated by the Council in June 1993 – the so called Copenhagen criteria which focused on “stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities”.⁵⁵ In November 1999, the EU produced its first regular report on Turkey's progress towards accession. The commission commented on the “persistent violations of human rights”, the “great failings in the way of minorities are treated” and the “lack of real civilian control over the army”.⁵⁶

45. In April 2000, the EU stated, “with some concern, we have unfortunately noted that not much progress has been made since Helsinki”. The particular emphasis the EU placed in minority rights in Turkey was a cause of friction in September 2000 when the Turkish Foreign minister expressed irritation, that the European Parliament on releasing an aid package of 135 million euros had proposed linking the funds to progress on Kurdish cultural rights and economy in the south-east region of Turkey.⁵⁷

46. In November 2000, the EU Commission issued an *EU Accession Partnership Draft Agreement* for Turkey. But while the government's response – contained in the *National Programme for the Adoption of the Acquis* published in March 2001 – on paper met most of the EU's requirements, it did so in vague terms and failed to give precise

⁵³ The Europe Year Book 2001, *Turkey, Volume II*, 42nd edition, London. p. 3921

⁵⁴ Human Rights Watch, *World Report 1999, Turkey- Role of the International Community*

⁵⁵ The Economist Intelligence Unit, *Country Profile 2001, Turkey*, p. 9

⁵⁶ Human Rights Watch, *World Report 2000, Turkey- Role of the International Community*

⁵⁷ Human Rights Watch, *World Report 2001, Turkey-Human Rights Developments*, p. 329

commitments regarding abolition of capital punishment, the reform of the NSC or legislation of Kurdish-language broadcasting or education.⁵⁸ The *Report on the Political Criteria of the Special Committee on Turkey – E.U. Relations* prepared by the Special Committee on Turkey–EU relations attached to the Turkish Prime Minister’s Office on 28 February 2000 and the *Calendar for Democracy, the Rule of Law and Human Rights*, produced by the Secretariat of the High Coordinating Council for Human Rights of the Office of the Prime Minister in mid-2000 contained proposals for constitutional, legal and administrative reform in the direction of better protection of fundamental rights, measures for reshaping the NSC; abolishing the death penalty; redrafting laws in order to ensure freedom of expression; establishing judicial police; abolishing incommunicado police detention and combating domestic violence. However, the omissions and the lack of precision regarding the final shape of such reforms and the time line for reforms indicated in the Calendar (by the end of 2001 or 2002) left room for concern as numerous changes were already long overdue.⁵⁹

47. The Kurdish Human Rights Project pointed out the absence of the words ‘Kurd’ and ‘Kurdish’ in the EU draft accession document and the issue of internally displaced peoples not specifically addressed in the criteria to be met by Turkey for EU membership. Most of the agreement’s criteria were observed to be general with no specific deadlines or benchmarks in place to mark Turkey’s progress in improving its human rights record.⁶⁰

48. During the second half of 2001, the governments main task besides restoring economic confidence, would be to produce reforms in the constitution and legal system to satisfy the political requirements of the EU’s Copenhagen criteria as a precondition for the eventual start of the accession negotiations. In June 2001, an Inter-party Conciliation Commission of the Turkish Parliament produced a package of reform proposals which were to be debated by the Parliament in September 2001.⁶¹ The proposed reforms are expected to be possibly watered down, mainly by the MHP, as the ruling parties discuss them. During 2001-02, the potential for increased tensions with the EU also exist over Turkey’s objections to the EU’s emerging European Defence and Security Policy. The Turkish government, anxious to avoid being excluded from the European decision making on security issues, has continued to veto unrestricted and guaranteed access to NATO assets by the EU’s proposed European Rapid Reaction Force.⁶²

Prison Unrest

49. In September 1999, unrest broke out in prisons across the country as a result of poor conditions and overcrowding; Ten prisoners were killed and a number of guards held hostage. The Minister of Justice asserted that he would not resign over the unrest and announced the establishment of a special force to ensure prison security. Some 100 persons were arrested in Istanbul for distributing a press release on the prison incident.

⁵⁸ The Economist Intelligence Unit, *Country Profile 2001, Turkey*, p. 9

⁵⁹ International Helsinki Federation for Human Rights (IHF), 2001, “*Turkey*” in *Human Rights in OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2001 (Events of 2000)*, pp, 296-297

⁶⁰ Kurdish Human Rights Project (KHRP), September 2000, “*KHRP Offers Recommendations as Turkey’s EU Accession Moves Forward*”, in *Newsline*, Issue 11/12, p. 6, late summer/autumn 2000

⁶¹ The Economist Intelligence Unit, *Country Report, July 2001, Turkey*, p. 8

⁶² The Economist Intelligence Unit, *Country Forecast, July 2001, Turkey*, p. 4

Unrest continued in prisons in late 1999 and early 2000. In February 2000, a protocol was signed providing for education to the prison inmates. In November 2000, political prisoners throughout Turkey went on hunger strike, protesting against plans to transfer them to high-security prisons where they would be held in “F-type” cells as opposed to communal wards. The prisoners feared that their isolation in these cells would make them more vulnerable to abuse by prison staff. Following attempts to force-feed the prisoners, in violation of international medical ethics, a stand-off ensued between the authorities and the prisoners. In December 2000, Turkish security forces raided 20 prisons in an attempt to end the hunger strikes. The three-day action resulted in the deaths of 30 prisoners and two soldiers. After the authorities regained control of the prisons, over 1,000 prisoners were transferred to the “F-type” cells, where many prisoners resumed their hunger strike.

50. On 29 March 2000, the TGNA voted against the constitutional amendments proposed by the government, including measures to reduce the seven-year presidential term of office to five years, introduce direct presidential elections and allow an incumbent Head of State to seek a re-election. The specific aim of this last provision was to allow President Suleyman Demirel to seek a second term in office. The Assembly elected Ahmet Necdet Sezer, Chief Justice of the Constitutional Court as Turkey’s 10th President in May 2000. In July 2000, Mesut Yilmaz was appointed as the Deputy Prime minister and State Minister with special responsibility for EU Affairs.⁶³ In June 2000, the TNGA announced its eighth five-year development plan; its aims included improving the economic and social infrastructure in south-eastern Turkey, improving education, reforming public spending to provide financial discipline and preparing the Ottoman archives for public accessibility. Prime Minister Bulent Ecevit spoke in favour of abolishing capital punishment thus facilitating the extradition of offenders to Turkey which is a key issue dividing the ruling coalition.

51. In August 2000, the SSC issued an arrest warrant for a popular religious leader, Fetullah Gulen, charging him with attempting to undermine the secular system; the charge was dismissed after a televised appearance of Ecevit who expressed regret at the court’s decision. In the same month the military claimed that thousands of civil servants were trying to destroy the secular system and urged the TGNA to enact measures enabling their removal. Earlier attempts by the government were vetoed twice by President Sezer.

52. In December 2000, a case seeking the closure of the FP was brought before the Constitutional Court on the grounds that it was focusing on fundamentalist activities and was an illegally established successor to the RP. The party was banned in June 2001.

Economic Situation 2000-2001

53. The Turkish economy made significant improvements throughout 2000 with the implementation of a stability programme, structural reform and increased regulation of financial systems considered imperative by the government and international investors.⁶⁴ The government was however seriously undermined by economic crises in November

⁶³ Regional Surveys of the World, *The Middle East and North Africa 2001*, 47th Edition, Europa Publications. p. 1173

⁶⁴ The Europa World Year Book 2001, *Turkey*, Volume II, 42nd edition, London. p. 3916

2000 and February 2001.⁶⁵ Severe banking crisis was provoked in November 2000 as a result of investigation by the Banking and Supervision Agency into 10 failed banks. The investigation exposed lack of confidence of foreign investors in the Turkish economy due to widening current account deficit and delays in the structural reform programme. The IMF agreed to an emergency loan of USD 7,500 million and the World Bank pledged USD 5000 million to strengthen the financial sector and accelerate privatisations.

54. In mid-February 2001, a second economic crisis was precipitated following a dispute between the President and Prime Minister: the President accusing the Prime Minister for not responding adequately to allegations of government corruption. In March 2001, Bulent Ecevit replaced the Minister of Finance, Recep Onal with Kemal Dervis, a senior economist at the World Bank, in an attempt to salvage Turkey's economic reforms and restore confidence in the financial markets. The World Commission on Dams in November 2000 found the planned Ilisu dam project on the Tigris river in breach of seven key principles for dam building, including gaining public acceptance and sustaining rivers and livelihoods. Construction of the dam was likely to displace more than 25,000 Kurdish people in south-east Turkey and submerge sites of archaeological and historical interest.

55. In March 2001, the government announced a programme of political, social and administrative reforms to prepare the country further for membership of the EU. The Commissioner responsible for EU enlargement welcomed the programme but it was observed that it did not address the Kurdish demands of greater cultural rights in education and broadcasting. Although the government was considering lifting the ban on Kurdish-language broadcasting, it faced strong opposition by the MHP.⁶⁶

C Legal Context

International Legal Context

56. Turkey has been a member of the United Nations (UN) since 24 October 1945. Since then, it has become a state party to the following international instruments relating to refugees and human rights:

United Nations Convention	Date of ratification or accession (a); date of entry into force
Convention Relating to the Status of Refugees (1951)	30 March 1962
Protocol relating to the Status of Refugees (1967)	31 July 1968 (a)
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	31 July 1950 (a)
International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979)	20 December 1985 (a); 19 January 1986
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984)	2 August 1988; 1 September 1988

⁶⁵ Facts on File News Service, *Turkey – Country Profile, 2001*

⁶⁶ The Europe World Year Book, 2001, *Turkey*, Volume II, 42nd edition, London. p. 3916

Convention on the Rights of the Child (CRC, 1989)	4 April 1995; 4 May 1995
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Sources: UNHCR/CDR's RefWorld 2000, www.unhchr.ch, untreaty.un.org

As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Turkey has signed Article 21 and Article 22 on 2 August 1988. It recognises the competence of the Committee against Torture monitoring the implementation of the Convention against Torture (CAT), on the basis of Article 22.⁶⁷ and the state complaints procedures under the Article 21.⁶⁸

57. It is important to note that Turkey has not signed or ratified the following United Nations instruments:

- Convention Relating to the Status of Stateless Persons (1954)
- Convention on the Reduction of Statelessness (1961)
- Optional Protocol to the International Covenant on Civil and Political Rights (1966)
- Second Optional Protocol of the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty (1989)
- Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)

58. Turkey has signed but not yet ratified the International Covenant on Civil and Political Rights (ICCPR, 1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) on 15 August 2000. Turkey signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999) on 8 September 2000 and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965) on 13 Oct 1972 but is yet to ratify them.

59. The three international instruments that are not yet in force and signed by Turkey are: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000), the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) on 8 September 2000 and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990) on 13 January 1999. They have not been ratified by Turkey.

60. Turkey has been the member of the Council of Europe (CoE) since 13 April 1950. Since then Turkey has been a state party to the following international instruments related to human rights:

Council of Europe Convention	Date of ratification or accession (a); date of
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⁶⁷ Under the Convention against Torture, “ the state party recognises the competence of the committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this convention..”. See website http://www.unhchr.ch/html/menu3/b/h_cat39.htm for further details.

⁶⁸ Under the Convention against Torture, “ the State Party recognises the competence of the committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

	entry into force
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	18 May 1954; 18 May 1954
Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952)	18 May 1954; 18 May 1954
Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1994)	11 July 1997; 1 November 1998
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)	26 February 1988; 1 February 1989
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1993)	17 September 1997
Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1993)	17 September 1997
European Social Charter	24 November 1989; 24 December 1989

Sources: UNHCR/CDR's *RefWorld* 2000, www.coe.int

61. Turkey has signed but not ratified the Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1984) on 14 March 1985, the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (2000) on 18 April 2001 and the Additional Protocol to the European Social Charter (1988) on 5 May 1988.

62. Turkey has not signed the Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (1983).

63. Turkey became a member of the North Atlantic Treaty Organisation (NATO) in 1952 and has two NATO headquarters in Izmir. Turkey is also a member of the Organisation for Economic Cooperation and Development (OECD), Organisation for Security and Cooperation in Europe (OSCE) and the Islamic Conference Organisation (OIC). It formed a customs union with the European Union in January 1996 and is a member of the World Trade Organisation (WTO).⁶⁹

National Legal Context

64. The important legislation in force under Turkey's national legal framework concerning human rights is as follows:

Anti-Terrorism Act – Law of 11 April 1991

65. The Anti-Terror Law replaced several articles of the Turkish Penal Code. It repealed articles 141, 142 and 163, which banned communist, Kurdish nationalist and Islamic fundamentalist political activity. Many political prisoners were reported to have been released. However, with its broad definition of terrorism, the Anti-Terror Law has been used to “detain alleged terrorists and others on the charge that their acts, words, or ideas constituted dissemination of separatist propaganda.”

⁶⁹ USDOS, Bureau for Europe, *Background Notes: Turkey*, October 1999 p. 12

66. Article 1 of the Anti-Terror Law defines terrorism as; “any kind of action conducted by one or several persons belonging to an organisation with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation...by any one method of pressure, force, and violence, terrorization, intimidation, oppression, or threat.”

67. Article 8 deals with propaganda against the indivisibility of the State and is used to prosecute and imprison people for peacefully expressing their opinions. The Article has most frequently been used to prosecute writers, journalists, pro-Kurdish politicians and intellectuals. In October 1995, a number of amendments reduced the length of prison sentences under Article 8 to 1 to 3 years (from 2 to 5 years) and introduced the possibility of converting prison terms into fines and suspending future prison terms. This led to the release of 143 prisoners in 1995 and an additional 126 prisoners by mid-November 1996. The Article now demands that the prosecutor proves intent on the part of the individual to destroy the integrity of the state before reaching a decision. In its revised version, Article 8 reads:

68. “Written and oral propaganda and assemblies, meetings and demonstrations aimed at damaging the indivisible unity of the state of the Turkish Republic, its territory and as a nation, are forbidden. Those conducting such an activity are to be punished by a sentence of between one year and three years’ imprisonment and a fine of between 100 and 300 million Turkish liras. In the case of re-occurrence of this offence, sentences shall not be committed to fines.”⁷⁰

The Repentance Law

69. At the end of August 1999, the Turkish parliament passed a repentance law with the provisions that only rebels who were not involved in the fighting will get an amnesty, while others can benefit from sentence reduction. Those seeking to benefit from the law must provide information about rebel movement. Founders and high level executives of the PKK cannot benefit from the law. The law will be valid for 6 months. PKK members who benefit from the law and who are sentenced to death will have their punishment reduced to not less than nine years imprisonment, while those sentenced to life will have their punishment reduced to imprisonment for not less than six years.⁷¹

D Review of the Human Rights Situation

General Respect for Human Rights

70. In September 1998, two members of the UNWGEID visited Turkey. They concluded that the ongoing violent conflict between the Government and the PKK was the main source of continuing preoccupation of both the Government of Turkey and the international community over the situation of human rights in Turkey. Although the

⁷⁰ Immigration and Nationality Directorate of the United Kingdom, *Country Assessment – Turkey*, 1 April 2001, pp. 7-8

⁷¹ The Anatolia News Agency, *Ankara, Parliament passes repentance law to encourage Kurdish rebels to surrender* 27/8/1999

military and other activities on both sides were concentrated in south–eastern Turkey, the ramifications of the conflict affected the whole country.⁷²

71. The US State Department Report 2000 observed that the present government generally respected its citizens' human rights in a number of areas; however, its record was poor in areas such as continued extrajudicial killings including deaths due to excessive force. Unlike in 1999, there were no reports of deaths in detention due to torture, and no reports of mystery killings and disappearances of political activists. However torture, beatings, and other abuses by security forces remained widespread. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to a lawyer, long detention periods for those held for political crimes especially in the state of emergency region, and a culture of impunity were major factors in the commission of torture by police and other security forces. In addition the general climate of violence engendered by the PKK insurgency and urban leftist and Islamic fundamentalist terrorism, combined with a confession-oriented trial system, hampered past efforts to carry out legal prohibitions against torture. With the decrease on counter-terror operations and overall detentions in the southeast, fewer cases of abuse of detainees were reported; however, the proportion of cases of abuse remained at high levels, and many cases may have gone unreported.⁷³

72. Human Rights Watch 2001 report observed that the Turkish Government made almost no progress on key human rights reforms in 2000, and failed to take advantage of the opportunity presented by a marked reduction in armed violence by illegal organisations. Politicians and writers were prosecuted and imprisoned for expressing their non-violent opinions, and detainees in political custody remained at risk of ill treatment, torture or death in custody. A reduction in political violence contributed to a decrease in the overall volume of abuses. There were fewer deaths in custody, suggesting that public and international pressure may have had some inhibiting effect on police interrogators.⁷⁴

73. Similarly the Regular Report from the European Commission on Turkey's Progress towards Accession of November 2000 recorded that Turkey still did not meet the political criteria for membership of the European Union. The report said that the basic features of a democratic system continued to exist, but Turkey was slow in implementing the institutional reforms needed to guarantee democracy and the rule of law. Many aspects of the overall human rights situation remained worrying. Torture and ill treatment was far from being eradicated even though the matter was taken seriously by the authorities and parliament, and training programmes on human rights were being implemented. Prison conditions had not improved, although Turkey was embarking on a substantial reform of its prison system. Freedom of expression as well as freedom of association and assembly was still regularly restricted. A positive approach seemed to be adopted towards non-Muslim communities with regard to freedom of religion, but this needed to be developed for all religious communities, including non-Sunni Muslims. Compared with 1999, the economic, social and cultural rights situation did not improve,

⁷² United Nations, Commission on Human Rights, *Civil and Political rights, including questions of Disappearances and Summary Executions, Report of the Working Group on Enforced or Involuntary Disappearances*, Fifty-Fifth session, E/CN.4/1999/62/Add2, 28 December 1998, para 54

⁷³ USDOS, 2000 *Country Report on Human Rights Practices: Turkey*, February 2001, p. 1

⁷⁴ Human Rights Watch, World Report 2001, *Turkey-Human Rights Development*

particularly the enjoyment of cultural rights by all Turks irrespective of ethnic origin. The situation in the southeast, where the population is predominantly Kurdish, had not substantially changed.⁷⁵

74. Amnesty International's open letter to the EU leaders on 30 November 2000 summarised Amnesty International's concerns about the human rights situation in Turkey. These concerns covered torture and impunity, prison conditions, the death penalty, the need to strengthen legal and constitutional guarantees for the right to freedom of expression, and the need to ensure compliance with international standards for fair trials.⁷⁶

Steps taken by the Government to Improve the Human Rights Situation

75. The Government of Turkey took legal and administrative measures to comply with its international human rights obligations and to prevent human rights violations.

76. In 1997, it constituted the High Council of Human Rights consisting of Under-Secretaries of the Foreign Affairs, Interior, Justice, Education and Health Ministries and Representatives of the Security Forces to start an advanced human rights reform process. On 3 December 1997, the Prime Minister issued a circular instructing the law enforcement agencies and officials to respect human rights strictly and the Turkish General Staff issued a "Code of Conduct" regarding human rights practices for the Turkish armed forces. In 2000, the Chairman of the Human Rights High Coordination board for Human Rights drafted a proposal for steps to be taken to meet the Copenhagen political criteria, a precondition for the start of the accession negotiations with the EU.⁷⁷

77. A Special Bureau concerning Missing Persons of the General Directorate of Security was set up on 20 December 1997. The bureau was charged with the task of investigating the fate and whereabouts of missing persons. In order to facilitate investigations and receive applications, the Bureau functions 24 hours and includes a mobile centre for speedy processing of applications. An intensive public information campaign was carried out in order to make the bureau widely known.

78. The UNWGEID in 1998, stated that both the Human Rights Association of Turkey (HRA-Insan Haklari Dernegi) and the Human Rights Foundation (HRF-Insan Haklari Vakfi) were under pressure and had suffered several acts of harassment from the authorities. Medical doctors working with the HRF were prosecuted in Adana, Diyarbakir and Istanbul. The HRA suffered serious repression, including assassination by death squads of its leaders in south-eastern Turkey, closure of its offices, charges against its members and confiscation of its publications. However, both human rights organisations continued to participate in sessions of the established High Council of Human Rights and reports submitted by them were being considered by the Special Bureau concerning Missing Persons of the General Directorate of Security.

⁷⁵ European Commission, *Regular Report on Turkey's Progress Towards Accession*, November 2000

⁷⁶ Amnesty International, *Open letter to EU Heads of State and Heads of Government*, 30 November 2000

⁷⁷ Amnesty International, *Annual Report 2001*, Turkey p. 1

