TURKEY COUNTRY ASSESSMENT
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Country Information and Policy Unit

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1. SCOPE

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed on the Internet (http://www.homeoffice.gov.uk/ind/). An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK
Immigration Advisory Service
Immigration Appellate Authority
Immigration Law Practitioners' Association
Joint Council for the Welfare of Immigrants
JUSTICE
Medical Foundation for the Care of Victims of Torture
Refugee Council
Refugee Legal Centre
UN High Commissioner for Refugees

2. GEOGRAPHY

2.1 Turkey covers an area of 301,000 square miles, and has (1999) an estimated population of 64.4 million. It is a passage land between Europe and Asia, boasting land frontiers with Greece, Bulgaria, Armenia, Georgia, the Nakhichevan Autonomous Republic (Azerbaijan), Iran, Iraq and Syria. The west, the richest and most densely populated part of Turkey, looks towards the Aegean and Mediterranean Seas and is very conscious of its links with Europe. However, in culture, racial origins and ways of life, there are frequent reminders that Turkey's geographical situation makes it primarily a part of Asia. [1, 4]

3. HISTORY

See also "The Kurds" (chapter 6) for Kurdish history.

POLITICAL HISTORY

3.1 Turkey was formerly part of an empire ruled by a Sultan, with its capital in Istanbul and his territories stretching from the Persian Gulf to Morocco, including most Arab regions and much of south-eastern Europe. However, following the collapse of the Ottoman Empire after the First World War, the National Assembly declared Turkey a Republic and elected Mustafa Kemal (later known as **Atatürk**, "Father Turk") President in October 1923. [1]

3.2 Modern Turkey is largely the creation of that one man, Atatürk. His achievement was to salvage the Turkish state from the wreckage of the Ottoman Empire and to define it as a modern secular nation. The omnipresent public statues and portraits in Turkey are not

merely symbols of the personality cult that has been built around him; they reflect the widely held conviction that without him Turkey in its present form simply would not exist. Atatürk vigorously pursued a radical campaign of far-reaching reform and modernisation, including the secularisation of the state, the abolition of Islamic courts, the emancipation of women, the adoption of Roman script, and the encouragement of European culture and technology. He died in 1938, and was succeeded as President by Ismet Inönü who, after World War II, took steps to liberalise Atatürk's autocratic regime. In 1950 the newly founded Democratic Party, led by Adnan Menderes, won Turkey's first free election. However, the Menderes government was overthrown by a military coup in May 1960 on the grounds that it had betrayed Atatürk's principle of secularism, and Menderes was subsequently executed. A new constitution was adopted in October 1961 and this lasted until March 1971 when widespread unrest caused the armed forces to demand and obtain the resignation of the government led by Suleyman Demirel. The return to democracy in 1973 coincided with the oil crisis, which hit Turkey hard. In July 1974 Turkey invaded Cyprus and occupied the northern third of the island. In Turkey several inconclusive elections in the 1970s resulted in a series of unstable coalitions which attempted to govern in circumstances of pressing economic difficulties and rising political violence between right and left-wing groups. This violence came to a climax in December 1978 in the south eastern part of Karamanmaraş when 100 people were killed and 1,000 injured during three days of rioting and violence. The government responded by imposing martial law in thirteen provinces. [1]

3.3 On 12 September 1980 the armed forces, led by General Kenan Evren, Chief of the General Staff, seized power in a bloodless coup. The coup leaders formed a five-man National Security Council. Martial law was declared throughout the country and the new government succeeded in reducing the level of political violence and in restoring law and order, but at the expense of compromising or suspending many democratic freedoms. A new Constitution was adopted in 1982. The 1983 General Election was won by the Motherland Party (ANAP) and its leader Turgut Özal was accordingly appointed Prime Minister. However, November 1987 saw the re-appearance in Parliament of the moderate left-wing Social Democratic Party (SHP) and the conservative True Path Party (DYP), led by the former Prime Minister, Suleyman Demirel. Özal became President on 31 October 1989 and appointed Yildirim Akbulut, his successor, as Prime Minister. [1]

3.4 ANAP's popularity declined during 1990 and 1991 and there were a number of ministerial resignations. The general election of 20 October 1991 was won by the veteran politician and Prime Minister, Suleyman Demirel, and the DYP. Having failed to win an absolute majority he was obliged to seek a coalition with the SHP, which had itself emerged from the election in third place behind ANAP. [1]

3.5 Controversial and outspoken Özal modernised the Turkish economy and raised Turkey's international status. After Özal died from a heart-attack in April 1993, Demirel was elected as President. Mrs Tansu Çiller, previously Economics Minister, was elected Chairman of the DYP in place of Demirel in early June, and became Turkey's first woman Prime Minister. [1]

3.6 In foreign affairs Çiller sought the creation of a United Nations peace-keeping force in Azerbaijan and a role for Turkey in the UN effort in the former Yugoslavia. In July 1994 around 1,455 Turkish troops were deployed in Bosnia and Herzegovina, but well away from Serb lines. In October 1993 Turkey reluctantly agreed to the extension of UN sanctions against Iraq, but continued to advocate a removal of the embargo. [1]

3.7 In September 1995 Deniz Baykal was elected leader of the Republican People's Party (CHP) at its first convention following unification with the SHP. Within two weeks the coalition collapsed after Mrs Çiller resigned in the aftermath of severe economic difficulties. [1,4(a)]

3.8 The general election was held on 24 December 1995. It left three parties - Refah (pro-Islamic Welfare Party), DYP and ANAP - with vote shares on or around 20%. Over two months of discussions followed as the leaders of these three parties in turn tried to reach agreement on the terms for a coalition government. On 6 March 1996, ANAP and DYP announced formation of a minority coalition. But the traditional tensions between the two centre-right coalition parties, made worse by the intense antagonism between their respective leaders, effectively resulted in a paralysed government by late April. The coalition ended on 6 June. [1,4(a)]
3.9 President Demirel invited Necmettin Erbakan, as leader of the largest party (Refah), to try to form a government. Talks with the DYP resulted in the formation of a Refah/DYP majority coalition in July 1996. Professor Erbakan was Turkey's first Islamist Prime Minister; Mrs Çiller was Deputy Prime Minister and Foreign Minister, and was due to take over the premiership in mid-1998. Refah and DYP shared the Ministerial portfolios. [1,4(a)]
3.10 Erbakan's DYP-Refah coalition government began by largely following traditional Turkish secularist policies. However, in early 1997 Erbakan attempted to introduce a number of measures seen as anti-secularist by the National Security Council (NSC) such as lifting the ban on wearing headscarves in public workplaces and building mosques in secularist strongholds. These policies disturbed the largely secularist establishment and on 28 February 1997 led the National Security Council (NSC) to produce a list of action points, which were subsequently agreed by Erbakan. The measures were designed to maintain Turkey's secularist state and western orientation. On 26 April the NSC reinforced their message. Meanwhile, the coalition was also damaged by a series of scandals following a car crash in Susurluk in November 1996 which revealed links between the Government, hit squads and organised crime. [2(c)(d),4(a)]
3.11 The failure of Erbakan's government to implement the anti-Islamist measures (as advised by the NSC) led to a number of resignations by DYP MPs. The government lost its majority in parliament, and on 18 June 1997 Erbakan announced his resignation. On 20 June the President invited Mesut Yilmaz, leader of the main opposition ANAP (Motherland Party), to form a government. [2(c)(d)]
3.12 On 29 June President Demirel approved Yilmaz's coalition government. ANAP's coalition partners were the DSP (Democratic Left Party) and the DTP (Democratic Turkey Party). Although outside the coalition, the CHP (Republican People's Party) supported the government in parliamentary votes. [2(c)(d),4(a)]
3.13 Yilmaz's government was forced to resign after losing a vote of confidence in the Grand National Assembly on 25 November 1998 over allegations of corruption in the sale of the state owned Türkbank. [23(m),43(b)] The motions of censure had been brought against the government by DYP (True Path Party) and the government's former supporters, the CHP (Republican People's Party). [30(e)(f)] On 2 December 1998 President Demirel appointed Bülent Ecevit [leader of the DSP (Democratic Left Party)] Prime Minister designate and asked him to form a government. [30(g)] Ecevit failed to form a government and handed the mandate back a few weeks later. [53(a)] Demirel next chose Yalim Erez, the trade minister, to form a government, but he was also unsuccessful, returning the mandate in early January. [30(h),40(f)] Bülent Ecevit then returned and created a minority government of the DSP with the support of the DYP and ANAP. The government won a vote of confidence on 17 January 1999 and governed until the elections in April 1999. [11(j)(k),33(h)]
3.14 The ten year old state of emergency in the provinces of Batman, Bingöl and Bitlis, was lifted on 2 October 1997 when the ANAP-led coalition government proposal was approved by the Turkish Grand National Assembly. An improvement in the security situation was cited as the reason for the lifting of the state of emergency. Earlier, in September 1997, the then Prime Minister Mesut Yilmaz and his Deputy Bülent Ecevit

visited the southeast and pledged development for the region. Meeting in Siirt for the first time in 16 months, the GAP (Southeastern Anatolia Project) high council under the chairmanship of the Prime Minister approved various measures that would provide incentives for reviving and strengthening the economy in eastern and southeastern provinces. These measures included the building of a university in Siirt. [11(g)(h),60]

3.15 Refah (Welfare Party), an Islamist party and a partner in the previous coalition government, was closed by a Constitutional Court ruling on 16 January 1998. The case against Refah was that it had become the focal point of anti-secular activity. Most former members of Refah**,** including some 100 former Refah Assembly deputies**,** joined a new Islamist grouping, Fazilet (Virtue Party), which was formed in December 1997 by Ismail Alptekin and which became the largest party in parliament. [1(b),2(g)(h),33(a),43] In October 1998, an appeals court upheld a State Security Court decision to sentence the Refah Party's Mayor of Istanbul, Tayyip Erdogan, to 10 months in prison for reading a religious poem at a rally in December 1997. The sentence also prevented Erdogan from holding an elective office for at least two years. Erdogan had been seen as a future leader of Turkey's Islamic movement. [5(e),27,28(b),36]

3.16 The Virtue Party contested the April 1999 national and local elections, and, while not doing as well as anticipated, still polled 15% of the vote (see below). However, at the opening session of parliament a Virtue Party deputy, Merve Kavakci, tried to wear a headscarf, contrary to the code of conduct for public servants. Even some Virtue deputies viewed this as an unwise and unnecessarily confrontational act. Kavakci was subsequently stripped of her Turkish citizenship for applying for US citizenship without permission from the Turkish government, and did not take her seat in parliament. Kavakci's actions became part of the evidence quoted by the Chief State Prosecutor in June 1999 when he applied to the Constitutional Court to have the Virtue Party banned on the basis that it was anti-secular and merely a continuation of the banned Refah Party. The Constitutional Court's decision, announced on 22 June 2001, was to ban Virtue. [30(oo),63(i)] (See "Freedom of Political Association" and "Freedom of Religion" (chapter 7) for further details on Virtue and the headscarf issue).

3.17 An assassination attempt was made against Akin Birdal, the president of the Human Rights Association (IHD) on 12 May 1998. He survived being shot six times in the chest and leg. The shooting came after the media reported accusations by a captured PKK commander linking him to the outlawed terrorist organisation. [12(g),28(c),40(c)] In December 1999 the Ankara State Security Court sentenced 10 people and acquitted six others for the attempted murder of Birdal. A former Jandarma sergeant, the presumed ringleader, and one other man accused of ordering and organising the attack both received 19 year sentences. The two men who fired at Birdal received sentences of 19 and 12 years respectively, and two others received 19 and 10 year sentences for establishing a gang (the "Turkish Vengeance Brigade") to commit the crime. [5(f)**,**29] In October 1998, an appeals court upheld a one-year jail sentence for Birdal, who had been charged with "openly inciting public enmity and hatred" by making a distinction between Turkish people and Kurdish people in a 1996 speech. His sentence was confirmed by the General Council of the Appeal Court. He was imprisoned on 3 June 1999, to serve 10 months and 3 days. He was released in September 1999 on medical grounds, but on 28 March 2000 he was sent back to prison in Ankara for the remaining six months of his sentence after a State medical institute rejected a report that he was unfit to spend more time in jail. As a legal consequence of his imprisonment he resigned as both leader and member of the IHD. [5(e)(f),12(g),30(v),35,62(a)] In another case against Birdal the Court of Appeals annulled a one year sentence passed against him centred around a speech he made in 1995. However, the Adana State Security Court re-adopted the one year imprisonment verdict in December 1998. [12(g),30(c)] Birdal has appealed again. In a

separate case, Birdal was in November 1998 acquitted by Ankara State Security Court of helping a separatist terrorist organisation in a speech in a meeting held in Rome in April 1997. [30(d)]

3.18 Two developments reportedly affected the effectiveness of the PKK in its fight against the Turkish authorities. On 17 September 1998 the formerly warring Kurdish parties in Iraqi Kurdistan - Masoud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK) pledged, in a peace accord signed in Washington, to drive the PKK from areas under their control. The two Iraqi Kurdish parties have veered from temporary alliance to open war ever since Talabani split from the KDP more than 20 years ago. In the past the KDP has assisted the Turkish forces in clamping down on the PKK, while Turkey has accused the PUK of providing support for the PKK. [11(l),54(a)]

3.19 Following heightened military tension between the two countries, on the 20 October 1998 Syrian and Turkish officials met in Adana and signed an agreement under which Syria recognised the PKK as a terrorist organisation, agreed not to tolerate PKK activities on its territory and to hand over to the Turkish authorities any PKK militants still residing in Syria. The PKK had previously reportedly maintained its headquarters and main training camps in Syria or the Syrian controlled Bekaa Valley in Lebanon. [2(s)] Despite reported hitches in the implementation of the Adana agreement, overall Turkish officials stated that they regarded Syria as trying to abide by its terms. [30(k)(l)]

3.20 The most publicised result of the tension between Turkey and Syria was the expulsion from Syria of the PKK's leader, Abdullah Öcalan, on 9 October 1998. Following his expulsion he unsuccessfully attempted to claim asylum in several European countries before being apprehended in Kenya and flown to Turkey. Öcalan initially sought, after his expulsion, to distance himself from the actions of the PKK, while a power struggle was reported to replace him as leader of the PKK. [21(b),46(d),55(a),59]

3.21 The forcible return of Abdullah Öcalan to Turkey in mid-February 1999 was marked by public protests by his supporters across Europe and isolated protests in Turkey, many of which became violent. The unrest initially led to another round of arrests of HADEP members and a series of bombings by the PKK across Turkey. A celebration of the Kurdish New Year in the Gazi district of Istanbul ended in violence after a large group opened banners and began shouting slogans. Four police officers and one demonstrator were shot when the police tried to intervene. 725 people were detained. [33(j),40(g),30(gg)]

3.22 Following the arrest of Öcalan a small chairmanship council began running the PKK, although Öcalan was confirmed as leader despite his detention. [46(d),59(a)] At the start of March 1999 divergent views were expressed by the political and military wings of the PKK, with the former announcing that actions would take place in a democratic framework while the latter called for "total war" and an escalation of military actions. [46(e)(f),65(a)] However, throughout June 1999 the PKK began to fall in line behind the calls for peace which Öcalan had made during his trial which began on 30 April 1999. [11(s)] The PKK's manifesto would henceforth be to work towards a peaceful and democratic solution to the "Kurdish problem", although "active defensive positions" would be maintained. In mid-July 1999 the ARGK (military wing of the PKK) announced that guerrilla actions would halt until further orders were received. [62(c)(d)].

3.23 Öcalan was convicted of treason and on 29 June 1999 sentenced to death. [11(t)] His lawyers have appealed to the European Court of Human Rights. [30(cc)(ff)] On 2 August 1999 Öcalan, through his lawyers, made a statement calling on the PKK to "end the armed struggle as of 1 September 1999, and withdraw its forces outside the borders for the sake of peace". [30(ee)] Two days later the PKK presidential council answered his appeal and confirmed that PKK combatants would indeed cease operations against

Turkey. The statement was supported the following day by the People's Liberation Army of Kurdistan (ARGK), the armed wing of the PKK, which confirmed that it would abide by Öcalan's decision, although it claimed the right to fight in self-defence if attacked. [63(b)]
3.24 On 12 January 2000 the Turkish government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. Analysts argued that the decision underlined the Government's determination to push forward with its plans to join the EU, and to pursue its economic and political and political objectives, and that it was ready to defy public sentiment to achieve them. In a written statement from prison, Öcalan said that the decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that the PKK's war for a Kurdish state was a "historic mistake". The PKK Presidential Council confirmed that they would pursue only democratic means to further their political objectives. [63(e)]
3.25 On the 23 April 1999 the British Independent Television Commission served a notice on the satellite channel Med-TV, widely regarded as a mouthpiece of the PKK, revoking its licence. The revocation followed broadcasts which included inflammatory statements encouraging acts of violence in Turkey and elsewhere. [30(hh)] Med-TV's broadcasts were suspended in March pending the ITC ruling. It appears that, pre-empting the ban, Med-TV secured satellite access as another channel, on which name it now broadcasts. [30(ii)]
3.26 In December 1998 the Turkish Interior Minister expressed the view that terrorist incidents in eastern and south-eastern Anatolia had dropped to a minimum. [11(m)] Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP (pro-Kurdish People's Democracy Party) members went on hunger strike in sympathy with the PKK leader. Others held demonstrations that had not received prior approval from the authorities (see "Freedom of Assembly" (chapter 7)) during which some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of detainees at the end of November as 3,064, including its leader, Murat Bozlak. Most were reportedly freed after a brief detention, but one 18 year old party member died in police custody, allegedly from beatings during interrogation. HADEP leaders said that many of their party members were beaten and tortured during the crackdown. [2(s)(t),5(e),30(m)-(s),33(i)] Following the hunger strikes in support of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment requested prison terms between four and half years to seven and a half years. [11(o)] On 29 January 1999 the Chief Prosecutor of High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an "organic relationship" between HADEP and the PKK. [30(t),33(i)] Despite two legal challenges HADEP was permitted to take part in the April 1999 elections. [46(c),54(c)] In mid-July 1999 Murat Bozlak and 16 other HADEP officials were released. [64(a)]
3.27 HADEP failed to gain enough votes in the April 1999 elections (10% national threshold) to return any representatives to parliament, but won control of several municipalities in the south east, including Diyarbakir. [63(a)] The HADEP Mayor elected for Lice was removed from office following a decision of the High Election Council on the grounds that he was involved in an incident involving injuries in 1989 and was subsequently banned from public service. The Mayor said that the decision was illegal as he had previously applied to the prosecutor and had his criminal record cancelled. [62(b)]
3.28 The **general and municipal elections** were held on **18 April 1999** and were contested by a wide range of parties. [30(aa)] The Democratic Left Party (DSP) won the largest share of the vote (22%), followed by the Nationalist Action Party (MHP) with 18%,

the Virtue Party (FP) with 15.4%, the Motherland Party (ANAP) with 13% and the True Path Party (DYP) with 12%. [63(a)] The Republican People's Party (CHP) lost all its seats, leading to the resignation of its leader, Deniz Baykal. Altan Oymen was elected in his place in late May 1999. [30(x)] The Democratic Turkey Party (DTP) leader Husamettin Cindoruk also resigned after his party did badly at the polls. He was replaced by former defence minister Ismet Sezgin. [30(y)] In late May a coalition government of the DSP, ANAP and MHP, with the DSP's Bülent Ecevit as Prime Minister, was approved by President Demirel. Cabinet posts were split between the parties. Although ANAP entered the government, its leader, Mesut Yilmaz, did not initially take up a position in the cabinet. In July 2000 he joined the Cabinet as Deputy Prime Minister, and assumed responsibility for EU affairs. [30(z),63(f)]

3.29 In May 2000 parliament elected as the new President of Turkey Ahmet Necdet Sezer, the respected chief of Turkey's Constitutional Court. He is the first President in Turkey's history who is neither an active politician nor a senior military official. Many Turks saw as a breath of fresh air his reputation for personal integrity, his distance from the country's much despised political parties, and his deeply ingrained respect for the rule of law. One commentator observed "(He) is a man of law who will not allow violations of the law or tolerate corruption." In 1999 Mr Sezer criticised Turkey's constitution for restricting democratic freedoms. He also argued that legal decisions in the south-eastern provinces still under emergency rule should be open to appeal. [1,54(d)]

3.30 Tension between President Sezer and Prime Minister Ecevit came to a head on 19 February 2001 at the monthly meeting of the National Security Council, from which Mr Ecevit walked out after the President had accused him of protecting ministers against whom corruption allegations had been made. A massive flight of capital, and stock market slump, resulted, and the Turkish Government was forced to float the Turkish lira, which was effectively devalued by a third. Consequential price increases of a third or more triggered protest demonstrations in Ankara and other cities, notably by civil servants. [63(h)]. One observer said "What the Prime Minister did is, I think, inexcusable. He must have known the markets were nervous". Another commentator thundered “You tell me, for God’s sake. Is this the way to rule Turkey?” [44(b)]

3.31 In June 2001 the Constitutional Court reached a decision in a case launched in May 1999, and banned the Virtue Party (Fazilet) for undermining Turkey’s secular order. The decision fell short of the expected mass expulsions of party members from Parliament. The judges voted to expel only two Virtue deputies, and most of the 100 remaining deputies were expected to join two new successor parties – the Felicity Party (Saadet Partisi) and the Justice and Development Party (Adalet ve Kalkinma Partisi). The banning of Virtue was opposed by most legislators, including Prime Minister Ecevit, who contended that dissolution of Virtue would contribute to greater political instability at a time of financial crisis. [63(i)]

3.32 Turkey is recognised as a key member of **NATO**, on account of its strategic position in Europe, of its having the second largest army in NATO, and because it is the only NATO member of the Organisation of the Islamic Conference. [1]

3.33 In December 1999 Turkey was given official status as a candidate for **European Union** membership. This was hailed by the Turkish media as a historic step, and the Greek Prime Minister said that it marked "a historic shift towards peace, security and development in our region". The candidacy offer went a long way towards meeting Turkey's demand to be treated on equal terms with other applicants, although there was a careful formulation in the Helsinki conclusions in order to make the offer acceptable to Greece. The Helsinki conclusions called for a settlement to the divided island of Cyprus, but made it clear that Turkey could not block Cyprus's joining the EU if it remained split between Turkish and Greek communities. On the political and economic programme which

Turkey would have to adopt as an EU candidate, the EU leaders made specific mention of the need for Turkey to improve its record on human rights. [63(d)]

3.34 The November 2000 "Regular Report from the European Commission on Turkey's Progress Towards Accession" (to the EU) noted the positive development, since the previous (October 1999) report, of the launching in Turkish society of a wide-ranging debate on the political reforms necessary for accession. Two important initiatives had been taken in this context: the signing of several international human rights instruments and the recent endorsement by the Turkish Government of the work of the Supreme Board of Co-ordination for Human Rights. However, compared with the previous year the situation on the ground had hardly improved, and Turkey still did not meet the political criteria for accession. The basis 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. A number of basic institutional issues, such as civilian control over the military, remained to be addressed. With regard to the judiciary, the new procedure facilitating the prosecution of civil servants was an encouraging development. The important draft laws relating to the functioning of the judiciary referred to in the October 1999 report were still pending. No further improvements had taken place concerning the State Security Courts since the last reform of these courts in June 1999. Corruption remained a matter of concern. [76]

3.35 The report went on to observe that, although the death penalty was not being implemented, many aspects of the overall human rights situation remained worrying. Torture and ill-treatment were 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 were still regularly restricted. A positive approach seemed to be adopted towards non-Muslim communities with regard to freedom of religion, but this should be adopted for all religious communities, including non-Sunni Muslims. The economic, social and cultural rights situation had not improved from the previous year, particularly when it came to the enjoyment of cultural rights for all Turks irrespective of ethnic origin. The situation in the southeast, where the population was predominantly Kurdish, had not substantially changed. [76]

3.36 In March 2001 the Turkish Government published its “National Programme for the Adoption of the Acquis”, which set out the steps which are planned to enable Turkey to meet the criteria for membership of the EU. The Programme will entail the Turkish Parliament’s enacting 89 new laws, and agreeing changes to 94 existing laws by 2004. These changes are in a wide variety of areas: freedom of thought and expression, freedom of association and peaceful assembly, combating torture, pre-trial detention, strengthening opportunities to seek redress for human rights violations, training of law enforcement personnel and civil servants on human rights, improving the functioning and effectiveness of the judiciary, banning of capital punishment, detention conditions, cultural; life and individual freedoms, mitigating regional differences to increase citizens’ economic, social and cultural capabilities, freedoms of thought, religion and conscience, harmonisation of the Constitution and other relevant legislation with EU political criteria, and lifting the state of emergency. [82(d)]

3.37 On 3 October 2001 Turkey completed its biggest legislative overhaul in two decades, when Parliament approved a package of 34 amendments to the Constitution designed to pave the way for EU membership. The amendments, ranging from easing restrictions on using the Kurdish language, reducing maximum detention periods for suspects before they are charged, and making it harder to ban political parties, to reshaping the powerful National Security Council to give more weight to civilian politicians,

are the first major shake-up of Turkey's Constitution since it was drafted after the 1980 military coup. Implementation in many cases will require changes, which are already in the pipeline, to the Penal Code, or other pieces of enabling legislation whose imminence varies. The reforms sparked excitement in Turkey, and the "Hürriyet" newspaper enthused "The new Turk will not be searched, will not be wire-tapped, will not disappear, (and) will be open to speak freely and to criticise." One EU official said "This is the most important development we have been able to report on in years and we would be saddened if it were not registered as such by the EU as a whole, especially the European Parliament." [44(c),54(e)]

ECONOMY

3.38 Turkey has suffered from unstable economic conditions for much of the last twenty years. Since the early 1980s the previously centrally planned economy has been gradually liberalised. There have been periods of rapid growth interspersed with sudden, mostly short-lived crises, against a background of high inflation (usually in the range of 50-100% annually). Inflation has damaged the public's trust in the local currency, causing interest rates to rise. As a result of high interest rates, as well as the increasing borrowing requirement of the public sector, the public sector debt stock has risen sharply in recent years. In order to roll-over the debt stock, the government has had to borrow at very high interest rates. This vicious circle has also contributed to distortions in income distribution, helped create a banking sector based largely on trading in government securities, and deterred foreign investment. Some parts of the private sector have been dynamic (the active "unregistered" economy has also contributed to growth). However, structural problems have held back Turkey's development. [82]

3.39 In the light of these economic problems the current government began a three year US$4 billion Standby Agreement programme with IMF financing in January 2000. The primary objective was to reduce inflation to single-digit levels. The main tool of the programme was a "crawling peg" exchange rate policy, under which the rate of devaluation of the Turkish lira (TL) against a foreign currency basket was pre-announced. The initial results of the programme included a sudden fall in interest rates, which led to a sharp increase in domestic demand and a huge rise in imports, stemming from the appreciation of the TL in real terms under the exchange rate policy. Considerable progress was made in reducing inflation, which fell from 63% to 33% during 2000. But delays in the implementation of structural reforms, endemic problems in the banking sector, and the widening foreign trade deficit all contributed to a financial crisis at the wend of November 2000. The IMF moved quickly to bale Turkey out with a US$7.5 billion Supplementary Reserve Facility in December 2000. Despite relative stability in the markets in January 2001, the TL came under pressure again in February. A further crisis was triggered by a political disagreement between President Sezer and Prime Minister Ecevit on 19 February. This led to the TL being allowed to float on 22 February, and to the end of the Standby Agreement in is original form. [82]

3.40 In order to restore confidence in the financial markets, the Government appointed Kemal Derviş, a Turkish Vice President of the World Bank, as the State Minister responsible for the economy. Mr Derviş prepared a new economic programme and restarted negotiations with the IMF. On 15 May the IMF Board approved a new economic programme, and agreed additional financial assistance for Turkey of US $8 billion. Subject to subsequent IMF reviews, Turkey is expected to receive about US$15 billion in total from the IMF and World Bank in 2001. The main purpose of the programme is to sustain financial stability in the short term in order to enable the Treasury to roll-over its huge debt stock. It will also tackle the structural problems of the banking sector by restructuring debt-ridden state-owned banks and forcing the closure of former private sector banks which have been taken over by the Government. [82]

3.41 The Financial Times has noted that a Byzantine bureaucracy and a reputation for corruption have won Turkey the dubious privilege of being ranked the fourth least transparent economy in the world – after China, Russia and Indonesia. Pricewaterhouse Coopers measures the impact of the level of transparency on investment, and finds that Turkey's opacity figure of 74 (with 0 representing complete transparency, and 100 complete opacity) is very high. Turkey is understood to have a very large black economy that underpins the real economy. The comment has been made that only a small proportion of Turkish businesses (e.g. those linked to international companies) appear to operate fully above board and to pay all taxes. [82]

4. INSTRUMENTS OF THE STATE

GOVERNMENT

4.1 In October 1981 the National Security Council (NSC), which took power in September 1980, announced the formation of a Consultative Assembly to draft a new constitution, replacing that of 1961. The Assembly consisted of 40 members appointed directly by the NSC from candidates put forward by the governors of the 74 provinces; all former politicians were excluded. The draft Constitution was approved by the Assembly in September 1982 and by a national referendum in November. The Constitution provides citizens with the right to change their government peacefully, and this is observed in practice. Legislative power is vested in the National Assembly (Parliament), which is elected by universal adult suffrage for a 5 year term. Executive power is vested in the President, who is elected by the National Assembly for a seven year term and is empowered to appoint a Prime Minister and senior members of the judiciary, the Central Bank and broadcasting organisations, to dissolve the National Assembly, and to declare a state of emergency entailing rule by decree. Strict controls on the powers of trade unions, the press and political parties were also included. In July 1995 the number of deputies in the National Assembly was increased from 400 to 550. The military exercises substantial, but indirect, influence over government policy and actions and politics in the belief (shared, according to the opinion polls, by much of the population) that it is the constitutional protector of the State. The Government neither coerces nor forbids membership in any political organisation, although the Constitutional Court may close down political parties for unconstitutional activities. In January 1998 the Islamist Refah Party was banned, and in June 2001 its successor, Fazilet (the Virtue Party), was banned. Pro-Kurdish parties have also been banned in the past. Details on the National Security Council are found in "The Military Establishment" section (chapter 4). [1,5(h),6,18(b)]

LOCAL GOVERNMENT

4.2 Reforms to local government implemented in 1984 allow local authorities to levy taxes and to borrow. Local administration consists of two levels with central appointed civil service administrators and locally elected mayors. Each province has an appointed "vali" or provincial governor who is in control of security matters. Provinces are divided into "ilce" or sub-provincial districts and each has a centrally appointed "kaymakam" or sub-provincial governor working to the governor. Mayors, who are selected in local elections, are responsible for the provision of basic services or utilities such as water, sewage disposal, electricity and transport. These responsibilities are limited and mayors are subordinate to, and can be overruled by, the local governor who has far wider powers. Cities and towns have a municipal mayor in overall charge of the whole city or town, and also have mayors responsible for smaller sub-areas. Villages will fall under the jurisdiction of the nearest municipality. Reforms agreed in July 1995 included the transfer of more power to the provinces but these have still to be implemented. Villages and each ward in a town or city will have an elected muhtar (headman). Muhtars act as an interface between

the local population and the various organs of the state. Muhtars keep records of the people resident in their district and are responsible for issuing various documents required in connection with such matters as military service and obtaining Nufus or ID cards. [3,5(f)]

4.3 In the municipal elections which took place in March 1994, the now banned pro-Islamic Welfare Party, Refah, significantly increased its support, taking both Ankara and Istanbul and much of the southeast. The results did not reflect a pro-Islamic swing so much as voter disenchantment with the national government's handling of the country's continuing problems. Refah gained popularity by appearing less corrupt and introducing practical measures to benefit the people. [4(a),23(e)] However, in the April 1999 elections the Virtue Party, the successor to the Welfare Party, did not fare so well at the polls. In the wake of the arrest of Öcalan the Nationalist Action Party (MHP) made gains at the expense of the mainstream parties (see "Political History" section (chapter 3)).

ELECTIONS

4.4 In April 1998, Prime Minister Yilmaz announced that the government coalition allies had agreed to call a general election in the spring of 1999. [11(i),33(h),54(c)] The local and general elections were held simultaneously on 18 April 1999 and a wide range of parties participated, including HADEP. The results of the elections can be found in the "Political History" section (chapter 3).

INDEPENDENCE OF THE JUDICIARY

4.5 Until the foundation of the Turkish Republic, a large part of the Turkish civil law - the 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. [1,5(h),23(f)] However, Amnesty International has expressed concerns over the make up of the ruling body of the judiciary, the Supreme Council of Judges and Prosecutors, which appoints, transfers, promotes, disciplines and dismisses judges. 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. 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. [12(j)] Problems with the legal system relating to the investigation of torture allegations are covered in chapter 5 ("Human Rights: General Assessment"). The legal system is reported not to discriminate against minorities. However, as legal proceedings are conducted solely in Turkish, and the quality of interpreters varies, defendants unable to speak Turkish may be seriously disadvantaged. [5(h)]

Criminal Courts

4.6 Criminal courts of original jurisdiction are the Peace Courts, Courts of General Criminal Jurisdiction, and Aggravated Felony Courts. [78(a)]

Military Courts

4.7 These 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. [1]

Supreme Court of Appeals or Court of Cessation

4.8 The court of last instance for reviewing the decisions and verdicts rendered by judicial courts. Members are elected by the Supreme Council of Judges and Prosecutors. [1,78(a)]

State Security Courts

4.9 Article 143 of the Constitution provides for the establishment of State Security Courts (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, and offenses directly involving the internal and external security of the state." [9(b)] State Security Courts predominantly handle cases under the Anti-Terror Law and Section 312 of the Turkish Criminal/Penal Code (incitement to racial or ethnic enmity). [5(h)] They also deal with prosecutions under Articles 125-139, 146-157, 161, 168, 169, 171, 172, 174 of the Penal Code. [9(b)] ANNEX F is a summary of political criminal law.

4.10 State Security Courts began to operate in May 1984, under Law No.2845 of 1983. They had previously been established in 1973 after the 1971 military coup, but in 1976 they were declared unconstitutional by the Constitutional Court. There are eighteen security court panels in eight different cities. Each panel, which presides over the hearings of a State Security Court, formerly consisted of two civilian judges, one military judge, and two prosecutors; in June 1999 the Government passed legislation to replace the military judge with a civilian judge. [1,5(f),9(b)]

4.11 A heavy caseload means that State Security Court trials can last years. Hearings may be closed and testimony gathered during police interrogation in the absence of legal counsel may be admitted. [5(h),9(b)] No immediate access to a lawyer is provided under the law for persons whose cases fall under the jurisdiction of the State Security Courts. In March 1997, parliament passed legislation which allowed access to a lawyer after 4 days for those charged under the Anti-Terror Law. Implementation is reported to have been uneven. [5(h)] Independent commentators concur that lack of early access to a lawyer by those detained is of great importance in allowing torture to be inflicted. The regulation to reduce periods spent in incommunicado detention has not been universally complied with. Lawyers in Batman and Diyarbakir reported that access to suspects was still difficult. There is concern that some police are falsifying the date of detention to record a briefer period of detention than was actually the case in order to suggest compliance with the new law. However, Amnesty International has suggested that the reduction in incommunicado detention times may be having some effect. [5(e),12(f),13,67]

4.12 The European Court of Human Rights ruled, in a twelve votes to eight verdict in October 1998 in the case of Incal v Turkey (41/1997/825/1031), that the presence of a military justice on the SSCs was inconsistent with relevant European conventions. While the Government continues to comply with the Court's decisions, including payment of all fines and penalties, some attorneys working on human rights issues announced that they would boycott SSC trials. At the end of November 1998 the Justice Minister called for structural changes in the SSCs, stating that it would be harmful for Turkey if the SSCs were not changed and that many cases heard in the European Court of Human Rights would result against Turkey. [5(e),27(e)] In June 1999 a constitutional amendment was passed by the Turkish parliament removing military judges from the State Security Courts. The military judge who was sitting on the trial of Abdullah Öcalan at the time was replaced by a civilian judge who had been observing the proceedings. [30(w)]

Maximum periods of detention in police custody

See paragraph 4.25.

The Repentance Law

4.13 At the end of August 1999 the Turkish parliament passed a repentance law with the following provisions. Only rebels who were not involved in the fighting will get an amnesty,

while others can benefit from sentence reduction. Those seeking to benefit under the law must provide information about the rebel movement. Founders and high level executives of the PKK cannot benefit from the law. The law was initially valid for six months, but its validity was extended by a further six months from 29 February 2000. 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. [30(pp)(qq)]

Anti-Terrorism Act or Anti-Terror Law of 11 April 1991

4.14 The 1991 Anti-Terror Law (Law No. 3713) replaced several articles of the Turkish Penal Code (141, 142 and 163) that dealt with communism, Kurdish nationalism and Islamic fundamentalism. [9(b)]

4.15 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." [9(b)]

4.16 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. [7(a),18(b)] 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. [9(b)] 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. [7(a),18(b)] In its revised version, Article 8 reads:

"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's and three years' imprisonment and a fine of between 100 to 300 million Turkish liras. In the case of re-occurrence of this offence, sentences shall not be limited to fines." [18(b)]

Death Penalty

4.17 In November 1990, the number of cases in which the death penalty may be pronounced was reduced from 29 to 16 offences listed in the Turkish Penal Code. The Anti-Terror Law commuted all 25 outstanding death penalties before 8 April 1991 to between 10 or 20 years imprisonment, depending on the offence committed. [6] However, certain offences under the Anti-Terror Law and the Turkish Penal Code still carry the death penalty. Before a death sentence can be carried out it needs the ratification of the Grand National Assembly (Parliament), which has in recent years been very reluctant to give this authorisation. [6,8] Although a draft bill abolishing the death penalty was introduced in 1998, the initiative for the change in law disappeared following the arrest of Öcalan. [30(i)(dd)]

4.18 There have been no executions in Turkey since 1984, although the courts have continued to pass death sentences. [12(o)(q)] Turkey did not sign the sixth protocol of the European Human Rights Declaration, which rejects the death sentence. [30(cc)]

THE MILITARY ESTABLISHMENT

4.19 On three occasions - 1960, 1971 and 1980 - Turkish military leaders have intervened to uphold the principles on which the constitution is based, and to preserve internal law and order. On each occasion the armed forces emphasised their commitment to democratic principles and Turkey soon returned to civilian rule. But, in accordance with

the Constitution, all important foreign policy and national security questions are still discussed by the **National Security Council**, a very powerful body which is made up equally of military (the five most senior military officers) and civilians (the President, the Prime Minister, and three other Ministers). Civilian governments have never directly tried to challenge the recommendations emanating from the monthly National Security Council meetings. Writers have noted that the military apparently have never considered that one reason why politicians have become so irresponsible is that military commanders, like overbearing parents, have refused to allow them ultimate responsibility for their actions. Huseyin Kivrikoglu is not a name with which any but the keenest observers of Turkish politics will be familiar. But, as chief of the general staff, in charge of the armed forces of 639,000 (including 528,000 conscripts) and paramilitary forces of 202,200 (including 200,000 Jandarma), he is one of the most powerful men in Turkey. [1,81]

4.20 On 28 February 1997, the NSC, reflecting the military's concern that the Refah-led government was steering Turkey away from its secularist nature and western orientation, produced a list of action points. These included reducing the influence of Islamic schools and maintaining the independence of the judiciary. These points were agreed by the then Prime Minister Erbakan. [2(a)] In April the NSC reinforced their message. The failure of Erbakan's government to subsequently implement the anti-Islamist measures as advised by the NSC led to a number of resignations by DYP MPs. Erbakan resigned in June 1997 after the coalition had lost its majority in parliament. [2(c)(d)]

4.21 The military is reported to enjoy widespread support as guarantors of Turkey's secular, western-oriented society, and it is the institution most trusted by the Turk in the street. But two authors have made the point that the military is blind to its one great weakness. It is an institution as ideologically trained and puritanical as the Islamic Revolutionary Guards in Iran. The only difference is that in the case of the Turkish military the ideology is a fierce secularism that is identified exclusively with what it calls democracy. As the then chief of general staff said to a reporter in 1996, "If you lose Atatürk and his principles, you will lose the country, the regime, democracy, in short everything. That's why you have to hold tighter to them than ever." [28(a),81]

4.22 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 and import - export sectors. [1]

THE POLICE

4.23 **Civilian police** come in a variety of subdivisions. The blue-clad officers, both men and women, are part of a national force designated by the words “Polis” (Police) or “Emniyet” (Security). Polis are the everyday security force in cities and towns with populations over 2000. [87]

4.24 In most rural areas where villages do not exceed 2000 in population, law enforcement is in the hands of the **Jandarma** or gendarmerie, a division of the regular army charged with law enforcement duties. These soldiers wear a red armband bearing the word “Jandarma”, and are often kitted out not in fatigues but in well-tailored gear, modelled on the French pattern, to make them appear less threatening. Another branch of the army much in evidence is the **military police** or Askeri Inzibat. They wear white helmets bearing the letters “As İz”, white holsters, and lanyards. Their task is to keep order among the large numbers of conscripts on the streets of many Turkish towns. [87]

Maximum periods of detention in police custody

4.25 The Turkish Code of Criminal Procedure (CMUK), as amended in March 1997, sets out the maximum periods for which a suspect may be detained in police custody for questioning prior to formal arrest. The Code maintains two legal standards, giving different

rights to criminal (i.e. non-security) and to security detainees. (Security detainees are suspected of crimes under the jurisdiction of State Security Courts (see paragraph 4.9)).
Criminal (i.e. non-security) detainees
Individual crimes (i.e. those committed by one person or two people) – 24 hours
"Collective crimes" (those committed by three or more people) – 4 days, which can be extended to 7 with the request of a public prosecutor and approval of a judge.
A criminal detainee has the right for a lawyer to be present during interrogation periods.
Security detainees
Individual crimes – 48 hours
"Collective crimes" – 4 days upon the consent of a public prosecutor, a period which can be extended to 7 days at the request of a public prosecutor and upon the order of a judge. In areas under a state of emergency the 7 day period can be extended to 10 at the request of a public prosecutor and upon the order of a judge.
A security detainee has the right of access to a lawyer only after the first extension of his/her detention period i.e. on the 4th day for a person charged with "collective crimes". [9(b)]
4.26 Private lawyers and human rights monitors continue to report uneven implementation of the right of access to a lawyer as set out above. [5(h)]

SECURITY SITUATION

4.27 Four years after the 12 September 1980 coup, which crushed the activities of urban insurgents and fundamentalists, Turkey faced a different threat from a similar source - rural insurgency, initially concentrated in the south east region along the borders with Iran, Iraq and Syria. Almost all the rural insurgent groups had their origins in the student groups based in the cities, one particular case in point being Abdullah Öcalan's PKK (Kurdistan Workers' Party). The separatist activities soon spread to the cities. [1]
4.28 Following the coup, there was a sharp decline in the number of insurgent acts and resulting deaths. Official statistics showed a 70% decline in ordinary crimes while the number of political murders decreased by 82%. This downward trend continued in the three years following the coup, suggesting that the insurgent threat had been crushed. After 1983 there was a strong belief that the insurgent organisations would never come back to the Turkish scene. However, by 1984, this opinion proved baseless when insurgency (in the form of the PKK) resurrected suddenly. Instead of a resumption of armed activities in Turkey's main cities, the emphasis was on attacks concentrated in the southeast. [1]
4.29 In July 1987, ten provinces in the southeast were placed under **emergency rule** due to an increased level of fighting; these were Van, Bitlis, Tunceli, Diyarbakir, Siirt, Bingol, Batman, Hakkâri, Şirnak, Mardin. [9(b)] The **state of emergency** was lifted in Mardin in November 1996, in Batman, Bingol and Bitlis in October 1997, in Siirt in November 1999, and in Van in July 2000. [5(f),11(g)(h),30(rr)] It continues in Diyarbakir, Hakkâri, Şirnak, and Tunceli provinces. The state of emergency region's governor has authority over the provincial governors in the four provinces, and seven adjacent ones including Van, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. Only limited judicial review of the state of emergency governor's administrative decisions is permitted. [5(h)]
4.30 In a speech in December 1998, President Demirel stated that, since 1984, 23,638 PKK members, 5,555 security force members, and 5,302 civilians had lost their lives in the fighting between the security forces and the PKK, which fought, initially, for Kurdish self-rule in the southeast. [5(e)] The conflict has led to the migration of Kurds from exposed villages to district and provincial centres, or out of the southeast altogether. [18(b)] Forcible

evacuations by the Turkish security forces are reported to have led to the destruction of 3500 villages in the region and the displacement of between 330,000 and 3 million people. [7(a),9(b),18(b)] As so many villages have now been evacuated and because the fighting has now moved to the mountains, the rate of evacuations has decreased in recent years, with 30 villages being evacuated in 1998. There was a report of only one village re-evacuation during 2000. Voluntary and assisted resettlements have begun in the southeast. In some cases, persons may return to their old homes; in other cases, centralised villages have been constructed. Only a fraction of the total number of evacuees has been returned, but there is a noticeable increase in the pace of returns. [5(e)(h),46(b)]

4.31 In October 1998 the PKK's leader, Abdullah Öcalan, was expelled from Syria. Following his expulsion he unsuccessfully attempted to claim asylum in several European countries before being apprehended in Kenya and flown to Turkey. He was tried and convicted of treason and sentenced to death. After his sentencing he instructed PKK fighters to withdraw from Turkey, and a Turkish general confirmed that this was actually happening. The armed conflict between the Government and the PKK effectively came to an end in 1999, and only a few clashes between the Turkish army and dissident PKK groups were reported. In October 2000 the Turkish Armed Forces announced that they had successfully completed their struggle against the PKK; the struggle had reduced to a level which could be taken over by the police and the Jandarma. The PKK was almost completely inactive during 2000.[12(q),19,21(b),46(d),55(a),59,11(m),40(g)]

4.32 In January 2000 Turkey was shocked by the discovery of a series of gruesome murders which revealed to the public the scope and brutality of a particularly shadowy Islamist group, **Hezbollah/ Hizbullah**, which had originated in the 1980s in the southeast of the country. In the early 1990s Hezbollah came to prominence as a radical Islamist group after it launched a campaign of violence against the PKK. At the time rumours were rife that Hezbollah was at least tolerated by the security forces because it was fighting against a common enemy. President Demirel denied allegations that there were links between Hezbollah and Turkish officialdom, while the general staff of the armed forces issued an angry statement condemning such allegations as slander. [63(e)]

4.33 In early 2000 the Government captured dozens of alleged Hezbollah militants, and in July 2000 indicted 21 for a number of murders. According to the office of the emergency region governor, over 2600 people in that region alone were detained in 2000 on suspicion of links to Hezbollah. Some of these were teachers and imams. Many alleged Hezbollah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence. [5(h)]

4.34 Source 92 summarises Hezbollah's history and activities. [92]

MILITARY SERVICE

(See also "Treatment of Returned Asylum Seekers" section (chapter 7))

4.35 In August 1999 the armed forces totalled 639,000 people (including 528,000 conscripts). The size of the army was 525,000 men, the navy 51,000 men, and the air force 63,000 men. Paramilitary forces totalled 202,000 (200,000 gendarmerie, 2,200 coast guard). [1]

4.36 All young male Turks become liable for **compulsory military service** in the year in which they reach 20 years of age. The Turkish way of counting age differs from that in Western Europe, and conscription begins on 1 January of the year in which the person concerned becomes 19 years old. All military duties come to an end when men reach the age of 46. [25,26,32] The length of military service is **18 months**. [23(b)(c)] Legislation enacted in 1992 means that military service can be reduced to two months on payment of 10,000 German marks or equivalent in any convertible foreign currency and military service in these circumstances would be completed at Burdur. However, from February 1994 only Turkish conscripts working abroad were able to shorten their military service

with this method. [22,26] In December 1993, the Defence Minister stated that up to 250,000 people were avoiding their military service. [23(a)]
4.37 In November 1999 the Government, in a bid to boost revenues after the August earthquake, adopted a proposal allowing men to shorten their compulsory military service in return for a cash payment. The law allows men born before 1 January 1973 to perform just 32 days of military service in return for around US$8000. Men over 40 years old are able to pay some US$10,500 to avoid the call-up altogether. [63(c)] As of May 2001, the option to buy out military service in this way still existed.
4.38 A number of provisions allow people liable to military service to defer their service, principally for educational reasons. In accordance with Article 35c of the Military Act No. 1111, military service for those attending a school in Turkey or abroad is deferred until the end of the year in which they reach 29. Under Article 35e, the military service of university graduates who attend a post graduate programme is deferred until the end of the year in which they reach the age of 33. Furthermore, for those post-graduate students who studies in local or foreign post-graduate programmes are proved to be an innovation or development in the respective field of study, military service is postponed to the end of the year in which they reach the age of 36. [25]
4.39 There are no provisions in Turkey for alternative service for conscientious objectors, although there are special exemption regulations in certain cases. Certain professional groups (e.g. doctors, teachers and civil servants) may be permitted to perform special service. Teachers, for instance, who are willing to take a job in the southeast are exempt from military service. No special regulations apply to clergy. Bribery has also been used to avoid military service. [26(b)] There is one particularly well reported case of a committed conscientious objector, Osman Murat Ulke, whose persistent refusal to do military service has resulted in repeated imprisonment. [12(l)]
4.40 The monthly salary of a Turkish private was reported to be equivalent to $2.25 in 1994. [23(g)]
4.41 The **penalties for evasion** of military service (draft evasion or desertion from the army in peacetime) are set out in Article 63 of the Turkish Military Penal Code. There is a sliding scale of imprisonment:
- A person who reports within 7 days is sentenced to one month's imprisonment
- A person who is arrested within 7 days is sentenced to three months' imprisonment
- A person who reports voluntarily within three months is sentenced to three months' to a year's imprisonment
- A person who is arrested within three months is sentenced to four months' to a year and a half's imprisonment
- A person who reports voluntarily after three months is sentenced to four months' to two years' imprisonment
- A person arrested after three months is sentenced to six months' to three years' imprisonment.

By a 1994 alteration of the law, normal prison sentences were replaced by heavy sentences (a more restrictive regime e.g. limited contact with other prisoners, restrictions on visitors etc.). No differentiation is made between evaders who remain in Turkey and those who migrate abroad. [26(c),32]
4.42 A 1997 report by the German Federal Agency for the Recognition of Foreign Refugees stated:
"In practice in Turkish military jurisdiction it is apparent that the courts regularly aim at the minimum penalties and impose fines (commuted low custodial sentences). The military courts, despite the situation in the southeast of Turkey, obviously see no reason for punishing non-entry to military service more severely than before." [32]
4.43 If a person absconds during the first four months of basic training and before being

sworn into the armed forces, he is obliged to start basic training again. There is no other penalty. If a person is convicted of desertion after having been sworn in, he is liable to serve a prison sentence of one month. After this, he is obliged to completely re-start his military service. In February 1999 Amnesty International reported the case of a deserter who was admitted to hospital after claiming he had been tortured in Istanbul Police Headquarters following his arrest. [12(h),26,32]

4.44 According to Article 25ç of Turkish Nationality Law No. 403, passed in February 1964, those liable for military service can have their Turkish nationality withdrawn, if they reside abroad and do not comply with a due demand - published in the Turkish Official Gazette (Resmi Gazete) - to return to Turkey for the purpose of performing their military service without valid grounds for exemption within three months. This occurs by means of a cabinet decision; the names of those whose citizenship has been removed are published in the Turkish Official Gazette. [2(j),31,32,41] This process may take up to several years. Those who have lost their citizenship as a result of failing to perform their military service may apply to the Turkish authorities for their citizenship to be restored. Their application is accepted on the condition that they complete their military service. [41] Figures published in the Official Gazette show that between 1985 and 1994 inclusive, 10,010 people lost citizenship through these provisions. These included people born as early as the 1930s, so no exception was made for those too old for military service. The loss of citizenship also leads to the loss of inheritance rights under Turkish law.

4.45 Para 7.38 of the assessment deals with the treatment on arrival back in Turkey of **returning draft evaders**.

4.46 In the past, conscripts were not sent to serve in their home provinces. Traditionally the principle was that (for reasons of cultural unification of the country) men from e.g. Istanbul were sent to complete their service in the East and young men from e.g. Diyarbakir were sent to the West. [12(i)] However, this rule was modified in or shortly before 1993, and postings are now determined at random by computer. The Chief of General Staff can, under exceptional circumstances, overrule the computer. [4(b)(c),26,32] In a letter dated 7 May 1998 Amnesty International state that they have come across some cases of people from eastern villages and towns completing their military service in other parts of the East, but that this does not appear to be common. [12(i)] Basic training is conducted in western Turkey. A report by the German Federal Agency for the Recognition of Foreign Refugees stated "It can usually be established at this point whether the person concerned is suitable for deployment in the emergency areas. It is very unlikely that Kurdish recruits whose attitude to the conflict against "PKK terrorists" is reluctant or neutral would be classed as suitable for deployment in those areas." [32]

4.47 There is reported to be no systematic discrimination against Kurdish conscripts during military service. [14,32] Thousands of military officers are of Kurdish origin and thousands of other Kurds complete their military service routinely. [14,32,44(a)] In addition, the overall share of Kurds in all army ranks should reflect that of the population, which is approximately one-fifth. [32]

HEALTH/ MEDICAL CARE

4.48 In the World Health Organisation's "World Health Report 2000" Turkey's health system ranked 70th (out of 191 countries) in the world. (UK ranked 18th). The WHO assessed five indicators: overall level of health; health inequalities; patient satisfaction; how the system responds to need; and how well served people of different economic status feel. [33(m)]

4.49 In 1999 there were 1213 hospitals, and a bed capacity of 169,365. Source 83 lists the different types of hospital. 734 of the hospitals were run by the Ministry of Health, 232 were private, 115 were social insurance institutions, and the remainder were run by other organisations, including other Ministries and universities. There were in 1998 77,344

physicians, of whom 34,189 were specialists, and 43,155 non-specialists. [83] In 1993 about one third of total expenditure on health care in Turkey was financed from taxation, 17% by social insurance funds, and the remaining 50% by direct out of pocket payments (user charges). [84] Of total expenditure by central government in 1997, about 4.1% was for health services. [1]

4.50 Treatment for psychiatric problems, including depression, is available in Turkey. Of the 25.6 million in-patient days spent in hospitals in Turkey in 1998, 214,842 were to treat psychoses, and 179,541 were to treat neuroses, personality disorders and other non-psychotic mental disorders. There were 12,673 discharges of patients who had suffered from psychoses, and 18,865 discharges of patients who had suffered from neuroses etc. [83]

EDUCATION

4.51 In 1995, according to UNESCO, the rate of adult illiteracy was 18% (males 8.3%, females 27.8%). Legislation that took effect in September 1997 increased the duration of compulsory primary education from five to eight years, for children between six and 14 years of age. All state education up to university or higher institute levels is co-educational and provided free of charge. The number of primary schools reached 47,313 in 1996/97, and about 6.4 million children (99% of children in the relevant age-group) were receiving primary education. Secondary education, which lasts for at least three years, may be undertaken in general high schools/lycées, in open high schools or in vocational and technical high schools. In 1996 enrolment at secondary schools included 51% of children in the relevant age-group (males 59%, females 43%). A state examination must be passed by high school students wishing to proceed to a university or to an institute of higher education. In 1995/6 there were 817 higher education institutes, attended by 1.2 million students. In 1997 central government expenditure on education was about 11.2% of total spending. [1]

NATIONALITY LAW

4.52 **Nationality by birth.** Turkish nationality is mainly acquired through the relation to the father or mother. Thus a legitimate or illegitimate, but legally recognised, child of a Turkish father or mother is Turkish. Legitimate children born to a Turkish mother, and not acquiring the nationality of the father by birth, as well as all illegitimate children born to Turkish mothers, are Turkish. Children born of non-Turkish parents do not acquire Turkish nationality by reason of birth on Turkish soil. An exception is the case of children born in Turkey and not acquiring at the time of birth the nationality of either their father or mother; they are Turkish at birth. [78(b)]

4.53 **Acquisition of nationality other than by birth.** A foreign woman acquires Turkish nationality at the time of marriage to a Turkish man, if she makes a declaration of intention to this effect to the marriage officer. Any foreigner may acquire Turkish nationality by means of naturalisation. Persons who have lived in Turkey more than five years and have all the qualifications required by the law may apply to the Ministry of Interior, and, upon the recommendation of this Ministry, the Council of Ministers may grant Turkish nationality. [78(b)]

5. GENERAL HUMAN RIGHTS SITUATION

5.1 There have been numerous reports by human rights organisations of systematic use of torture by security forces, deaths in police custody, disappearances and extrajudicial executions. Details of commonly reported types of torture can be found in the US Department of State reports, the Helsinki Human Rights Watch report "Torture and Mistreatment in Pre-Trial Detention by Anti-Terror Police", the International Helsinki Federation for Human Rights annual report, Amnesty International reports, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or

Punishment report, and the Medical Foundation's report "Staying Alive by Accident: Torture Survivors from Turkey in the UK". [5,8,9(b)(f),10,12(o)(p)(q),13,77] The United Nations Economic and Social Council Commission on Human Rights Special Rapporteur, following a visit to Turkey in November 1998, reported that there had been a substantial reduction in the brutality of the methods used in some places. Allegations of the use of falaka (beating on the soles of the feet), "Palestinian hanging", electric shocks and rape have abated substantially in some parts of the country, notably Ankara and Diyarbakir. On the other hand, blindfolding, the use of hosing with cold water, "straight hanging", rough physical treatment, sexual abuse and threats of rape, the use of grossly insulting language and the making of threats to the life and physical integrity of detainees or their families still seem rife in many parts of the country. [12(h),67]

5.2 The Special Rapporteur, following his visit to Turkey in November 1998, did not consider that torture was systematic in the sense that it was approved of and tolerated at the highest political level. He did, however, find that the practice of torture may well, in numerous places around the country, deserve the categorisation of systematic in the sense of being a pervasive technique of law enforcement agencies for the purpose of investigation, securing confessions and intimidation. This was especially true if the less extreme, but still serious, forms of torture or ill-treatment referred to above are taken into consideration. [67]

5.3 Article 17 of the Turkish Constitution prohibits the use of torture, stating that "no-one shall be subjected to torture or ill-treatment; no-one shall be subjected to penalty or treatment incompatible with human dignity". This Article is applied to the Criminal Code, which provides penalties for torturers. Turkey has also subscribed to a number of international treaties prohibiting the use of torture. There are, in addition, ministerial instructions to the police that torture cannot be tolerated. [13]

5.4 An investigation into allegations of torture in police custody was one of the key purposes of the visit to Turkey in July 1991 of a delegation from the Council of Europe's Committee on Legal Affairs and Human Rights. Their report stated:

"Torture has very deep emotional and traditional roots in Turkey. It is used as a measure of discipline, to intimidate detainees and as an interrogation method. It forms part of a mentality of the way in which a civil servant respects his fellow citizens. No doubt many Turks consider it as part of the criminal sanction. In many Turkish families it is common that a husband beats his wife, a father his children. Why shouldn't the police do the same with criminals?" [8]

5.5 In a letter to the Turkish Government dated 21 May 1997, the UN Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment advised that he had continued to receive information concerning the widespread use of torture in Turkey, including that inflicted upon a significant number of children. A report by the Special Rapporteur in December 1997 stated:

"According to the information, torture was practised against most persons interrogated by the Anti-Terror Branch of the police and the gendarmarie, as well as against many persons detained by the police in ordinary criminal cases. Torture was reportedly administered to extract "confessions", to obtain information, to intimidate detainees into becoming police informants, or as informal or summary punishment for petty offences or suspected sympathy for illegal organisations." [34]

5.6 In March 1997 the Turkish Parliament agreed to reduce significantly detention lengths, allow detainees greater access to lawyers and remove certain articles on public order from the jurisdiction of the State Security Court. These reforms are intended to reduce the existence of torture in detention. If a person apprehended for ordinary crimes committed by one or two persons is not released, he must be arraigned before the competent judge no later than 24 hours, except the necessary time needed for his arraignment before the

nearest judge. If the crime falls under the scope of the State Security Courts, this period is 48 hours. This period may be extended by written order of the public prosecutor to a total of four days in the case of collective crimes, including crimes falling under the jurisdiction of the State Security Courts. Further, if the investigation is still not completed after the four days, the prosecutor may request the judge to extend the custody to seven days before the suspect is arraigned before the judge. For such crimes committed in emergency regions and falling under the scope of the State Security Courts, the seven day period may be extended to 10 days upon request of the prosecutor and the decision of the judge. (67)

5.7 The information gathered by the European Committee for the Prevention of Torture and Degrading Treatment or Punishment during its visit to Turkey in October 1997 indicated that the new maximum police custody periods were being complied with in the parts of Turkey which it visited. However, there were allegations that police officers had arrested suspects' family members in order to activate the longer detention periods for collective crimes, or had released and re-arrested suspects in order to start a new detention period. [68]

5.8 Detainees charged with ordinary crimes may have access to a lawyer at any time after they are taken into custody. However, for crimes falling under the scope of the State Security Courts, the detainee may meet his or her lawyer only upon extension of the custody period by order of the judge, in other words, four days. Both the European Committee for the Prevention of Torture and the UN Special Rapporteur in their most recent reports have criticised the Turkish government for permitting such incommunicado detention. The Special Rapporteur in particular identified a strong link between this and the likelihood of torture or mistreatment. [67,68] The Turkish Human Rights Association, in their public statement of March 1999, similarly emphasise the important role which access to legal advice plays. [73(a)]

5.9 The effective incommunicado detention following the arrest of individuals for crimes falling under the jurisdiction of the State Security Courts (see "Independence of the Judiciary" section (chapter 4)) means that torture is more likely, whilst in the cases of individuals arrested for ordinary criminality, where there is immediate access to legal advice and a 24 hour period before judicial intervention, the extent and seriousness of allegations decrease substantially. The practice involved here could not be characterised as systematic, nor does the information available suggest that it is anything like as widespread as is the case where the longer custody periods apply. However, it should be recalled that the range of crimes susceptible to the longer periods of incommunicado detention is sufficiently elastic to permit law enforcement agencies and complaisant prosecutors to avail themselves of such periods in most of the cases they would consider high priority. (67)

5.10 Detainees who claim to have been tortured seldom have their injuries properly documented by doctors working for the state. Former detainees have asserted that some medical examinations take place too long after the event to reveal any definitive findings of torture. Members of the security and police forces often stay in the examination room when physicians are examining detainees, resulting in intimidation of both the detainee and the physician. Physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting findings but not drawing reasonable medical inferences that torture occurred. The Turkish Medical Foundation has reported that some police officers have torn up reports that documented torture, and insisted on fresh ones that do not refer to torture. [13,18(b)] A Turkish doctor appeared in court in March 1998 charged with malpractice for reporting that six men had been beaten and tortured in police custody. The doctor's findings of "traces of blows and constraint" had been confirmed by a university medical department. [33(g)] The charges were later dropped.

5.11 It has been reported that the judicial authorities investigate very few of the formal complaints involving torture, and prosecute only a fraction of those. [5(h),18(b)]
5.12 Prosecutors are required to initiate an investigation to determine whether there are grounds for prosecution when he or she receives a complaint of torture. If the investigation supports the allegations of torture the prosecutor is supposed to charge those responsible. There are practical problems with this system, in that the prosecutor relies on the police to conduct the preliminary investigation. Police officers are also rarely suspended while the investigation continues and are evenly less frequently placed on remand when an indictment is brought. (67) Prosecutors sometimes charge officers with the lesser offence of ill-treatment rather than torture. [12(j)]
5.13 The US Department of State Report for 2000 states that the rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. [5(h)] The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment stated in December 1996 that
"On countless occasions over the last seven years - most recently in September 1996 - the Committee has received allegations that detained persons did complain about treatment received at the hands of the police when brought before the public prosecutor, but the latter displayed no interest in the matter." [13]
5.14 Government officials admit that torture occurs. [5(h),11(w)] Although there has been an increase in the prosecution of abusive police, numbers are still low. [2(i),5(h),12(h)] The case of the murder of Metin Goktepe, a journalist who died during police detention in January 1996, concluded on 19 March 1998 with the conviction of five policemen with sentences of seven-and-a-half years. This case had been widely regarded as a test of Turkey's commitment to the issue of human rights abuses by members of the security forces. [39(a)] However, in July 1998 the appeals court overturned the verdict and ordered a retrial, because of what it said was an insufficient investigation. [2(i)] In December 1998 the court released the five officers from custody pending their re-trial. [5(e),11(n)] One officer who was the subject of an outstanding arrest warrant for the Metin Goktepe killing, reportedly turned himself in to the Bitlis prosecutor and remains under arrest. [5(e)] On 6 May 1999 six of the eleven policemen who were tried on charges of killing Goktepe were imprisoned for seven-and-a-half years. The five other suspects were acquitted due to lack of evidence proving their involvement. In January 2000 a final Appeals Court upheld the sentences, and ruled that the police superintendent on duty should be tried for misuse of power rather than murder. In April 2000 he was sentenced to one year's imprisonment, and fined the equivalent of one dollar. He was released for time served during the trial. [5(h)]
5.15 On 11 March 1998, in another case viewed as a test of the government's commitment to prosecuting security force members accused of human rights abuses, nine policemen were acquitted of torturing 16 teenagers. [40(a)] In October 1998 the Court of Appeals overturned the acquittal and sent the case back for re-trial, ruling that the students had exhibited evidence of physical and psychological torture while under detention. The officers accused remained free pending re-trial. [5(e)] Manisa High Criminal Court acquitted the officers, but in June 1999 the Supreme Court of Appeals General Criminal Council rescinded the acquittal verdict by 17 votes to 7. In November 2000 the Manisa court sentenced the officers to between five and ten years' imprisonment. [5(h),11(q)] In May 1998, a court found six police officers guilty of causing the death by torture of a university student, Baki Erdogan. The court's written verdict stated "The defendants acted with unified intent to directly mistreat (student Baki Erdogan), which, compounded with a prior condition of which they had no knowledge, caused his death." [2(l)] In December

1998 an appellate court overturned the original convictions, but in June 1999 the six officers were convicted of torturing Erdogan to death, were given five and a half year prison sentences, and were barred from public service for life. [5(f)]

5.16 In January 1998, the Commission on Human Rights reported to the UN Working Group on Enforced or Involuntary Disappearances that 153 cases of disappearance had been transmitted to the Turkish Government since 1990. The majority of these occurred in the southeast, in areas where a state of emergency is in force. In February 1999 Amnesty International reported that of these 153 cases, 83 remained unresolved. [12(h)]

5.17 The United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) visited Turkey in September 1998, and reported their findings at the end of December 1998. Since its creation, 166 cases of enforced disappearance have been reported to the UNWGEID, of which 79 have been clarified, most of them by the Turkish government. The highest number of cases occurred in 1994 (72 cases). The numbers dropped to 17 in 1995, to 12 in 1996 and to 9 in 1997. During 1998, 13 cases were reported. The victims included members of political opposition parties, journalists working for newspapers opposed to the government, trade unionists or villagers suspected of supporting subversive organizations. The UNWGEID also received allegations of disappearances imputed to the PKK and other armed groups. However, these cases do not fall within the mandate of the UNWGEID. [66]

5.18 Most of the disappearances concerned persons of Kurdish ethnic origin and occurred in the provinces of Diyarbakir and Siirt in south-east Anatolia. There were some disappearances in Antalya, Izmir and Istanbul. Most of the cases followed the same pattern: the missing persons had allegedly been arrested at their homes on charges of belonging to the PKK and taken to the police station, but their detention was later denied by the authorities, in most cases police officers or state prosecutors. In many cases, torture or ill-treatment at the hands of the security forces was reported or feared. Some of the disappearances occurred during raids conducted by gendarmes accompanied, at times, by village guards. [66]

5.19 It has been reported by some Turkish human rights groups that some Turkish law enforcement officials do not register suspects when they are initially taken into detention, the allegation being that if the suspect should die during questioning then there will be no record of them having been detained. There is also the problem concerning the effective incommunicado detention available to the authorities in relation to suspects held for crimes covered by the State Security Courts. [66]

5.20 The Turkish government has sought to remedy these problems by introducing new detention procedures in August 1998. Suspects now have the ability to notify his family of his detention, even in cases covered by the State Security Courts, provided there is no harm to the outcome of the investigation. Full detention registers are to be kept and suspects are to be medically examined before they are taken into detention as well as after. Turkish NGOs have complained that the provisions are frequently ignored. [66]

5.21 The UNWGEID was of the opinion that, comparatively speaking and taking into account the number of outstanding cases of disappeared persons, as well as the decrease of allegations in the past few years, mainly since 1994, enforced disappearances in Turkey should not be evaluated as a massive or systematic practice of governmental agencies. Such an assessment does not exclude the existence of such a practice. [66]

5.22 Another facet to the "disappearance" issue in Turkey is the Saturday Mothers. From 1995 the Saturday Mothers, relatives of those who have "disappeared", held a weekly vigil in central Istanbul, demanding that the authorities account for the whereabouts of those missing. The vigil was held every Saturday, hence the name. Each time they met a press announcement was read out detailing one case of "disappearance", but otherwise the meet was in silence. A press release was read out because such a public announcement

does not need official approval; a demonstration would require such approval. While expressions of solidarity were welcomed by the Mothers and their supporters in the Turkish Human Rights Association (IHD), unfortunately outside groups and organisations with a different and often militantly political agenda frequently attempted to take advantage of the credibility of the Mothers' action by turning up to shout slogans. The activities of such groups irritated the police and introduced an extra hazard for the Mothers. From May 1998 the Turkish police clamped down on the gatherings in an often heavy handed manner. In September 1998 some of the Mothers were shut in a police bus which then had pepper gas sprayed into it. Those in the bus were later charged with "resisting the police", "destroying public property" and "acting in breach of the Law of Assembly and Demonstrations". [12(m)] In March 1999 the Mothers decided to discontinue the weekly gatherings because of police harassment and abuse. [5(f)]

5.23 Although members of the security forces are said to be responsible for most cases of enforced disappearances, they are rarely brought to trial or prosecuted for these acts. Although arrests of police and other law enforcement personnel increased in cases of extrajudicial killings, the number of arrests remained low, and punishment for those persons convicted remained insufficient. The PKK's practice of kidnapping young men or threatening their families as part of its recruiting effort, and of abductions by PKK terrorists of local villagers and state officials, has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Öcalan for the PKK to withdraw from its former operating areas in the country. [5(h),7(a),18(b),37]

5.24 Security forces are responsible for extrajudicial and political killings, particularly deaths in police custody and deaths of suspected criminals in house raids. Most of the reports pertain to the southeast. The principal victims of extrajudicial killings and "mystery killings" which security forces are suspected of having carried out include "suspected PKK sympathisers, HADEP and DEP organizers, journalists especially of pro-Kurdish publications, and trade union activists" as well as "prominent members of the Kurdish community, physicians, human rights monitors, [and] local politicians". The government blames many of the "mystery killings" on Hizbullah/ Hezbollah, an Islamist Turkish terrorist group. [5(e),7(a)]

5.25 In November 1996 a fatal car crash - known as the Susurluk incident - exposed links between the Turkish intelligence agencies and right-wing mafia gangs. A report into the affair commissioned by Prime Minister Mesut Yilmaz found that the gangs had been responsible for the elimination of political enemies. Several police officers were put on trial in connection with the affair, and a former interior minister and another deputy had their parliamentary immunity lifted and faced charges that carry prison sentences of up to 12 years. Their trials began in April 1998, and in February 2001, in the first convictions, a former deputy police chief and a former intelligence officer were found guilty of running a criminal gang with the aim of "creating panic in society"; they were both sentenced to six years' imprisonment. Twelve other defendants received four year sentences for "forming an organisation with the aim of committing crimes". [2(k),5(e),17,63(h)]

5.26 In 2000 the PKK discontinued its practice of targeted political murders, but it remained armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the Turkish National Police, during 2000 35 security officials and 24 civilians died in terrorist incidents, and 270 PKK members were killed by security forces. [5(h)]

5.27 The Turkish Human Rights Association (IHD) states that there were in the first half of 2000 73 murders whose perpetrators have not been found (down by 43% on the same period in 1999), 102 instances of extra-judicial killing or death in custody (no change on same period in 1999), and 263 reports of torture (down 21%). [73(b)]

5.28 Turkey recognises the jurisdiction of the European Court of Human Rights. In 2000

Turkey lost 23 cases in which it was a party; most of these pertained to free expression, deaths, past disappearances, and torture. It was fined about £800,000. In 11 additional cases, mostly relating to failure to ensure due process of law, Turkey accepted a friendly settlement, and paid £11,000. The court dismissed a further five cases. [5(h)]

5.29 Turkey signed up to two UN covenants during 2000 - the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Signature does not impose legal obligations, but indicates the intention by Turkey to become party to the Covenants in due course. [79]

Information on freedom of expression is located in chapter 7.

6. HUMAN RIGHTS: SPECIFIC GROUPS

THE KURDS

(See also "Freedom of Speech and of the Press" in chapter 7 for use of the Kurdish language)

(See also chapter 7 for a general view of Kurdishness in politics. Specific Kurdish parties are dealt with below.)

Kurdish Society and History

6.1 Estimates of the number of Kurds in Turkey vary considerably; there may be 12 - 15 million Kurds in Turkey out of a total population of 64.4 million, making Kurds the largest minority ethnic group in Turkey. The Kurdish birth rate is high and the proportion of Kurds in the national population of Turkey is likely to increase. [6,14]

6.2 In the 19th century most Kurds were tribal pastoralists, but a significant minority were peasantry. Religious feeling tended to be very strong among the Kurdish tribes, with devotion to particular local religious leaders who belonged to the brotherhoods of "folk-Islam". These leaders quite often became tribal chiefs in their own right, with secular as well as religious authority. At the end of the 19th century thinkers among the different ethnic groups within the Ottoman Empire began to think of themselves for the first time in ethnic terms. Both the Arabs and Turks evolved ideas of ethnic nationhood, but such ideas were slower to develop within Kurdish society, which remained fragmented and tribal. [16(d)]

6.3 Many Kurdish tribes supported Mustafa Kemal (Atatürk)'s war of independence in the expectation that they were repelling the infidel (Greeks, Armenians, and the Allies) to re-establish the Muslim Fatherland with its Sultan/Caliph. But Atatürk established an ethnic definition of the new Republic as "Turkish, secular and modern", and he set about suppressing all manifestations that contradicted that aim: tribal life, Kurdish language and culture, and the religious brotherhoods that were so strong in the Kurdish region. From 1925 to 1938 the Turkish Government ruthlessly suppressed Kurdish rebellions and resistance to the enforcement of this new ideology which denied their identity. Kurdish leaders tended to appeal to nationalist ideas, the rank and file probably simply wanted their old way of life back. Atatürk's measures involved mass killings, village destruction, and the forced deportation of hundreds of thousands of Kurds. [16(d)]

6.3 By the 1950s it seemed as if the Kurds had finally been hammered into Turks. The end of one party politics in the 1940s led the new opposition to woo the old tribal chiefs and the new landlord class in the Kurdish region to deliver the peasant vote. This became a key feature of Turkish electoral politics. The landlord class benefited in material ways and obeyed the State ideology. It was young middle class intellectuals in the 1950s who reawakened nationalist ideas within Kurdish society, challenging the State's view that Kurds were mountain Turks. (Kurdish is a member of the Iranian branch of the Indo-European family of languages. Kurds have no ethnic connection with Turks, whose language is a member of the Altaic family). [16(d)]

6.4 During the 1970s many Kurds were attracted to the leftist revolutionary socialist groups which soon found themselves in armed conflict against right wing groups that frequently enjoyed the tacit support of the State. Counter insurgency operations routinely involved human rights violations against villagers in affected areas. With these disorders proliferating, the army intervened in September 1980. It is estimated that during the three years of military government probably over 100,000 Kurds were detained by the security forces. Many were tortured. [16(d)]

6.5 Many Kurds became disillusioned with Turkish leftist movements in the 1970s, and started to form specifically Kurdish nationalist groups to challenge State denial and repression. The most successful of these was the Kurdistan Workers' Party (PKK), which was given substantial help and facilities by Syria. The PKK matched Turkish Government ruthlessness, killing pro-government villagers and their families and also Turkish civil servants in rural areas, most notably teachers, who were suspected of being government informants. Thus both sides routinely violated the rules of war and other legal instruments for the protection of basic rights. [16(d)]

6.6 During the 1980s the PKK steadily widened its sphere of influence. Most Kurds were initially hostile to the PKK and hated its methods. But they had little time for a government that denied their identity and rights. When government forces made them choose sides, large numbers started to support the PKK, despite misgivings over its methods. Many were not interested in, or did not know about, its atrocities. They saw government atrocities on a far more widespread scale, and saw the PKK as defending the Kurdish corner. [16(d)]

6.7 In order to defeat the PKK, the armed forces were granted exceptional powers under the State of Emergency Decree of July 1987, and embarked on forcibly evicting villagers who refused to join the supposedly voluntary **village guard** auxiliary. This force, which started in 1985, had rapidly acquired a reputation for corruption, criminality and brutality towards villagers who were deemed Kurdish nationalist. From 1990 village clearances, frequently conducted with great brutality and killings, became more systematic. In October 1994 Turkey's Human Rights Minister, Azimet Koyluoglu, informed Parliament that two million villagers had already been rendered homeless. In July 1995 the governor of the Emergency Region confirmed a total of 2664 totally or partially evacuated villages and hamlets. From 1997 the rate of evacuation declined. By 1999 most human rights organisations reckoned there were in excess of 3500 villages evacuated and between 2.5 and 3 million people rendered homeless. Theses were not confined to the State of Emergency provinces; neighbouring provinces such as K. Maras, Sivas, Erzerum and Kangol were also affected. [16(d)]

6.8 In 1999 Abdullah Öcalan, the PKK leader, was captured and brought to trial by a Turkish court. In June he was found guilty of treason, and was sentenced to death. In early August the PKK indicated its willingness to comply with Öcalan's request for a cease-fire in south-eastern Turkey. On 12 January 2000 the Turkish Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. In a written statement from prison, Öcalan said that the Government's decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that he now believed that the PKK's war for a Kurdish state was a "historic mistake". A ruling from the ECHR could take up to two years from January 2000. [1,63]

6.9 Kurds do not represent a cohesive ethnic minority and range from persons tranquilly integrated in the larger society through political activists to committed terrorists. A significant number of historically ethnic Kurds have been completely assimilated into Turkish society and no longer even speak Kurdish. [5(h),6,7(b),14,23(d)]

6.11 Outside southeast Turkey, Kurds do not usually suffer persecution, or even

bureaucratic discrimination, provided that they do not publicly or politically assert their Kurdish ethnic identity (see also "Freedom of Speech and of the Press" in chapter 7). [5(h),18(b)] Kurds who publicly or politically assert their Kurdish ethnic identity run the risk of harassment, mistreatment and prosecution. (See chapter 5 "Human Rights: General Assessment") In urban areas Kurds are largely assimilated, may not publicly identify themselves as Kurds and generally do not endorse Kurdish separatism. Indeed they often intermarry with Turks, reach the highest levels of society, and are seldom discriminated against on ethnic grounds. Among many high-ranking Kurds who do not deny their ethnic origins are Hikmet Çetin, the former Deputy Prime Minister and CHP Chairman. It is estimated that 25% of deputies and other government officials claim an ethnic Kurdish background. The late President, Turgut Özal, admitted to having Kurdish blood. Seraffettin Elci, an ethnic Kurd and former public works minister who was famously imprisoned after saying he was a Kurd, acknowledged that the situation today is different from that that saw him imprisoned, although there was still no legal status to "Kurdishness". Kurds who are currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, often have little education and few skills and are simply not prepared for urban life. While education in Kurdish takes place in informal settings and through tutors, such actions are, strictly speaking, illegal. One third of those living in the southeast cannot speak Turkish, a figure that rises to 50 percent among women. Inability to speak Turkish in rural areas is a legacy of underdevelopment and poverty, traditional family structure and more recently the conflict in the southeast, with the PKK assassinating teachers and many schools being abandoned as a result of the government's counterinsurgency campaign. The forced relocations of Kurds from villages into the urban centres of the southeast have also resulted in the schools there being overwhelmed. [5(h),6,7(a),9(d),14]

6.12 Of the four main Kurdish dialects only two are spoken in Turkey, Kurmanji and Zaza. All Kurdish dialects are related, but they are not always mutually intelligible. Most Turkish Kurds speak Kurmanji, but those in the north western Kurdish area, mainly in the provinces of Tunceli and Elazig, speak Zaza. Kurdish, which is an Indo-European language, is unrelated to Turkish, which is an Altaic language. [45]

6.13 In February 1997, a UNHCR representative stated it was not possible to sustain a claim of persecution solely on the basis of being a Kurd per se. The High Administrative Court (VGH) of Baden-Württemberg, in a ruling made public on 6 May 1998, concluded that Turkish Kurds are not subject to group persecution. Two rulings made public on 22 December 1997 by the Administrative Court (VG) of Karlsruhe, Germany, also concluded that Turkish Kurds are not per se exposed to persecution for merely being Kurdish. This conclusion applied even in areas where there is serious military confrontation between State forces and the PKK. The UNHCR Background Report on Refugees and Asylum Seekers from Turkey, dated October 1997, does not state that Kurds are group persecuted. [18(b)(c),42(a)(b)]

Kurdish Political Parties

(See also "Freedom of Political Association" section of chapter 7)

6.14 The pro-Kurdish People's Democracy Party (HADEP) participated in the parliamentary elections in December 1995 and April 1999, but failed to obtain the necessary 10% of the national vote in order to gain any seats in the National Assembly. In 1999 they attracted 4.73% of the vote. [1] Prior to the election HADEP stated that it would concentrate on winning control of local councils in the southeast at the simultaneous municipal and general elections. [2(o)] It was successful in the local elections, taking control of some municipalities, including Diyarbakir (see para 3.27). In October 1998, a Virtue Party (FP) deputy stated "There is no political influence in the (southeast) region other than that of the FP and HADEP." [23(h)]

6.15 HADEP members are sometimes the object of arbitrary arrests and mystery killings and are often harassed in the southeast for their legal political activities. [5(c),7(a)] Two of HADEP's predecessors, HEP and DEP, were closed by the Constitutional Court due to alleged collaboration with the PKK. [2(n)(p),7(a),12(b),18(b)]
6.16 Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP members went on hunger strike in sympathy with the PKK leader. Others held illegal demonstrations and some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of detainees at the end of November as 3,064. Most were reportedly freed after a brief detention. HADEP leaders said that many of their party members were beaten and tortured during the government's crackdown on HADEP, and one 18 year old member died in custody. [2(s)(t),5(e),30(m)-(s),33(i)] Following the hunger strikes on behalf of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment requested prison terms between four and half years to seven and a half years. [11(o)] On 29 January 1999 the Chief Prosecutor of High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an "organic relation" between HADEP and the PKK. [30(t),33(i)] HADEP stated its intention to stand in the April 1999 general elections despite the pending lawsuit, and the Constitutional Court permitted it to do so. [54(c)]
6.17 The forcible return of Abdullah Öcalan to Turkey in mid-February 1999 was marked by public protests by his supporters, many of which became violent. There was a series of PKK bombings across Turkey. The unrest led to another round of arrests of HADEP members. [33(j),40(g)] Following the elections and a drop in PKK terrorist violence in summer 1999, government pressure on HADEP eased somewhat, although a case for closure of HADEP is currently before the Constitutional Court, and three HADEP mayors were arrested in February 2000. The three mayors were held for three days, and the Interior Ministry removed them from office, but reinstated them after peaceful public protests began. The mayors remained free and in office, pending the outcome of their trial, which began in April 2000. They were allowed to travel outside Turkey, although some HADEP officials have been barred for years from international travel. [5(h)]

Kurdistan Workers' Party (PKK) and the Conflict in the Southeast (see also "Security Situation" in chapter 4)

6.18 The government has relied on an exclusively military answer to the problems in the southeast and appears to have handed over its authority to the security forces, who have increasingly forced the local population to take sides e.g. through the village guard scheme. The policy has been to concentrate the local population into more easily protected villages away from the Iraqi and Syrian borders. During the fighting the local population has suffered considerably both from PKK excesses and heavy handed retaliation on the part of the security forces. The Turkish authorities have accused several countries, including Syria, Greece, Cyprus, Russia, Iraq and Iran, of harbouring the PKK. [1,6,7(b),14] Following heightened military tension between the Syria and Turkey, on the 20 October 1998 an agreement was signed under which Syria agreed to curtail PKK activities in its territory. [2(s)] Despite reported hitches in the implementation of the agreement, overall Turkish officials have stated that they regarded Syria as trying to abide by its terms. [30(k)(l)]
6.19 The "**village guards**" are armed and paid by the authorities to defend their villages against attack by the PKK and to deny them logistical support from the villages in the area. Although recruitment into the village guard corps is voluntary (indeed, some Kurdish tribes are pro-government and enthusiastic in their participation) refusal by individuals or entire

villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas. The evacuation of the village, and its subsequent complete or partial destruction on security grounds, can follow a refusal to join. It has been estimated that since 1991 over 3,000 villages have been emptied. The exact number of persons forcibly displaced from villages in the southeast since 1984 is unknown, but the US State Dept. report for 1999 observes that the figure (given by a former Member of Parliament from the region) of 560,000 people appears to be the most credible estimate. Other observers in the region estimate that the total number of displaced persons is about 800,000, and the Representative of the Secretary General on Internally Displaced Persons puts the number as high as two million. The rate of evacuations has now reduced to almost nil, with only one village re-evacuation during 2000, and voluntary and assisted resettlements have begun. Only a fraction of the total number of evacuees has returned, but there is a noticeable increase in the pace of returns. [5(f)(h),46(b)] There has of course been voluntary migration away from the rural areas for economic or educational reasons, continuing the previously established trend of migration to urban centres in pursuit of employment. [1,6,7(b),14,18(b)]

6.20 The majority of Kurds are reported to be opposed to the PKK and its "ruthless armed techniques". Political killings perpetrated by the PKK have included state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid village guards and their family members, young villagers who refused to be recruited and PKK guerrillas-turned-informants. The PKK was attributed with the killing of at least 130 unarmed civilians during 1997. In January 1998, a US State Department official stated "We believe that Turkey has the right to protect its citizens against the PKK. We also would like to see those individuals and organisations who criticise Turkey to understand the difference between the PKK terrorism and the Kurdish minority and not to confuse the two". [7(a)(b),14,20,23(d), 40(e)]

6.21 On 2 August 1999 Öcalan made a call for the PKK to cease its activities from 1 September 1999 and to withdraw from Turkey. Two days later the PKK presidential council answered his appeal and confirmed that PKK combatants would indeed cease operations against Turkey. The statement was supported the following day by the People's Liberation Army of Kurdistan (ARGK), the armed wing of the PKK, which confirmed that it would abide by Öcalan's decision, although it claimed the right to fight in self-defence if attacked. [63(b)] PKK fighters withdrew from Turkey at the end of August. The number of armed confrontations in the south-east declined considerably, and in October 1999 the Government reduced the number of checkpoints in the region. [1]

6.22 In the year 2000 the PKK was almost completely inactive. There were reports of internal divisions over Öcalan's call for ending the armed struggle, but by the end of 2000 no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of eight to ten former militants turned themselves in to the authorities, asking for amnesty. They are all standing trial for charges relating to membership of the PKK. Although PKK attacks against civilians and law enforcement personnel in the southeast have virtually ended, the military did engage the PKK, killing several alleged terrorists. Government authorities acknowledge that the level of violent conflict is considerably lower than in the past, and that a major reason for this is an absence of PKK activity. [5(h)]

Kurdish Parliament-in-Exile

6.23 The Kurdish parliament-in-exile (PKDW) had its headquarters in Brussels and held monthly meetings. [46(a)] Its members held talks with European parliamentarians on a number of issues. [27(c)] The parliament-in-exile was strongly influenced or even run by the PKK. [7(a)] In June 1999 the parliament-in-exile elected Öcalan as their "honorary president". [71(a)] In July 1999 the Chief Public Prosecutor's office of the Ankara State Security Court launched an investigation into the PKDW. It was reported that arrest

warrants in absentia were issued for 33 people in line with article 168 of the Turkish Penal Code (establishment of armed gangs against state security). In September 1999 the parliament-in-exile voted to dissolve and to join the Kurdistan National Congress. [1,11(r)]

Kurdish National Congress

6.24 The Kurdish National Congress was formed in May 1999 in Amsterdam. The Congress claims to have broader representation than the parliament-in-exile, representing Kurds from Turkey, Iran, Syria, Armenia and Western countries. However, important Iraqi Kurdish parties are not represented. It opened an office in London in early October 2000; details are sketchy, but it is expected to be staffed by one to three people, and based in the offices of the Kurdistan Information Centre.[42(c)]

ALEVI KURDS (see also "Freedom of Religion" in chapter 7)

6.25 Like Turks, the Kurds can be divided into two religious groups - the Sunni Muslims and Alevis. Sunni Muslim Kurds make up 85% of the total Kurdish population, while Alevi Kurds form the minority 15%. [16(a)]

6.26 Alevism (an offshoot of Shi'a Islam) is based on a charismatic and legendary Turkish dervish (an Islamic friar vowed to poverty) from the 13th century. Although the dervish was a Muslim, he was also a healer and miracle-worker. These shamanic influences give Alevism its heterodox form. The followers of the dervish who led a nomadic or semi-nomadic life became the Kizilbas. Under the Ottomans the word Kizilbas developed a pejorative meaning of "heretic" or "heretical rebel", in response to which the name Alevi was introduced, referring to the following of Ali. [70]

6.27 Alevi society is very structured, with distinct spiritual ranks depending on claimed lineage to past spiritual figures, with the highest being those claiming lineage to the dervish himself. Under the Alevi belief system there is a set number of ways to God, with an individual progressing themselves through the stages until the final stage is achieved. However, as is discussed later, in recent years there has been a weakening of some of the doctrines. [70]

6.28 In order to co-exist peacefully with surrounding Sunni communities, Alevi communities have worked in or around certain Sunni religious beliefs and practices. A good example is the conduct of funerals in Alevi villages, where both Sunni ceremonies and Alevi ceremonies have been worked in together. In an Alevi village imams are generally respected and provided with certain facilities by the community, and although few attend the services during the week, the mosque will usually fill on religious festivals. Both Alevis and Sunnis regard themselves as Islamic. [70]

6.29 In the 1970s the majority of Alevi turned towards socialism, abandoning their former religious identity. However, from the late 1980s Alevism has been "rediscovered". There are three reasons for this, the first two being the collapse of socialism in Eastern Europe and the rise of political Islam in Turkey. The third reason is Kurdish nationalism. As a significant number of Alevis are Kurds, Kurdish nationalism affects the Alevi community. Therefore the Alevis have tended towards the principle of unity, stressing their religious identity and affiliation as Alevi. This has led to what is described as "Alevi revivalism" in Turkey, with the emergence of Alevi periodicals and newspapers, and community based associations throughout Turkey and the European diaspora. However, the weakening of the Alevi traditions in the 1970s and '80s and the increase in the urban Alevi population have meant a weakening of some of the Alevi doctrines. [70]

6.30 Alevi Kurds are generally located in the marginal areas between the mainly Kurdish south east and Turkish areas of Anatolia, concentrated in Tunceli, Sivas, Çorum, Tokat and Maras provinces. However, this cannot be considered a purely Alevite region. [16(a)]

6.31 Alevi Kurds often betray their origin through their speech. Most speak the minority Kurdish dialect Zaza (as do some Turkish Alevis). [16(a)]

6.32 Alevis, whether Kurdish or Turkish, do not observe the formal requirements of Sunni

Islam. Kurdish and Turkish Alevi women often go unveiled - however, in response to a claim that Kurdish women do not wear Muslim dress and so betray their religious belief and ethnic origin, the British Embassy in Ankara stated that in Turkey the vast majority of women, both of Turkish and Kurdish origin, wear clothes that cover their arms and legs and a headscarf. Very few wear the "chador". (large piece of cloth wrapped around the body to leave only the face exposed). It should also be noted that in the cities many women, especially the younger generation, do not even wear headscarves. [2(b),16(a),27(d),56]

6.33 Both Turkish and Kurdish Alevis may be subjected to some bureaucratic discrimination as are other ethnic and religious minority groups in Turkey (for example, Christians). However, there is no evidence that Alevis are persecuted on account of their religious beliefs by the Turkish state. Indeed, the Refah-led government fell from power in June 1997, under army pressure, after it failed to implement a series of measures proposed by the National Security Council to curb Sunni fundamentalism. (Refah was orthodox Sunni). Alevis have traditionally supported left wing parties because of their strong commitment to secularism. [14,16(a)]

6.34 Relations between Sunnis and Alevis are generally good, although Alevi and Sunni largely go to their own respective shops, restaurants and garages. There is little inter-marriage between the two sects. The Alevi acknowledge the different practices of their Sunni neighbours but do not disassociate from them entirely in their own ritual and personal life. [70]. However, two highly publicized massacres of Alevis took place in 1978 and 1993. In 1978, at a time of widespread violent unrest, hundreds of Alevi Kurds in Maras were reportedly killed by members of a group known as the Grey Wolves (National Action Party). The 1993 massacre occurred in Sivas, when militant Islamic fundamentalists started a hotel fire that burned to death 37 Alevi intellectuals. Around 100 people were convicted for their involvement in the incident, with sentences of up to 15 years' imprisonment. In March 1995 serious violence occurred when militant Islamic fundamentalists opened fire on coffee houses in Istanbul associated with the Alevi sect. Two or three died in the original incident, and a further 25 died during several days of civic disorder which followed. The demonstrators had reportedly hurled petrol bombs at the police, who responded by firing into the crowd. [1,7(a),18(b)]

6.35 In October 1998, the Chief Prosecutor's Office began an investigation after three lawyers from the Ankara Bar Association filed a complaint against Virtue Party leader, Recai Kutan, for remarks he had made about Alevis. In the complaint it was stated that although his remarks were specifically aimed at the ruling Alawi sect in Syria, they were also insulting to millions of Alevi citizens in Turkey. [23(j)] Kutan is reported to have apologised for his comments, stating "I would be a fool to speak badly of our Alawite brothers in Turkey." [2(u),27(d)]

ARABS

6.36 Arabs are mainly located in the southern province of Hatay, but also found five other southern provinces; Mardin, Adana, Urfa, Mersin and Siirt. In 1985 there were estimated to be about 200,000 Nusairi Arabs and in 1984 about 7,000 Arab Christians. [4(e)]

CAUCASIANS

6.37 Caucasians can be split into three groups: Circassians, Georgians and Laz speakers. The north-eastern province of Artvin still has the largest single group of native Georgian and Laz speakers who can also be found in the provinces east of Istanbul which border the Black Sea - Kocaeli, Sakarya and Bolu. [4(e)]

ARMENIANS

6.38 It is estimated that there are about 50,000 Armenians in Turkey, including Gregorians, Protestants and Catholics, most of whom live in Istanbul. In 1915 and 1916

(prior to the foundation of the Turkish Republic) more than a million Armenians were killed at the hands of the "Unity of Progress" wing of the government. Following this and subsequent mass deportations many Armenians fled from Turkey. [1]

6.39 Under the law, religious buildings that become "extinct" (because of prolonged absence of clergy or lay persons to staff local religious councils or for lack of adherents) revert to government possession. During 1999 an Armenian church in Hatay province was deemed by authorities to be no longer in community use, and it is to revert to the government agency which approves the operation of churches etc. [5(f)]

GREEKS

6.40 Many members of the Greek Orthodox community in Turkey have emigrated, allegedly because of pressure from the Turkish authorities. There are now only about 4,400 Turkish citizens of Greek origin left in Istanbul. [4(e)]

SYRIAN ORTHODOX CHRISTIANS (also known as Syriac Christians, Jacobites, Assyrians, Arameans or West Syrians)

6.41 This grouping was formerly a large and prosperous community, mainly located in the south eastern provinces of Mardin and Adiyaman and centred on the ancient monasteries of the Tur'Abdin area. Estimated in 1980 to number 40,000 people but there has since been a move towards emigration**,** particularly amongst the younger Syriac generation, partly based on economic reasons. Part of the community has relocated in Istanbul, while others have gone to western Europe and the USA. In 1988, it was estimated that only 1000 - 2000 Arameans were left in the Tur'Abdin district and the overall figure in the southeast is believed to have dropped to 4,500 after a series of murders in 1990. [4(e)**,**5(e)]

6.42 Distinct from Arameans, but nonetheless connected to them, are the Chaldean or East Syrian Christians, still to be found in scattered groups in the province of Mardin, and another, even smaller group, the Nestorians (also known as Assyrians) who were once numerous in the provinces of Van and Hakkâri. The combined numbers of these groups was estimated in 1980 to be only 7,000 and it is likely that this figure is much lower today. [4(e)]

6.43 Syrian Orthodox Christians are not covered by the Lausanne Treaty. One consequence of this is that Syrian Orthodox children are not exempt from the compulsory religious instruction in state schools. Another consequence is that the religion may not acquire additional property for churches. In September 1997 the Syriac Church was ordered to halt restoration efforts to its monasteries in the southeast and in October 1997 was ordered to terminate its Aramaic language classes on grounds that it lacked proper authorisation from the Regional Board, the Education Ministry, and the Office of Foundations. [5(e)]

JEWS

6.44 Jews account for the smallest religious population in Turkey. In 1996, it was estimated that there were about 25,000 remaining in Turkey. It is reported that Sephardic Jews still play an important and respected role in business and the professions. [1,4(e),18(b),23(k)]

WOMEN

6.45 The literacy rate for women is approximately 78%, compared with 94% for men. Women make up between 43 and 50 per cent of the work force and generally receive equal pay for equal work in the professions, business, and civil service jobs. They may take the examination required to become governors or subgovernors with several having been appointed as subgovernors. Although only 13 of the 550 MPs are female, Tansu Çiller was briefly prime minister, and she still leads one of the main opposition parties. There are no female ministers in the Ecevit government. [5(e)(f),33(c)**,**56]

6.46 Spousal abuse is serious and widespread. Legislation passed in January 1998

made spousal abuse illegal and either sex may file civil or criminal charges. However, police are reported to be reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. "Honour" murders - the killing by immediate family members of young unmarried girls who are suspected of being unchaste - have become less common but continue in rural areas. The government banned the practice of forced virginity testing in January 1999. Under the new law, a girl cannot be medically tested to establish her virginity, unless those demanding it have authorisation from the Justice Ministry. In June 1998 the Constitutional Court annulled Article 440 of the Penal Code, which punished women, but not men, for infidelity. [5(e),33(c),40(b),56,57]

6.47 Independent women's groups and women's rights associations continue to increase in number. There are many women's committees affiliated with local bar associations. Other organisations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the valuation of Women's Labour. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities. [5(h)]

The issue of the wearing of headscarves in dealt with in the "Freedom of Religion" section in chapter 7.

CHILDREN

6.48 Turkey has ratified the UN Convention on the Rights of the Child, which affirms that special efforts must be made to protect children against torture or other cruel treatment. However, Turkish children as young as 12 have reportedly been subjected to torture. [12(e)]

6.49 The Government is committed to furthering children's welfare, and it works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family Issues oversees implementation of the Government's programmes for children. During 2000 the Government established a children's Rights Monitoring and Assessment High Council to focus on children's rights issues. [5(h)]

6.50 Government-provided education up to the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home. [5(h)]

6.51 The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving about 20% of families and their children without coverage, according to the June 2000 UNICEF (UN Children's Fund) report on "The State of Women and Children in Turkey". Persons not covered by insurance may use a special programme to access public health care. In terms of immunisation, infant mortality and malnutrition, Turkey's standards remain at levels that are not compatible with the level of development and resources in the country, according to the UNICEF report. Currently only about 40% of children aged 12 to 23 months are fully immunised. Infant mortality has rapidly declined over the past decade, and as of 1998 stood at 43 per 1000. [5(h)]

6.52 Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law

stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors, and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law are often held for up to four days in incommunicado detention. In September 2000 the Minister of Justice and the head of Ankara's Bar Association signed an agreement allowing the Bar Association to inspect two children's prison facilities in Ankara, the first such arrangement. [5(h)]

6.53 Children have suffered greatly from the cycle of violence in the southeast. The migration - forced or voluntary - of many families, past terrorism against teachers, and school closings on the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to provide basic mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom. The Government has built regional boarding schools to help deal with this problem, but they are insufficient in number. [5(h)]

6.54 Instances of child beating and abuse are more frequently reported than in previous years, according to women's groups. The increase is thought to be due to greater public awareness of the problem. [5(h)]

6.55 The constitution and labour laws forbid the employment of children younger than 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. However, in practice many children work because families need the supplementary income. The bulk of child labour occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. [5(h)]

6.56 The Government recognised the serious problem of child labour in Turkey. The Ministry of Labour, the Government partner of the International Labour Organisation's International Programme on the Elimination of Child Labour (IPEC), has been actively combating child labour since 1992, when it established a child labour unit and trained Ministry of Labour inspectors specifically in child labour issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Currently some 70 of the 700 field inspectors are trained to handle child labour issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labour inspectors only cover areas that are defined in the labour laws. Many children are working in areas that are not covered by labour laws, such as agriculture or the informal economy, and are therefore beyond the reach of the inspectorate. With the introduction in 1998 of the 8-year compulsory education programme, the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. As yet, no statistics are available on the impact of the mandatory 8-year education on child labour. [5(h)]

HOMOSEXUALS

6.57 There are no laws specifically concerning homosexual acts. In the penal code there are articles (419,547,576) which are intended to safeguard public morals, and which can be used against homosexuals. [75]

7. HUMAN RIGHTS: OTHER ISSUES

FREEDOM OF POLITICAL ASSOCIATION

7.1 All activities by political parties were banned by the National Security Council (NSC) on 12 September 1980, and all parties were dissolved on 16 October 1981, prior to the formation of a Consultative Assembly. From May 1983 new parties were allowed to form, but their participation in the general election was subject to strict rules: each had to have 30 party founders approved by the NSC and party organisations in at least 34 of the

provinces, while candidates for the election were also subject to veto by the military rulers. Legislation enacted in March 1986 stipulated that a party must have organisations in at least 45 provinces, and in two-thirds of the districts in each of these provinces, in order to take part in an election. Parties can take seats in the National Assembly only if they win at least 10% of the national vote. [1]

7.2 In June 1992, the True Path and Social Democratic Populist parties sent proposals for the first "instalment" of constitutional changes to all Turkey's opposition parties, whether represented in parliament or not. The changes proposed were generally in the direction of greater democracy. However,they were opposed by the Welfare Party (Refah), and debates and votes in June 1995 showed that other religious and conservative hard-liners in ANAP and DYP were voting with the Welfare Party. At the eleventh hour a slimmed down version was passed with all of the major parties voting for the package and only the Welfare Party voting against. The main elements were removal of language praising the 1980 coup from the Constitution, lowering the voting age and age at which people can join parties to 18 from 21 and allowing greater political participation by trade unions and civil associations. [1]

7.3 The use of languages other than Turkish in political campaigns is forbidden by law. Additionally, a general prohibition exists against parties that claim that there are minorities based "on national, religious, confessional, racial or language differences". Articles of the 1983 Political Parties Law state that political parties: (a) cannot put forward that minorities based on national, religious, confessional, racial or language differences exist in Turkey, (b) cannot advocate the goal of destroying national unity or be engaged in activities to this end by means of protecting, developing, or disseminating language or cultures other than the Turkish language and culture and thus create minorities in Turkey, and (c) cannot use a language other than Turkish. Election law forbids the use of any language other than Turkish in election campaigns. The Kurdish People's Labour Party (HEP) fell victim to these laws, as did the Democratic Mass Party (DKP). The indictment against the DKP illustrates the position of the government. The prosecutor did not argue that Kurds or other minorities do not exist, and in fact stated that such groups enrich society as a whole. However, the activities must be kept at the level of the individual and not demand group rights. Some parliamentary candidates have been prosecuted and convicted for using Kurdish at election rallies. [9(d)]

7.4 Another party which was banned for contravening the secular nature of the Turkish Republic was the Welfare Party (Refah), although the issue in this case was religion. In February 1998 the Constitutional Court's decision on the case was published, in which the Welfare Party was adjudged to be using democracy to establish a state based on *Shari'a* following statements made by its leaders in speeches. Following the disbanding of the Welfare Party most of its parliamentary deputies joined the Virtue Party (Fazilet). However, although it initially steered a more cautious course than the Welfare Party it appeared to diverge from this course when one of its female deputies entered the Turkish Parliament wearing a headscarf, a public show which even some Virtue Party deputies saw as an unnecessarily confrontational move. In June 1999 the chief prosecutor sent an application to the Constitutional Court claiming not only that the Virtue Party was a centre of anti-secular activities, but that it was also a continuation of the Welfare Party, contrary to provisions of the constitution which forbids permanently closed parties to reopen under another name. In June 2001 the Court reached a decision, and banned Virtue for undermining Turkey’s secular order. In a more limited sanction than was demanded by the public prosecutor, the judges voted to expel only two Virtue deputies. Most of the 100 remaining Virtue deputies were expected to join two successor parties which were formed – the Felicity Party (Saadet) and the Justice and Development Party (Adalet ve Kalkinma). [30(oo),63(i)]

Trade Unions

7.5 The Turkish labour movement began in the 1930s, but it was not until the multi-party system of government came into being in the 1950s that the labour movement really began to establish itself. [4(e)]

7.6 Unions must achieve a set minimum membership in each workplace in order to be able to sign collective bargaining accords. This has prevented small unions gaining representation in the work place. [4(e)]

7.7 Constitutional amendments passed in July 1995 have slightly altered the position described above. Article 52 has been amended to allow trade unions to engage in political activities and civil servants are now allowed to form unions although they are still not allowed to strike. [4(e)]

Major Trade Union Confederations

7.8 TÜRK-IŞ (Confederation of Turkish Labour Unions) President: Bayram Meral. DISK (Confederation of Progressive Labour Unions) President: Ridvan Budak. [1]

Employers' Confederation

7.9 TÜSIAD (Turkish Industrialists' and Businessmen's Association) Pres.: Erkut Yücaoğlu. Sec.-Gen.: Dr Haluk R. Tükel. [1]

FREEDOM OF SPEECH AND OF THE PRESS

7.10 An extremely detailed examination of this issue is made in the Human Rights Watch paper "Turkey: Violations of Free Expression in Turkey" of February 1999. [9(d)] Almost all Istanbul papers are also printed in Ankara and Izmir on the same day, and some in Adana. Among the most serious and influential papers are the dailies 'Milliyet' and 'Cumhuriyet'. The weekly 'Girgir' is noted for its political satire. The most popular dailies are the Istanbul papers 'Sabah', 'Hürriyet', 'Milliyet', and 'Zaman'. 'Yeni Asir', published in Izmir, is the best-selling quality daily of the Aegean region. There are numerous provincial newspapers with limited circulation. [1]

7.11 Article 28 of the 1982 Constitution provides that the Press is free and shall not be censored. Other articles of the Constitution and a large number of related laws, however, impose considerable restrictions on press freedoms, directly or indirectly, although in practice these restrictions have tended to affect the major newspapers less than the smaller, more politically extreme journals. Political comment on the behaviour of the government and the leading politicians is unprohibited, with corruption allegations providing a favoured topic. Nonetheless, a significant number of journalists have been convicted of press-related offences, normally in connection with the Kurdish question. Article 8 of the Anti-Terror Law has been used extensively in these cases. There have been cases of journalists being imprisoned or, less frequently, killed, by the security forces, not just in the south east. The Committee to Protect Journalists (CPJ) reported that at the end of 2000 14 journalists were in prison. At the end of 1999 the figure was 18. [5(h),58] Turkish press coverage of the situation in the State of Emergency Region in the southeast tends to be unreliable, with the major papers largely relying on the official reports issued by the Office of the Governor of the State of Emergency Region. Government decree No 430 requires self-censorship of all news reporting from and about the State of Emergency Region and gives the power to ban any news regarded as misrepresenting events in the region. In addition to these pressures, journalists operating in the south east have faced "bans" imposed at various times by the PKK which have stated that any journalists defying the bans will be regarded as legitimate targets. A number of journalists have been kidnapped by the PKK in the last few years. [4(e),9(b)]

7.12 Article 26 of the 1982 Constitution prohibits the use of any language "prohibited by law" in the expression and dissemination of thought. Legislation passed in April 1991 repealed the law effectively outlawing the use of Kurdish, but the wording of the new legislation means that it still remains illegal to publish or educate in Kurdish, or to use

Kurdish in official business. Kurdish language papers are now openly sold in Turkey although the first Kurdish language newspaper, ‘Rojname’, was forced to close due to persistent police harassment. [4(e)] In October 1998, a newspaper focusing on Kurdish issues, ‘Ulkede Gundem’, was shut for 312 days by a court order and fined 40bn Turkish liras (US$12,000) over an article judged to have "incited hatred" along ethnic lines. [9(c)] A further 180 cases are pending. A series of Kurdish newspapers have been closed down in recent years. [2(r)] Despite these difficulties, Human Rights Watch report that Kurds speak their native tongue throughout the country and Kurdish music and videos are widely available and played openly, including in the conflict region in southeastern Turkey. The so-called "Kurdish question" is discussed in the press and some limited radio broadcasting in Kurdish is taking place, and there appear to be some plans to allow some sort of Kurdish language television. [9(d)]

7.13 Despite these improvements, serious problems remain. The Constitution, Political Parties Law, the Law Concerning the Founding and Broadcasts of Television and Radio, the Foreign Language Education and Teaching Law, and the Law Concerning Fundamental Provisions on Elections and Voter Registries Provincial Administration Law, all prohibit or restrict with certain exceptions the use of languages other than Turkish. Political parties are still banned for "inciting hatred on the grounds of religious or ethnic difference" if they demand linguistic and cultural rights for the Kurds. A recent attempt by a private foundation to teach Kurdish "ran into a legal brick wall". The head of the unregistered Kurdish Institute was unable to register the Institute or put up a sign saying Kurdish Institute, even though police calling at the Institute would refer to it as the Kurdish Institute. Seraffettin Elci, an ethnic Kurd and former public works minister who was famously imprisoned for declaring he was a Kurd summed up the situation by stating: "When I was a minister and said in public I was a Kurd, the whole society was shaken. It was treated as a manifesto. The whole state was in turmoil, and I was punished under Article 142. Now when someone says he is a Kurd there is no reaction. Things have changed, but this doesn’t mean that "Kurdishness" has a legal status." [9(d)]

7.14 As far as the Islamist press is concerned, Turkey has a broad spectrum of Islamist publications, ranging from independent to pro-Iranian. Major Islamist dailies include ‘Zaman’, ‘Yeni Şafak’, ‘Akit’ and ‘Milli Gazete’. Islamist television stations include Samanyolu and Channel 7, among others. Prosecutions have been brought against some Islamist politicians, intellectuals and writers under the Turkish Penal Code which prohibits "openly inciting people to enmity and hatred by pointing to class, racial, religious, confessional, or regional differences" or under provisions concerning publicly insulting or cursing the memory of Atatürk (Mustafa Kemal). [9(d)]

7.15 Turkish State Broadcasting, TRT, had a monopoly on television broadcasting in Turkey until relatively recently. The monopoly was breached by private channels broadcasting by satellite from outside Turkey, and in January 1994 a report from the Supreme Electoral Board stated that there were 250 private TV stations and 1,250 private radio stations operating in Turkey. Twelve of the TV and private radio stations broadcast nationally, and the rest are local stations. In a December 1998 speech President Demirel said that 230 local, 15 regional and 16 national television stations - the majority private - were registered, along with 1,055 local, 108 regional, and 36 national radio stations. [1,4(e),5(e)]

7.16 A Radio and Television Law was passed in April 1994 in an attempt to establish some control over the broadcasting section. The law set up a Supreme Broadcasting Board (RTUK) composed of nine members, five appointed by the government and four by the opposition, to oversee and regulate the broadcasting sector. National TV stations largely mirror the major newspapers in their approach to the reporting of human rights stories and the south-east. Little coverage is given in general and what is broadcast mainly

derives from official sources. The national private stations have mainly concentrated on broadcasting sport, films, entertainment and sensational real life crime programmes. [1,4(e)]

7.17 Recently some parliamentary political parties have expressed support for relaxation of the restrictions on the use of the Kurdish language in publications and education and advocated increased recognition of Kurdish identity. [2(q),23(l)]

7.18 The Mesopotamian Cultural Centre (MKM), an NGO that seeks to promote Kurdish language and culture, continued to operate in 2000. Some officials alleged that the organisation is linked to the PKK. The group's centres in the southeast remain closed. Police exert pressure against the group and hinder its activities, and local officials monitor and often interrupt its cultural events. Some MKM branches report that they were prevented from selling Kurdish-language music cassettes, and were warned against organising cultural events. On 30 December 2000, however, for the first time the Governor of Hakkari province in the southeast allowed a Kurdish-language music concert, organised by an MKM-sponsored band. 5000 people attended the concert. [5(h)]

7.19 Kurt-Kav, the Kurdish culture and research foundation, remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition. In February 2000 Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdish-speaking students. A second case on the same charges, based on co-operation with a Swedish university to promote study of the Kurdish language, was still pending in the courts at the end of 2000. [5(h)]

FREEDOM OF ASSEMBLY

7.20 The Constitution provides for freedom of assembly. However, prior notification of gatherings is required and the permission of the authorities must be obtained. The authorities may deny permission if they believe the gathering is likely to disrupt public order. Spontaneous demonstrations are illegal and punishable by imprisonment of up to three years. In addition, Article 8 of the Anti-Terror Law prohibits assemblies, meetings and demonstrations which are aimed at undermining the indivisible unity of the Turkish state. Demonstrators, including human rights defenders, students and Islamists, have frequently been taken into custody from peaceful public meetings, and held for hours or days in police detention solely because of their non-violent political activities. [5(h),6,12(o)]

FREEDOM OF RELIGION

(See also "Freedom of Political Association" section for religion in politics)
(See also "Freedom of Speech and of the Press" section for religion in the press)

7.21 Turkey is a secular state, with Article 24 of the Constitution providing for freedom of belief and freedom of worship. These provisions are generally observed. More than 99% of the population is Muslim; the majority is Sunni, but there are about 12 million Alawis/ Alevis (an offshoot of Shi'a Islam). Although Islam was stated to be the official religion in the Constitution of 1924, an amendment in 1928 removed this privilege. There were attempts to revive this link between religion and state affairs by successive governments, but secularity was protected by the revolution of 1960, the coup of 1980 and the 1982 Constitution. While Turkey is legally a secular state, Sunni Islam enjoys a privileged position that can infringe the rights of adherents of other groups and faiths freely to practise their religion. Religious services can be held only in designated places, and Sunni Muslim religious instruction in schools is compulsory except for Lausanne Treaty minorities (Greek, Armenian and Jewish minorities recognised under the Treaty of Lausanne as requiring special consideration). Adherents of the Alevi sect complain of discrimination in this and other respects. Groups of soldiers have been dismissed for prohibited religious and political activities, some religious activities of Lausanne Treaty minorities have been restricted, and the ban on headscarf wearing has been more rigorously enforced, leading some women to lose their jobs or not be able to register for university. [1,5(g)(h),6]

7.22 There is a ban on the wearing of headscarves in public workplaces, a ban which the Refah Party, during its time in government, unsuccessfully tried to remove. The ban is attributable to a desire to protect the secular nature of Turkey. The issue of the wearing of headscarves has entered into the political arena in recent years, with demonstrations continuing to be held against the ban, some of which have descended into violence. In May 1999 the university rectors committee agreed to maintain the ban on headscarves in their institutions. [69(a)]

7.23 Following the elections in April 1999 a Virtue Party deputy, Merve Kavakci, tried to wear a headscarf in the opening session of the new parliament, contrary to the code of conduct for public servants. After vociferous protests by the Democratic Left Party (DSP) deputies, a recess was called and Kavakci left the parliament without being sworn in. [30(jj)] The objections were not, however, limited to the DSP, and some deputies, including the deputy leader of the Virtue Party (FP), resigned their membership of the FP over what they saw as an insensitive and confrontational act which only increased tensions over the issue. [30(kk)(ll)] Merve Kavakci was subsequently stripped of her Turkish citizenship on the grounds that she had previously applied for and been granted US citizenship without requesting permission from the Turkish government. Although the Turkish government did have the power in the circumstances to strip Kavakci of her citizenship, the leader of the Virtue Party condemned it as a political act. [11(u),30(mm)] The incident was one of the factors which led the chief state prosecutor to begin proceedings against the Virtue Party for being anti-secular and a continuation of the Refah Party, contrary to the Turkish Constitution. [5(g)] (See "Freedom of Political Association" section)

7.24 Extremist groups or individuals target minority communities from time to time. Some Christians and Baha'is have faced social and government harassment, including detentions for alleged proselytising or unauthorised meetings. A Muslim cleric was arrested in June 2001 for insulting the Government, holding an illegal religious meeting, and wearing prohibited religious clothing. A Syriac Christian priest stood trial in December 2000, but was acquitted in April 2001 for statements made in October 2000 "that incited enmity" concerning Armenian genocide claims. [5(g)]

FREEDOM FROM RACIAL DISCRIMINATION

7.25 The Turkish Constitution prohibits discrimination on ethnic, religious or racial grounds. However, the Constitution does not recognise the Kurds as a national, racial or ethnic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, but Kurds who publicly or politically assert their Kurdish identity risk public censure, harassment or prosecution (see "The Kurds" section of chapter 6). A Kurdish ethnic origin is not a bar to enhancement in Turkish society as many MPs, senior officials and professionals are ethnic Kurds. [5(h)]

FREEDOM OF MOVEMENT / INTERNAL FLIGHT

7.26 Turkish citizens generally enjoy the freedom of movement domestically and the freedom to travel abroad. It is the constitutional right of a Turkish citizen to obtain a **passport**. This right is denied only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. Within Turkey, travel outside the state of emergency provinces is not restricted. Travel inside the state of emergency provinces can be restricted for security reasons. Both the security forces and the PKK set up roadblocks in the region, although due to the improved security situation the use of roadblocks has decreased. [5(h),6,7(a)]

7.27 A Turk who wishes to have a **passport** must apply in person; an application cannot be made through an agent. He/she applies in the local region where he resides, and the regional passport office makes checks to verify his or her identity. These checks include establishing whether the applicant has criminal convictions and/or is wanted by the authorities. The applicant is always asked why the passport is wanted. Issue of a passport

would not be withheld if the applicant had not completed his military service; this is because there are provisions in law to defer military service. [82(b)]

7.28 There are four different types of passport:

(i) Red (diplomatic)

(ii) Grey (service). Issued to lower rank government officials who are being sent abroad for a short time on official duty.

(iii) Green (officials). Issued to government officials who have reached a certain level. The qualification for these passports is based on hierarchy and length of service in government.

(iv) Blue. Issued to ordinary citizens. [82(b)]

7.29 External frontier controls are carried out effectively with a computerised network at nearly all of the national frontiers. The names of all individuals exiting Turkey at Istanbul airport are automatically run through a computer to see whether they appear on the list of people to be prevented from leaving the country for reasons of, for example, tax evasion or committing a crime. [6,7(c)(d)]

7.30 The ongoing conflict between the Turkish armed forces and the PKK guerrillas, and the poor economic situation in the southeast, have caused considerable migration away from the rural areas in the southeast. Many have remained in the southeast and moved to cities such as Diyarbakir, Siirt, Tunceli and Cizre, whose populations have doubled or trebled as a result of the migration. The large cities in the west have also been major recipients of this migration. It is estimated that as many as 3.5 million Kurds have left southeast Turkey since 1984. Istanbul, Izmir and Ankara have received the most migrants, with Istanbul accommodating almost 1.5 million new immigrants. Between one-half and almost two-thirds of the Kurdish population now live in peaceful assimilation in western Turkey and on the southern coast (3 million in the Istanbul conurbation, 2 - 3 million on the southern coast, 1 million on the Aegean coast, 1 million in central Anatolia and the remaining 6 million in east and southeast Turkey). [6,7(a)]

7.31 UNHCR advise that, in general, Kurds fleeing southeast Turkey have a possibility to relocate within Turkey. According to their information, the large number of internally displaced persons in Turkey do not normally face serious security problems. However, the ongoing conflict between the Turkish state and the PKK has increased tensions between Turks and Kurds, in particular in big cities where there has been a large influx of Kurds fleeing conflict zones. These tensions have been exacerbated by the arrest, trial and conviction of PKK leader, Abdullah Öcalan. Obviously, the group most likely to be exposed to harassment/ prosecution/ persecution are Kurds suspected of being connected to or being sympathisers with the PKK. In view of the above, UNHCR advise that it is essential to find out if Turkish asylum seekers, if returned, would be at risk of being suspected of connection to or sympathy with the PKK, or have otherwise a political profile. If this is the case, UNHCR continue, they should not be considered as having been able to avail themselves of the option to relocate in a region outside the southeast of the country. [18(h)]

TREATMENT OF FOREIGNERS SEEKING ASYLUM IN TURKEY

7.32 Although Turkey has ratified the 1951 Convention relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol, it operates the Refugee Convention with a geographical restriction, applying the terms of the Convention only to refugees from Europe. In November 1994 the Turkish government published a new regulation regarding refugees, entitled "Regulation on the Procedures and the Principles related to Mass Influx and the Foreigners Arriving in Turkey either as Individuals or in Groups Wishing to seek Asylum from Turkey or Requesting Residence Permits with the Intention of Seeking Asylum From a Third Country". Under this new regulation, non-Europeans as well as Europeans are required to submit their application to the Turkish authorities. If a European

is recognised as a refugee, the Turkish government affords them protection under the terms of the Convention. If a non-European is recognised by the Turkish authorities to have a valid claim to protection, he or she is classified as an "asylum-seeker" and their case is submitted to the UNHCR for resettlement in a third country. The "asylum-seeker" does not have the option of remaining in Turkey, although they generally will be allowed to stay in the country pending re-settlement. [12(n)] Nearly 4,000 refugees were processed for resettlement by UNHCR Turkey during the period January - September 1998. [18(g)] According to UNHCR there were 5681 asylum seekers during 2000; out of these cases and some from previous years, UNHCR rejected the asylum applications of 4471, and accepted 2709. [5(h)]

7.33 Foreign nationals arriving in Turkey to seek asylum must submit their application to the police within 10 days of their arrival in the country. Those who have entered illegally (for example without proper documentation or authorisation) are required to submit their application to the authorities in the governorate closest to their point of entry. UNHCR is present in border areas to monitor refugees and counsel asylum seekers about Turkish asylum regulations. Those who enter the country legally may submit their application in any city in the country, but are still required to do so within 10 days. The claim is considered by the Ministry of the Interior. If a negative decision is reached, a deportation order is issued, which may be appealed against within 15 days. The UNHCR office in Ankara still conducts refugee determination of non-European asylum-seekers in Turkey, independent of the Turkish government, and undertakes to resettle those it recognises as needing of protection. [5(h),12(n),18(g)]

7.34 The 10 day time limit for registration in the Government's asylum programme is implemented strictly, and remains an obstacle to the full access of asylum seekers to refugee status determination procedures.[5(h)] UNHCR note that working relations between UNHCR and the Turkish government are excellent, although there have been discrepancies between status determination decisions taken by UNHCR and those of the Turkish authorities. UNHCR advocate a more flexible application of the asylum procedure in Turkey. [18(g)]

7.35 A Ministry of the Interior administrative regulation also requires all asylum seekers to present a valid identification document when submitting their application. Amnesty International report that asylum seekers who have been unable to provide such a document have been unable to register their claims and have been subsequently deported. Amnesty have also expressed concerns over large scale roundups and expulsions of non-Europeans present illegally in Turkey, some of whom have been recognised as refugees by the UNHCR. [12(n)]

7.36 UNHCR, in co-operation with the Ministry of Foreign Affairs and the Ministry of the Interior, has launched a comprehensive programme to support training on asylum and refugee issues for Turkish authorities. Those who have taken part in the programme have included senior police officers dealing with refugees and asylum seekers, while further initiatives will target the judiciary and Bar Associations. [18(g)]

TREATMENT OF RETURNED ASYLUM SEEKERS

7.37 There is no organisation or government that consistently and formally monitors the treatment of returnees to Turkey. Even the Turkish Human Rights Association (IHD) does not perform this function. The only way incidents of mistreatment are brought to notice is if the person him or herself notifies human rights organisations, press, embassies and so on. [72(a),73(a)] In principle the Turkish police can question any deported citizen upon their arrival at the airport. This interrogation aims to establish the identity of the individual and also to check whether they have been implicated in any common law case. In general there is no follow-up unless the individual is the subject of legal proceedings. [47] If the returnee is known to the police for whatever reasons, he is possibly taken into custody for

more interviews. [72(a)] Amnesty International in Germany take the view that while it is still true that most asylum seekers or returnees are released after the routine interview, there has been an increasing number of cases where returned asylum seekers were picked up later by "unknown men" and beaten up or arrested by the police and taken into police custody. The report goes on to say that this mistreatment is carried out in order to obtain confessions from suspected persons. [12(k),72(a)]

7.38 **Returnees without documents** will be questioned. [47] This will be an in-depth interrogation by the Turkish border police (which is to be distinguished from the routine identity check on arrival). The German authorities state that, as a rule, the questions refer to personal data, date of and reasons for departing Turkey, possible criminal record in Germany and contacts with illegal Turkish organisations. In some cases further inquiries will be made via other offices (e.g. prosecutor's office, registrar's office at the last Turkish residence of the returnee) in order to find out if the returnee is liable to prosecution for a criminal offence. These enquiries can take from several hours to several days, during which time the returnee will be kept in custody. Currently available information indicates that undocumented returnees are generally not being maltreated while being kept in custody. However, ill-treatment cannot be ruled out in cases where returnees are suspected separatists. [48] The Swiss authorities take the view that nothing can be completely excluded or assumed from the start; it depends on the individual case. [72(a)]

7.39 Amnesty International in Germany state, in relation to returns from Germany, that the Turkish authorities are more likely to be suspicious in cases where a person returning to Turkey is not carrying any valid personal documents in accordance with regulations or is carrying documents indicating asylum proceedings abroad. [12(k)]

7.40 **Being of Kurdish origin** does not in itself constitute a higher risk of inhuman treatment. [72(a),47,48] Everything depends on the individual and his activities in Turkey and abroad. [72(a)]

7.41 In relation to **returnees who are draft evaders**, there is information available on this subject in the military service section elsewhere in this assessment. Draft evasion is punishable by imprisonment according to the Military Penal Code. Hence a draft evader would be arrested when detected. [48] The treatment of draft evaders in basic training or after posting to their unit is less clear. There is little information on the matter as serving soldiers come under the administration of the military authorities. The various EU authorities which were asked for their opinions have consequently not been able to advance any useful evaluation of the situation, with the French noting that they cannot exclude the possibility that draft evaders may be badly treated during their military service (although they note that this greatly depends on the unit which they are serving in), and the Swiss noting that there is no safe information on the subject, and that conditions can be harsher. [72(a),47,48]

7.42 At the time of writing there are 70 reported cases which have been advanced as evidence of the mistreatment of returnees in Turkey. Some refugee groups and human rights organisations, including the IHD, have expressed grave concerns over the risk of torture run by returnees. Details of these cases are listed in source 74. [16(c),42(g),49-52,74]. The earliest cases date from 1989, the latest from 1999. The most in any one year was 17 in 1997. Only four of these cases relate to the United Kingdom, three of these dating from 1989, one from 1993. 60 relate to returnees from Germany, the rest are spread between Austria, France, Sweden and Switzerland. The solicitors acting for the three individuals whose cases dated from 1989 alleged that they had been victims of refoulement. The Home Office does not accept that refoulement occurred. The legal challenge was settled in an out of court settlement. The details of the 70 cases break down as follows. Two cases appear in two of the categories below:

4 - allegedly refouled

5 - not returnees (holidaymakers, voluntary returnees, etc)
15 - were either PKK sympathizers, or were returned to Turkey with material on them or in their luggage which would strongly indicate PKK sympathies
2 - family connections to the PKK
3 - outstanding legal actions against them in Turkey
4 - denounced as PKK supporters
5 - are reported as missing
2 - involved religion: one Alevi, one Yazidi
5 - inconclusive / no details of ill-treatment (only reported to be sent for military service, or imprisoned, or arrested, or failed to contact family outside Turkey after return)
27 - cases without explanation / other cases

7.43 In order for an assessment of risk to be made the reported cases of mistreatment of returnees must be set against the total number of returnees. The numbers of removals of Turkish nationals to Turkey by various countries are set out in the table at Annex E.

7.44 Few countries were able to give figures for the number of removals for the last 10 years, the period over which the reported cases of mistreatment occurred. Even with only half the figures for returnees for 1989-2000 being available, and these relating to only 9 countries, the numbers are still large, with 43,704 Turkish nationals being returned, of which 7102 are identified as being unsuccessful asylum seekers. The number 7102 does not include unsuccessful asylum seekers returned from Germany, the USA, Canada and Australia as those countries make no distinction in their statistics between asylum and non-asylum deportees. As can be seen from the table, Germany returns more Turkish nationals than the other countries which provided statistics, so the number of unsuccessful Turkish asylum applicants returned to Turkey would in reality be considerably larger than 7102.

7.45 As is stated earlier, there is no organisation that monitors returnees, so it should be accepted that there are more actual cases of mistreatment than those reported. As to what degree there is underreporting, this can only be a question for speculation. The position of the UNHCR in the matter is that they have no objection to the return of Turkish asylum seekers who after a fair and efficient asylum procedure have been found not to be refugees nor to be in need of international protection on other grounds. [18(d)(e)(f)]

7.46 Since 1996 UNHCR has, in agreement with the Turkish and Iraqi authorities, facilitated the voluntary return of Turkish nationals from northern Iraq, numbering some 2100 persons in total to date. UNHCR staff based in Iraq have accompanied each returning group, and UNHCR staff in Turkey have been present at the arrival point in Habur. Furthermore, UNHCR staff based in Turkey have paid frequent visits to the returnees in various provinces in order to observe the results of voluntary repatriation. UNHCR has received full co-operation from the Iraqi and Turkish authorities in these actions, and is satisfied that **returnees as a category have not been subject to persecution or reprisals in Turkey.** At the same time, UNHCR notes that returnees are still liable under national law, in the same way as other Turkish nationals, for crimes committed before departure from Turkey or after return. UNHCR's information is that arrests or prosecutions of returnees for such acts have been comparatively rare. [82(e)]

PRISON CONDITIONS

7.47 Prison conditions remain poor. With some exceptions (i.e. for high profile political prisoners or for those with gang connections), prisons remain plagued by overcrowding, underfunding and very poor administration. The number of prisoners in late 2000 reached the record figure of 72,500. Despite the existence of separate juvenile facilities, juveniles and adults are sometimes incarcerated together, and most prisons lack adequate medical care for routine treatment and even medical emergencies. Families must often supplement the poor quality food. Human rights observers estimate that at any given time, at least a

quarter of those in prison are awaiting trial or the outcome of their trial. [5(h),76]

7.48 Most prisons have been run on the ward system. Prisoners with similar ideological views are incarcerated together and, in some cases, indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. The Ministry of Justice said publicly in December 2000 that it had not fully controlled the prisons since 1991. Efforts by the Ministry of Justice during 2000 to construct and transfer inmates to a small-group "F-type" cell system were criticised strongly by human rights groups and prisoners' groups. Groups linked to terrorist organisations claimed that the ward system was a more humane form of incarceration. Critics of the F-type cells claim that these cells allow authorities to isolate single inmates or small groups of prisoners from other inmates, and to control prisoners' access to water, food, electricity and toilets. [5(h)]

7.49 In November and December 2000, hundreds of prisoners, mostly affiliated with far left terrorist groups, went on hunger strikes to protest against F-type, claiming that they intended to starve themselves to death. The Government entered the prisons in December 2000, after the fast had reached its sixtieth day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and two Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths – including those who allegedly set themselves on fire on the order of their organisation – is unclear. The Government, not following normal practice, refused to allow prisoners' families or lawyers to see autopsy results. No open investigation has been planned, although there may be internal disciplinary proceedings for some prison officials. Some prisoners were transferred to newly-opened cell-system prisons. Two members of the Parliamentary Human Rights Committee visited one of the new prisons at the end of 2000. According to their report, 341 prisoners from five other jails had been transferred to the new cell-system prison. Some of them, as well as prisoners in other jails, continued their hunger strikes, while many others complained of brutal handling by the authorities or inadequate medical treatment. Prisoners' strikes and demonstrations by supporters' groups and human rights organisations, particularly the Human Rights Association (HRA), continued and in many cases led to detentions. Four offices of the HRA were closed in November and December 2000 for activities relating to the prison protests. [5(h)]

7.50 In May and June 2000 the Parliamentary Human Rights Committee, under then-chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout Turkey. In October 2000 Piskinsut was not reappointed to chair the committee. Some critics of the Government claim that this was in response to her activism. She was replaced by Huseyin Akgul of the MHP (one of the parties making up the Government). The reports were based on two years of visits by the committee which includes members from all five political parties represented in Parliament and interviews with over 8500 inmates. The reports, which also included evaluations of some detention sites such as police cells, alleged that torture remains widespread in the prison system, and that those in positions of authority, including prosecutors and provincial governors, were not doing enough to ensure adequate living conditions for inmates. Amnesty International noted that these reports represented a significant step forward by officials in documenting torture as well as prison conditions. [5(h)]

7.51 The Government permits prison visits by representatives of some international organisations, such as the European Committee to Prevent Torture (CPT) and the UN Special Rapporteur on Torture. The CPT visited in July and December 2000. However, the Government does not allow NGOs to visit prisons except for individuals acting in their capacity as lawyers. A delegation from Amnesty International (AI) visited in April 2000, and Human Rights Watch (HRW) conducted research into prisons over the course of 2000. Delegations from AI and HRW met with Turkish officials as part of their research into

prison issues; however, AI and HRW assert that during their return visits in December 2000, following the prison crisis, government officials declined to meet them. [5(h)]

ANNEX A: BIBLIOGRAPHY

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(c) Three Policemen Suspended After Reporters Beaten 29/7/1997
(d) Council Adopts Decisions To Improve Human Rights Situation 7/8/1997
(e) Human Rights Body to Review Measures Against Torture 5/9/1997
(f) Government Sets Up Working Group On Freedom Of Thought, Expression 6/10/1997
(g) Parliament Approves Lifting State Of Emergency In Three Provinces 4/10/1997
h) Governor Says Security Achieved In State Of Emergency Region 24/10/1997
(i) Premier Details Election Agreement Reached With Opposition Party 28/4/1998
(j) Premier Announces New Cabinet List 11/1/1999
(k) Parliament Votes Confidence in New Government 17/1/1999
(l) Iraqi Kurdish Leader Assures Turkey About Fighting Separatists 9/11/1998
(m) Interior Minister Says Number of "Terrorist Incidents" Down 12/12/1998
(n) Policemen in Journalist's Death Trial Released 11/12/1998
(o) Pro-Kurdish Party Officials Sued for Ties with "Terrorists" 28/12/1998
(p) Parliament Extends State of Emergency 9/2/1999
(q) Court decides on retrial for 10 policemen acquitted of torture 15/6/1999
(r) Prosecutor starts investigating Kurdish parliament-in-exile 26/7/1999
(s) Kurdish leader Öcalan asks rebels to cease armed struggle 31/5/1999
(t) Kurdish leader Öcalan sentenced to death 29/6/1999
(u) Islamist MP in headscarf row stripped of citizenship 15/5/1999
(v) Islamists says bid to strip deputy of citizenship blow to democracy 14/5/1999
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(d) Letter to Dutch Ministry of Foreign Affairs re: Return of Rejected Asylum Seekers to Turkey 9/8/1999
(e) Letter to Howe & Co solicitors 31/3/1999
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(j) Kutan Under Investigation for Remarks Against Alawis 13/10/1998
(k) Jewish Industrialists in Turkey 7/9/98
(l) FP's Kutan - Kurds Have Right to their Identity 13/8/1998
(m) The Anatomy of a Political Scandal 13/11/1998
(n) Labour Unions React Against Layoffs and Blame Crisis on Employers 16/12/1998
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(c) Extract from "Refusing to bear arms" (1998)
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(a) United States, European Union Criticize Jail Term For Erdogan 5/10/1998
(b) European Mission Says Turkey's Southeast `Normalising' 13/9/98
(c) Kurdish Parliament Looking for a New Meeting Place 1/11/98
(d) Kutan Draws Criticism from Alawite Community 18/10/98
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(a) Turkey's Economic Woes December 1997
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(a) Annual Inflation Rate Over 80 Per Cent in September 3/10/1998
(b) Officials of Pro-Kurdish Party Taken Into Custody 1/4/1998
(c) Human Rights Activist Given One Year Sentence for "Separatist Propaganda" 16/12/1998
(d) Court Acquits Defendants in Pro-Kurdish Sympathies Case 19/11/1998
(e) Party Leader Explains Reasons for Censure Motion Against Premier 12/11/1998
(f) Islamist Party Submits Censure Motion Against Premier 11/11/1998
(g) President Demirel Appoints Democratic Left Leader Prime Minister 2/12/1998
(h) Premier Designate Gives Up Bid to Form Government 6/1/1999
(i) Bill to Replace Death Penalty with Life Sentence Completed 16/11/1998
(j) Parliament Extends State of Emergency by Four Months 24/11/1998
(k) Foreign Minister: Syria Fulfilling Commitments on Tackling Separatists 30/12/1998
(l) News Agency Reports Hitches in Ankara's Relations With Syria 28/11/1998
(m) One Hundred and Fifty Kurdish Party Members Taken into Custody 21/11/1998
(n) Pro-Kurdish Party Members Arrested, Imprisoned in Turkey 23/11/1998

(o) Ten People Remanded in Custody for Holding Illegal Demo 1/12/1998
(p) Kurdish Party Members Arrested 7/12/1998
(q) Eleven Members of Kurdish Party Arrested for "Separatist Propaganda" 9/12/1998
(r) Eight Members of Pro-Kurdish Party Arrested 14/12/1998
(s) More Than 60 Kurdish Leader's Sympathisers Arrested 19/11/1998
(t) Chief Prosecutor Files Suit to Close Down Party Over Terrorist Links 29/1/1999
(u) Court jails six policemen for killing journalist 6/5/1999
(v) Human rights activist starts prison sentence 3/6/1999
(w) Parliament removes military judges from security courts 18/6/1999
Military judge in Kurdish leader's trial replaced by civilian 19/6/1999
(x) Republican People's Party to hold congress 22-23 May 22/4/1999
(y) Leader of Democratic Turkey Party explains reasons for resignation 12/5/1999
(z) Agency lists new government ministers 28/5/1999
(aa) List of parties taking part in the 18th April elections 8/4/1999
(bb) Parliament extends state of emergency for four months 13/7/1999
(cc) European rights court official discusses death sentence 29/6/1999
(dd) Justice minister denies taking steps to abolish capital punishment 1/7/1999
(ee) Imprisoned Kurdish leader calls on rebels to end armed struggle, withdraw forces 3/8/1999
(ff) Minister says Turkey agreed to abide by European Court's decision on Öcalan 9/7/1999
(gg) Police detain 725 people at Kurdish New Year protest in Istanbul 22/3/1999
(hh) Britain revokes Med TV licence 23/4/1999
(ii) Kurdish Med TV said to be broadcasting via Vatican channel 31/3/1999
(jj) MP in headscarf controversy leave parliament without swearing in 2/5/1999
(kk) MP resigns from Islamist party over headscarf row 12/5/1999
(ll) Islamist party deputy leader resigns over party's policy on headscarfs 6/5/1999
(mm) Premier on steps to remove citizenship of woman Islamic deputy 13/5/1999
(nn) Kurdish guerrilla sentenced to death, seeks clemency 20/5/1999
(oo) Prosecutor sends case for closing Islamist party to constitutional court 4/6/1999
(pp) Parliament passes repentance law to encourage Kurdish rebels to surrender 27/8/1999
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(b) Kurdish Politicians Detained in Turkey 17/2/1998
(c) Turkish Men May Forfeit Control of Family Affairs 6/3/1998
(d) Arrests in Turkey 23/5/1998
(e) Rights Activist Identifies Hitmen 25/5/1998
(f) Kurds Learn to Lean on the Remote Control 25/3/1998
(g) Doctor in Court for Reporting Torture 10/3/1998
(h) Veteran Ecevit Pulls Together Stopgap Turkish Government 8/1/1999
(i) Kurdish Party Faces Ban Over PKK `Link' 30/1/1999
(j) Turkey Holds 300 Kurds in Bid to Stop Protests Spreading 19/2/1999
(k) General Raises Hopes of Peace With Kurds 8/9/1999
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(b) International - Virginity Testing to be Curbed by Turkey 20/10/1997
(c) Turkey Human Rights Man Shot 13/5/1998
(d) Islamic Women Wear Wigs to Defy the Generals 5/7/1998
(e) Turkey to Deal `Final Blow' to Kurd Rebels 1/5/1998
(f) Turkey Seeks New Coalition 24/12/1998
(g) Holiday Britons Warned of Bomb Risk in Turkey 16/3/1999
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(c) Kurdish party says it will stand in elections despite lawsuit 29/1/1999
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(e) PKK political wing to pursue future actions in "democratic framework" 4/3/1999
(f) Kurdish militia says attacks to escalate 5/3/1999
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(c) Islamist party offers voters a candidate without a headscarf 9/3/1999
(d) Sezer likely to prepare Turkey for entry to EU 5/5/2000
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Turkey bans virginity testing 7/1/1999
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Country report: Turkey 2000
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(a) New top ruling council reportedly formed by PKK in Turkey 27 February 1999
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From THKP-C to Devrimci Sol to DHKP
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(b) Pro-Kurdish party mayor in eastern Turkey removed from office 1/7/1999
(c) Kurdish official says leader's "democratic manifesto" is party's new policy 21/6/1999
(d) Kurdish rebel HQ halts guerrilla actions "until further orders" 13/7/1999
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(a) Turkey: General Election April 1999
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(c) Turkey: November 1999
(d) European Union: December 1999
(e) Turkey: Stay of execution for Öcalan January 2000
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(g) Turkey: January 2001
(h) Turkey: February 2001

(i) Turkey: June 2001
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(a) Kurds elect Öcalan "honorary president" of parliament in exile 3/6/1999
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(a) Letter of 17 June 1999
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(a) Statement of the Human Rights Association on the Kurdish refugees to be deported from Germany 15/3/1999
(b) Extract from report on human rights violations in Jan. to June 2000
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ANNEX B:
PARTIES WHICH CONTEST PARLIAMENTARY ELECTIONS

Adalet ve Kalkinma Partisi (AKP) (Justice and Development Party). Founded 2001 by former members of the banned Fazilet (Virtue Party). Islamist. Leader Recep Tayyip Erdogan.
Anavatan Partisi (ANAP) (Motherland Party). Founded 1983. Supports free market economic system, moderate nationalist and conservative policies, rational social justice system, integration with the EU, and closer ties with the Islamic world. Chair. Mesut Yilmaz. Sec.-Gen.Yaşar Okuyan.
Büyük Birlik Partisi (BBP) (Great Unity Party). Founded 1993. Chair. Muhsin Yazicioğlu.
Cumhuriyet Halk Partisi (CHP) (Republican People's Party). Founded 1923 by Kemal Atatürk, dissolved in 1981 and reactivated in 1992. Merged with Sosyal Demokrat Halkçi Parti (Social Democratic Populist Party) in February 1995. Left-wing. Leader Deniz Baykal. Sec.-Gen. Tarhan Erdem.
Değisen Türkiye Partisi (DEPAR) (Changing Turkey Party). Founded 1998. Chair. Gökhan Çapoğlu.
Demokrasi ve Bariş Partisi (DBP) (Democracy and Peace Party). Founded 1996. Pro-Kurdish. Leader Refik Karakoç.
Demokrat Türkiye Partisi (DTP) (Democratic Turkey Party). Leader Ismet Sezgin.
Demokratik Sol Partisi (DSP) (Democratic Left Party). Founded 1985. Centre-left. Draws support from members of the former Republican People's Party. Chair. Bülent Ecevit. Sec.-Gen. Zeki Sezer.
Doğru Yol Partisi (DYP) (True Path Party). Founded 1983. Centre-right. Replaced the Justice Party (founded 1961 and banned in 1981). Chair. Tansu Çiller. Sec.-Gen. Nurhan Tekinel.
Fazilet Partisi (FP) (Virtue Party). Founded 1997, banned June 2001. Fazilet replaced Refah Partisi (Welfare Party), which was dissolved by the Constitutional Court. Islamic fundamentalist. Interest in free market economy. Leader Recai Kutan.
Halkin Demokrasi Partisi (HADEP) (People's Democracy Party). Founded 1994. Pro-Kurdish nationalist party. Chair. Murat Bozlak. Source 88 is printed from HADEP's website.
Işçi Partisi (IP) (Workers' Party). Founded 1992. Maoist, nationalist. Chair. Doğu Perinçek.
Liberal Demokratik Parti (LDP) (Liberal Democratic Party). Founded 1994. Chair. Besim Tibuk.
Millet Partisi (MP) (Nation Party). Founded 1992. Chair Aykut Edibali.

Milliyetçi Hareket Partisi (MHP) (Nationalist Action Party). Founded 1983. Formerly the Conservative Party. Leader Devlet Bahçeli. Sec.-Gen. Koray Aydin.
Ozgurluk ve Dayanisme Partisi (ODP) (Freedom and Solidarity Party). Founded 1996. Radical left. Leader Ufuk Uraz.
Saadet Partisi (SP) (Felicity/Happiness Party). Founded 2001 by the traditionalist wing of the banned Fazilet (Virtue Party). Islamist. Leader Recai Kutan.
Yeniden Doğus Partisi (YDP). (Rebirth Party). Founded 1992. Chair. Hasan Celal Güzel.
Yeni Parti (YP) (New Party). Founded 1993. Leader Yusuf Bozkurt Özal.
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ANNEX C:
MAIN LEFTIST AND/OR ILLEGAL POLITICAL ORGANISATIONS

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ARGK. See **PKK**.
Ates Hirsizi (Fire Thief). Formed in 1993. Anarchist. Publication - Ates Hirsizi.
BDGP (United Revolutionary Forces Platform) (Birlesik Devrimci Gücler Platformu) Founded 1998. Radical left.
BP/KK-T (Bolshevik Party / North Kurdistan - Turkey) (Bolşevik Partisi / Küzey Kürdistan - Türkiye) Illegal. Formed 1981 as TKP/ML (Bolsevik). Ex-Maoist, Stalinist. Publications - Bolsevik Partizan, Roja Bolsevîk.
Dev Yol (Revolutionary Path) (Devrimci Yol). Founded 1975. Radical left. Part of ÖDP (see ANNEX B). Publications – BirAdim, Hareket, Devrimci Hareket.
Devrim (Revolution). Split of Dev Yol in 1990. Ex-Maoist, radical left. Publication - Devrim.
Devrim Partisi-Kawa. See **PS-Kawa**.
Devrimci Halk Hareketi (Revolutionary People's Movement). Split of TKIP in 1999. Radical left. Publication - Devrimci Halk.
Devrimci Isci Partisi - Insa Örgütü (Revolutionary Workers Party - Build up Organisation). Trotskyist. Publication - Enternasyonal Bülten.
Devrimci Mücadele (Revolutionary Struggle). Founded 1977 as Devrimci Derlenis. Radical left. Publication - Devrimci Mücadele.
DHKP-C (Revolutionary People's Liberation Party - Front) (Devrimci Halk Kurtulus Partisi - Cephesi). Illegal. Founded 1978 as **Dev Sol**. Radical left. Marxist underground group which seeks to use violence to overthrow the government and create a Marxist state. Alleged operational link with the PKK. It and other far-left armed groups continued in 2000 to commit acts of terrorism, in some cases leading to deaths. In late December 2000 and early January 2001 a series of attacks by DHKP-C left three policemen dead and over 20 people injured. Publications - Yasadigimiz Vatan, Devrimci Sol, Kurtulus. In UK the DHKP-C has since 29 March 2001 been proscribed under the Terrorism Act 2000. See forthcoming API – Proscribed Organisations. Source 61 is printed from the group's website.
DHP (Revolutionary People's Party) (Devrimci Halk Partisi). Founded 1994. Close to the PKK. Publication - Alternatif.
Direnis Hareketi (Resistance Movement). Founded 1978 as THKP/C - Ücüncü Yol. Radical left. Publication - Odak.
Dördüncü Sol - Insa Örgütü (Fourth Left - Construction Organisation). Trotskyist. Publication - Son Kavga.
DPG (Revolutionary Party Forces) (Devrimci Parti Gücleri). Radical left. Publications -

Maya, Parti Yolunda.
DSIH (Revolutionary Socialist Workers Movement) (Devrimci Sosyalist Işçi Hareketi). Illegal. Radical left. Publication - Kaldirac.
DSIP (Revolutionary Socialist Workers Party) (Devrimci Sosyalist Isci Partisi). Founded 1997. Legal. Trotskyist. Publication - Sosyalist Isci.
Emep (Labourers Party) (Emegin Partisi). Founded 1996. Stalinist. Legal wing of TDKP. Gained 0.17% of the national vote in the April 1999 general election. Publications - Evrensel, Özgürlük Dünyasi.
ERNK. See **PKK**.
HDÖ (Halkin Devrimci Öncüleri). Illegal.
Hevgirtin Welatparez (Patriotic Union).
Hizbullah/Ilim Gruhu and **Hizbullah/Menzil Grubu**. Both are illegal. Hizbullah/Hezbollah is a very shadowy Islamist group which originated in the 1980s in southeast Turkey. In the early 1990s it came to prominence after launching a campaign of violence against the PKK. Rumours were rife that Hizbullah was at least tolerated by the security forces because it was fighting against a common enemy. President Demirel denied allegations that there were links between Hizbullah and Turkish officialdom, while the general staff of the armed forces issued an angry statement condemning such allegations as slander. See paras 4.32-4.34 of this assessment.
HKG (People's Liberation Forces) (Halkin Kurtulusu Gücleri).
IBDA-C (Islamic Great East Raiders - Front) (Islami Büyük Doğu Akincilar Cephesinia). Illegal Iranian-backed fundamentalist group which seeks the establishment of an Islamic republic based on strict Shariah or religious law. It attacks the PKK as well as the Turkish establishment. It and other far-left armed groups continued in 2000 to commit acts of terrorism, in some cases leading to deaths.
IHÖ (Islami Hareket Örgütü). Illegal.
Isci Demokrasisi (Workers Democracy). Founded 1998; split of DSIP. Trotskyist. Publication - Isci Demokrasisi.
Kaplancilar /Sözde Hilafet Devleti. Illegal.
KDB (Komünist Devrimci Birlik). Illegal.
KDH (Komünist Devrim Hareketi). Illegal.
KDH/L (Komünist Devrim Hareketi/Leninist). Illegal.
KKP (Kürdistan Komünist Partisi). Illegal.
KP(IÖ) (Communist Party (Build Up Organisation)) (Komunist Partisi (Inşa Örgütü)). Illegal. Ex-Maoist, Stalinist. Split of MLKP in 1995. Publication - Halkin Birligi.
Mezhepsizler Grubu. Illegal.
MIB (Marxist Workers League). Trotskyist.
MLKP (Marxist Leninist Communist Party) (Marksist Leninist Komünist Partisi). Illegal. Founded 1995; merger of TKP/ML - Hareketi, TKIH, TKP/ML(YIÖ). Stalinist. Publications - Partinin Sesi, Atilim.
MLSPB (Marxist-Leninist Armed Propaganda Unit) (Marksist Leninist Silahli Propaganda Birligi). Illegal. Founded 1975 as split from THKP/C; political military. Radical left. Publication - Barikat.
Müslüman Gençlik Grubu. Illegal.
PADEK (Freedom and Democracy Party of Kurdistan) (Partiya Azadî û Demokrasî ya Kurdistanê; Kürdistan Özgürlük ve Demokrasi Partisi). Founded 2000 by faction of PYSK (Kurdistan Sosyalist Birlik Partisi). Left, Kurdish nationalist.
PDK (Kürdistan Demokrat Partisi). Illegal.
PDK/Bakur (Democratic Party of Kurdistan/North) (Partî Demokratî Kurdistan/Bakur; Kürdistan Demokrat Partisi/Küzey). Illegal. Founded 1992 as PDK/Hevgirtin. Left, Kurdish nationalist. Publication - Dênge Bakur.

PDK(T) (Democratic Party of Kurdistan (Turkey)) (Kürdistan Demokrat Partisi (Türkiye) (Partîya Demokrat a Kurdistan (Türkiyê)). Left, Kurdish nationalist. Publication - Xebat.
PKK (Kurdistan Workers' Party) (Partîya Karkerên Kurdistan). Illegal. Founded on 27 November 1978. It advocates armed struggle both at home and abroad, to achieve an independent Kurdish state slicing through Turkey, Syria, Iraq and Iran, and launched the struggle in 1984. 57-member directorate. Its components include ERNK (the National Liberation Front of Kurdistan), the PKK's "popular front and propaganda division", and ARGK (the Kurdistan National Liberation Army), the PKK's "popular army". Leadership: Abdullah "Apo" Öcalan. Publication - Serxwebûn. In UK the PKK has since 29 March 2001 been proscribed under the Terrorism Act 2000. See forthcoming API – Proscribed Organisations. [1,18(b),20]
PKK/KKP (Communist Party of Kurdistan) (Partiya Komunistê Kurdistan) (Kürdistan Komünist Partisi). Founded 1990 by Kurdish section of TKEP. Communist. Publication – Dengê Kurdistan.
PNBK (National Platform of North Kurdistan) (Platforma Neteweyî ya Bakûrê Kurdistanê) (Kuzey Kurdistan Ulusal Platformu). Founded 1999. Left, Kurdish nationalist.
PRK/Rizgari (Liberation Party of Kurdistan) (Partîya Rizgariya Kurdistan) (Kürdistan Kurtulus Partisi). Illegal. Founded 1976. Radical left, Kurdish nationalist. Publications - Rizgari, Sterka Rizgari.
PRNK (National Liberation Party of Kurdistan) (Kürdistan Ulusal Özgürlük Partisi). Illegal. Probably disbanded.
PS-Kawa (Revolutionary Party) (Partîya Sores). Illegal. Founded 1998 as split of PYSK (Kurdistan Sosyalist Birlik Partisi).
PSK (Socialist Party of Kurdistan) (Partîya Sosyalist a Kurdistan). Illegal. Founded 1974. Left, Kurdish nationalist. Its legal wing is the DBP (see ANNEX B). Publications - Roja Nû, psk-bulten.
PSK- (Devrimci Kürdistan Partisi) (Partiya Soreşa Kürdistan). Illegal.
Revolutionary Marxist League. Trotskyist.
RNK/KUK (Kürdistan Ulusal Kurtuluşçular). Illegal.
RSDK (Socialist Democratic Organisation of Kurdistan) (Rêxistina Sosyalîst a Demokratîk a Kurdistanê) (Kürdistan Demokratik ve Sosyalist Örgütü). Split of PYSK (Kurdistan Sosyalist Birlik Partisi).
RSWB (Organisation of Revolutionary Patriots Bethnarin) (Rêxistina Soresgerên Walatparêzên Bethnarin) (Betnahrin Yurtsever Devrimci Örgüt). Radical left.
SED (Social Ecological Transformation) (Sosial Ekolijist Dönüsüm). Green.
Selam Grubu. Illegal.
Sosyalist Alternatif (Socialist Alternative). Part of ÖDP (see ANNEX B). Trotskyist. Publication - Sosyalist Alternatif.
Sosyalist Iktidar Partisi – Komünist Parti (Party for Socialist Power – Communist Party). Founded 1993, Communist, legal, gained 0.12% of the national vote in the April 1999 general election. Publications – Sosyalist Iktidar, Sol.
Sosyalist Politika (Socialist Politics). Part of ÖDP (see ANNEX B). Publication - Sosyalist Politika.
Spartaküs. Illegal.
TDKP (Revolutionary Communist Party of Turkey) (Türkiye Devrimci Komünist Partisi).Illegal. Founded 1980. Ex-Maoist, Stalinist. Its legal wing is Emep (Labourers Party) (founded 1996), which gained 0.17% of the national vote in the April 1999 general election. Publication - Devrimin Sesi. Source 89 is printed from TDKP's website.
TDP (Revolution Party of Turkey) (Türkiye Devrim Partisi). Illegal. Founded 1978, formerly TKP (Birlik). Radical left. Publication - Hedef.
THKP/C Acilciler (Turkish Peoples' Liberation Party and Front – The Urgent Ones)

(Türkiye Halk Kurtuluş Partisi/Cephesi Acilciler). Illegal. Probably disbanded.
THKP/C- Dev Sol (People's Liberation Party/Front of Turkey - Revolutionary Left) (Türkiye Halk Kurtuluş Partisi/Cephesi - Devrimci Sol). Illegal. Founded 1993 as split of Dev Sol. Political military. Radical left. Publication - Devrimci Cözüm.
THKP-C/HDÖ (People's Liberation Party/Front of Turkey - People's Revolutionary Vanguards) (Türkiye Halk Kurtulus Partisi ve Cephesi - Halkin Devrimci Öncüleri). Founded 1977. Political military. Radical left. Publications - Cephe, Kurtulus, Kurtulus Cephesi.
TIKB (Revolutionary Communists Union of Turkey) (Türkiye Ihtilalci Komünistler Birligi). Illegal. Founded 1977. Political military. Ex-Maoist, Stalinist. Publications - Ihtilalci Komünist, Orak-Cekic, Devrimci Proletarya, Alinterimiz.
TIKB - B (Revolutionary Communists Union of Turkey - Bolshevik) (Türkiye Ihtilalci Komünistler Birligi - Bolşevik). Illegal. Split of TIKB. Radical left. Publication - Devrimci Durus.
TIKKO (Turkish Workers' and Peasants' Liberation Army) (Turkiye Isci Koylu Kurtulus Ordusu). Illegal armed resistance movement, described as the military wing of TKP/ML. It advocates the violent overthrow of the Turkish government and abolition of the entire Turkish political system. Members (a maximum of several thousand people) are scattered in small cells throughout Turkey. It and other far-left armed groups continued in 2000 to commit acts of terrorism, in some cases leading to deaths. (7(e))
TIP (Workers Party of Turkey) (Türkiye Isci Partisi).
TKEP (Communist Labour Party of Turkey) (Türkiye Komünist Emek Partisi). Illegal. Founded 1980, part of ÖDP (Özgürlük ve Dayanisme Partisi - see ANNEX B). Communist.
TKEP- Leninist (Communist Labour Party of Turkey - Leninist) (Türkiye Komünist Emek Partisi - Leninist). Illegal. Split of TKEP in 1990. Political military. Communist. Publications - Devrimci Emek, Devrim Iscin Mücadele Birligi.
TKIP (Communist Workers Party of Turkey) (Türkiye Komünist Işçi Partisi). Illegal. Founded 1998. Ex-Maoist, radical left. Publications - Ekim, Kizil Bayrak. Source 90 is printed from the party's website.
TKKKÖ (Türkiye ve Kuzey Kürdistan Kurtuluş Örgütü). Illegal.
TKP (Communist Party of Turkey) (Türkiye Komünist Partisi). Founded 1980 as TKP - Iscinin Sesi. Communist. Publication - Iscinin Sesi.
TKP/IS (Türkiye Komünist Partisi/Işçinin Sesi). Ilegal.
TKP- Kivilcim (Communist Party of Turkey - Spark) (Türkiye Komünist Partisi - Kivilcim). Illegal. Founded 1989 by Socialist Homeland Party (SVP). Communist. Publications - Kivilcim, Zafere Kadar Direnis, Yol, Widerstand.
TKP/ML (Communist Party of Turkey/ Marxist Leninist) (Türkiye Komünist Partisi/ Marksist-Leninist). Founded 1972. Political military. Based on Maoist ideology, assuming that the rural areas of Turkey will be liberated first, leading to the creation of a peasants' army. The working classes in the cities will then unite with the peasants and help overthrow the "capitalist order". The party has suffered several divisions, with each faction claiming to be "the real party". Publications - Partizan, Isci-Köylü Kurtulusu, Özgür Gelecek. (20). Source 91 is printed from the party's website.
TKP(ML) (Communist Party of Turkey (Marxist-Leninist)) (Türkiye Komünist Partisi (Marksist-Leninist)). Split of TKP/ML in 1994. Political military. Maoist. Publications - Isçi Köylü Kurtulusu, Devrimci Demokrasi, Öncü Partizan.
TKP/(M-L) DABK (Türkiye Komünist Partisi (Marksist-Leninist) Doğu Anadolu Bölge Komitesi). Illegal.
TKP/M-L Kons. Kes (Türkiye Komünist Partisi/Marksist-Leninist Koferansçi Kesim). Illegal.
TKP/ML (Maoist Parti Merkezi) (Communist Party of Turkey/ Marxist-Leninist (Maoist

Party Centre)) (Türkiye Komünist Partisi/ Marksist Leninist (Maoist Parti Merkezi)). Illegal. Split of TKP/ML in 1987. Political military. Maoist. Publication - Iktidara.
Toplumsal Ozgurluk Platformu (Social Freedom Platform). Part of ODP (see ANNEX B).
TSIP (Socialist Workers Party of Turkey) (Türkiye Sosyalist Isçi Partisi). Founded 1993. Legal. Communist. Publication - Kitle.
Türkiye'de Marksist-Leninist Parti (Marxist Leninist Party in Turkey). Founded in 1980 as TKP/ML Spartakus. Stalinist. Publications - Spartakus, Bilimsel Komünizmin Sancagi Altinda.
Vasat Grubu/Ehl-i Sünnet vel Cemaat. Illegal.
Yeni Yol (New Way). Part of ODP (see ANNEX B). Trotskyist Publication - Yeni Yol.

ANNEX D: CHRONOLOGY

29 October 1923
Turkey was declared a Republic with Mustafa Kemal (surnamed Atatürk in 1934) as President. A single party - the Republican People's Party - was formed as the main instrument of the enforcement of Government policy.
1928
Islam was disestablished and the Constitution amended to make Turkey a secular state.
November 1938
The death of Atatürk led to the election of Ismet Inönü as President.
November 1945
Under pressure from public opinion, President Inönü announced the end of the single party system.
15 February 1950
New electoral law guaranteed free and fair elections.
April 1960
Student unrest led to the imposition of Martial Law.
27 May 1960
The President and Prime Minister were arrested and the government was replaced by a Committee of National Unity headed by General Cemal Gürsel.
January 1961
A new Assembly to act as a temporary parliament was convened - comprising the Committee of National Unity acting jointly with the 271 member House of Representatives, in which the People's Party predominated. Parties were again legalised and a number of new parties emerged. A special committee of the Assembly framed a new constitution in which there were significant changes from the 1924 version - including the 1946 change which replaced the one party system of government with a multi-party system and the recognition of unions. The new constitution established a 150 member Senate and a 450 member Grand National Assembly.
25 October 1961
Parliament opened, thus transferring power back to the civilian authorities.
1970
Fighting between left and right political factions became serious with the use of firearms and petrol bombs. There were a number of political murders.
1971
Political and social unrest continued into 1971 with outbreaks of violence amongst

students and trade unions, and by Kurdish separatists. Factional infighting prevented the Government from taking effective action.

12 March 1971

The Chief of the General Staff and the Army, Navy and Airforce Commanders delivered a memorandum to the President, accusing the Government of allowing the country to slip into anarchy and of deviating from Atatürk's principles. They threatened that unless "a strong and credible government" was formed, the armed forces would take over the administration of the state. The same day the cabinet resigned. A new "above-party" government was formed which first directed its attention to the suppression of political violence.

26 April 1971

Martial Law was imposed in 11 provinces including Ankara and Istanbul. Newspapers were suppressed, strikes were banned and large numbers of left wing supporters were arrested.

26 September 1973

Martial Law came to an end.

15 May 1974

To mark the 50th anniversary of the founding of the Turkish Republic, the Government granted an amnesty to 50,000 prisoners.

20 July 1974

After a Greek-backed coup against President Makarios, Turkish troops landed in Cyprus and took control of about 1/3 of the island. The island remains divided.

1974 - 1977

An increase in political violence throughout Turkey, but most notably in the universities, between left and right groups.

December 1977

By mid-December 250 people had died as a result of political violence. A state of emergency was declared in Turkey's eastern provinces.

December 1978

By December 1978 over 800 people had been killed in political violence - mainly in the eastern provinces. The outbreak of violence came to a climax in December 1978 in the town of Karamanmaraş (K Maraş). Right and left wing extremists had exacerbated the historical enmity and distrust between the orthodox Sunni majority and the Alevi Shi'a minority. Following the funeral of two left wing political activists on 21 December a large scale demonstration by Alevis took place. Sunnis fired on the Alevi mourners and indiscriminate rioting erupted. In the following three days over 100 people were killed and over 1,000 injured.

26 December 1978

Martial Law was imposed in Istanbul and Ankara and 11 eastern provinces.

April 1979

Martial Law was extended to 6 provinces in the mainly Kurdish south east.

August 1980

By August, almost 2000 people had died as a result of clashes between the left and right-wing factions since the beginning of the year - despite the extension of martial law in 20 out of the 67 provinces.

The 1980 Coup

A combination of the Government's inability to deal with political violence, the ineffectiveness of the police and a resurgence of Islamic fundamentalism led the armed forces, under General Evren, to seize power in a bloodless coup on 11 September.

18 September 1980

The leaders of the coup formed a 5-man National Security Council (NSC), with General

Evren as Chairman and Head of State. Martial law was extended to the whole country and the Grand National Assembly dissolved.

21 September 1980

The NSC appointed a mainly civilian Council of Ministers. Former political leaders, suspected terrorists and political extremists were all detained, political activities were banned, and the activities of extremist trade unions suspended.

27 October 1980

The NSC enacted a 7 point provisional Constitution, giving itself legislative powers for an indefinite period.

October 1981

A Consultative Assembly was formed to draft a new Constitution, comprising 160 members. All former politicians who were banned from political activity in 1981 were excluded, and on 16 October all political parties were disbanded.

7 November 1982

The new Constitution was approved by a referendum with a 91% majority. The Constitution gave further powers to the President, including the power to dissolve the Grand National Assembly, delay laws, call elections and make all key appointments. A "temporary article" of the Constitution installed General Evren as President for a 7 year term.

24 April 1983

New law on political parties published in Official Gazette. Political parties could now be formed under strict rules, but all political parties disbanded in October 1981 remained proscribed, along with the 723 former members of the Grand National Assembly who were banned from political activities for between 5 and 10 years.

6 November 1983

Parliamentary rule was restored with the 6 November General Election, although every candidate had to be approved by the military council.

1984

The PKK, led by Abdullah Öcalan, launched a violent guerilla campaign against the Turkish authorities in the south-eastern provinces, in support of its aim for a Kurdish national homeland in Turkey. The Turkish authorities responded by arresting suspected Kurdish leaders, dispatching more security forces to the region, establishing local militia groups and imposing martial law in the troubled provinces. This was replaced in 1987 by a state of emergency. By 1988 over 1000 people had been killed as a result of the Kurdish unrest.

July 1987

All martial law decrees were repealed when martial law was replaced with a state of emergency in the provinces of Diyarbakir, Mardin, Siirt and Hakkâri - resulting in a total of 9 provinces (the above four, plus Bingöl, Elâziğ, Istanbul, Tunceli and Van) under an official state of emergency.

6 September 1987

A national referendum narrowly approved the repeal of the 10 year ban on participating in political activities imposed in 1981 on over 200 politicians.

29 November 1987

The first free elections since the 1980 military coup were contested by 7 parties. ANAP won 65% of the 450 National Assembly seats with 36% of the votes, and formed a government with Turgut Özal as Prime Minister.

7 January 1988

Turkey signed the Council of Europe Convention on the Prevention of Torture, and later in the month announced that it would shortly sign the United Nations' Convention against torture.

November 1988
An 8 year state of emergency in Istanbul was lifted.
9 November 1989
Turgut Özal succeeded General Kenan Evren as President by securing a simple majority of the 450 Assembly deputies.
1990
Early 1990 saw a sharp increase in urban terrorism, committed by left and right-wing groups.
9 April 1990
The government introduced harsh measures to combat ethnic unrest - imposing restrictions on the media and increasing the powers of local officials to outlaw strikes and impose internal banishment. On 14 April the State of Emergency powers of the Regional Super Governor of SE Turkey were extended to cover 10 provinces of the region. However, the violence escalated and in April and May alone, clashes between rebel Kurds, security forces and civilians left 140 dead. The 10 provinces under the State of Emergency were Batman, Bingol, Diyarbakir, Elazig, Hakkâri, Mardin, Siirt, Şirnak, Tunceli and Van.
January 1991
National Assembly gave permission for Allied Forces to use Turkish air bases.
12 April 1991
Anti-Terror Law passed by National Assembly. The legislation provided for the abolition of articles 140, 141, 142 and 163 of the penal code which proscribed the formation of religious and communist parties, for the early release of many prisoners, for the commuting the death sentence for more than 250 prisoners and for the relaxation of the ban on the use of minority languages (though some restrictions remained). By mid-April it was reported that 5,000 political prisoners had already been released from prison. However, in July 1991, Turkey's Constitutional Court refused to give legal status to the United Turkish Communist Party (TBKP).
March 1992
Violent clashes during the Kurdish new year festival, Newroz. Official sources put the number of deaths at around 50 and claimed that many were PKK terrorists, not civilians. Human rights groups put the number of deaths at double the official statistics.
July 1992
Legislation introduced in May 1992 became law in July, lifting the ban on political parties closed down after the 1980 military coup.
2 December 1992
The Judicial Reform Package (CMUK) became law.
18 March 1993
The PKK declared a cease-fire for the period between 20 March and 15 April.
16 April 1993
PKK extended cease-fire indefinitely.
19 April 1993
President Turgut Özal died of a heart attack.
17 May 1993
Suleyman Demirel elected as President.
24 May 1993
PKK cease-fire effectively ended when they attacked a passenger bus, killing security force personnel and civilians.
2 July 1993
A hotel fire in Sivas started by Muslim fundamentalists killed 37 people, mostly writers, poets and singers who were in the city to attend a cultural festival.

16 October 1993
The PKK threatened to kill any journalists who continued to work in the south east. Six days later the PKK ordered the closure of all political offices in the south east, and warned that any politicians who defied the ban would become targets.
30 November 1993
The PKK ordered the closure of all educational institutions in the south east, warning that those who violated the ban would become targets.
15 March 1994
The government dismissed a call for a cease fire made by PKK leader Abdullah Öcalan.
26 December 1994
Ankara State Security Court passed sentence on 86 people convicted of involvement in the hotel fire in Sivas in July 1993.
February 1995
The European Parliament approved a resolution saying that Turkey's human rights record was too poor to allow a customs union accord with the European Union at present, and added that it would make its approval of the deal contingent on progress on human rights.
12 March 1995
Gunmen fired on 4 coffee houses in the mainly Alevi district of Gaziosmanpasha in Istanbul, killing 2 and wounding 20 others. Residents came out onto the streets to protest and clashed with police. 15 demonstrators were killed and over 200 injured as the police used firearms to control the disturbance. Unrest spread to Ankara and during further clashes in Istanbul 4 more demonstrators died.
27 October 1995
The Turkish Parliament accepted changes to the Anti-Terror Law, allowing more freedom of intellectuals, lawyers and politicians convicted for publicly demanding greater rights for Kurds. The changes allowed for reduced jail terms or freedom for those already convicted under the law.
24 December 1995
Over 34 million Turks went to polling stations to elect an enlarged 550 member parliament. Refah received 21.4% of the vote, ANAP 19.7% and DYP 19.2%.
3 March 1996
ANAP and DYP sealed a minority government pact.
21 March 1996
Newroz passed off with no major incident recorded around the country.
24 May 1996
DYP chairwoman Çiller said that coalition alliance with ANAP was finished.
6 June 1996
PM Yilmaz, ANAP's leader, resigned
28 June 1996
The Refah (Welfare) Party leader Necmettin Erbakan became Turkey's first Islamist prime minister in a coalition with the DYP.
3 November 1996
Car containing government MP, police chief and crime boss crashed near Susurluk, sparking scandal over state-mafia links.
10 January 1997
Refah (Welfare) mayor called for Islamic law at Islamist protest in Ankara's Sincan district.
28 February 1997
The military-dominated National Security Council demanded a government crackdown on religious extremism.
21 March 1997
Thousands of Kurds demonstrated to celebrate Newroz at a rally in Istanbul. The

demonstration ended peacefully.

26 April 1997

Army used monthly National Security Council meeting to renew demands for curb on Islamic activism.

21 May 1997

Chief prosecutor opened case to close Refah (Welfare) Party.

30 May 1997

The government lost its absolute majority in parliament as a former minister resigned from DYP to follow other defectors.

18 June 1997

Erbakan announced resignation and sought President Demirel's approval for revamped coalition.

20 June 1997

President Demirel bypassed Erbakan's proposal and appointed Mesut Yilmaz, leader of the main opposition ANAP to set up government.

29 June 1997

Demirel approved the government with Yilmaz as Prime Minister.

2 October 1997

State of Emergency lifted in the provinces of Batman, Bingöl and Bitlis.

December 1997

Turkey was the only one of 12 applicants for EU membership not to be offered even preliminary negotiations. A poor human rights record and economic factors led to the decision.

16 January 1998

Constitutional Court issued verdict resulting in the closure of the Refah (Welfare) Party.

5 March 1998

The newly formed Virtue Party became the largest political group in parliament, with 140 MPs, after most former Refah MPs join Virtue.

12 May 1998

President of the Human Rights Association, Akin Birdal, shot six times in a failed assassination attempt. The assassins were trained by a non-commissioned officer in the Jandarma.

17 September 1998

Kurdistan Democratic Party and Patriotic Union of Kurdistan signed an agreement to drive the PKK out of areas under their control.

9 October 1998

Abdullah Öcalan left his long-term home in Syria.

20 October 1998

Turkish and Syrian officials signed an agreement at Adana in Turkey. Under it, Syria agreed to recognise the PKK as a terrorist organisation, agreed not to tolerate PKK activity on its territory and agreed to hand over PKK militants residing in Syria to Turkey.

12 November 1998

Abdullah Öcalan arrived in Rome and was arrested on arrival on an international arrest warrant issued by Germany. Germany decided not to ask for his extradition, fearing a violent reaction by the Kurdish community in Germany.

16 January 1999

Abdullah Öcalan left Italy by plane and, via a circuitous route, arrived in Kenya.

29 January 1999

Chief Prosecutor of the High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and citing an "organic relationship" between HADEP and the PKK.

15 February 1999
Abdullah Öcalan was forcibly returned to Turkey where he was detained.
18 April 1999
In the General Election the Democratic Left Party (DSP) won the largest number of seats, closely followed by the Nationalist Action Party (MHP).
May 1999
A three party coalition was formed by the DSP, the MHP and ANAP (Motherland Party). Headed by Bülent Ecevit, the new Government commanded 351 seats in the Grand National Assembly.
29 June 1999
Abdullah Öcalan was found guilty of treason, and held personally responsible for the deaths of thousands of people who were killed in the PKK's violent struggle against the Turkish state. He was sentenced to death.
2 August 1999
Öcalan called on the PKK to withdraw its troops from Turkey and cease military operations from 1 September. Two days later the PKK presidential council confirmed that PKK combatants would indeed cease operations against Turkey.
17 August 1999
A major earthquake (7.4 on the Richter scale) hit north-western Turkey. It was centred close to Izmit, in the centre of Turkey's industrial heartland. It was Turkey's worst earthquake since 1939. The official death toll was 17,840, but there were no reliable figures for the number of people missing or unaccounted for. An outpouring of material aid and sympathy from Greece promised a thaw in Turkish-Greek relations.
12 November 1999
An earthquake measuring 7.2 on the Richter scale hit north-west Turkey, devastating towns some 70 km. east of the epicentre of the August earthquake. At least 737 people died.
December 1999
After Greece dropped lingering objections, Turkey was finally made an official candidate for eventual EU membership.
12 January 2000
The Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court.
May 2000
The reformist judge Ahmet Necdet Sezer was elected President.
December 2000
During Government action to break up prisoner hunger strikes and violent protests against small-cell "F type prisons, 31 prisoners and two security officials perished.
February 2001
The Turkish lira was effectively devalued by a third on 22-23 February after the Government had been forced to float the currency because of a massive flight of capital and stock market slump. The crisis was triggered by a public clash on 19 February between President Sezer and Prime Minister Ecevit over the latter's alleged inaction against corruption.
June 2001
The Constitutional Court banned the main opposition party Fazilet (Virtue Party) for undermining Turkey’s secular order. In a more limited sanction than that demanded by the public prosecutor, the judges voted to expel only two Fazilet deputies from Parliament.

SOURCES:
Europa "The Europa World Year Book 2001”

Amnesty International Reports 1979 -2001
Reuters News Service
Foreign and Commonwealth Office Briefs 1994, 1997
US Department of State Reports 1995 -2000

ANNEX E:
REMOVAL FIGURES FOR TURKISH NATIONALS

Removals of Turkish Nationals to Turkey

	Germany (2)	Switzerland (1)	Netherlands (1)	United Kingdom (1)	Denmark (1)	USA (2)	Canada (2)	Australia (2)	Sweden (1)	Total of both (1) and (2)	Total of (1)
1989		850								850	850
1990		786								786	786
1991		1171								1171	1171
1992	1860	883								2743	883
1993	1631	309								1940	309
1994	3426	147	69		10	33	55			3740	226
1995	2611	109	177	125	15	26	34			3097	426
1996	4647	60	199	190	26	18	25	43	105	5313	580
1997	4972	38	163	250	15	39	28	47	66	5618	532
1998	6692	46	224	185	16	53	30	39	44	7329	515
1999	4960	71	137	85***	20	68*	16	82**	52	5491	365
2000	4982	75	244	90***	22	63	59	63	28	5626	459
Totals										**43704**	**7102**

1. Numbers only relate to returns of rejected asylum seekers
2. Numbers include both asylum and non-asylum returns.

* In fiscal year 1.10.98 to 30.9.99
** In fiscal year 1.7.99 to 30.6.00
*** Excluding in-county removals, because of data quality issues.

Notes:

Where numbers are not shown statistics are not presently available for those years.

SOURCES

Sweden, USA, Canada, Australia: Inter-Governmental Consultations on Asylum Refugee and Migration Policies in Europe, North America and Australia

Denmark: Letter from Danish Immigration Service, 9/8/1999
Netherlands: Letter from Netherlands Ministry of Justice, 11/8/1999
Switzerland: Statistics from the Swiss Federal Office for Refugees
United Kingdom: Statistics from Research Development and Statistics Directorate Statistical Bulletin.

ANNEX F:

POLITICAL CRIMINAL LAW

The Turkish Penal (or Criminal) Code (Turk Ceza Kanunu – TCK) was adopted by Law No. 765 of 1 March 1926, and was based on the Italian Criminal Code of 1889 as amended by the Mussolini regime. More than half of the original Turkish Penal Code has since been amended. Many political offences are listed in the Turkish Penal Code, while others may be found in the so-called Special Acts, such as the Anti-Terror Law or Anti-Terrorism Act No.3713.

Below is a list of the most common political crimes with the appropriate Article numbers, descriptions of the offences and the sentences.

Political Crimes in the Turkish Penal (or Criminal) Code (TCK)

TCK Art.	Description of offence	Sentence
125	Annexing (part of) Turkey.	Death
126	Serving in the army of a State at war with Turkey.	Death
127	Conspiring to wage war against Turkey in conjunction with a foreign power.	Min. 5 years, max. life imprisonment
128	Causing danger of war to Turkey or other countries.	Min. 2 years, max. life imprisonment
129	Helping a hostile army or causing obstruction to Turkey in time of war.	Min. 5 years, max. death
130	Not honouring supply agreements with the army in time of war.	Min. fine. For fraud min. 10 years imprisonment
131	Destroying military installations.	Min. 8 years imprisonment. In time of war or if military potential endangered: death
132	Forging or destroying State secrets, or using them improperly.	Min. 2 years imprisonment. In time of war or if military potential endangered: life

		imprisonment
133	Espionage.	Min. 15 years imprisonment. In time of war or if military potential endangered: death
134	Conspiracy to violate Articles 132 and 133.	Min. 1 year imprisonment. In time of war or if military potential endangered: max. 15 years imprisonment
135	Entering military premises without authorisation, illegal possession of State secrets	1 to 5 years imprisonment. In time of war 3 to 10 years imprisonment
136	Publication of matters which must be kept confidential in the interest of the State	Min. 5 years imprisonment. In time of war or if military potential endangered: min. 10 years. For purposes of espionage: life imprisonment for the first case and death in the second
137	Publication of matters of which publication is prohibited	Min. 5 years imprisonment. In time of war or if military potential endangered: min. 10 years. For the purposes of espionage: life imprisonment for the first case and death in the second
138	Publication of matters of which publication is prohibited by an official with access to this information by virtue of their work. Not properly fulfilling one's role as a diplomat and damaging Turkey's interests. Being aware of the aforementioned matters and not reporting them.	Min. 5 years imprisonment. In time of war or if military potential endangered: life. Min. 5 years imprisonment Min. 6 months imprisonment
139	Ignoring orders and instructions issued on behalf of the State in time of war.	Between 1 and 6 years imprisonment
146	Causing the discontinuation of Parliament or preventing it from fulfilling its role.	Death
147	Causing the discontinuation of the	Death

	Cabinet or preventing it from fulfilling its role.	
148	Recruiting soldiers for another country without the Government's consent.	3 to 6 years imprisonment. In the event of recruiting other soldiers: raised by 1/3
149	Incitement to armed revolt.	Min. 20 years imprisonment. Should it lead to actual armed uprising: death. Conspiracy: min. 6 years imprisonment
150	Supplying weapons to conspirators	Between 1 and 24 years imprisonment
151	Not reporting crimes under Articles 146-150 despite being aware thereof. Knowingly and willingly transporting conspirators	Min. 6 months imprisonment Between 1 and 24 years imprisonment
152	Assuming unlawful command of a warship, port, town or military unit.	Life imprisonment
153	Inciting members of the armed forces or police to disobedience.	1 to 3 years imprisonment. If committed in public: 2 to 5 years imprisonment. In time of war, increased by 1/3
154	Inciting the population to commit the crimes specified under 146 to 153 inclusive.	1 to 3 years imprisonment
155*	Inciting the Turkish people to civil disobedience or dissuading them from national military service	2 months to 2 years imprisonment plus a fine
156	Attempting to assassinate the President	If unsuccessful: life imprisonment. If successful: death.
157	Physically assaulting the President	Min. 5 years imprisonment
161	Using propaganda in time of war to mislead the Turkish people.	Min. 5 years imprisonment. If against soldiers: min. 15 years. If committed in collusion with the enemy: life
168	Forming an armed band to carry out the crimes specified under Articles 125, 131, 146, 147, 149 or	Min. 15 years imprisonment

	156 or being in command of such an organisation. "Just" being a member of such an organisation.	 10 to 15 years imprisonment
169	Offering support and shelter to an organisation as specified under Article 168.	3 to 5 years imprisonment
171	Committing the crimes specified under Articles 125, 131, 146, 147, 149 or 156 in conjunction with others.	125, 131, 133 and 156: 8 to 15 years imprisonment. 146 and 147: 4 to 12 years imprisonment 149: 2 to 7 years imprisonment
172	Inciting the population to commit one of the crimes specified under Articles 125, 131, 146, 147, 149 or 156	2 to 5 years imprisonment
312 sect. 2	Inciting the people to hatred on the grounds of class, religion, denomination or regional differences.	1 to 3 years imprisonment

* Article 158 is sometimes used for passing sentence on conscientious objectors.

The sentences and fines specified in the above Articles are often imposed in compliance with Article 5 of the aforementioned Anti-Terror Act No. 3713, which provides for increasing the sentence by half.

Political crimes under the Anti-Terrorism Act No 3713

Article	**Description of offence**	**Sentence**
6	Disclosure and publication of terrorist objectives, pamphlets etc. for terrorist organisations.	Fine
7	Founding and leading a terrorist organisation Forming part of a terrorist organisation Providing support to and	5 to 10 years imprisonment and fine 3 to 5 years imprisonment and fine 1 to 5 years imprisonment and

	propaganda for a terrorist organisation	fine. Where the support is in the form of buildings etc.: doubled
8	Issuing propaganda against the indivisible unity of the State and the people of Turkey.	1 to 3 years imprisonment and fine. If through the media: fine for the organisation and 6 months to 2 years plus fine for the administrators responsible. Also broadcasting ban for the medium for 1 to 15 days. Mass media: increased by between a third and a half.

Source – 86.