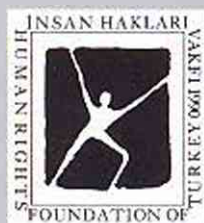


FILE OF TORTURE

DEATHS IN
DETENTION PLACES
OR
PRISONS

12 September 1980
12 September 1995



Revised 2nd Edition
Court Documents
Acquittal Decision

■ **HRFT** ■
Human Rights Foundation of Turkey

*No one shall be subjected to torture
or to inhuman or degrading treatment
or punishment*

UNIVERSAL
DECLARATION OF HUMAN RIGHTS
ARTICLE 5

■ **FILE OF TORTURE** ■

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■ **HRFT** ■



Human Rights Foundation of Turkey

FILE OF TORTURE

Deaths in Detention Places or Prisons

(12 September 1980 - 12 September 1995)

■ **Ankara, March 1996** ■

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financial support of the European Union.



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ABBREVIATIONS

ANAP	Motherland Party	HEP	People's Labor Party
CHP	Republican People's Party	İHD	Human Rights Association
CMUK	Code of Criminal Procedures	MHP	National Movement Party
DEP	Democracy Party	RP	Welfare Party
SSC	State Security Court	SHP	Social Democratic Populist Party
DİSK	Confederation of Progressive Workers Trade Unions	HRFT	Human Rights Foundation
DYP	True Path Party	TTB	Turkish Medical Association
HADEP	People's Democracy Party	Türk İş	Confederation of Workers' Trade Unions of Turkey

PREFACE

This book dealing specifically with the dimension of the human rights abuses related to incidents of torture, deaths in detention places or prisons, and disappearances experienced between the 12 September 1980 Coup and 12 September 1995, was prepared by the Documentation Center of the HRFT. The aim in preparing such a book was to inform and warn the national and international public and the authorities on incidents of torture, provide them with some statistical information and pave the way for evaluations.

For this book, we utilized the report entitled "Those Killed Under Torture" prepared by the Human Rights Association in 1987,^(*) assessed the news received from our own sources, newspapers and journals, and evaluated the HRFT's daily and annual reports, and the information provided by the İHD, its branches and human rights activists. While preparing the book, we were extremely careful about the correctness of information and the trustworthiness of the sources, and we confirmed the information from 2 or 3 different sources and tried to present the events as objectively as possible. Many news which were obtained from just a single source, but could not be confirmed or were not reliable, were not included in the book.

Our book entitled "File of Torture" was first made public on 12 September 1994. As soon as it was published, a trial was launched by the Ankara SSC Public Prosecution Office under Article 8 of the "Law to Fight Terrorism". The trial concluded in acquittal and the verdict of acquittal became decisive upon ratification by the Supreme Court. Following the verdict of acquittal, the HRFT Documentation Center started preparing for the second edition. In the second edition of the "File of Torture", the parts included in the first edition were revised and the incidents and all the information, statistics, and the lists were re-arranged taking into account the developments that took place from 12 September 1994 to 12 September 1995.

The footnotes in the first edition were included in the passage in italics. The developments in connection with the parts of the book experienced after 12 September 1994 and the newly acquired information were added to the related chapters as footnotes. List of those who lost their lives in detention or in prison due to torture and hunger strikes was updated. Besides,

^(*) This report had been made public by Nevzat Helvacı, the then Chairperson of the İHD, and had drawn significant attention. In the first edition of the report, 149 cases of death had been included, but in its second edition the number of the death cases increased to 171 in consequence of additional information.

a chapter related to the disappeared people was added to the book. A detailed summary explaining the development of the trial launched in relation to the first edition of the book, certain examples of the pressure directed at the human rights adherents and the documents of the trial against the "File of Torture" (indictment, defense and detailed ruling) were also included extensively in the last chapter.

The Documentation Center formed within the HRFT, started its studies as of March 1990 when the Foundation began functioning. The Center has been preparing daily human rights reports (except on Sundays and Saturdays) since 2 April 1990. At the Documentation Center, newspapers and journals are evaluated, press clippings are classified and filed according to their topics. In addition, there is a computer supported data-bank, along with a document and a video cassette archive. Through the documents and information it has in store, the Documentation Center assists the persons and organizations interested in human rights, and supports the human rights struggle in this aspect.

Along with its daily works, the Documentation Center prepared various reports, made these public in Turkey and abroad, and contributed to the promotion of the Foundation during the 6-year period. Following are the reports prepared:

- 1990 Press Report (Totally in Turkish-Summary in English)
- Report - 1990 (Turkish-English)
- Torture Report - 1991 (Turkish-English)
- Turkey Human Rights Report - 1991 (Turkish-English)
- 100-Day Report - 1992 (Turkish-English)
- 6-month Report - 1992 (Turkish-English)
- Turkey Human Rights Report - 1992 (Turkish-English)
- 500-day Report - 1993 (Turkish-English)
- Following the Coalition Government - 1993 (Turkish-Summary in English)
- Turkey Human Rights Report - 1993 (Turkish-English)
- File of Torture-12 September 1980/1994 (Turkish-English)
Confiscated, prosecuted at the Ankara SSC and acquitted.
- Education in the Emergency State Region-1984/1994 (Turkish-English)
- Turkey Human Rights Report - 1994 (Turkish-English)
- Education in the Emergency State Region-1984/1995 (Turkish-English)

For our future studies, we ask interested individuals and institutions who have information and documents related to incidents of death or disappearance somehow not included here due to lack of information or the like, to contact the Foundation.

Hoping to reach as soon as possible the beautiful days when torture will be abolished and perpetrators will be properly punished, all human beings and labor will be respected, and peace will prevail, we would like to thank all our friends who supported us and forwarded information and documents, and all human rights advocates with whom we have been struggling together.

March 1996 / ANKARA

FOREWORD FOR THE 2nd EDITION

The book you are holding in hand is the re-published form of the book entitled "File of Torture 12 September 1980-12 September 1994" publicized on 12 September 1994, expanded in a manner to comprise the period till 12 September 1995. Furthermore, the book includes and explains details related to the cross-examination of the first edition by the Ankara SSC Prosecution Office, the prosecution at the SSC and the indictment, defenses and verdict.

As widely known, the first edition of our book was prosecuted as a result of the investigation launched by the SSC Prosecution Office. Our Executive Board member Fevzi Argun and I were prosecuted at the Ankara SSC on demand of 2 to 5 years in prison and a fine of TL 100 million under Article 8 of the "Law to Fight Terrorism" on the allegations of "disseminating separatist propaganda in our articles". Our hearings coincided with the hearings of the İHD Chairperson Akın Birdal, Secretary General Hüsnü Öndül, former Vice-Chairperson Sedat Aslantaş and member of the Executive Board Erol Anar, against whom a trial was launched in connection with a book they had published. Both trials concluded with acquittal on the same day (11 January 1995). The verdicts of acquittal were ratified by the Supreme Court in May 1995.

The trial against us brought the support of Amnesty International (AI), International Rehabilitation Council for Torture Victims (IRCT), Rehabilitation and Research Centre for Torture Victims (RCT), Advocates for Human Rights (USA), European Parliament Greens Group, German Greens Party and their deputies Cem Özdemir and Amke Dieter-Schener, Bengt Hurtig (Leftist Party-Sweden), Centre for the Independence of Judges and Lawyers (Switzerland), Association for the Prevention of Torture, Commission Nationale Consultative des Droits de l'Homme (France), David Durenberger (USA-Senator), Women in Decision-Making (Greece), Human Rights Watch (Belgium), Human Rights Watch/Helsinki (Helsinki Watch), International Federation des Droits de l'Homme, International Helsinki Federation for Human Rights (Austria), International Human Rights Law Group (USA), International PEN, Representation of the Commission of the European Communities in Turkey, Committee To Protect Journalists (CPJ), Lawyers Committee for Human Rights (USA), Medical Rehabilitation Centre for Torture Victims (Greece), Swedish Parliament, Victoria Coalition for Survivors of Torture (Canada), Women for Mutual Security (Greece) and Demokratisches Türkei Forum (Germany).

Hearings of the trials against the HRFT and the İHD administrators were followed by Ali Yurttagül on behalf of European Parliament Greens Group, German Greens Party Deputy Amke Dieter-Schener, on behalf of Centre for Victims of Torture Douglas Johnson, Mark Williams and Michael Cline, Vice-representative of the Commission of the European Communities in Turkey Jörg Ketelsen, some diplomats, representatives of International Federation des Droits de l'Homme, Amnesty International, Centre for the Independence of Judges and Lawyers, and administrators and personnel of the HRFT, leaders and members of the İHD, members of parliament, leaders of political parties and democratic civil organizations.

At the final hearings of the HRFT and the İHD administrators, representatives of the European Union member countries were present (by common decision) in the courtroom. Representatives of the US and Russian embassies were among the spectators as well.

We thank all international organizations and others who closely supported and never left us alone during the prosecution.

The court verdict acquired as a result of a very short prosecution legalizes the fact that opinions related to the Kurdish problem considered so far as a "taboo" and the democratic-political rights of the Kurdish people can be expressed. Reaching a conclusion such as this, against all odds, has made us happy. It is unacceptable if we are not allowed to discuss, talk about and develop suggestions related to our very own problem which the whole world discusses, develops suggestions and produces decisions.

It is a pity that the acquittal verdict by the SSC was not capable of bringing a peaceful atmosphere for Turkey, putting democratization on to the agenda, diminishing the human rights violations and abolishing torture. Still the thought is considered as an offense, torture is inflicted, life security is under threat and the Kurdish problem is still unsolved within the atmosphere full of war and violence. Still the prosecution of the offenders regarding the human rights violations are neglected and the social insensitivity against the violations go on habitually. And in such an atmosphere of total insensitivity and stillness, the human rights defenders are attempted to be kept under pressure.

At the moment, the Foundation is confronted with a latest example of the attacks directed against the human rights defenders. The Ministry of Foreign Affairs, launching a campaign against the HRFT, has maintained the launching of investigations about the treatment centers in Ankara, İstanbul, İzmir and Adana by the Ministry of Health members and prosecution offices. As a product of these investigations, a trial was launched against our representative in Adana and the doctor in charge at the center, whereas the İzmir Prosecution Office decided that there was no need of an investigation. The investigation about the other branches are under way.

The Ministry of Foreign Affairs claims that we have been providing financial support from foreign countries on the pretext of imaginary treatment centers projects and disseminating the political propaganda that there exist wide spread torture practices in Turkey, accuses us, and notifies the Ministry of Health that an investigation should be launched against us. The Ministry of Health and prosecution offices demand us to communicate the six-years' applications lists, names of the applicants to the foundation for treatment, names and addresses of our voluntary medical doctors and of the health institutions that have rendered service. By these attempts, a discussion that has already been concluded at the international level, is tried to be put on the agenda.

The demands of this sort by the prosecutors and inspectors have been rejected taking into consideration the universal principles of medical ethics.

The condemnation of torture, and maintaining public support for and providing the security of the people who have experienced that condemned torture is an already concluded discussion guaranteed by international conventions. Turkey has also officially ratified the fact that this discussion is over, by the international documents to which it is a participant state.

The function and the reason for the existence of the HRFT, is to put those universal values guaranteed by the conventions into practice at home, too. In practice, maintaining support for and providing the security of torture survivors means that the relationship of the survivor with the related organization is a secret one based on confidence. Secrecy, one of the universal principles of medical ethics, holds vital importance in many aspects in the case of such a specific issue as torture. What has indisputable priority in this specific issue is that the torture survivor should psychologically, sociologically and physically be restored to and enjoy good health.

We are going to discuss the allegations by the Ministry of Foreign Affairs before the judiciary. However, this attitude by a ministry of the government, clearly displays the standing of the ones who rule Turkey related to democracy and human rights and unfortunately this standing is quite low, the approach is oppressive and frightening. It is a shame that this latest incident points that we are going to have to keep on waiting for a long time for the acquirement of a result in the efforts directed at democratization and decreasing the human rights violations to the lowest possible level.

All over the world, as necessitated by participatory democracy, the non-governmental organizations referred to as "civil organizations" serve at the observer or consultant posts by international organizations such as the United Nations, the Council of Europe and the European Union, both at the local and the central administrative levels. Turkey has accepted to take the required precautions to ease the functioning of the civil organizations. These developments are the significant proof of the fact that states have accepted that the civil organizations are independent of the official institutions, that they represent the plurality of thought and action, and that they shall participate in all sorts of decision-making processes.

The most significant attempt that should be emphasized within the context of the oppressive campaign by the Ministry of Foreign Affairs against us is that, the General Directorate responsible for the European Council, Human Rights and OSCE attached to the aforesaid ministry convened a meeting of the National Security Council Secretariat, the National Intelligence Organization Undersecretariat, the Head Office of the General Staff, the Ministry of Justice, the Ministry of Health and the Ministry of Interior, in order to determine the real situation of the HRFT, the paths to follow and the measures to be taken against it, and to maintain coordination, via a secret letter.

In the secret letter of invitation by the General Directorate responsible for the European Council, Human Rights and OSCE, the delegation to be formed of the representatives of the above enumerated institutions was nominated as the Human Rights Abuses Watch Group, and the experts equipped with related information and opinions were invited as representatives. We call your attention to the institutions to be cooperated with, and to the authority and duties attributed to those institutions under the name of Human Rights Abuses Watch.

We are quite worried about the fact that a civil organization, the control procedures and methods of which are ascribed in laws, and which is regularly controlled by the General Direc-

torate of Foundations on a yearly basis, has been put on the agenda of the most important institutions and all the security forces of the State. We want to put in that such an attempt to activate all possible means to an end, may easily turn into oppression and obliteration under atrocity, numerous examples of which have been witnessed in our country.

The Turkish Republic has undertaken many responsibilities in the human rights field as a participant state to the 1975 Helsinki Final Act, 1990 Paris Charter, and the OSCE documents adopted in Vienna 1989, in Helsinki 1992 and in Budapest 1994. For this reason, the General Directorate responsible for the European Council, Human Rights and OSCE attached to the Ministry of Foreign Affairs is of strategic importance. Unfortunately, this directorate neither considers human rights as norms that should be obeyed nor tries to abolish the abuses which cause Turkey to face troubles on the international platforms. On the contrary, it considers human rights as a part of the manipulations in foreign politics that should be warded off, and tries to keep human rights advocates under pressure.

The Foreign Ministry does not only express that they are disturbed by our very presence but attempts to slander us as well. We consider this attitude of the Foreign Ministry as quite unlucky for Turkey.

We invite the Foreign Ministry to provide answers related to the news and claims of human rights abuses in our publications, to announce the facts to the public within an objective framework, to take the necessary steps to bring to light and interrogate the real criminals kept under continuous shelter instead of putting the blame on us, and to fairly evaluate our efforts to change the image of Turkey constructed throughout the years, as "the country where the human rights are continuously and seriously abused".

As we publish our book "File of Torture" once again, we thank all international organizations and others who supported and never left us alone during the prosecution.

Imminence of a future in which concrete steps are taken for human rights and freedoms, all rights, particularly the right to life, written in human rights documents are respected, human beings do not kill other human beings, torture is abolished in every single sphere of life, approaches that keep torture alive are forever erased from minds, thought and organization are freed, and peace prevails, is our biggest wish.

1 March 1996

Yavuz Önen
President of the HRFT

File of Torture

12 SEPTEMBER 1980: A STEP TOWARDS DARKNESS

Fourteen years have passed since the 12 September 1980 Coup. The most important justifications put forward by the junta in order to legalize the coup, were the bloodshed during clashes and going-on fratricidal quarrels based on political reasons. During the process after the coup, bloodshed and fratricidal quarrels were to be stopped. For this purpose, about 650,000 persons were detained or arrested all over the country. Workers, civil servants, teachers, university lecturers and all employees, youths, technicians, physicians, lawyers, jurists and other profession owners, and leaders of their organizations were detained, arrested. Thousands of people were tortured, crippled. Thousands of people were dismissed from jobs.

During the 3-year military period and the period under the consequent civil governments, about 14 thousand people died, 420 (*) of whom under torture. On the basis of the last 3 years, 3,000 people died in 1992, 3,500 in 1993 and more than 3,000 in the first eight months of 1994 for political reasons. The number of villages which were evacuated, laid in ruins or burnt down is more than one thousand in the Emergency State Region. The number of the migrants to the Western parts of Turkey is about 3 million while movements within the region is around 2 million. The number of the Kurds preferred to stay in the region is about 3 million. "Yezidis" wholly emigrated to foreign countries. The number of the Syriac families which was approximately 500 in 1992, is now 170, because of emigration to foreign countries.

The region has turned into a military zone starting from August 1984 when the PKK came onto the scene again. The embargo which has been laid on Iraq since the Gulf War, also has struck a heavy blow to the region. Economic development secured through border trade, and commercial relations with Iraq have halted. Regional economy has collapsed. Sanctions on Iraq have become a factor which accelerated the migration from the region. The United Nations has punished the Kurds in Turkey together with Iraq.

The unique economic input in the region, is the wages paid by the state to military officers, police officers, special team members and village guards. The war which has been

(*) After 12 September 1994, this figure reached to 460 by the end of 1995, when the second edition of the book was prepared. Similarly, the number of those who lost their lives reached to 20 thousand.

conducted against the PKK, loaded a burden of TL 500 trillion in 1994 and thus damaged the economy. The rate of inflation did not drop, but rose up. The value of TL is decreasing day by day. Monopolies have grown stronger in Turkey for the last 14 years to the utmost, and got hold of the control in the fields of economy and politics. From the view of salaried persons, unemployment and hunger have increased. Life has become harder. Deceiving people with miracles of liberal economic development, capital owners have laid their hands upon monetary sources under the name of incentives to tourism, export, industrialization and privatization, and upon all natural resources, forests, mines, public economic enterprises (KITs). All kinds of all sources have been exploited in the name of minimizing the state.

Pressure, violence, torture, killing, controlling every political and democratic movement, identifying each demand of the Kurdish people with the PKK, banning political and democratic movement of the Kurds, depriving the right of Assembly membership and blocking the ways of parliamentary struggle took place under the economic, political and legal regime of the 12 September. This regime has abused the human rights, strengthened fascist identity and abolished parliamentary system under the guise of protecting the indivisible unity of the state with its country and nation. As the Constitutional Court has stated in its verdict to close the DEP, the regime is based on the Turkish nationalism. This ideology which is the inspiration source of the Turkish-Islamic synthesis, has created the war which is based on language, race and religion discrimination, a reality of the daily life in Turkey under protection of the 12 September Constitution and laws for 14 years.

This imperialistic, primitive, nationalist and religion oriented ideology, unfortunately has traversed an important distance. Unidentification in politics has given rise to unilateral political parties in favor of the capital. This has embraced, contained and eliminated the social democrat parties ideologically, politically and organizationally, excluding the socialist parties having almost no influence in the liberal economic model.

These fearless attacks against the people, democracy, and natural and historical inheritance of the country and irregularities have not been seriously inquired for 14 years, and have not met any reactions from the society (political parties, democratic organizations, the National Assembly, governments).

Those who are responsible for the 12 September were not brought to book, on the contrary understanding of the 12 September has been developed and institutionalized. After 14 years, now we are experiencing a more organized and stronger version of the 12 September regime. This period is that of the civil-dressed militarist politicians. The political line is the same, but the outlook is different.

The latest failure of the 12 September regime is on the issue of freedom of thought. The freedom of thought has been openly identified with terrorist crimes. For the last 3 years, the SSCs have delivered sentences under certain articles of the "Law to Fight Terrorism". The number of journalists, scientists, publishers, trade union leaders convicted or jailed since the beginning of 1993, reached 200. The number is expected to increase taking account of the trials and investigations under way.

The 12 September regime, has been in accord and cooperation with main institutions such as the National Security Council, the Government, Parliament, SSCs and the Constitutional Court, and is standing still in a stronger manner. One of the most significant means which has occasioned this situation, is the media. A kind of holy alliance has been formed in

the press and broadcasting life for the last 14 years. The state has made big press monopolies as an organ of the state by protecting and controlling them, except some of the opponent newspapers, political reviews, party publications and journalists. These press organs have been effective in formation of a public opinion. The mentality of the 12 September has suppressed objective newscasting, journalism based on the principles of honesty and morality, and even deemed them as crime. As a result of this suppression, violence and murders have been witnessed all over the country and thus the freedom to receive information has been banned. Lies have replaced facts. Certain types of journalists who are advocates of official discourse and supported by the capital, have emerged.

Systematic torture

We should touch on certain legal amendments made during the period under the DYP-SHP coalition government when torture in Turkey provoked reactions both in the country and abroad. The Code of Criminal Procedures (CMUK) has shortened the period under custody to the international standards, has enabled defendants to have access to their families, relatives and lawyers. Nevertheless, offenses which fall under the jurisdiction of the SSCs or are committed in the Emergency State Region have been excluded from the amendments of the CMUK, although torture cases and deaths because of torture have been mostly observed under these conditions. Therefore, torture and deaths under suspicious circumstances have continued systematically and uninterruptedly.

Upon reactions at home and abroad, some international conventions were signed during the governments headed by Turgut Özal. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was signed in January 1988. Thus, Turkey accepted investigations to be carried out by a committee foreseen in the Convention, and subsequently several committees visited Turkey. The 1993 report released by the United Nations' Committee Against Torture, criticized Turkey severely (Whole text of the report was published in the "Turkey Human Rights Report - 1993").

The second convention on torture signed by Turkey is the "European Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment". Along with the other European countries, Turkey first signed the convention and then approved it on 26 February 1988. The right to make individual applications as stated in the European Convention on Human Rights was also accepted by Turkey on 28 January 1987.

Recently, European Council's Convention for Prevention of Torture, banned torture and formed a mechanism namely "Committee for the Prevention of Torture". In accordance with the European Convention for Prevention of Torture, the Committee visited Turkey and released reports about its visits. In these reports, the Committee accused Turkey for torture cases. Turkey which has accepted that many torture victims who made individual applications are right, has preferred to act in a conciliatory manner and has paid compensation. Such individual applications have been continuing intensively.

Briefly, although significant conventions were signed and the CMUK was re-arranged, torture could not be prevented. Applications to the treatment centers of the HRFT have been continuing uninterruptedly. The number of the applications which was 323 in 1993, reached to 200^(*) in the first six months of 1994.

(*) Total number of the applicants of the HRFT reached to 2.179 by the end of 1995.

Security officers involved in human rights abuses, murders, torture and every kind of malpractice have been protected and rewarded. Torture trials rarely launched, have continued for long periods, and resulted in acquittal verdicts or trivial sentences, as in the case launched against the military officers and enlisted men who killed teacher Siddik Bilgin. Even, some perpetrators have been assigned as governors.

Torture clearly explains and symbolizes the 12 September regime and its mentality which also continues today. In spite of Article 15 of the United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which deems the statements taken under torture invalid, military and civil courts passed sentences based on such statements.

Consequently

Nearly 15 articles of the Law to Fight Terrorism including the sentence "indispensable unity of the state with its country and nation", the Constitution and many laws form the legal frame on which the ideologues and militants of the 12 September rest on. As far as the support of the media and its sub-institutions continues, the 12 September continues to strengthen its authority.

With its ideology and institutions, the 12 September is keeping on threatening human rights and freedoms, democracy, development and peace at home which is the main and compulsory condition for the former, even after 14 years.

We, as human rights advocates, will go on determining and making public these facts. We will continue struggling to stop torture and all abuses. This report illustrates the anatomy of a period, and is a product of struggle for human rights.

Dedicated to musketeers of the 12 September and those who defend it shamelessly.

12 September 1994 / Ankara

Yavuz Önen
President of the HRFT

FILE OF TORTURE

(12 September 1980 - 12 September 1995)

For Turkey, 12 September 1980 was the beginning of a dark period. Turkey started experiencing dark days and pains when the army commandeered the administration of the country. The generals who realized the coup d'état, first of all, proclaimed martial law, closed down the parliament, halted political and unionist activities and prevented strikes. They suspended some provisions of the Constitution. Implementations in contravention of human rights which had already existed prior to 12 September were adopted as an official policy on which the military administration based its presence. Violation of fundamental rights and freedoms became the most important characteristics which stigmatized the period starting with the 12 September Coup d'état. Torture was spread as a primitive way of punishment and as an extra-judicial execution method.

During this period, 650,000 people were detained for political reasons. Trials were launched by courts martial against 210,000 of those detainees. 65,000 of them were convicted to various sentences. The death penalty was recommended for 6,353 people, the number of the death penalties passed exceeded 500 while 50 people were executed. Hundreds of people were registered in the police documents. 388,000 people were banned from receiving passports. Martial law commanders removed 4,891 civil servants from office while 4,509 civil servants were sent into exile. The number of the civil servants who were pensioned off by force, forced to retire or who had to resign was more than 20,000. The number of those who fled or had to flee abroad reached 30,000 and of those who were deprived of citizenship was 15,000. To speak in Kurdish was banned through a law prepared. Thus, Turkey became the first and unique country to legally ban the speaking of a language. Newspapers, journals were closed down for definite or indefinite periods. Journalists and writers were sentenced to heavy imprisonment terms. Ten thousands of books were burnt. 937 films were banned. All political parties, 23,667 associations, trade unions or similar organizations were closed down.

On the basis of income distribution, the share of salaried people or farmers decreased down to 14 percent and 12 percent, respectively, while the share of capitalists increased up to 74 percent. The rights of getting organized around trade unions, collective bargaining and strike were pruned to a great extent compared to international norms and ILO standards. Right of collective bargaining and strike became symbolic. Many branches of labor were excluded

from the content of strike. DİSK (Confederation of the Progressive Trade Unions) which had hundred thousands of workers as members was kept closed for 11 years.

The period of the National Security Council (military junta) which took over on the morning of 12 September 1980 was closed when Turgut Özal, who won the elections in which only 3 parties were allowed to participate, founded the new government on 13 December 1983, and was replaced with the Motherland Party governments. The period under the reign of the Motherland Party continued for 8 years and ended on 21 November 1991 when the coalition formed of the True Path Party and the Social Democratic Populist Party took over following the elections held on 20 October 1991. Since then, Turkey has witnessed the DYP-SHP/CHP coalition governments by 12 September 1995.

The influence of this system formed by the 12 September Coup was always felt although 4 general elections were held following the coup, different governments came to power and hundreds of promises were made. The Constitution and many basic laws prepared during the military period have been in effect for 15 years, and have become a mainstay for inhuman implementations and pressure. Promises related to changing this system were not kept. "Democratization" remained a word used during election campaigns while "respect to human rights" did not go beyond a concept remembered while making statements.

Insignificant retouches and certain legal amendments made following the military junta period, lost their meaning among the widespread human rights abuses. Even, some of those new applications drew results which made people miss the former ones. (As in the following examples: On the one hand, martial law application was ended, on the other hand changes were made on the Law on Police Duties and Authorities, and emergency state law was made permanent; on the one hand Articles 140, 141, 142 and 163 of the Turkish Penal Code were lifted, on the other hand the Law to Fight Terrorism was issued; on the one hand, the political parties closed down in the 12 September period were enabled to be opened again, on the other hand other parties were closed down.)

Approach of the governments towards the Kurdish problem was not so different from the logic of the 12 September generals. The Kurdish problem became more complex day by day. Demands for a democratic solution to the Kurdish problem were ignored. Military methods were introduced as the only solution and applied. On the other hand, the PKK which staged a guerrilla war as of 1984, increased the dose of its attacks as of 1990 to a great extent. As a result of the struggle between the administrators who insisted on military solution, and the PKK which increased the dose of its attacks; the Kurdish problem was jammed in a triangle of violence, pressure and death (*The picture becomes more clear when we take into consideration that the number of the people who died was more than 20,000 while that of the wounded was more than 35,000 during the 11-year period between 15 August 1984, when the PKK launched a guerrilla war, and 15 August 1995.*) and became almost unsolvable. The gap between the Turkish and Kurdish people widened. The Kurdish problem also caused a great damage to the Turkish economy. The bill of this economic bottleneck was brought before workers, civil servants and people of small income.

A systematic interrogation method: TORTURE

Another important characteristic of the period following the 12 September Coup was the disregard to the right to life, which is one of the indispensable and main rights, and the increase in torture cases and deaths due to torture. With the 12 September Coup, Turkey entered a

period during which numerous people were tortured, became disabled or died because of torture. The terrible conditions of the prisons even worsened, the prisons were converted into dungeons of the middle age where torture in detention continued. Torture was used as a systematic interrogation method and did not lose its gravity among human rights abuses. Legal means were created to inflict torture on defendants at every stage of interrogation and prosecution. Within this framework, the police was entitled to re-detain the arrested people while their prosecution was under way. The detention period for the defendants was extended to 90 days, and this eased the way for the perpetrators. People were convicted to heavy sentences based on the testimonies received through torture. Views such as "What is important is not whether testimonies are taken under torture or not, but the degree of truth in them.", were stated in the justifications of the convictions.

Although many things were said in the statements or uttered in explanations about torture, neither torture cases decreased, nor attempts to prevent the torture cases were witnessed. The deaths in detention, disappearances after being detained, infirmities because of torture, and cases of rape and torture were neither prevented, nor wanted to be prevented. Perpetrators were protected, encouraged and rewarded. Investigations into the torture cases remained only a figurehead. The way pending trials were held and the trivial sentences encouraged the increase in the number of torture cases.

Torture inflicted in detention places and prisons continued during the period under the Motherland Party governments which came to power following the junta. Torture cases which had continued but decreased relatively during the Motherland Party governments, increased during the period under the DYP-SHP coalition governments which came to power with promises on prevention of torture. During the 15-year period, a total of 460 people (detailed information are given in the forthcoming sections) died because of torture in detention places or prisons, because of hunger strikes or because of illnesses due to torture. The number of the people who were disabled was expressed with thousands while that of those who were tortured reached hundred thousands. Over 108 people who were ascertained to be detained, disappeared.

Widespread torture cases provoked the protests of the public. Therefore, authorities had to admit the fact of torture in certain cases. However, far from being sincere, the approaches to this issue encouraged torture instead of preventing it. Authorities always defended that "torture was not a systematic application" and that "perpetrators were punished".^(*) In the official statements made during the military junta period, some torture cases and even sometimes deaths due to torture were confirmed. The official statements made on this subject, brought out

(*) The high level of the armed attacks, acts by the PKK or other illegal organizations and political violence were among the most important justifications of the circles which try to cover up torture cases and vindicate them. For example; holding a press conference on 12 December 1994, Security General Director Mehmet Ađar claimed that the issue of torture was put on to the agenda by circles which wanted to prevent the success of police in struggle against terror. Mehmet Ađar stated that it was the police officers who protected and backed the human rights, and said the following: "The police do not make efforts to acquire information about incidents by using force against the criminals, as alleged by certain circles. Torture cases are not widespread. There may be some personal faults. However, these faults should not be considered as binding for the whole police organization. There are legal and administrative rules concerning the subject. What is required is carried out within the framework of the law. Would such kinds of claims be so widespread, if the police did not struggle against terror? Claim of torture is mentioned in neither ordinary nor narcotics cases, but it is brought forward even in the most simple investigation related to terror cases."

that a total of 5,058 (The then President Kenan Evren stated in a press conference he held during his trip to USA in 1988, that 5,602 trials had been launched in connection with torture cases and a total of 9,337 people had been prosecuted in these trials. Kenan Evren did not explain the period on which the figures were based, but said that 2,394 of the prosecuted security officers were convicted. The figures stated by Kenan Evren were not verified in other sources.) security officers were prosecuted in connection with the torture cases between 1980 and 1986, and 544 of the prosecuted officers were convicted. (It is another subject of discussion that the passed imprisonment sentences are no more than 3-5 months or 1-2 years.) The number of the security officers who were convicted in connection with the torture cases decreased during the following years. For example; the number of perpetrator security officers convicted in 1989 was 15.

İLÇE JANDARMA BÖLÜK KOMUTANLIĞI
LİCE

01 ARALIK 1989

ASYŞ: 0621 - 570 - 89/6456

KONU: Silahlı Gasp ve Soygun Olayı.

CUMHURİYET BAŞSAVCILIĞINA
LİCE

İlçemiz Budak Köyünde 21.11.1989 günü vuku bulan geceleyin silahlı mesken masu-
niyetini ihlal ve gasp olayına ait tanzim edilen tahkikat evrakının ekte sunulduğunu;

Olaya müteakip yakalanan sanıklardan Kutlu Köyü nüfusuna kayıtlı Ramazan oğlu
1965 doğumlu Faruk TOĞCU'nun İlgı (b) yazımız doğrultusunda 1.12.1989 gününe
kadar gözaltı süresi alınmış olup adı geçen şahsın bünye itibarı ile her türlü sorguya
hazırlıklı olduğundan bu güne kadar kesin bilgi elde edilememiş olup sanığın gözetim
süresinin (2) gün daha uzatılmasına.

Diğer sanıklar Mehmet TÖRE, Rıdvan NARİN, Bilal İLKAYA ve Mirza NARİN'in
olay tarihinden bu güne kadar yapılan aramalarda ele geçirilmediklerini ve sanıkların
yakalanması için araştırma ve takip işlemlerinin devam etmekte olduğunu;

Sanıklardan Bilal İLKAYA'nın evinde yapılan aramada (1) adet Retta marka 16
mm. çapında paslanmış arızalı av tüfeği ile (1) adet eski Martini marka paslanmış av
tüfeği bulunmuş olup bu silahların evrakının ekte sunulduğunu bilgilerinize arz ederim.

Hasan AKKURT
J. Yüzbaşı
İlçe Jandarma Bölük Komutanı

In serious approach towards the torture cases always remained on the agenda. Although governments changed, the approach towards the torture cases was not changed. The officers who were involved in torture were protected, rewarded and promoted. This situation evoked them to act in a comfortable and fearless manner, as proved in the document stated above. Security officers could easily write official letters demanding extension of the period under custody since the defendant could bear all sorts of interrogation methods (i.e. torture) and no exact information could be obtained. In the petition written by Gendarmerie Captain Hasan Akkurt it is stated that the defendant in question was detained in connection with an armed usurpation and robbery, and other people who were involved in the incident were wanted.

Another sample case which shows how the perpetrators were rewarded, is the case of Ali Sakallı who was appointed Afyon Governor. Ali Sakallı who was Afyon governor for 2 years, had been prosecuted, sentenced to 3 years in prison and removed from office for 3 months on charges of torturing a driver when he had worked as the security director in Kütahya.

Another interesting example on this subject is Naci Parmaksız who was appointed Adana Governor in 1993. (*Numerous trials and investigations had been launched in connection with torture cases against many high level security directors when they had been working at various levels of the security organization.*)^(*) It was revealed that an official complaint had been lodged against Naci Parmaksız, later appointed Governor of Adana, because of an alleged case of torture in which he was involved while serving as Adana Security Director and that Turkey was sued by the European Human Rights Commission relating to the said official complaint. A person (a customs officer Mehmet Erdalgöz) detained in October 1987 in Adana verified with two medical reports he obtained from the Adana State Hospital and the Forensic Medical Institute dated 24 October 1987 and 26 October 1987 respectively, that torture had been inflicted on him. He subsequently filed an official complaint with the Prosecution Office. Although it was determined by the medical reports that the person in question had been tortured and subjected to electric shocks, an official investigation was prevented from proceeding. Even the order given by the then Interior Minister Abdülkadir Aksu for an investigation to be launched against Naci Parmaksız, was changed by tampering with the order document. Since the investigation was prevented and no result could be drawn from objections, the person in question exercised his right to make an individual application to the European Human Rights Commission. The Commission found the application worth being scrutinized and started the necessary process. As a result of the scrutiny, the objection was approved, and Turkey was recommended to find a friendly solution to the case. Turkey notified the Commission through

^(*) Mehmedhan Tokuş, who was the Security Director in İstanbul Gazi Quarter during the incidents that took place at the Gazi Quarter in March 1995 and resulted in the killing of 17 people, is also one of those who have a reputation for numerous torture incidents. In all the units he served, Mehmedhan Tokuş was either prosecuted or investigated on charges of "torturing and killing". Mehmedhan Tokuş, who tortured Kemal Köksal and Mehmet Karakaya on 25 August 1975 while he was working in Kırşehir, was sentenced to 2 months 15 days in prison on 2 November 1982 by the Kırşehir Penal Court of First Instance where he was prosecuted. Mehmedhan Tokuş, who was also prosecuted in 1989 for torturing to death a woman named Neriman Papiş who was detained on charges of "theft", was acquitted because of a "lack of evidence." Mehmedhan Tokuş was prosecuted for having shot in the back and wounded a left-wing student named Seyfi Meriç in Vize, and killing a person named Vefalı Hikmet by hitting him with a police car in Çorlu. Mehmedhan Tokuş received a punishment of a decrease in rank, for he was "drunk" during the accident. The name of Mehmedhan Tokuş arose during the investigation launched as to the killing of a sesame seed pretzel seller Bayram Duran at the Gazi Police Station.

Can Altan, the then Turkish Representative on the Commission, that "the recommendation for a friendly solution was warmly regarded and whatever required would be done".

The reactions against the torture cases increased between the years 1986-1988 and the fact of torture could not be concealed. Protests and pressure of public at home and abroad gave rise to certain steps and legal amendments on the subject of torture. Within this period, Turkey had to sign two conventions which are of importance at the international level. The first of these conventions was the "United Nations' Convention Against Torture and Inhuman and Degrading Treatment or Punishment" adopted by the General Assembly of the United Nations on 9 December 1975. Turkey signed this convention on 25 January 1988. The Convention which was promulgated in the Official Gazette on 10 August 1988, entered into force on 10 September 1988. Thus, the political power, on behalf of the Republic of Turkey, promised the United Nations that it would not allow torture and would prevent it as of 10 September 1988.

The European Convention Against Torture, which is the second important convention, was signed on 11 January 1988 and approved on 26 February 1988. It entered into force on 1 February 1988 in Turkey, together with other European countries. Besides, Turkey approved the European Human Rights Convention (in 1987) and gave its citizens the right to make individual applications to the European Human Rights Commission (except certain reservations).

These amendments, all of which were made during the Motherland Party governments, did not prevent torture and remained as "trimmings of human rights." (*) Turkey was criticized for not abiding by the conventions she signed and promises she gave. International organizations proved that torture was a widespread and systematic application in Turkey.

(*) Hoodwinking implementations, which were brought on to the agenda in connection with torture, were also witnessed during the DYP-SHP coalition government. On the evening of 7 December 1994 the then Prime Minister Tansu Çiller and Deputy Prime Minister Murat Karayalçın held a meeting with the members of Human Rights Supreme Consultancy Board, headed by State Minister responsible for human rights Azimet Köylüoğlu. In the meeting during which human rights abuses in Turkey were on the agenda, Tansu Çiller asked the Board members to prepare a project related to the methods of obtaining information in police stations without inflicting torture. Following the meeting, the Consultancy Board prepared a report which examined torture cases in Turkey and proposed solutions on this issue. The report, entitled "Personal Security, Protection Against Torture, Other Cruel, Inhuman and Degrading Treatment and Punishment", was written by Nevzat Helvacı and unanimously ratified by the Consultancy Board. It was submitted by Azimet Köylüoğlu to Tansu Çiller and Murat Karayalçın on 9 January 1995. However, the report was not publicized but hidden from the public, that's to say it was pigeonholed. Nevzat Helvacı resigned because the report was not made public. Following Nevzat Helvacı, Süheyl Batum and Aysel Çeliker quit the Board. Azimet Köylüoğlu publicized the report on 6 May 1995 after he had left the post of Ministry of State. Prime Minister Tansu Çiller sent a secret circular to the Ministry of Interior in February 1995 and demanded a series of measures to be taken for the prevention of torture cases. The measures demanded by Tansu Çiller are briefly as follows: "All periods and precautions foreseen by the laws will be meticulously applied during detention in police facilities. Defendants, disregarding their offenses, will not be ill-treated. Methods used in Europe and America will be employed to receive information from defendants. Defendants will have access to their lawyers in a manner foreseen by the laws. People detained by police will certainly be registered. Police stations will be controlled and any equipment (if there is) that could be used for ill-treatment will be seized. Cells where detainees are kept will be large enough and will fit health conditions. Legal procedures will immediately be launched against police officers or other people who ill-treat defendants." The circular in question was supposedly issued to prevent publication of the report prepared by the European Commission for Prevention of Torture related to Turkey in 1994.

One of the most significant criticisms on torture in Turkey was made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in December 1992. The report based on the visits made by the CPT delegations in 1990, 1991 and 1992, recorded that both ordinary and political offenders were tortured and exposed to all kinds of ill-treatment.⁽⁹⁾ The report reminded the government of its duty and demanded prevention of torture. This report was the first text that the CPT made public using its authority based on Article 10 of the Convention for the Prevention of Torture in Europe. (The 2nd paragraph of Article 10 of the Convention gives the CPT the right to make public a statement in the case that one of the countries which adopted the Convention, fails to cooperate or refuses to improve the situation in the light of the Committee's recommendations.)

The report stated that as a result of investigations conducted by 3 delegations in prisons, police custody and at hospitals, torture was widespread and that the authorities did not take the necessary precautions for prevention of torture and ill-treatment especially, in the political police centers in Diyarbakır, İstanbul and Ankara. The report expressed that in consequence of investigations made in the political police centers in Ankara, Diyarbakır and İstanbul, all kinds of physical and psychological torture and ill-treatment were encountered, and it recorded that torture traces consistent with the accusations were determined on the bodies of the defendants checked by the physicians within the delegation. Other impressions the CPT had during its periodical visits are as follows in short:

"During visits to various prisons, and negotiations with prison personnel, the Committee only found little evidence that ill-treatment was inflicted on prisoners. There are certainly some problems in the prisons of Turkey, but torture should be excluded from these problems. The Committee listened to allegations that gendarmes, acting as the police force in rural areas, detained people arbitrarily and beat them. There are also reasons enough to believe the claims

⁽⁹⁾ The European Committee for Prevention of Torture (CPT) made an investigation in Turkey in October 1994. The members of the Committee visited the security directorates, and some police and gendarmerie stations and prisons in İstanbul, Ankara, Konya, Adana and Diyarbakır. During the investigation at the Ankara Security Directorate, the Committee members demanded to meet 3 youths, İlkey Özçelik, Aylin Ürkmez and Sonay Kahraman who were in detention at that time. However, police authorities stated that the youths in question were not in detention. But the members of the Committee followed up the case and reached the youths while they were interrogated at the Ankara SSC Prosecution Office. The youths, who were examined by a physician in the Committee told the members that torture had been inflicted on them. İlkey Özçelik made a statement later and said that plainclothes police officers had threatened them, saying "If you say something against the State, we will not let you live." while they had been with the prosecutor before the meeting with the members of the Committee. İlkey Özçelik stated that the traces of torture on their bodies had been proven in the medical examination during the meeting and a medical report was furnished. She added that she was continuously threatened and her life was at risk because of the meeting and related statements. Aylin Ürkmez stated that the members had asked some questions such as "Did police tell you about your rights when you were detained?" and "Were you allowed to have access to your lawyers?" She said "Before the visit of the Committee, detention places where we were kept had been washed with detergents, walls had been painted and some places had been carpeted." Before the Committee came to Turkey, police and gendarmerie units were warned. For example; in letters sent by the Gendarmerie General Commandership on 20 July 1994 to all gendarmerie stations, the visit by the CPT to Turkey was announced and personnel were demanded to prepare for and take the necessary precautions to prevent any undesirable incidents. Letters also called attention to the point that negative reports had previously been prepared about Turkey as a consequence of the investigations carried out in police and gendarmerie stations and in prisons by the CPT.

that arrested people are beaten by gendarmes during transfer. Nevertheless, there is not so many findings to prove that the gendarmes torture prisoners. 15-day detention period for collective crimes which can be raised to 30 days in the region under emergency legislation creates suitable conditions to inflict torture, and provides enough time for healing torture traces. Since certain torture methods are professionally applied, defendants have no chance to file a complaint about the torture inflicted on them."

Another important international criticism came from the United Nations in 1993. A report prepared following a research into torture cases in Turkey by a committee formed in accordance with **Article 20** (*If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these findings to the State concerned together with any comments or suggestions which seem appropriate in view of the situation. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the cooperation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with Article 24.*) of the United Nations' Convention Against Torture and Cruel, Inhuman or Degrading Treatment or Punishment, was publicized on 19 November 1993.

The report accounting the studies of the Committee on Turkey within the last 4 years, states that torture systematically continues in Turkey. Following is a summary of the results of the proceedings concerning the inquiry on Turkey:

"The Committee wishes to state that it has received numerous allegations of torture in Turkey originating mainly from five international non-governmental organizations and five Turkish non-governmental organizations engaged in action to promote respect for human rights. The report submitted by the Committee members as a product of the inquiry, also contains detailed information on dozens of testimonies which they gathered within and outside places of detention during their mission to Turkey between 6 and 18 June 1992. In addition, the Committee has received precise information on the examinations of presumed torture victims by the medical expert who lent his assistance during the inquiry, and on the talks which the Committee members making the inquiry had with the Turkish authorities about the torture allegations received.

The Government of Turkey has informed the Committee that it rejects all the allegations of torture submitted by non-governmental organizations since these organizations are, in its point of view, deeply politicized or have never given credible proof of their impartiality. As to

the testimony gathered during the mission to Turkey, the Turkish Government stated that it was derived essentially from people presumed to be terrorists who, in line with their strategy, had every reason to claim that they been tortured.

The Committee considers that, even though only a small number of torture cases can be proved with absolute certainty, the copious testimony gathered is so consistent in its descriptions of torture techniques and the places and circumstances in which torture is perpetrated that the existence of systematic torture in Turkey cannot be denied.

The Committee considers that torture is practiced systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question. Torture may in fact be of a systematic character without resulting from the direct intention of Government. It may be the consequence of factors which the Government has difficulty in controlling, and its existence may indicate a discrepancy between the policy determined by the central Government and its implementation by the local administration. Inadequate legislation which, in practice, allows room for the use of torture may also add to the systematic nature of this practice.

The Committee deplors and condemns any act of violence perpetrated by armed groups, regardless of their origin, particularly if they terrorize the population or try to destabilize the democratic institutions. The Committee wishes to point out, however, that under Article 2 paragraph 2, of the Convention, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as justification of torture. The Turkish authorities, who have undertaken to respect this provision and, what is more, have publicly condemned torture as crime against humanity, should take measures to ensure that such a provision is implemented strictly by all State authorities. Particular attention should be paid to implementation of this provision in the provinces under a state of emergency.

Within this context, efforts should be made to prevent certain departments within the Ministry of the Interior, in particular, from becoming as it were, a State within a State and appearing to escape control by senior authorities. Inspections of interrogation centers by Ministry of the Interior officials might be envisaged for this purpose and penalties should be imposed on people violating Article 13 of Act. No. 3842 and the administrative regulations of 6 August 1991 concerning interrogation procedures, which explicitly prohibit the use of torture. Furthermore, efforts should be made to acquaint existing law-enforcement personnel and personnel currently undergoing training with interrogation and investigation techniques that do not involve any kind of torture or other cruel, inhuman or degrading treatment.

In connection with the latter point, the Turkish Government has informed the Committee that police and gendarmerie officers and senior officials in the Directorate-General for Security were due to take, or were currently taking, training courses on interrogation methods, mainly used in the countries which are members of the Council of Europe. For its part, the Committee considers that any program for the training of public officials should highlight the fact that the practice of torture is not only a criminal act which carries severe penalties, but also an act which is degrading and shameful for its perpetrators and their superior officers.

The Committee wishes to emphasize that it has suggested to the Turkish Government that it should set up national machinery to combat torture. An independent commission might

be established, under the aegis of the Ministry for Human Rights, comprising members of the professions concerned (lawyers and doctors) and representatives of non-governmental organizations, together with eminent national figures recognized as having campaigned against this evil. The commission would have access to any detention or interrogation center it wished to visit. Its responsibilities would include regular and frequent visits to all places of detention, more particularly those under the authority of the Ministry of the Interior, meeting people held in custody in those places, consulting prison registers, receiving complaints of torture and transmitting them to the prosecutor's office. Its reports would be publicized and it would play an advisory and initiatory role in the drafting of any parliamentary bill concerning action to combat torture.

The Committee considers that places of detention under the authority of the Ministry of the Interior pose many problems from the standpoint of Article 20 of the Convention. All the testimony collected before, during and after the visit by the Committee members making the inquiry corroborates this assertion. Although the Turkish Government has taken initiatives to combat torture, the current situation is still one in which torture is systematically practiced in various premises under the authority of the Ministry of Interior. There is an obvious discrepancy between, on the one hand, the measures taken and the intentions expressed by the authorities with regard to action to combat torture, and on the other, the practice followed in Ministry of the Justice premises."

Because of torture cases Turkey was frequently condemned on international platforms and remained on the agenda. The dimension of torture in Turkey was made public in an impressive manner in the reports prepared by independent human rights organizations such as the AI and the Helsinki Watch. The government objected to these reports and qualified the human rights organizations as evil-minded ones, instead of correcting the cases indicated in these reports. The "December 1993 Report" prepared by Helsinki Watch on human rights abuses in various countries, stated that human rights violations in Turkey increased and that torture could not be prevented. In addition, the United States' Government was condemned in the report for anti-terror training courses secured for Turkish security officers in USA.

Turkey which got tired of the reactions and criticisms regarding torture by international human rights organizations, was also frequently troubled with individual applications made to the European Human Rights Commission. She even had to accept to pay compensation to torture victims. The Commission, reached a decision in 1990 on the application made by the United Communist Party of Turkey (TBKP) leaders Nihat Sargin and Haydar Kutlu who had been detained after returning to Turkey in November 1987 and tortured, and determined that torture had been inflicted on them. Upon this, Turkey accepted to pay a total compensation of 1 million in French Francs.^(*)

The Commission demanded Turkey to defend herself in connection with a death in detention which took place in Cizre in 1990. The incident in question was as follows: Abdurrahman Tanrıbilir who was detained by the gendarmerie in the Düzova Village of Cizre on the

(*) One of these cases was concluded by the European Human Rights Court on 8 June 1995, and it was decided that Turkey should pay 60 thousand French Francs to these people. In their appeal with the European Human Rights Commission, Kutlu and Sargin had claimed that Turkey had violated Articles 5 and 6 of the European Convention on Human Rights as they had been detained prior to the prosecution which was started when they came back to Turkey in 1987, and as the duration of the prosecution was prolonged.

night of 7 September 1990, died under gendarmerie custody at about 4.00 a.m. on 8 September. It was claimed, in the official statement made of the event, that Abdurrahman Tanrıbilir had committed suicide by hanging himself with his shirt from the ceiling. Following the death of Abdurrahman Tanrıbilir, his mother Hediye Tanrıbilir lodged an official complaint with the Cizre Public Prosecution Office and demanded those responsible for her son's death to be punished. Upon the official complaint, the aforesaid Public Prosecution Office applied to Şırnak Provincial Administrative Board for permission to launch a trial regarding the event. However, Şırnak Provincial Administrative Board did not give the required permission to launch the trial and the file was shelved. Then Hediye Tanrıbilir made full use of her right to apply individually to the European Human Rights Commission. As a result of its first examination, the Commission found the application worth investigating and invited Turkey to make a vindication of the event.

The interrogation under torture which resulted in the death of İbrahim Ekinci and caused numerous people to become crippled in the Ormaniçi Village of the Güçlükonak District of Şırnak in February 1993, also put Turkey on the agenda of the European Human Rights Commission in 1993. The Commission received the application made by the aggrieved villagers through their lawyers and invited Turkey to make an explanation about the incident.

Turkey had to accept to pay 1 million French Francs to the 4 people who had been aggrieved in Yeşilyurt on 14 and 15 January 1989. In the event, villagers had been tortured and forced to eat human excrement by the security officers who had gone to the village. The event had drawn many protests from the public and a trial had been launched against Major Cafer Tayyar Çağlayan who had commanded the enlisted men to do so. Major Cafer Tayyar Çağlayan had been tried in Ankara on the claims that his life had been in danger. At the end of the trial, he had been convicted to one year imprisonment, but the sentence had later been suspended. When the sentence passed on the major was reprieved, Abdullah Gündoğan, Bahattin Müştak, Kamil Müştak and Abdurrahman Müştak out of the aggrieved villagers applied to the Human Rights Commission. Then, the Turkish Government was ordered to hold talks with the said villagers in order to find a friendly solution. (*) (**)

(*) Conclusion of individual applications against Turkey went on in 1995, too. In March 1995, the European Human Rights Commission made a decision on the applications lodged by the 3 people namely Hüseyin Demir (the SHP İdil Province President), Faik Kaplan (correspondent for the newspaper Hürriyet) and Şükrü Susin, who had been kept under detention for 30 days in the İdil district of Şırnak at the beginning of 1993. The Commission deemed fair the applications by the 3 people, and concluded that Turkey should pay a compensation to the plaintiffs and make the necessary legal amendments to put an end to implementation of long detention period, and gave a notice to Turkey. Lawyer Hasip Kaplan, who undertook the defense of the applicants, stated that the problem would be solved if detention period is decreased to meet the European standards and if an agreement could be reached regarding the amount of the compensation to be paid, otherwise they would refer the problem to the European Human Rights Council. During the operations launched by the security officers in İdil in January 1993, 50 people had been detained and tortured.

(**) Turkish officials were alarmed at the decisions made one after another by the European Human Rights Commission against Turkey. For example; Kenan Doğan, the Justice Ministry Undersecretary, said in July 1994 that Turkey faced the liability of paying a considerable amount of compensation because of the cases filed with the European Human Rights Commission related to human rights abuses and indicated that the cases harmed the prestige of the country. In the meantime Prof. Dr. Bakır Çağlar who undertook the advocacy of Turkey in the Commission resigned.

CMUK (The Code of Criminal Procedures)

Another attempt made in order to prevent or decrease torture was the amendments to the Code of Criminal Procedures which is shortly called as CMUK. However, CMUK which has no use in the prevention of torture, remained only an indicator of "respect for human rights" used by the authorities when they were hard pressed. The amendments which were among the most important promises of the True Path Party and the Social Democratic Populist Party (DYP-SHP) coalition, were put on to the agenda of the National Assembly in April 1992 under the name of "draft law on the judicial reform". The draft which shortened the detention period, banned ill-treatment and torture, enabled lawyers to be present during police interrogation, and limited the period under arrest was adopted by the National Assembly on the night of 21 May 1992. In spite of many improvements, the draft included many deficiencies.

The draft, in spite of all its deficiencies, disturbed many circles particularly the ones who deem torture as the only possible interrogation method. Subsequently, President Turgut Özal blocked the draft law on 8 June 1992 and sent it back to the Assembly. In justifying his decision Turgut Özal pointed out that fundamental rights and freedoms may be limited in cases of martial law, emergency and wars, and said: "When ordinary crimes are considered under the same conditions as terror crimes, certain inconveniences will arise." It was later discerned that the draft law was rejected upon reactions by certain security authorities, particularly the Emergency State Governor Ünal Erkan, and in accordance with the demand of the National Security Council (NSC). Following lengthy debates, the draft law was adopted on 18 November 1992 after being changed in accordance with the criticisms of the National Security Council. The law numbered 3842 which was approved by President Turgut Özal, was promulgated in the Official Gazette on 1 December 1992 and came into force. With Article 31, most of the amendments on the Code of Criminal Procedures were excluded from the investigations under the jurisdiction of the SSCs and in the Emergency State Region where the torture cases are intensively witnessed. In the meantime, certain crimes were removed from the jurisdiction of SSCs. The law foresaw the following regulations and exceptions:

- Detention periods will decrease to 24 hours for individual crimes, and to 4 days for collective crimes. This period for collective crimes may be extended for an additional 4 days by decision of a judge. The detention period will be 15 days for crimes under the jurisdiction of the SSCs and 30 days in the Emergency State Region, as it was before.
- Lawyers will be able to be present at any stage of an investigation. A defendant in police custody may have access to a lawyer. A defendant's right to have a lawyer during interrogation and to demand legal assistance from his/her lawyer may not be rejected. The Bar will secure a lawyer for any defendant who is unable to hire one. However, these provisions are not valid for those detained because of crimes falling under the jurisdiction of the SSCs.
- Testimony which is taken under torture, ill-treatment or by means of certain physical or psychological intervention breaking down will-power, is not valid. This will be applied for all crimes without discrimination.
- While being interrogated by either security officers or prosecutors, a defendant will be made aware of "the offenses charged on" and of "his/her rights including the right to remain silent". These will not be applied for cases under the jurisdiction of SSCs.
- Periods under arrest will be no more than 6 months during the interrogation stage and no more than 2 years for crimes entailing imprisonment sentences up to 7 years during

the trial stage. On the other hand, for crimes entailing sentences of more than 7 years' imprisonment, a judge will decide whether the period under arrest will continue or not. In that sense, arrested individuals may be released on bail if the judge approves. These provisions do not include cases under the jurisdiction of SSCs.

The amendments on the CMUK caused various public discussions and criticism by human rights activists and jurists. The focus of the criticisms was the exclusion of political crimes from the improvements. In addition, many negative examples witnessed during the year vindicated the criticisms leveled at the CMUK. Before summarizing the criticisms against the CMUK, we must acknowledge the fact that this law includes certain positive aspects. The law consisting of 31 fundamental articles, may be considered as positive from certain aspects because it generally concretizes arrest conditions, partially prevents arbitrary arrests, shortens the detention period and gives the authority to extend this period to a judge, enables a defendant to have an access to her/his lawyer, secures lawyers the right to examine investigation documents, enumerates forbidden interrogation methods, determines interrogation methods and gives a defendant the right to remain silent and to raise objections against continuation of her/his arrest. Nevertheless these positive aspects should not mislead us. The amendments to the law do not cover the political investigations during which torture cases are observed to take place most intensively and heavily. This discrimination alone is an indicator that the law will not prevent torture. Article 31 of the law says that none of these amendments will be applied to crimes under the competence of the SSCs. Thus, an extraordinary judicial order was created and two separate legal regimes were systematized in the same country.

Though the aim of these amendments is to remove human rights abuses, Article 31 of the law constitutes a move further away from this aim, because human rights violations mostly occur with suspects under the jurisdiction of the SSCs, and torture and prohibited interrogation methods are mostly practiced in the Emergency State Region. By means of the law, human rights violations and prohibited interrogation methods during interrogations under the jurisdiction of the SSCs and in the Emergency State Region were legalized and systematized.

The law does not introduce any measures to end torture. The detention period was not shortened decisively. In addition, former detention periods foreseen for crimes in the Emergency State Region and under the scope of the SSCs remained the same. Under the law, the detention period for ordinary crimes may be extended to 8 days in certain cases, whereas, between 1973 and 1980, this period was a maximum of 7 days. This situation shows that the present law cannot even match the standards used 20 years ago. The 8-day detention period is in contravention of Article 5/3 of the European Convention on Human Rights which provides that people apprehended shall immediately be brought before a judge.

Before this law, there already existed the possibility for lawyers to meet suspects in the preparatory stage of an investigation in accordance with a Circular of the Prime Ministry issued in 1990. Crimes under the scope of the SSCs were included in this circular. Access to a lawyer which had been granted by the circular to any defendants including ones under the competence of the SSCs was withdrawn by this law, thus resulting in a step backwards. The right to deprive people of their liberty was removed from prosecutors and judges and given to the police. This will lead to arbitrary applications of the law which can not be prevented.

Detainees are kept under custody of the officers who have been applying torture as an interrogation method for years. "To have access to a lawyer, to secure a lawyer to be present during interrogation and to provide legal aid for suspects" is not enough to prevent torture.

Without changing the staff who over the course of many years became used to inflicting torture, it is difficult to believe that these measures will prevent torture.

With the amendments, a discrimination was created between political and ordinary crimes, the right of political offenders for a fair trial was disregarded and the principle of "equality" was ignored. However, Articles 5 and 6 of the Convention on Human Rights give everybody a "right for defense and a fair trial". Even if only on paper, the 1982 Constitution provides the right of defense for everybody. Thus, the amendment even lags behind the 1982 Constitution.

Under Article 29 of the law, the number of crimes under the scope of the SSCs was decreased. However, in this provision there is an attempt to cover up one important fact. It is misleading to think that the number of the crimes under the scope of the SSCs has actually decreased. In the amendments, certain cases such as smuggling and fictitious exports were excluded from the scope of the SSCs. When considering other crimes said to have been excluded from the scope of the SSCs, we are faced with another picture. Article 1 of the "Law to Fight Terrorism" is still in effect and many crimes excluded from the scope of the SSCs are nonetheless considered to be terror crimes under the "Law to Fight Terrorism". This means that a piece of writing, a speech or a leaflet found in a flat may easily be taken up under the "Law to Fight Terrorism". Thus, a defendant may be tried by an SSC, may be kept in detention for 15 days (30 days in the Emergency State Region), will not be allowed to have access to her/his lawyer, and her/his relatives will not be notified. S/he may even be arbitrarily and unnecessarily arrested and kept under arrest for years.

The CMUK, verifying the criticisms, did not prevent torture which has been an outstanding problem of Turkey for years. Torture cases and claims, deaths in detention, and complaints made by many organizations, particularly by bars about negative applications which continued after 1 December 1992, the date when the law was promulgated in the Official Gazette and entered into force, made it evident that the amendments did not secure any improvement. Leaving aside the prevention of torture, the CMUK did not even succeed in eliminating the deaths due to torture and reducing the number of the torture cases. Besides this, the provision which enabled lawyers to be present during cross-examination of their clients was frequently abused. A series of negative aspects faced during application folded the failure of the CMUK.

The failure of the CMUK (*) was not limited with the political cases under the jurisdiction of the SSCs. The amendments brought on the CMUK were mostly ignored in the ordinary investigations. Provisions which are in favor of defendant, particularly those enabling lawyers to be present during interrogation, were disregarded by security officers. Even the lawyers who insisted on implementation of the CMUK provisions were exposed to attacks and insults by the security officers.

(*) In spite of all its deficiencies and failure in preventing torture, the CMUK incurred the wrath of security officers and certain circles. In an effort to sway the public opinion, these circles alleged that the CMUK protected criminals and thus the rate of crimes had increased. Many authorized or unauthorized people, from officers in police stations to the Minister of Interior, were involved in this effort. Replying to a parliamentary question submitted by Maraş Deputy Ahmet Dökülmez to the Presidency of the National Assembly in March 1994, the then Interior Minister Nahit Menteşe said: "The number of ordinary crimes increased considerably after the Law No. 3842, which amended some articles of the CMUK, had been put into force. While the number of the ordinary cases had been 71,284 in the first 8 months of 1992, this figure rose up to 112,487 in the same period of 1993. This means a 57.8 percent increase."

In a press conference held on 17 January 1993, İstanbul Bar President Turgut Kazan pointed out actions by the officers who disregarded CMUK provisions and gave some examples. Turgut Kazan declared the following about the applications of the law in contravention of the CMUK as determined by the İstanbul Bar: "The most notable application is experienced in Customs Guard units. Customs officers first beat the people they apprehend, then they inform them about their right to access a lawyer and they intimidate them by saying 'You have to give the statement that we want. Otherwise, we will continue beating you'. Another sample case violating the law is that apprehended people are told by the police that they are kept not as a defendant but as a witness. In such cases, people apprehended do not have a right to access to a lawyer. In the end, however, police state that, these people who testify as witnesses, are declared as defendants. According to Article 144 of the CMUK, apprehended people have a right to talk with their lawyers in a manner that cannot be heard by anyone else. In certain police stations police officers usually say 'Police officers are not anyone else, so you may talk to each other near them'. Sometimes police officers interpret this right as having a lawyer free of charge and tell the person under suspicion, 'Are you crazy to pay for a lawyer? Call another one from the bar free of charge'. Mostly they try to dissuade the person from demanding a lawyer and even allow a civilian, in the guise of a lawyer, to talk to the suspect like a lawyer."^(*)

Two children, aged 15 and 16, who were detained in Adana on 9 December 1992 for stealing, and taken to the Bağlar Police Station, were forced to sign a statement saying "I have no lawyer. Therefore I will defend myself." and then interrogated. During the same days again in Adana, a 17-year old youth was detained after a quarrel with his friends and taken to the Hacıbayram Police Station. He was interrogated before his lawyer came, and sent to the court following the interrogation. (The CMUK foresees assignment of a lawyer for those below 18 years, without regard to his/her demand.) Meanwhile in Ankara, lawyers who went to see a defendant under custody at the Bataktent Gendarmerie Station were returned upon the directives by the commander of the station.

Lawyer Hikmet Aykent who went to the İzmir Security Directorate Public Order Department on 8 March 1993 after obtaining permission from the Public Prosecution Office to meet his client who was held in police custody, was not allowed by police officers to talk to his client. Subsequently, Hikmet Aykent informed the İzmir Bar about the event and demanded help. Later he returned to the Security Directorate again with Ahmet Aksüt, a member of the Administrative Board of the İzmir Bar. He was not allowed to meet his client that time either. The lawyer who objected to this application was ejected from the directorate's building by force. When the event was made known to the Public Prosecution Office, a trial was launched against security officers Coşkun Alagöz and Ali Bilgiç who were accused of acting in violation of the CMUK, with the demand of a sentence of up to 3 years' imprisonment for each.

(*) Lawyers registered at the İstanbul Bar determined 12 torture cases in connection with the judicial investigations launched only in August 1994, and lodged an official complaint with the prosecution office. During the investigations of the suspects below 18, the specific provisions foreseen by the law were not implemented. Besides, the İstanbul Bar disclosed that some lawyers in an effort to earn more money made agreements with police which provided them to be always called to police stations during interrogations and this was a misuse of the CMUK. The complaints to the İstanbul Bar claimed that such kinds of lawyers did not in fact go to the police stations, but merely signed statements by police in their own offices and shared the money with police officers. Indicating that a lawyer who was present during an interrogation was paid TL 245,000 (in 1994) for each case, the İstanbul Bar Secretary General Uğur Yetimoğlu said: "We launched an investigation about 5 lawyers since they misused the law."

In August 1993, lawyer Ahmet Çolakoğlu who wanted to meet his 17-year old client who had been tortured in detention at the İzmir Courthouse, was not permitted by a police officer to do so. The İzmir Bar complained to Deputy Prime Minister Erdal İnönü and Justice Minister Seyfi Oktay about the police involved in this event. While talking to Erdal İnönü, İzmir Bar President Volkan Alposkay said: "This event is too obvious to be covered up by the police, Governorate or Public Prosecution Office, and it shows a general inclination of the police. The police disregard the law not only in İzmir, but all over Turkey." Lawyer Ahmet Çolakoğlu, who told Erdal İnönü about the event, stated that the attitude of the police during the event was not a personal one, and further said: "The police cannot bear any defense. When I met my client later, he said that he had been forced to falsely confess that he had stolen 20 tape recorders. He also told me that he had been tortured." According to Ahmet Çolakoğlu the detention period of his client was extended to 5 days, but the permission of the prosecutor, required for extension of the period was not in the investigation file. Ahmet Çolakoğlu also said that he always carried a tape recorder with him for his hands were crippled and that he had recorded all threats and insults by the police on the tape recorder. (*) (**)

Investigations and trials

As stated above, torture cases and claims have not been seriously investigated for the last 15 years. While most of the official complaints were shelved, decisions not to prosecute were taken on meaningless grounds in other cases where investigations were initiated. To launch trials against perpetrators took great effort and thus it became almost impossible to prevent torture. Pending trials or trivial sentences played a major role in the increase of torture cases. Following are some interesting examples of the investigations and trials:

On 1 March 1989, political prisoners in the 4th wing of the Ankara Central Closed Prison demanded the roll-call to be carried out in the wing, when they realized that they would be beaten by the gendarmes waiting in the courtyard. Then, the prisoners were made go out to the courtyard and beaten for a long period. Because of the incident during which all of the 57 prisoners were beaten, medical reports were issued for all prisoners by the Forensic Medicine Institute. When the prisoners filed an official complaint via their lawyers with the public prosecution office about those who gave the order for beating and who beat them, an investigation was launched. However, the investigation resulted in a verdict of non-prosecution on 11 April 1989. Although the prisoners verified the beating with medical reports, the persons responsible for the incident were not brought before court. This situation became another example of insensitivity towards torture.

(*) Bilgütay Hakkı Durna, one of the lawyers registered at the İstanbul Bar, was insulted, harassed and beaten by the police officers at the İstanbul Sultanahmet Akbıyık Police Station where he went on 30 July 1995 to meet his 2 clients kept in detention.

(**) Hitches in the CMUK continuously remained on the agenda. The failure of the Ministry of Finance to send the money allocated for the lawyers who have provided the suspects with legal assistance within the framework of CMUK, to the Union of Bars of Turkey, provoked protests by the Union. In a press conference held on 18 July 1995, the then TBB President Önder Sav indicated that the Ministry of Finance had not sent the money allocated for the legal assistance service under CMUK for the last 10 months, and said, "The facilities of and efforts by the Bars alone are no longer sufficient for the conduct of the service. The failure of the Ministry to send this money is a crime." As of the press conference, the legal assistance services by the lawyers were halted. The implementation of providing the suspects with the legal assistance restarted on 14 August 1995, when the Ministry of Finance granted the required allocation to the TBB.

İslam Aysoy, detained on 11 May 1991 in the Güroymak District of Bitlis, alleged that he had been tortured and forced to eat dog excrement. In his statement he made through his lawyer, İslam Aysoy said that his brother İsmet and İlhan, detained together with him, had also been tortured. Demanding the responsible persons to be found and punished, Aysoy brothers filed an official complaint with the Bitlis Public Prosecution Office. The Prosecution Office decided on non-prosecution on the grounds that the security officers in question had committed the offense in connection with their duty and sent the file to the Bitlis Governorate.

16-year old Dinçer Şahin, who was detained for drawing the symbol of hammer-and-sickle on the wall at the Gümüşhane High School, filed an official complaint with the Public Prosecution Office, stating that he had been tortured while in detention. After filing the complaint, he was sent to hospital, and there he was given a report certifying that there were traces of blow on his feet and hips. Before being released, Dinçer Şahin was also threatened by the police to prevent him from filing any complaints. The investigation launched after great efforts by his family, resulted in verdict of non-prosecution, in spite of the medical report proving the torture on him.

A nurse named Mediha Curabaz who was kept in detention between 15 August and 20 August 1991 in the Adana Security Directorate, was reportedly tortured and raped in detention. The torture and rape were certificated with a medical report. Lawyers of Mediha Curabaz applied to the Adana Public Prosecution Office and demanded a trial to be launched against some police officers in charge at the Political Police Center. The official complaint filed on 14 October 1991, said: "Our client was intensively tortured for 6 days while she was under custody. Increasing dose of torture was inflicted on our client who refused to talk, and she was raped with an electric truncheon." The official complaint was later sent to the Adana Governorate.

Meanwhile, Mediha Curabaz was acquitted on 14 November 1991 at the end of the trial launched by the Malatya SSC in connection with the charges which caused her detention. A while after her acquittal, it was decided that there was no need to prosecute the 5 police officers who reportedly tortured and raped Mediha Curabaz in the Adana Security Directorate. In the decision by the Adana Provincial Administration Council in February 1992, it was stated that there was not sufficient evidence to launch an investigation into the allegation that police officers Tarık Doğan, Sami Orhan, Ferit Çakır, Hasan Ay and Muzaffer Aydın had inflicted torture. The Council which took the decision was composed of Deputy Governor Ali Aydınalp, Director of Legal Affairs Yalçın Şendur, Director of Registration Kenan Çelik, Director of National Education Abdurrahman Yıldız, Director of Public Works Kayhan Çamurdan, Director of Health Alper Pişkin and Director of Agricultural Affairs Nihat Acar. The Legal Affairs Director Yalçın Şendur, who is the only person to have studied law, did not attend the session during which the decision was taken. Objection raised by the lawyers of Mediha Curabaz to the Supreme Court for annulment of the decision did not bear any results. At the end of the administrative trial launched by Mediha Curabaz, in connection with the torture inflicted, it was decided to pay a compensation of TL 10 million to her in 1994, while her compensation demand concerning the rape was refused.

Mehmet Zeki Özirmak running a coffee-house in Karaman was tortured in March 1992 in the police station where he was taken on allegations that this coffee-house was a place for gambling. He was sent to the Karaman State Hospital following the incident and he obtained a medical report verifying his recovery in 7 days and inability to work for 20 days. Mehmet Zeki Özirmak filed an official complaint about Haydar İnce, the Chief of Karaman Central Police

Station, but in return he was arrested on the claims that he had insulted and threatened an officer on duty. When the incident was reported by newspapers, an investigation was launched against Haydar İnce accused of torturing. No results was drawn from the investigation launched against Haydar İnce who was subsequently appointed out of Karaman.

At the end of an investigation concluded by the Eskişehir Public Prosecution Office in May 1992, it was accepted that the prisoners sent to the Eskişehir Special Type Prison in October 1991, had been tortured and ill-treated. Nevertheless, the investigation launched upon the official complaints filed by relatives and lawyers of the prisoners, resulted in verdict of non-prosecution the prison officers because it could not be established whether those applications had been carried out in prison or during the transferring of the prisoners. Although ill-treatment and torture inflicted on the prisoners were verified with medical reports and the names of the responsible persons were given, not a single officer could be found for prosecution.

In the case of policemen Burhan Gökhan, Mehmet Deniz and İsmail Uysal accused of having tortured Süleyman Karadağ and Songül Kaya in April 1992 in Malatya on allegations of being members of an illegal organization, it was quickly decided not to prosecute the policemen in question. Süleyman Karadağ had been sent to the Malatya State Hospital after being arrested and there a medical report certifying the torture inflicted on him was issued. However, this report remained insufficient to prosecute the accused policemen. Yıldız Koluçak, the lawyer of the tortured youth, indicated that it was unlawful to make a decision of non-prosecution although the torture was verified with a medical report, and appealed against the decision. Upon the appeal, a trial was launched against the policemen, but they were acquitted.

Left-wing prisoners in the İzmir Buca Prison were beaten by the gendarmes and guardians during an operation against their wings on the night of 14 September 1992. In consequence of the beating, 58 prisoners were wounded, 18 of whom were severely. Upon official complaints and public reactions, İzmir Public Prosecution Office launched an inquiry against 70 prison officers. Nevertheless, shortly after the inquiry was launched İzmir Public Prosecutor Melih Tari said; "According to information I received, no operation was carried out by gendarmes. After the incidents, an ordinary search was conducted in the wings. The wounded prisoners were treated by physicians." and showed how symbolic the inquiry was. As a result of the "mock inquiry" on 2 November 1992, it was decided not to prosecute the aforesaid prison officers on justification that the prisoners had injured each other and that the officers had only fulfilled their duties. Thus, another file of torture was closed.

Police attempted to detain retired lieutenant Osman Tiftikçi who had been dismissed from the army following the 12 September Military Coup, in a billiard hall on Esat Street of the Küçükesat Quarter in Ankara on 9 April 1993. Osman Tiftikçi who objected to his detention, resisted the police by shouting slogans. The police subsequently detained him by force and took him to the Security Directorate. Osman Tiftikçi was sent to the Forensic Medicine Institute on 12 April, 3 days after his detention, where he was given a medical report showing "his inability to work for 5 days due to wounds on his body". Osman Tiftikçi was arrested by the Ankara SSC when the detention period expired and he was sent to the Forensic Medicine Institute once more on 27 April. That time, he obtained another medical report showing his inability to work for 3 days. The report issued on 27 April 1993 stated that erosions had been determined on the back of his penis, on his left elbow, on his right arm and on both of his toes. Then, indicating that he was tortured in police custody, Osman Tiftikçi filed an official complaint with the Ankara Public Prosecution Office.

As a result of the inquiry the verdict of non-prosecution was delivered on the grounds that "Osman Tiftikçi was detained within a legal framework". The following was written on the verdict of non-prosecution: "It has been determined that Osman Tiftikçi got wounded while he was resisting detention by the police, and his resistance caused his inability to work for 5 days. The procedure followed in the case was consistent with the CMUK. The defendant resisted the police by shouting slogans and the officers forced him to get into a police vehicle. The wounds and scars on his body occurred at that time." The decision illustrated the types of cases where police officers might be accused of torture as follows: "To break the resistance of a defendant and to apprehend him/her are among the legal duties of the police. If police officers act in an arbitrary manner or exceed the authority given to them while breaking the resistance (such as breaking an arm, hand etc., causing heavy wounds or injury by opening fire on the upper part of the body instead of lower part), they will be legally responsible." During the inquiry, the claims by Osman Tiftikçi concerning torture inflicted on him while being interrogated were not assessed. In addition, reasons for the traces of torture which were found on various parts of his body, particularly on his penis caused apparently due to electric shocks, were not mentioned. The question of how come the traces on his penis could have occurred while forcibly getting on the car, remained ambiguous and it exposed the lack of seriousness of the investigations launched as to torture cases. (*)

A youth named Doğan Kelek who is living in the Ortaköy District of Çorum, was beaten by a non-commissioned officer in July 1993 on the grounds that he looked like a terrorist. Doğan Kelek obtained a medical report from a hospital verifying traces of blows on his body and showing his inability to work for 6 days, and then he lodged an official complaint with the Public Prosecution Office. Doğan Kelek stated the following: "I was going from Ortaköy District to Cevizli Village which is mostly inhabited by Kurdish people. A military vehicle blocked our way. A non-commissioned officer who got out of the vehicle said that I looked like a terrorist and beat me". No result could be drawn from the investigation. The non-commissioned officer who beat Doğan Kelek was assigned to another settlement in the Aegean Region and in this manner the event was covered up.

Ahmet Halifegil, who is a student at the Faculty of Education of Çukurova University, was detained on 2 May 1993 in Adana and beaten by a superintendent named Sabri Güngen at the PTT Police Station where he was taken to. Ahmet Halifegil who could not bear being beaten, responded by punching Sabri Güngen. As a result, superintendent Sabri Güngen was slightly injured. Ahmet Halifegil obtained a medical report from the Forensic Medicine Institute showing that he was unable to work for 7 days and he filed an official complaint with the Public Prosecution Office against Sabri Güngen. However, the Public Prosecution Office did

(*) Osman Tiftikçi's lawyer, Meryem Erdal appealed to the Kırıkkale Criminal Court and raised an objection against the verdict of non-prosecution. The Court deemed the objection fair and launched a trial against police officers Mehmet Sait Özer and Nihat Koç, demanding imprisonment from 3 months to 1 year on charges of ill-treatment. The trial at the Ankara Penal Court of First Instance No.15, resulted in acquittal of the defendants on 27 February 1995. The acquittal was decided on the following justification, which is similar to the verdict of non-prosecution by the prosecution office: "Since Osman Tiftikçi had been wanted for 14 years on allegations of being a member of an illegal organization, a crowded group of police officers caught him. The defendant resisted the police officers, and the wounds and scars on his body occurred at that time. The police officers acted within the legal framework to break down his resistance." Thereby, during both the inquiry and prosecution, the claims by Osman Tiftikçi concerning the torture inflicted on him while being interrogated were not assessed.

not accept his complaint and adopted an attitude in favor of superintendent Sabri Güngen who had a punch on his face and was given a medical report showing his inability to work for 3 days. Later, a trial was launched against Ahmet Halifegil on allegations of "opposing the police and attacking physically". The trial against Ahmet Halifegil started on 1 July. Sabri Güngen who took the floor in the hearing said: "Ahmet attacked me and my friends. He bit my arm and punched on my face. We did not torture him." However, Ahmet Halifegil rejected the claims of superintendent Güngen and said the following: "I was tortured at the police station for 17 hours and threatened to death. The superintendent and other police officers are lying".

It has been revealed that Eyüp Seyrek (44) who is a correspondent for the newspaper "Viranşehir" and BBC, İbrahim Halil Yaman (33), Ömer Özkan (29) and Serdar Mert (16) who had been detained in December 1992 and interrogated at the Urfa Security Directorate, were intensely tortured for 20 days during detention. The torture inflicted on the defendants was proved with the medical reports given by the Forensic Medicine Institute. The defendants, who were arrested and kept in prison for a while, said the following: "We were intensely tortured during 20 days of detention. Truncheons were inserted into our anuses. They squeezed our throats and tried to throttle us. In order to stop the torture, we had to accept everything dictated to us. In the medical report we obtained on 15 December 1992 it has been indicated that we accepted the accusations because of inflicted torture." In spite of the medical reports and official complaints, the torture was not inquired and the event was covered up.

The case of the death of Remzi Basalak illustrates the difficulty in fighting against torture in Turkey. The case deals with the killing of Remzi Basalak who had been apprehended after a robbery in Abidinpaşa Quarter of Adana on 23 October 1992 and who had died on the evening of the same day. His death had been concealed from the public for four days. The security officers accused of having killed Remzi Basalak were brought before court in 1993 as a result of many official complaints and applications. However, 4 traffic police officers who were not involved in the killing of Remzi Basalak were made public as culprits. The trial launched against Erdal Şahin, Özyay Karatepe, Süleyman Özcan and Aytakin Yıldız on charges of causing the death of Remzi Basalak, started in January 1993 at the Adana Criminal Court No. 2. The indictment read in the first hearing demanded no less than 12 years' imprisonment sentences for each of the 4 police officers. However, lawyers of Remzi Basalak claimed that the trial was nothing more than a showpiece and said the defendants were not the ones who had interrogated Remzi Basalak, but the traffic police officers who had caught him. They also stated that the file had been prepared in a way as to prove that Remzi Basalak had died as he had fallen down. In the hearing held on 16 February, the lawyers filed an official complaint about Adana Security Director Mete Altan and 13 police officers, in charge at the Political Police Center. Upon the official complaint, a trial was launched against 11 police officers and thus the number of defendants reached 15. The names of those 11 police officers are Ahmet Tarık Doğan, Necmettin Uçar, Gürsel Aksoy, Sami Orhan, Sıddık Ercan, Hasan Ay, Sabahattin Turan, Ferit Çakır, Muzaffer Aydın, Kamil Toptan and Bahattin Özbilek. The police officers (the new 11 defendants) who testified in the hearing held on 11 May 1993 stated that Remzi Basalak had been delivered by the traffic policemen to them wounded. Claiming that Remzi Basalak died because he did not accept any treatment, the police officers said that they did not know why the death of Remzi Basalak had been concealed for 4 days. In the meantime, the court board did not permit journalists to take photographs. In the 14 September 1993 hearing of the trial, accused police officers insulted the journalists in the court hall by shouting "They are not journalists, but servants of certain ideologies", and demanded them to be taken

out of the court hall. Then, the court board disclosed that the journalists might follow the hearing, but they would not be allowed to take photographs. Later, aiming at the lawyers, the defendants said: "The lawyers are acting unilaterally, we will not call them esteemed lawyers from now on."

The investigation initiated into the torture inflicted on a woman named Nazlı Top in 1992 resulted, due to long-term efforts, around 20 months after the event had occurred and a trial was subsequently launched against 7 police officers. The trial against the 7 police officers accused of having tortured Nazlı Top, who had been kept at the İstanbul Political Police Center between 27 April and 7 May 1992, started on 29 December 1993. In the trial that started at the İstanbul Criminal Court No.3, sentences of up to 5 years' imprisonment were demanded for the defendants. The accused police officers named Mustafa Uzun, Mehmet Ali Şeker, Yahya Kemal Gezer, İsmail Türk, Ali Acar, Ömür Gel and Adnan Uzunoğlu did not attend the first hearing. Nazlı Top, who was 3-month pregnant when she was detained, obtained medical reports from the Forensic Medicine Institute and Haseki Hospital following her release that proved the existence of the injuries on her body, and then filed an official complaint with the Public Prosecution Office. She said the following about torture inflicted on her: "They tied my arms from behind with a thick fabric and suspended me on a hanger. They gave me electric shocks firstly on my fingers and then on my genitals and nipples. They particularly stroke my stomach, breast and abdominal region and sometimes beat me with a sharp wooden club. I was raped with a truncheon inserted into my vagina. They also attempted to rape me with a bottle. They were touching my abdomen, asking whether I was pregnant or not and then punching".⁽⁴⁾

Two students named Hüseyin Kaplan and Kazım Doğan, who were detained in Tokat on 18 May 1993, filed an official complaint with the Public Prosecution Office stating that they had been tortured at the Political Police Center where they had been interrogated. Upon their official complaint, they were sent to hospital. Medical reports showing inability to work for 10 days and 3 days were given to Hüseyin Kaplan and Kazım Doğan, respectively, and a trial was then launched against police officers Halit Aktaş (superintendent), Nurettin Sencar and Adil Gerçekaslan accused of torturing Hüseyin Kaplan and Kazım Doğan. In the meantime, it was discerned that the police officers in question had been previously tried and convicted on charges of torturing a woman named Hülya Dağlı detained in Tokat on 8 March 1993. The trial launched against the police officers started on 19 October. In the first hearing, out of the defendants, Nurettin Sencar attempted to beat the students who accused him of torture. Following the hearing, Hüseyin Kaplan and Kazım Doğan told the journalists that the judge had acted arbitrarily and it was as if the ones being tried were not the perpetrators but them.

Another event which exemplifies that indifference of the authorities might last for years, is the case of Faruk Tuna who had been detained in İstanbul in 1980 and died while being interrogated. Police officers Sebahattin Tür, Necdet Göksel, Mustafa Soylu, Hüseyin Gök and Yusuf Tokur who were accused of torturing and killing Faruk Tuna detained on 8 August 1980 in İstanbul, could only be brought before court in 1993. Out of the defendants, only Sebahattin Tür attended the first hearing held on 11 February 1993 at the İstanbul Criminal Court No.3. Sebahattin Tür who testified in the hearing pleaded not guilty and claimed that he had not been

⁽⁴⁾ The trial, which was launched after 20 months' efforts, resulted in the acquittal of the defendants after only 5 months on 12 May 1994. The ground for the acquittal decision was that, "there is no convincing evidence that would be sufficient to punish the defendants for committing a crime." Sevim Akat, the lawyer of Nazlı Top, appealed to the Supreme Court and objected to the acquittal decision.

involved in the interrogation of Faruk Tuna. The trial is still under way. Concerning the killing of Faruk Tuna, a trial had been launched before, and a police officer named Sinan Yalçın had been sentenced to 4 years 5 months in prison. Nevertheless, relatives of Faruk Tuna indicated that Sinan Yalçın had no connection with the killing, and continued their efforts to find the real perpetrators.

The case of Behçet Dinlerer who had been killed under torture at the Ankara Security Directorate on 15 December 1980 is another example on the disinterest towards torture. Two trials concerning the case were launched in 1987 and 1990. Although it was proved with certain evidence that he had been killed under torture, both of the trials resulted in acquittal due to lack of evidence. The investigation launched after the killing of Behçet Dinlerer had been hardly conducted because of the difficulties raised by the Ankara Martial Law Commander, and while the trials were under way, some information asked for by the court had not been provided by police authorities.

Another case of death under custody which may be shown as an interesting sample case on the approach towards torture, took place in İstanbul in 1993. A person named Vakkas Dost (30) who was detained for "drinking alcoholic liquor on the street" in Kumkapı Quarter of İstanbul on the evening of 28 May, died at the Kumkapı Police Station to where he was taken. The autopsy made on Vakkas Dost determined that he had died at about 3.00 a.m. on 29 May because of internal bleeding in his spleen due to a blow. Fevzi Yeşilay who was detained together with Vakkas Dost was released upon the death of Vakkas Dost. Making a statement as to the event İbrahim Dost, elder brother of Vakkas Dost, said the following: "According to Fevzi Yeşilay, my brother was ruthlessly beaten at the police station, then he fell down for a moment and started to vomit. We think that he died at that time. We saw the corpse in the morgue. There were traces of blows on his forehead, and one of his arms seemed broken". On the other hand, Fevzi Yeşilay who is the eyewitness of the event said: "Vakkas fell down after a kick to his stomach and started to vomit. When I took him to the washbasin in order to wash his face and hands, he was not able to speak". Police officer Nurettin Öztürk who was detained concerning the death of Vakkas Dost, was released after a short time and disappeared as soon as he was released. Relatives of Vakkas Dost filed an official complaint with the İstanbul Public Prosecution Office after the event. (4) In the official complaint it was stated that police officer Nurettin Öztürk had killed a person by torturing and that superintendent İbrahim Hakkı Çelebi and police officers Bahattin Ülkü and Murat Aksoy had overlooked the torture resulting in death. Following the official complaint, an arrest warrant in absentia was issued against Nurettin Öztürk accused of killing Vakkas Dost. The prosecution of Nurettin Öztürk started on 20 September 1993 at the İstanbul Criminal Court No.3. The trial is continuing in the absence of Nurettin Öztürk for whom a sentence of up to 24 years' imprisonment was demanded.

Results of Trials

The trials which could be launched after tiresome efforts, generally resulted in acquittal or the sentences passed on the security officers who were found guilty, were extremely short or light. The sentences were mostly suspended. Besides this, the trials lasted for 5-6 years and sometimes for 10 years. Sometimes, the officers convicted because they had inflicted torture,

(4) An investigation was launched against 9 security officers in charge at the Kumkapı Police Station. As a result of the investigation, a verdict of non-prosecution was delivered for the 8 security officers whereas a trial was launched against Nurettin Öztürk.

could not be found after their sentences were ratified. Following are some of the officers who disappeared after being convicted on charges of torture: Superintendent Mustafa Haskırış who was convicted on charges of torturing to death Zeynel Abidin Ceylan at the Ankara Security Directorate on 26 September 1980; police officers Hüseyin Gülersönmez and Mustafa Yazıcı who were convicted on charges of killing a young girl named Cennet Değirmenci at the Gaziantep Security Directorate on 22 May 1982; security officers Osman Güreş, Mehmet Genç, Yılmaz Konuş, Ensari Ordu and Mehmet Köse who were sentenced on the grounds that they had killed Vakkas Devanlı at the Pazarcık Security Directorate on 28 April 1981.

The most concrete example showing how perpetrators are protected appears in the case of teacher Siddık Bilgin (*After the killing of Siddık Bilgin under torture came out in January 1986, a widespread campaign was carried out and many torture cases which had not been made public by that time, were brought out. During this period, the fact of torture and cases of torture witnessed following the 12 September were started to be publicly written and uttered. Besides this, the issues became more actual in consequence of the confessions by perpetrator police officer Sedat Caner who appeared on the same days.*) who had been killed in the Suveren Village of the Genç District of Bingöl in July 1985. Authorities did not accept for a long time that Siddık Bilgin had been killed under torture and they tried to cover up the incident saying "He was shot to death while escaping". However, efforts of some deputies and relatives of Siddık Bilgin, and statements approving the torture given by certain security officers who were involved in the incident, occasioned a trial to be launched as to the case.

The trial held at the Ankara Criminal Court No.2 for security reasons, became a scene of interesting events. The trial was stopped in May 1991 according to the "Law to Fight Terrorism" and it was decided to send the file to the Bingöl Provincial Administration Council in order to determine whether a new trial could be launched against the defendants. This decision was overturned upon objections raised by the lawyers intervening on behalf of the victim, and the prosecution of the defendants continued. The trial which lasted for 6 years, ended on 27 April 1992 and defendants major Ali Şahin, non-commissioned officers Mehmet Acar and İbrahim Yıldızgörü and corporal Suat Akova accused of torturing to death, were sentenced to one year in prison each and removed from office for 3 months. One of judges, Özdemir Türker objected to verdict on demand of no less than 15 years in prison for Major Ali Şahin and acquitted for the remaining defendants. The sentences were overturned by the Supreme Court in 1993. The Supreme Court stated that torture had been verified by eyewitnesses, but there was no evidence showing that death was a result of torture. The Court, thus, defended that the defendants should be acquitted in connection with murdering, and that the trial's section concerning inflicting torture should be overturned because of prescription. The Court also agreed that Siddık Bilgin had been killed while he had been trying to escape, and such an application was a necessity of duty. The decision to overturn the trial was unanimously made. The defendants who were later tried were acquitted in accordance with the decision made by the Supreme Court on 21 April 1994. Subsequently, the relatives of Siddık Bilgin decided to apply to the European Human Rights Commission, since no results were drawn from their efforts.

Following are examples about the results of the trials in connection with torture cases:

Superintendent Mehmet Yılmaz, accused of torturing Gökhan Harmandalıoğlu at the Ankara Security Directorate in March 1981, was sentenced to 6 months 10 days in prison. The trial at the Ankara Court Martial lasted for 4 years. While the trial was under way, Mehmet Yılmaz was sentenced to 8 months in prison in connection with another case of torture.

In May 1991, 5 security officers accused of torturing 5 people, including a lawyer named Şakir Keçeli, were sentenced to 6 years 8 months in prison and removal from duty for 20 months at end of the trial held at the Yozgat Criminal Court. The incident because of which chief superintendent Mazhar Bulut, superintendent Mustafa Gülebenzer, police officers Osman Harman, Ahmet Türkyılmaz and Ertuğrul Bodur were convicted, took place in the Çayıralan District of Yozgat in August 1985.^(*)

Out of the police officers tried on charges of killing university student Ahmet Karlangaç under torture on 12 October 1980 at the İstanbul Security Directorate, Ahmet Yıldırım was sentenced to 2 years 9 months in prison while Ahmet Gök and Satılmış Koroğlu to one year in prison each. The accused police officers were first sentenced to 5 years in prison, each, at the end of the trial at the İstanbul Court Martial in June 1991. However, the sentences were diminished on the grounds that the exact reason for the death of Ahmet Karlangaç could not be revealed.

A woman named Efrumiye Çoban was detained for stealing and tortured in detention at the İstanbul Security Directorate in 1990. Prosecution of police officers Rıza Kayan and Habib Seyyar accused of torturing the woman in question, started on 28 October 1991. Efrumiye Çoban who took the floor in the first hearing held at the İstanbul Penal Court of First Instance No.6, said the following: "They put me in a dark room and tied my hands with a rope. Putting me into a tire, they beat me with clubs. They crushed my back with their feet. Later, they attempted to rape me. At the hospital I went to, I obtained a medical report showing my inability to work for 7 days." The police officers were acquitted because of lack of evidence.

(*) This trial demonstrated how the perpetrators convicted in connection with torture incidents could escape imprisonment. In the case in question, prison sentences passed on police officers for inflicting torture on 5 people were abolished because of prescription. The case is as follows: Five people, Şakir Keçeli (lawyer), Naci Yıldırım, Tahsin İpek, Mustafa Gök and Zafer Turgut, who were detained in August 1985 on charges of being members of an illegal organization, were intensely tortured in the Çayıralan Police Station. They were made to sign baseless and false statements under torture. In the meantime, the foot of Tahsin İpek which was injured during torture and gangrened later, was amputated. Şakir Keçeli, Naci Yıldırım, Tahsin İpek, Mustafa Gök and Zafer Turgut, whose innocence was revealed within a short time, filed an official complaint with the Public Prosecution Office about 5 police officers, Mazhar Bulut, Osman Harman, Mustafa Gülebenzer, Ahmet Türkyılmaz and Erdoğan Bodur. At the end of an investigation about the police officers, a trial demanding prison sentences of no less than 15 years was launched against them. The prosecution of the defendants started in December 1985 at the Yozgat Criminal Court. In consequence of the prosecution which lasted until 1990, Mazhar Bulut, Osman Harman, Mustafa Gülebenzer, Ahmet Türkyılmaz and Ertuğrul Bodur were sentenced to 6 years 8 months in prison and suspended from office for 20 months each. When lawyers of the defendants raised an objection to the verdict, the case file was sent to the Supreme Court. The Supreme Court's Penal Office No.8 overturned the verdict on the grounds of deficiency in the investigation and demanded re-prosecution of the police officers. The Yozgat Criminal Court, which again prosecuted the defendants, decided to drop the case on 3 March 1993 because of prescription. Thereupon, torture victims raised an objection to the decision. The Supreme Court's Penal Office overturned the Criminal Court decision on the grounds that the sentences passed on the police officers should have been subject to provisions of 10-year prescription, not of 5-year. However, the Yozgat Criminal Court did not abide by the Supreme Court's decision and insisted on its previous verdict. Then, the case file was referred to the Penal General Board of the Supreme Court. The Board accepted the decision of the Yozgat Criminal Court and made a binding decision to drop the trial in November 1994. Thus the police officers who had ruthlessly tortured the 5 people, made them sign baseless statements and caused the foot of a person to be amputated, escaped from being sentenced and imprisoned.

Non-commissioned officer Aziz Özdemir accused of beating an old woman named Fatma Kuru and her son Mehmet Kuru from the Kılıç Village of Yalova, in the gendarmerie station where they were kept under custody in 1990, was sentenced to 6 months in prison. In the trial which ended at the Yalova Penal Court of First Instance on 15 November 1991, he was also decided to be removed from duty for 6 months.

Police officers Halil Duygu, Neşet Hakçal and Bedir Taşdelen who were in charge at the İzmir Security Directorate were accused of torturing Yüksel Yağız, and tried at the İzmir Criminal Court No.2. At the end of the trial in November 1991, the accused police officers were acquitted on the justification that there was not enough evidence to sentence the officers in question. Yüksel Yağız had been detained on charges of kidnapping a child from the hospital he had been working, and tortured while in detention. (*)

In a trial which ended on 12 February 1992 at the İstanbul Kadıköy Penal Court of First Instance No.2, police officer Hüseyin Polat, prosecuted on charges of having tortured physician Hüseyin Özkahraman, was acquitted. The reason for the acquittal was that Hüseyin Özkahraman could not recognize the accused police officer. Hüseyin Özkahraman, detained on 6 July 1991, had been interrogated and tortured at the Yeldeğirmeni Police Station. After being released, he had certified the torture inflicted on him via a medical report showing his inability to work for 15 days.

Superintendent Haluk Özkan and police officers Ömer Çelik, Ekrem Uludağ and Mehmet Şimşek prosecuted on charges of torturing a 11-year old child who had been detained on allegations of stealing in Antalya in the midst of 1992, were sentenced to 3 months in prison each at the end of the trial held at the Antalya Criminal Court No.2 on 9 December 1992. The imprisonment sentences passed on the defendants were later commuted to fine and suspended. The 11-year old child had been given a medical report showing his inability to work for 5 days.

Police officers Seyid Eren and Zeki Keçe who had killed the Human Rights Association Urfa Branch Chairman Lawyer Ramazan Ferat on 7 June 1991, were sentenced to 3 years in prison. In the trial which ended in February 1992 at the Urfa Penal Court of First Instance No.2, the defendants were decided to be removed from office for 3 months. Two other police officers on the same trial were acquitted due to lack of evidence.

Security officers İbrahim Dedeoğlu, Mehmet Ozan and Yusuf Eren, accused of torturing police chief İmdat Halis who had been detained in Ankara in 1988 for being a member of an illegal organization, were convicted to 3 months in prison and fined TL 5 million each, on 4 March 1993. At the end of the trial at the Ankara Criminal Court No.1, the defendants were also decided to be removed from office for 3 months. Fines passed on the security officers were suspended.

(*) When the trial was concluded, Yüksel Yağız appealed to the European Human Rights Commission. The application was accepted in 1994. Examining the case, the Commission deemed Yüksel Yağız right, and demanded that Turkey should strictly obey the agreements and protocols on human rights that it had undersigned. Upon this, Yüksel Yağız demanded a compensation of \$ 100,000. Yüksel Yağız, who had no relation with the abduction, had proved the torture on her with a medical report and lodged an official complaint with the prosecution office. Subsequently, a trial had been launched against police officers Halil Duygu, Bedir Taşdelen and Neşet Hakçal who had been involved in the torture. In the trial held at the İzmir Criminal Court No.2, the police officers had been acquitted on the grounds that it could not be revealed who had inflicted the torture on Yüksel Yağız.

Five security officers who were tried on charges of torturing a total of 9 people in the Şebinkarahisar District of Giresun in 1986, were convicted to various sentences. In the trial that ended at the Giresun Criminal Court, Yüksel Ergenekon was sentenced to 6 years 8 months in prison and removed from office for 1 year and 8 months, Kemal Karacan was sentenced to 3 years 4 months' in prison and removed from office for 10 months, Şeref Çoban was sentenced to 1 year 8 months in prison and removed from office for 2 months, Nuri Kuşcu was sentenced to 1 year 8 months in prison and removed from office for 2 months and Yunus Yıldırım was convicted to 10 months in prison and removed from office for 5 months. Abdurrahman Doğan and Sedat Gümüş, who were the other defendants on the trial, were acquitted. The sentences were ratified. At the end of the trial which lasted for 7 years, the heaviest imprisonment term passed in return of torture on 9 people was no more than 6 years 8 months.

Non-commissioned officer Ekrem Güner who was accused of torturing Temel Avşar and Filiz Avşar who had been detained in the Gülyalı District of Ordu in 1989, was sentenced to 2 years in prison. In the trial which ended at the Ordu Criminal Court on 21 July 1994, Ekrem Güner was also suspended from duty for 5 months 15 days and fined TL 375 thousand.^(*)

(*) The cases in which the defendant security officers were acquitted or received light sentences, continued. Groups marching after the meeting held in Ankara on the occasion of the May Day Worker's Festival on 1 May 1994, were beaten and dispersed by police. During the dispersion, Ankara Deputy Salman Kaya was beaten by police. The beating of Salman Kaya and the pictures taken at that time provoked outcry, after which Ankara Security Director Orhan Taşanlar was suspended from office and an inquiry was launched into the incident. It was understood within a short time that the removal of Orhan Taşanlar was aimed at calming down the protests. Orhan Taşanlar, who was found innocent in consequence of the inquiry, was reinstated on 18 May 1994. The Ankara Public Prosecution Office launched a trial against security officers Mehmet Okur, Miktat Budak and Süleyman Yalman who had beaten Salman Kaya. The 3 security officers were acquitted in the trial that ended on 23 May 1995. The acquittal verdict was delivered on the grounds that there was no certain and persuasive evidence showing that the defendants had committed crime. The Court did not accept the video tapes and photographs which had been taken while Salman Kaya had been beaten, as evidence.

Lawyer Bekir Doğanay, a founding member of the HRFT, was slapped, insulted and forced to get into a police vehicle by police officer Ayhan Acun in İstanbul Vezneciler on 30 May 1992 on the grounds that he had disobeyed traffic rules. Ayhan Acun was sentenced to 3 months in prison and suspended from office for 3 months. In the trial that ended at the İstanbul Penal Court of First Instance No.13, the imprisonment was commuted into a fine of TL 900,000. The sentences were later suspended.

Non-commissioned officer Hasan Benek, who is accused of torturing two persons, namely Cafer Pamuk and Orhan Oğuz, who were detained in connection with a case of theft in the Doğançık Village of the Sultandağı District of Afyon, was sentenced to 3 years 4 months in prison. In the trial which ended at the Bolvadin Criminal Court on 13 July 1995, it was also decided to suspend Hasan Benek from duty for 20 months. Hasan Benek was previously prosecuted in connection with the same charge at the Bolvadin Criminal Court and sentenced to 5 years in prison. Besides, it was decided to suspend him from office for 40 months. However, the verdict was overturned by the Supreme Court on the grounds that the sentence passed on him was too heavy. Since the Bolvadin Criminal Court did not obey the decision by the Supreme Court, and insisted on its own, the case file was referred to the General Penal Board of the Supreme Court. Pointing out the following justification that "The defendant acted with the aim of carrying out his duty and finding out the suspects, committed crime because of his being young and inexperienced and due to the atmosphere around him. The defendant had no personal intention or interest. When we take into account the social position of the defendant, and the reason and aim for the crime, we see that the sentence passed on him is too heavy. This is in violation of the Constitution.", the General Penal Board of the Supreme Court made an obliging decision, which foresaw lighter sentence to Hasan Benek.

Prisons

With the 12 September Military Coup, policy of systematic extermination and pressure was put into practice in prisons. The prisons were turned into places where the most cruel attacks, pressure, torture and inhuman applications were carried out in the guise of "military discipline". Because of such applications in the prisons, tens of people died or were killed, tens of others were crippled (12 of them in then Diyarbakır Military Prison), while the number of prison prisoners who got permanent illnesses was incredibly high. Torture and inhuman applications in the Erzurum Dağkapı, Ankara Mamak, İstanbul Metris and Diyarbakır military prisons reached an incredible level. ^(*) The number of the prisoners who died in the Diyarbakır Military Prison because of torture, hunger strike, suicide or negligence was more than 40. In this prison, the prisoners were subjected to most cruel methods such as forcing to rape each other, inserting truncheon into anus, making wait in sewer pit.

Pressure and torture in prisons gave way to resistance. By 1985, many hunger strikes and various resistance acts were staged in the prisons. Thousands of prison prisoners put their bodies forward to fight against torture and pressure. The hunger strikes which continued for weeks and even for months took place in prisons. As a result of the hunger strikes, a total of 12 people died, 8 of whom in the Diyarbakır Military Prison while the rest in the İstanbul Sağmalcılar Prison. This number reached 13 ^(**) when a prisoner in the Muş E Type Prison died during a hunger strike in 1993.

^(*) Torture cases, systematic extermination practices, brutal murders in the prisons were also witnessed following the 12 September military coup. However, this time the military prisons were replaced by the prisons of the Ministry of Justice, i.e. "civilian" prisons. Convicted and arrested prisoners transferred from the Eskişehir Special Type Prison to the Aydın E Type Prison, were ruthlessly beaten by the personnel of the prison they had been sent to on 2 August 1989. Due to the beating, 2 arrested prisoners, Mehmet Yalçınkaya and Hüseyin Hüsnü Eroğlu died, 6 arrested prisoners got wounded. The attempt to take away an arrested prisoner in the Diyarbakır E Type Prison for a new interrogation on 3 October 1994 upon directives by the Public Prosecution Office, provoked incidents. Other prisoners, protesting the attempt to take away the arrested prisoner, erected barricades in front of the doors and started a resistance movement. Upon this, on 4 October an operation was carried out against the wings where the resistance continued. During the operation, an arrested prisoner named Ramazan Öziak suffocated to death as he was stuck, over 50 prisoners were injured (some with gunfire), and the prison was damaged. Some of the prisoners were forcibly transferred to the Gaziantep E Type Prison on the morning of 5 October. Süleyman Ongun, one of those wounded, died on 20 January 1995 in the Gaziantep Prison. Süleyman Ongun who had 20 wounds on his body, had been receiving treatment at the prison infirmary. Arrested and convicted prisoners in the Gaziantep Prison declared that Süleyman Ongun had not been hospitalized even after his condition deteriorated, so that his wounds had become infected and he had died due to lack of proper care.

^(**) Those arrested and convicted because of PKK trials launched an indefinite/non-alternate hunger strike on 14 July 1995. Nearly 5 thousand arrested and convicted prisoners serving in more than 20 prisons participated in the hunger strike staged with political demands. The hunger strike in the prisons was supported by the relatives of the arrested and convicted prisoners through various acts such as hunger strikes, sit-in acts in the political party buildings, marches. Most of the acts confronted intervention by the security officers, political party buildings were emptied by the police, some people were beaten, some got wounded. Hundreds of people were detained, some of the detainees were arrested. The hunger strike which turned into an indefinite one as of 13 August 1995, ended on 19 August 1995 with a declaration stating that "the protest had achieved its goal". During the hunger strike, 2 convicts, Fesih Beyazççek serving in Yozgat E Type Prison and Remzi Altıntaş serving in the Amasya E Type Prison, died. With the death of Fesih Beyazççek and Remzi Altıntaş, the number of those died in the hunger strikes reached 15.

Efforts in and out of the prisons occasioned a decrease in torture and pressure. In 1986, torture cases in the prisons did not stop, but decreased to a great extent. However, poor living conditions in prisons did not seem to be improved. To wear uniform cloths was obligatory and because of this application people were tried and convicted. Books and newspapers were deemed as luxury. Prisoners could hardly meet and communicate with their families. Health, nutrition and ventilation problems started to threaten lives of prisoners.

On demand of improvement in living conditions, hunger strikes were staged in all of the prisons in the summer of 1987. Screams of "We want to live as a human being" climbed over the stone walls of the prisons and spread throughout the country. Relatives of the prisoners, and human rights activists supported the resistance in the prisons via the mass activities they organized. Within the framework of these activities, a group of the prisoners' relatives, who departed from İstanbul on 28 July 1987 arrived in Ankara after stopping by Çanakkale, Bursa and Eskişehir. The group was beaten at the entrance of Ankara and at the gate of the National Assembly to where they wanted to submit a petition on 1 September, the World Peace Day, on demand of improvement in prison conditions. Because of the beating, Didar Şensoy, one of the founding members of the Human Rights Association, died going into an insulin coma.

The death of Didar Şensoy increased the concern for the prisons and broke the resistance of the government in charge at that time insistent on not improving poor living conditions. Certain measures to improve the prison conditions were put on to the agenda. Compulsory wearing of the uniform clothes was lifted. Positive changes were made in the living conditions. However, all of those amendments were neither sufficient nor permanent. Whatever obtained in consequence of the activities was attempted to be taken back with a decision known as "1 August Circular". Thus, the prisons witnessed various activities in October, November and December. The mass of the activities and the support by public eventuated in pending of 1 August Circular. The 1 August Circular was put into practice on the pretext of flights from some prisons in the midst of 1989. The Circular was removed from practice after lengthy efforts and resistance. However, the prisons could not attain peace and comfortable living conditions. The significant increase in the number of prisoners as of 1991, affected the living conditions negatively. Stability could not be secured in the prisons. Certain rights given to the prisoners convicted or arrested in connection with ordinary cases (such as free visits, right to be transferred to district prisons, being released after serving two fifth of their imprisonment term) were not granted to political prisoners by the "Law to Fight Terrorism" which entered into force on 12 April 1991.

Now, the prisons are still a scene of beatings, hunger strikes, illegal applications and arbitrary behavior and continues to be the still-bleeding wound of Turkey. The inhuman treatment and hunger strikes in the prisons occasion a series of problems for the relatives of prison prisoners and continue to be a source of great sorrow. (*)

(*) Political convicts in the 2nd and 3rd wings of the Aydın E Type Prison were beaten by the guardians and gendarmes who entered the wings in question on 24 June 1994. In the incident, 14 people were wounded. The convicts stated that provocation by prison director caused the incident. After the incident, pressure in the prison intensified and many rights acquired through hunger strikes by prisoners were taken back. Thereupon, 102 of the convicts in the prison went on a hunger strike on 1 July 1994 with the demand of improvement in living conditions and an end to the pressure. The hunger strike ended on the evening of 30 July 1994 when negotiations held between the SHP leaders and Ministry of Justice authorities, and the representatives of the prisoners resulted in consensus.

Not only political prisoners but also ordinary ones have to live in distressing conditions in the prisons. A report prepared in 1993 by the İHD İstanbul Branch stressed that suppression and inhuman treatment were applied not only to political prisoners and that ordinary prisoners were also facing serious problems in the prisons. The following are some excerpts from the report: "Up till now, only the situation of political prisoners have been discussed, and what prisoners accused of ordinary crimes have experienced, has been ignored. In the wings where the ordinary prisoners and convicts are kept, a disgusting order has been ruling which is based on the triangle of administration/guardians, wing leaders and drug mafia. In these wings, drug trade prevails and the prisoners are encouraged to become addicts. It is frequently witnessed that juvenile prisoners are sexually abused and raped. The weak, out of the arrested and convicts, are forced to give tribute and used as slaves. Problems in the prisons where ordinary prisoners are kept are consciously neglected." The report also pointed out that problems in the prisons concerned not only the relatives of the prisoners, but all people, and particularly the politicians should handle this issue sensitively.

Sanitary problems and inadequate conditions for necessary treatment of the arrested and convicted prisoners are among the vital problems of the prisons. There are numerous prisoners who died, became crippled or suffered from permanent illnesses because of poor living conditions, lack of necessary medical means or because of not being taken to hospital on time.

An important development concerning the prison prisoners was experienced in 1991. This was the conditional release application which was brought out by the "Law to Fight Terrorism" which entered into force on 12 April 1991. The application foresaw significant decreases in the sentences passed on the people tried or convicted because of the crimes committed by 12 April 1991. Thus, almost half of the prisoners in the prisons (approximately 20.000) were released. Nevertheless, the application excluded Articles 146 and 125 of the Turkish Penal Code under which left-wing prisoners were prosecuted or convicted. Therefore, only 708 (most of whom were right-wing) of about 3,500 political prisoners in the prisons at that time, were released.

On the morning of 19 August 1994, guardians and gendarmes carried out an operation in the 5th wing of the Ankara Central Closed Prison where the PKK trial defendants were kept. During the operation 16 prisoners were wounded and the arm of a guardian was broken. The incident arose when 3 arrested prisoners, İbrahim Ata, İsmet Ayaz and Burhan Altun, were attempted to be transferred to the Çankırı E Type Prison in order to be put in cells. The official statement concerning the incident claimed that the incident had arisen after the prisoners had attempted to revolt. İHD Secretary General Hüsnü Öndül said: "The attack on the prisoners is publicized as a revolt. It is obvious that people having no means to defense do not revolt." On the same days, 4 prisoners were beaten and wounded by the guardians in the Konya Prison.

About 500 arrested and convicted children at the Ankara Keçiören Reformatory, rebelled on the night of 12 April 1995 against the ill-treatment by the guardians. The rebellion was put down by the police that got in the reformatory. During the putting down of the rebellion, some got wounded and the building was damaged. The children who spoke to the journalists after the putting down of the rebellion, stated that their problems were intentionally left unsolved, and said, "The guardians abuse us sexually. We are continuously beaten and humiliated."

During the operation carried out by the guardians and the gendarmes against the wings of those arrested or convicted for political reasons in the Elbistan E Type Prison on 3 May 1995, 10 prisoners were wounded. In protest of the incident, 85 prisoners staged an alternate hunger strike as of 3 May. The hunger strike ended on the evening of 9 June 1995 when most of the demands of the arrested and convicted prisoners were accepted by the prison administration.

With its decision made on 22 July 1991, the Constitutional Court removed the inequality which arose in connection with the sentences passed under Article 146 of the Turkish Penal Code. About 1,500 prisoners benefited from the decision. A thousand of them were released in August 1991. The Constitutional Court preferred to keep silent about the cases launched in connection with the Kurdish organizations, particularly with the PKK, under Article 125 of the Penal Code.^(*) The Constitutional Court did not annul the provision which foresaw that no defendants tried under Article 125 of the Turkish Penal Code in connection with the Kurdish organizations, particularly with the PKK, may benefit from the conditional release, not in 1992 either. The decision was made by 7 votes against 4 votes. According to the decision, in the trials launched in connection with the Kurdish organizations, defendants sentenced to death will have to stay in prison for 20 years instead of 10 years, and defendants life sentenced will serve in prison for 15 years instead of 8 years. A member of the Constitutional Court said: "The most important reason for our decision is that crimes under this article are still committed. The organizational element of other crimes disappeared, and they became individual ones. However the number of the crimes under Article 125 which is based on the integrity of Turkey, have not decreased, but on the contrary increased recently."

This decision has illustrated that two different standards are used for Turkish and Kurdish organizations, which is in violation of the equality principle stated in the Constitution.^(**)

(*) The decrease in the number of the arrested and convicted prisoners in the prisons did not last long. The number of the arrested and convicted prisoners which decreased as to 20 thousand in 1991, increased to 32 thousand by the end of 1993, to 40 thousand by the end of 1994, and to 50 thousand in 1995. The increase in the number of the arrested and convicted prisoners for political reasons was more striking. The number of the political prisoners which was 4,284 in 1993, reached 6,379 in the midst of 1994. This number exceeded 8 thousand by the end of 1994, and 10 thousand by the midst of 1995. This number was around 900 in November 1991, as the DYP-SHP coalition government came to power.

(**) After 12 September 1995, the prisons became a scene for bloody incidents and widespread actions. The roll-call prevention act by those kept under arrest for political reasons in the İzmir Buca Closed Prison, which had started on 19 September 1995 to protest certain practices in prison, was repressed with a bloody operation on 21 September. During the incidents 3 prisoners died and 58 prisoners were injured, 25 of whom severely. The autopsy performed on the killed prisoners Uğur Sarıaslan, Yusuf Bağ and Turan Kılıç revealed that all the three prisoners had died because of brain hemorrhage and internal bleeding due to beating. The physicians who performed the autopsy stated that the traces on the corpses and the breaks in the bones of the dead had proved that the prisoners had been ruthlessly beaten, and noted "suspicious death" on the autopsy reports. The official complaints lodged ended in vain.

During the incidents that broke out in the İstanbul Ümraniye Special Type Prison on 13 December 1995, 14 gendarmes, 12 policemen, 2 guardians and 36 arrested and convicted prisoners were either wounded or poisoned due to the gas bombs. The incidents calmed down at about 4.00 p.m. on 15 December. However, the problems experienced in prisons continued and tension went on. Tension in prison caused bloody incidents on 4 January 1996. During the incidents which broke out when the gendarmes carried out an operation in the morning and at noon against 2 wings in the prison, 3 arrested prisoners named Abdülmeçit Seçkin, Orhan Özen and Rıza Boybaş were beaten to death while 36 arrested or convicted prisoners, 21 gendarmes and 10 guardians got wounded. The result of the autopsies on Abdülmeçit Seçkin, Orhan Özen and Rıza Boybaş showed that "internal bleeding in brain, fractures and caving at skull due to blow to head with an hard object" had caused the deaths. The heads and faces of the killed people were reportedly torn to pieces in a manner that it would be difficult to identify them. Gültekin Beyhan who got wounded during the incidents lost his life on 11 January 1996, and thereby the number of killed during the incidents increased to four. The official complaints lodged ended in vain.

DEATHS IN DETENTION PLACES OR PRISONS

The most evident characteristics of the systematic application of torture in Turkey is the deaths in detention places or prisons. This case, became more evident as of the 12 September Military Coup and the number of those killed under torture is too high to count. Torture turned into a habit of primitive, primary and extra-judicial punishment.

Deaths because of torture were not limited to the military junta period. When the cases of deaths, detailed breakdown and full list of which are placed on the following pages, are examined, it will be apparent that the applications during the junta period and the deaths because of torture continued during the period of the subsequent governments. The evaluation as to the cases of deaths is as follows:

- A total of **434** people died during the 15-year period between 12 September 1980 and 12 September 1995. **419** of those people died in detention places or prisons and **15** of them during the hunger strikes staged on the demand of improvement of inhuman living conditions in prisons. When we add the previous figure to the number of people who died (a total of **26**) because of illnesses due to torture in detention places or prisons or because they could not receive necessary medical treatment, a black balance sheet displaying the deaths of **460** people during the last 15 years appears. When we take into consideration that the number of the people who died or were killed because of torture in detention places or prisons between 1968-1980, the period during which Turkey witnessed various political fluctuations, was about 20, we will realise that torture has been applied without any restraints since 12 September Military Coup.
- **190** out of 460 death cases were witnessed during the junta period between 12 September 1980 and 12 December 1983, **162** of them during the period under the power of the ANAP between 13 December 1983 and 20 November 1991, and **108** of them during the True Path Party-the Social Democratic Populist Party coalition government.
- **252** of the death cases were between 12 September 1980 and the end of 1985. Starting from 1986 to the end of 1990, there was a decrease in the deaths because of torture (a total of **81** people). Death cases started to increase as of 1991 (a total of **127** people). This situation showed that being a signatory to some international accords, opening for

international inspection on the subject of torture, lifting Articles 141, 142 and 163 of the Turkish Penal Code or making certain legal arrangements such as the Code of Criminal Procedures (CMUK) were of no use for prevention of torture.

- 359 of those who died, were detained or put into prison because of political crimes while 101 of them because of ordinary cases.
- Courts, prosecution offices or other authorised offices accepted that 70 of 419 people (this number does not include those who died during hunger strikes or because of illnesses due to torture) who died in detention places or prisons, had been killed under torture. Besides, 9 people committed suicide in protest of torture and inhuman applications
- 80 of the remaining 340 people allegedly "committed suicide", 29 of them were allegedly "shot while escaping or being tried to be caught", 9 of them allegedly "became victims of murders by unknown assailants". Either various allegations were made (such as "Fell sick and died.", "Was never detained." or "Died during a hunger strike.") or no official information was given about the remaining 222 people.
- As a result of the concluded trials, condemnation was passed in connection with only 26 death cases. In 6 death cases, courts accepted the affect of torture in the deaths, however prosecuted security officers were acquitted due to lack of evidence. Trials concerning about 30 cases of death are under way.

Approach of the authorities towards the cases of deaths in detention places or prisons was not so different from that towards torture cases which are summarized in the first section. Cases of deaths were not seriously investigated, offenders were not condemned in a real sense. Imprisonment terms passed on the offenders were no more than 1 year or 2 years. Condemned officers who escaped were connived. Attempts to cover up the cases of deaths with trivial justifications also showed themselves during the activities directed towards international organizations and public opinion. For example; in the report submitted by Turkey to the United Nations in October 1990 in accordance with the "Convention Against Torture", it was alleged that many people claimed to have been tortured to death, had died because of illnesses such as AIDS, tuberculosis which had been verified by medical reports.

Turkey undersigned the UN Convention for Prevention of Torture in 1988, and submitted the report she prepared in accordance with Article 19 of the Convention, to the United Nations 22 months after she signed the Convention. Many parts of the report formed of 3 sections and 79 articles, contained repetition of the provisions concerning torture and ill-treatment in the Constitution and laws and of the signed international conventions. In the report, no measures against torture cases were mentioned and it was defended that the existing laws were efficient for prevention of torture. The report exemplified only 3 deaths because of torture, without giving the names of victims, and stated that at the end of the trials launched in connection with the 3 death cases, it was decided to pay compensation to the families of the victims who had died under torture. It was also stated in the report that 508 trials had been launched in 1989 in connection with torture claims and 15 police officers had been sentenced to various imprisonment terms. ⁽⁷⁾

⁽⁷⁾ This approach was reflected in a similar way in all official statements, in reports submitted and answers given to the international organizations. All of the studies conducted in connection with the torture cases in Turkey were falsified on such grounds as "Exaggerated", "Written under the influence of groups of state opponents", or "Are not true."

**BALANCE SHEET OF TORTURE FOLLOWING
THE 12 SEPTEMBER COUP**

	<u>Deaths in detention places or prisons</u>	<u>Deaths during hunger strikes</u>	<u>Deaths due to illnesses because of torture</u>	<u>Total</u>
1980 :	43	-	-	43
(Between 12 September 1980-31 December 1980)				
1981 :	73	1	-	74
1982 :	49	4	-	53
1983 :	20	-	1	21
1984 :	23	6	3	32
1985 :	27	-	2	29
1986 :	19	-	1	20
1987 :	18	-	-	18
1988 :	14	1	1	16
1989 :	11	-	1	12
1990 :	12	-	3	15
1991 :	21	-	-	21
1992 :	17	-	1	18
1993 :	29	1	7	37
1994 :	34	-	1	35
1995 :	9	2	5	16
(Between 1 January 1995-12 September 1995) (*)				
TOTAL	419	15	26	460

(*) Later deaths in detention places or prisons continued uninterruptedly. For example, Mustafa Akbulut detained by the gendarmes in the Hisar Hamlet of Pagir Village of Araban, Gaziantep on 23 November 1995; Abdülmenaf Zengin detained by police in the Afetevler Quarter of Mersin on the night of 18 December 1995; a child named Çetin Karakoyun (14) detained by police in Mersin on 8 January 1996; journalist Metin Göktepe detained by police in İstanbul on 8 January 1996; Ali Ormancı detained by police in Bursa on 21 January 1996; Hamdi Deniz kept in detention at the Kocaeli Derbent Gendarmerie Station on 11 February 1996, lost their lives. Besides, during the operation in the İzmir Buca Prison on 21 September 1995, arrested prisoners Uğur Sarıslan, Yusuf Bağ and Turan Kılıç; and during the operation in the İstanbul Ümraniye Prison on 4 January 1996, arrested prisoners Abdülmecit Seçkin, Orhan Özen, Rıza Boybaş and Gültekin Bayhan were beaten to death.

Those who died in detention places or prisons

- 001)- İrfan Çelik 14 Sept. 1980 Davutpaşa Prison Political
Official claim: "Committed suicide by hanging himself on the pipes of the heating radiator."
- 002)- Ramazan Oğuz 20 Sept. 1980 Gazipaşa Political
- 003)- Ali Çakmaklı 24 Sept. 1980 Antalya Political
- 004)- Şadan Gazeteci 26 Sept. 1980 İzmit Prison Ordinary
Prison director life sentenced, guardians Ali Şen and Ali Yurda to 17 years, Ahmet Yılmaz to 32 months, Mehmet Yağcı and Ahmet Aydoğan to 20 months in prison.
- 005)- Zeynel Abidin Ceylan 26 Sept. 1980 Ankara Political
Superintendent Mustafa Haskırış was sentenced to 14 years in prison in November 1981. Mustafa Haskırış who was released one month before the final hearing, disappeared.
- 006)- Hüseyin Karakaş 27 Sept. 1980 İskenderun Political
- 007)- Ali İnan (17) 28 Sept. 1980 İstanbul Political
Police officers Ramiz Aydemir, Osman Akkaya, İbrahim Alaçam, Adil Genç, Şerafettin İskenderoğlu and Tahsin Güner were each sentenced to 4 years 5 months 10 days in prison.
- 008)- Abdurrahman Aktimur October 1980 Mazıdağ Gen. Station Political
- 009)- Ömer Aktaş 01 Oct. 1980 Mardin Political
Authorities acknowledged the fact that the torture inflicted had caused the death.
- 010)- Ahmet Hilmi Fevziöğlü 02 Oct. 1980 Bursa Security Dir. Political
Official claim: "Committed suicide by jumping from the 5th floor."
- 011)- Emin Alkan 04 Oct. 1980 Siirt Political
- 012)- Hasan Asker Özmen 05 Oct. 1980 Ankara Political
Police officers Enver Göktürk (killed during a jeweler robbery), Niyazi Borç and Serdar Kerem were each sentenced to 1 year in prison.
- 013)- Ahmet Karlangaç 12 Oct. 1980 İstanbul Security Dir. Political
Three police officers were convicted in connection with the incident.
- 014)- Ekrem Ekşi (25) 16 Oct. 1980 İstanbul Political
Two police officers were each sentenced to 6 years 8 months in prison.
- 015)- Metin Aksoy 24 Oct. 1980 Erzurum Political
Authorities acknowledged the fact that the torture inflicted had caused the death. Trial against policemen Baki Akıntürk, Ahmet Yürek, Emin Yazıcı and Mehmet Ali Mısırla.
- 016)- Sait Şimşek 26 Oct. 1980 Gaziantep Security Dir. Political
Official claim: "Fell down and died due to an internal bleeding while trying to escape."
- 017)- Rafet Demir 30 Oct. 1980 Bursa Security Dir. Political
Official claim: "Committed suicide by jumping from the 5th floor."
- 018)- Himmet Uysal 30 Oct. 1980 Uşak Political
- 019)- Ahmet Altan 03 Nov. 1980 Maraş Political
Official claim: "Committed suicide by hanging himself with his shirt."
- 020)- İlhan Erdost 07 Nov. 1980 Mamak Military Prison Political
As a result of the trial launched, Ahmet Şeker, Metin Gündoğan, İbrahim Keskin and non-commissioned officer Şükrü Bağ were each sentenced to 10 years 8 months, Kismet Çağlar to 8 years and Engin Sovancı to 2 months in prison. Military Supreme Court overturned the sentence passed on Şükrü Bağ. He was re-tried and sentenced to 6 months in prison.
- 021)- İbrahim Eski 11 Nov. 1980 Ankara Security Dir. Political
Official claim: "Died as he fell down while escaping." Police officers Mustafa Öner, Hamdi Aktu, Hasan Alataş, Harun Bozukoğlu, Muzaffer Altınbaş, Erol Aytekin, Bilal Say, Mustafa Sağdağ, Kenan Avcı, Cafer Çamlı, Kemal Göker and Halil Kartal were acquitted.

022)- Cengiz	Aksakal	12 Nov. 1980	Artvin	Political
Authorities acknowledged the fact that the torture inflicted had caused the death. A trial was launched against 3 security officers on demand of 3 to 5 years in prison.				
023)- Feridun	Yılmaz	12 Nov. 1980	Eskişehir	Political
024)- Şükrü	Gedik	12 Nov. 1980	Elazığ Karakoçan	Political
025)- Cafer	Dağdoğan	12 Nov. 1980	Adana	Political
Official claim: "Committed suicide." Police officers Sadık Torun, Ahmet Ünal Ortunç, Süleyman Ateş, Osman Özaslan, Ünal Büyüker, Mustafa Cengiz, Ömer Kurt and Mehmet Aydın who were prosecuted in connection with the incident, were acquitted.				
026)- Bekir	Bağ	12 Nov. 1980	Mamak Military Prison	Political
Official claim: "Committed suicide in his cell."				
027)- Rüstem	Gürsoy	14 Nov. 1980	İstanbul	Political
028)- Süleyman	Ölmez	18 Nov. 1980	Tunceli	Political
029)- Hayrettin	Eren (26)	21 Nov. 1980	İstanbul Security Dir.	Political
Official claim: "Was not detained."				
030)- Cuma	Özaslan	25 Nov. 1980	Gaziantep	Political
4 police officers, against whom a trial had been launched, were acquitted.				
031)- Kenan	Gürsoy	03 Dec. 1980	Diyarbakır	Political
Authorities acknowledged the fact that the torture inflicted had caused the death.				
032)- Recai	Yılmaz	05 Dec. 1980	İstanbul	Political
033)- Mehmet	Sanı	06 Dec. 1980	İstanbul	Political
Official claim: "Committed suicide."				
034)- Ercan	Koca (17)	15 Dec. 1980	Yenimahalle Police St.	Political
Official claim: "Died as he fell down and hit his head while escaping."				
035)- Behçet	Dinlerer (26)	15 Dec. 1980	Ankara Security Dir.	Political
Authorities acknowledged the fact that torture caused the death. Trials resulted in acquittal.				
036)- Nihat	Arda	16 Dec. 1980	Ankara Security Dir.	Political
037)- Şehmuz	Akdoğan	18 Dec. 1980	Urfa Siverek	Political
038)- Sedat	Özkaracadağ	27 Dec. 1980	Adana Prison	Political
039)- Manzur	Geçgel	27 Dec. 1980	İzmir	Political
040)- Turan	Sağlam	28 Dec. 1980	Erzurum	Political
Three police officers, against whom a trial had been launched, were acquitted.				
041)- Mehmet	Dağ	29 Dec. 1980	Adana	Political
042)- Davut	Elibolu	29 Dec. 1980	Amasya Security Dir.	Political
Official claim: "Committed suicide by jumping from the 2nd floor."				
043)- Hasan	Kılıç (21)	30 Dec. 1980	Elazığ State Hospital	Political
Two out of the 6 police officers were each sentenced to 2 years 9 months 10 days in prison.				

044)- Yılmaz	Peköz	1981	Kırıkkale	Political
045)- Oruç	Korkmaz	1981	Kars	Political
Suprintendent Kemal Kartay sentenced to 5 years 4 months on charges of killing him.				
046)- Hasan	Temizsoy	1981	Maraş	Political
047)- Hasan	Dorul	1981	Kocaeli Gölcük	Political
048)- Mehmet Emin	Kutlu	January 1981	Ankara	Political
049)- Hasan	Kılıç	January 1981	Tunceli	Political
050)- İlyas	Güleç	06 Jan. 1981	İstanbul	Political

File of torture				Deaths
051)- Ayhan	Alan	08 Jan. 1981	Tarsus	Political
052)- Ahmet	Uzun	16 Jan. 1981	Rize Garrison Comm.	Political
				Erzincan Military Court Martial confirmed that he had been killed under torture. However, security officers were acquitted due to lack of evidence.
053)- Adil Ali	Yılmaz	20 Jan. 1981	Ankara	Political
				Official claim: "Fell sick in detention and died."
054)- Ahmet	Demir	February 1981	Diyarbakır	Political
055)- Osman	Karaduman	February 1981	Adana	Political
056)- Mehmet Ali	Erbay	10 Feb. 1981	Adıyaman Security Dir.	Political
057)- Sinan	Karaçalı	11 Feb. 1981	Adana	Political
				Authorities acknowledged the fact that the torture inflicted had caused the death.
058)- İbrahim	Alpdoğan	11 Feb. 1981	Maraş	Political
				Official claim: "Died falling down from a rock while on the road to show a site."
059)- Ömer	Aydoğmuş	12 Feb. 1981	İzmir Security Dir.	Political
				Official claim: "Committed suicide."
060)- Mehmet Ali	Kılıç	12 Feb. 1981	Ankara Security Dir.	Political
				Died 2 hours after being detained. Official claim: "Died as a result of lung edema related to an influenza."
061)- Hulusi	Dalak (21)	13 Feb. 1981	Gaziantep	Political
				Official claim: "Died because of heart failure."
062)- Bedrettin	Sınak	13 Feb. 1981	Adana Security Dir.	Political
063)- Ünsal	Beydoğan	25 Feb. 1981	İstanbul	Political
				Official claim: "Committed suicide."
064)- Ali	Küçük	March 1981	Ordu Perşembe	Political
065)- Mehmet	Kazgan	March 1981	Malatya	Political
066)- Aydın	Demirkol	March 1981	Malatya	Political
				On charges of killing Aydın Demirkol and his friend Mehmet Kazgan, Captain Erdoğan Demirci and MIT officer Ahmet Alpay were each sentenced to 11 years 6 months 20 days, while non-com. Hüseyin Edip Bilici was sentenced to 5 years 6 months 20 days in prison.
067)- Osman	Taştekin	05 March 1981	Kayseri	Political
				Official claim: "Died as he fell from the 5th to the 4th floor while trying to escape."
068)- Celal	Kıpırdamaz	10 March 1981	Uşak Security Dir.	Political
				Official claim: "Was never detained."
069)- Halil	Uluğ	16 March 1981	Adıyaman	Political
070)- Abdullah	Paksoylu	16 March 1981	Adıyaman	Political
				Official claim: "Committed suicide by cutting his wrists with blade."
071)- Ş. Satılmış	Dokuyucu	18 March 1981	Ankara Security Dir.	Political
				Official claim: "Died by jumping from the 5th floor."
072)- Cemal	Zengin	21 March 1981	Diyarbakır Mil. Prison	Political
073)- Tahir	Şahin	21 March 1981	Diyarbakır Mil. Prison	Political
074)- Hasan	Gazoğlu	30 March 1981	İstanbul	Political
				Official claim: "Committed suicide by jumping from the 4th floor."
075)- Şadiye	Yavuz	01 April 1981	Manisa	Political
076)- Veysel	Yıldız	01 April 1981	Malatya	Political
				Official claim: "Committed suicide."
077)- Bozan	Çimen	02 April 1981	Maraş	Political
				Official claim: "Shot to death during a clash."

078)-	Mustafa	Işık	03 April 1981	İstanbul	Political
079)-	Nurettin	Yedigöl	12 April 1981	İstanbul Security Dir.	Political
					Official claim: "Was not detained."
080)-	Cumali	Ay (23)	14 April 1981	İstanbul	Political
					Official claim: "Committed suicide while on the road to show a site."
081)-	Ahmet	Sakın	21 April 1981	Ordu	Political
082)-	Vakkas	Devamlı	28 April 1981	Pazarcık Security Auth.	Ordinary
					5 police officers named Osman Güreş, Mehmet Genç, Yılmaz Konuş, Ensari Ordu and Mehmet Köse were each sentenced to 4 years 5 months in prison. Subsequently they disappeared.
083)-	H. Hüseyin	Damar	02 May 1981	İstanbul	Political
					Authorities acknowledged the fact that the torture inflicted had caused the death.
084)-	Özalp	Öner	04 May 1981	İstanbul	Political
085)-	Necip	Kutlu	06 May 1981	Konya	Political
086)-	Abdurrahman	Çeçen	16 May 1981	Diyarbakır Mil. Prison	Political
087)-	Ali Ekber	Yürek (24)	25 May 1981	Maraş	Political
					Official claim: "Committed suicide."
088)-	Hasan	Akar	June 1981	Urfa Bozova	Political
089)-	Ensar	Karahan	June 1981	Artvin Şavşat	Political
					Policemen İsmail Hekimoğlu, Yaşar Tanta, Hüseyin Yurtsever, Hıdır Dal, Süleyman Özcan and İbrahim Aslan were sentenced to 5 years 4 months in prison. Supreme Court overturned the decision and they were acquitted. Non-commissioned officer Ahmet Selek was sentenced to 10 years 8 months in prison.
090)-	Kemal	....	02 June 1981	Ankara Security Dir.	Political
091)-	Selahattin	Kunduz	17 June 1981	Diyarbakır Mil. Prison	Political
					Official claim: "Committed suicide."
092)-	Aynur	....	July 1981	Uşak Security Dir.	Political
					Official claim: "Committed suicide by jumping from the 5th floor."
093)-	Yusuf	Bağ	July 1981	Gaziantep	Political
					Official claim: "Fell sick and died."
094)-	Bedri	Bilge (Soldier)	20 July 1981	Artvin	Political
095)-	Yakup	Göktaş	27 July 1981	İstanbul	Political
096)-	Süleyman	Cihan (31)	30 July 1981	İstanbul Security Dir.	Political
					Official claim: "Committed suicide by jumping from the 6th floor."
097)-	Yakup	Bıyık	06 August 1981	İstanbul	Political
098)-	Bayram	Kocabaş (26)	21 August 1981	Ankara	Political
099)-	Fehmi	Özaslan	21 August 1981	Maraş	Political
100)-	Duran	Kıraçyer	23 August 1981	Adıyaman Gölbaşı	Ordinary
					Official claim: "Committed suicide."
101)-	Selahattin	Satıç	28 August 1981	Edirne Kırkağaç	Ordinary
					Non-commissioned officer Erol Girgin who was involved in torture was convicted.
102)-	Mehmet	Yıldız	13 Sept. 1981	Ankara	Political
103)-	Metin	Sarpbulut	October 1981	Ankara Security Dir.	Political
					Official claim: "Committed suicide."
104)-	Hasan	Alemoğlu	04 Oct. 1981	Ankara	Political
105)-	Behzat	Fırık	10 Oct. 1981	Tunceli	Political
106)-	Mehmet	Ceren	20 Oct. 1981	Maraş	Political
					Authorities acknowledged the fact that the torture inflicted had caused the death.

107)- Ataman	İnce (25)	26 Oct. 1981	İstanbul	Political
Policemen Talat Gül, Celal Aslan, Niyazi Çomak, Yusuf Tokur, Ömer Erdal, Bidat Yıldız were each sentenced to 6 years 8 months in prison. The Military Supreme Court upheld the decision.				
108)- Mehmet	Karadoğ	November 1981	Erzurum	Political
109)- Ali	Sarıbal	13 Nov. 1981	Diyarbakır Mil. Prison	Political
8 guardians of the Diyarbakır Military Prison sentenced to 2 years 1 month in prison each.				
110)- İsmail	Esen (20)	15 Nov. 1981	Bursa Prison	Political
111)- Günay	Balcık	19 Nov. 1981	İstanbul	Political
112)- İsmet	Taş (Baş)	05 Dec. 1981	Metris Military Prison	Political
113)- Şerif	Yazar	24 Dec. 1981	İstanbul Alemdağ Prison	Political
Official claim: "Died during a riot."				
114)- Hakan	Mermeroluk	24 Dec. 1981	İstanbul Alemdağ Prison	Political
Official claim: "Died during a riot."				
115)- İbiş	Ural (33)	27 Dec. 1981	Diyarbakır Mil. Prison	Political
116)- Mustafa	Şahin	28 Dec. 1981	Elazığ	Political

117)- Ali	Kamış	1982	Konya	Ordinary
First lieutenant Yağar Fidan, non-coms Halis Fakioglu and Gürbüz Onuralp, superintendent Hüseyin Ceylan and policeman Hüseyin Karagöz were each sentenced to 4 years 5 months.				
118)- Selahattin	Kurutur	1982	Diyarbakır	Political
119)- Cemalettin	Yalçın	1982	İstanbul	Political
120)- Fehmettin	Şeref	1982	Artvin Şavşat	Political
121)- Benli	Coşkun	1982	Gaziantep Nizip	Ordinary
122)- Halil	Çınar (Çırak)	1982	Diyarbakır	Political
123)- Dede	Oğuzhan	1982	Akşehir Prison	Political
124)- Kenan	Kılıç	1982	Diyarbakır	Political
125)- İsmet	Çelik (43)	02 Jan. 1982	İstanbul	Political
126)- Bahadır	Dumanlı (40)	03 Jan. 1982	İstanbul Alemdağ Prison	Political
Died at the Haydarpaşa Numune Hospital where he was treated. Official claim: "Died during the riot on 24 December 1981."				
127)- Süleyman	Şeker (40)	February 1982	Urfa Bozova	Political
128)- Şevket	Sevseren	February 1982	Adana State Hospital	Political
129)- Abdurrahim	Aksoy	09 Feb. 1982	Samsun Security Dir.	Political
Official claim: "Committed suicide".				
130)- Ahmet	Erdoğan	10 Feb. 1982	Mamak Military Prison	Political
Committed suicide in protest of torture.				
131)- Önder	Demirok	22 Feb. 1982	Diyarbakır Mil. Prison	Political
132)- Cemal	Kılıç	23 Feb. 1982	Diyarbakır Mil. Prison	Political
133)- İsmet	Ömürcan	26 Feb. 1982	Maraş	Political
134)- İsa	....	05 March 1982	Ordu Ünye	Political
Official claim: "Died because of pneumonia."				
135)- Haydar	Sönmez	06 March 1982	Elazığ	Political
Three police officers were each sentenced to 4 years 2 months in prison.				
136)- Vakkas	Doğru (50)	07 March 1982	Gaziantep Araban	Political
137)- Mazlum	Doğan	21 March 1982	Diyarbakır Mil. Prison	Political
Committed suicide in protest of torture.				

138)- Kenan	Çiftçi	21 April 1982	Diyarbakır Mil. Prison	Political
Official claim: "Died due to overdose."				
139)- Bahar	Yıldız (female)	09 May 1982	İstanbul	Political
Official claim: "Was shot while she was escaping."				
140)- Bedii	Tan	17 May 1982	Diyarbakır Mil. Prison	Political
Authorities acknowledged the fact that the torture inflicted had caused the death.				
141)- Eşref	Anyık	17 May 1982	Diyarbakır Mil. Prison	Political
142)- Ferhat	Kutay	17 May 1982	Diyarbakır Mil. Prison	Political
143)- Necmi	Öner	17 May 1982	Diyarbakır Mil. Prison	Political
144)- Mahmut	Zengin	17 May 1982	Diyarbakır Mil. Prison	Political
Eşref Anyık, Ferhat Kutay, Necmi Öner and Mahmut Zengin committed suicide by burning themselves in protest of torture.				
145)- Cennet	Değirmenci	22 May 1982	Gaziantep Security Dir.	Political
Police officers Sedat Caner, Hüseyin Gülersönmez and Mustafa Yazıcı were each sentenced to 3 months 10 days in prison.				
146)- Asker	Demir	June 1982	Ankara Security Dir.	Political
147)- Mehmet Ali	Eraslan	09 June 1982	Diyarbakır Mil. Prison	Political
148)- Alaybey	Yılmaz (25)	23 June 1982	Kocaeli Gölcük	Political
149)- Mustafa	Tunç	09 July 1982	Haydarpaşa Hospital	Political
Security officers involved in the incident were convicted.				
150)- Hüseyin	Çolak	10 August 1982	Ankara Security Dir.	Political
Official claim: "Committed suicide by jumping from the 5th floor."				
151)- Aziz	Özbay	23 August 1982	Diyarbakır Prison	Political
152)- Yusuf Ali	Özbey	27 August 1982	Adıyaman Besni	Political
153)- Adnan	Zincirkıran	September 1982	Urfa Bozova	Political
Official claim: "Committed suicide by jumping into the river."				
154)- Kenan	Küçük	September 1982	Ankara Security Dir.	Political
155)- Süleyman	Aslan	13 Sept. 1982	Tokat Security Dir.	Political
Official claim: "Committed suicide by jumping from the 4th floor."				
156)- İnes	Rumpf	23 Sept. 1982	Bursa Security Dir.	Ordinary
Official claim: "Committed suicide by jumping from the 14h floor."				
157)- Zafer	Müctebağoğlu	08 Oct. 1982	Mamak Military Prison	Political
Official claim: "Fell sick and died."				
158)- Coşkun	Altun	November 1982	İstanbul	Political
159)- İsmail Hakkı	Hocaoğlu (21)	11 Nov. 1982	İstanbul	Political
160)- Mustafa Asım	Hayrullahoğlu	16 Nov. 1982	İstanbul Security Dir.	Political
Authorities acknowledged the fact that the torture inflicted had caused the death. Four security officers were prosecuted in connection with the incident.				
161)- Seyfettin	Sak	21 Nov. 1982	Diyarbakır Mil. Prison	Political
162)- Hüseyin	Sertkaya	21 Nov. 1982	Bingöl Gen. Station	Political
163)- Feyzullah	Bingöl	25 Nov. 1982	Muş Security Dir.	Political
Official claim: "Committed suicide."				
164)- Talip	Yılmaz	20 Dec. 1982	İstanbul Hasdal Prison	Political
Authorities acknowledged the fact that the torture inflicted had caused the death.				
165)- Aziz	Büyükertaş	22 Dec. 1982	Diyarbakır Mil. Prison	Political
Official claim. "Fell sick and died."				

166)- İhsan	Çetintaş	1983	Erzurum	Political
167)- Halit	Atalay	1983	Diyarbakır Mil. Prison	Political
168)- Mutlu	Çetin	January 1983	Manisa	Political
169)- Ramazan	Yayan	13 Jan. 1983	Diyarbakır Mil. Prison	Political
170)- Mehmet Emin	Akpınar	25 Jan. 1983	Diyarbakır Mil. Prison	Political
171)- Zekeriya	Erdoğan (55)	24 Feb. 1983	Adana	Ordinary
172)- Mazlum	Güder	04 March 1983	Elazığ Prison	Political
Official claim: "Fell sick and died."				
173)- Niyazi	Gündoğdu	15 March 1983	Sivas	Political
Official claim: "Committed suicide."				
174)- İbrahim	Koşar	20 March 1983	Adana Prison	Political
175)- Medet	Özbadem	07 May 1983	Diyarbakır Prison	Political
176)- Abdullah	Gülbudak	17 May 1983	Ankara Central Prison	Political
177)- Hamdi	Filizcan	04 July 1983	Çanakkale Prison	Political
178)- Ali	Güven	28 July 1983	İzmir Narlıdere Pol. St.	Ordinary
Mehmet Sönmez, Sabahattin Akpolat, Selami Dinç, Cafer Turan, İlhan Çubuk, Cevdet Ölmez and Ahmet Koçyiğit were each sentenced to 15 years in prison.				
179)- İsmet	Karak (16)	September 1983	Diyarbakır Mil. Prison	Political
180)- Hüsnü	Seyhan	23 Sept. 1983	Ank. Anafartalar Pol. St.	Ordinary
7 police officers, against whom a trial had been launched, were acquitted.				
181)- Hasan	Akbaba	October 1983	Ankara	Political
182)- İsmail	Kıran (Police)	November 1983	Diyarbakır	Political
183)- İbrahim	Ulağ (38)	03 Nov. 1983	Diyarbakır	Political
Official claim: "Died due to a heart attack."				
184)- Enver	Şahan	13 Nov. 1983	Gaziantep Security Dir.	Ordinary
Died at the Ankara Traffic Hospital. Authorities acknowledged that torture had caused death.				
185)- İsmail	Cüneyt (27)	24 Dec. 1983	İstanbul	Political
Official claim: "Was killed during a clash."				

186)- Hamdi	Tan	1984	Çanakkale Prison	Political
187)- Sait	Yalçın	1984	Adana Prison	Political
188)- Şehmus	Begeç	06 Jan. 1984	Diyarbakır	Ordinary
Authorities acknowledged the fact that the torture inflicted had caused the death. Nine police officers were prosecuted at the Diyarbakır Criminal Court No.3.				
189)- Yılmaz	Demir	08 Jan. 1984	Diyarbakır Mil. Prison	Political
Committed suicide in protest of torture.				
190)- Necmettin	Büyükkaya	23 Jan. 1984	Diyarbakır Mil. Prison	Political
Official claim: "Fell sick and died."				
191)- Remzi	Aytürk	28 Jan. 1984	Diyarbakır Mil. Prison	Political
Committed suicide in protest of torture.				
192)- Maksut	Tepeli	26 Feb. 1984	İstanbul Security Dir.	Political
Official claim: "Was killed during a clash."				
193)- Bekir	Tıraşlı	06 March 1984	Antakya Security Dir.	Ordinary
Sec. chief Naci Işık and vice superintendent Halil Çınar to 3 years 4 months in prison each.				
194)- İsmet	Kara	06 March 1984	Diyarbakır Mil. Prison	Political
195)- Halil İbrahim	Baturalp	27 April 1984	Diyarbakır Mil. Prison	Political

196)- Hüseyin	Yüce	23 May 1984	Diyarbakır Mil. Prison	Political
197)- Ömer	Aydar	July 1984	Şırnak	Political
198)- İbrahim	Kurt	July 1984	Şırnak	Political
199)- Bahri	Aslan	August 1984	Şırnak	Political
200)- Hüseyin	Başaran	August 1984	Şırnak	Political
201)- Hasan Hakkı	Erdoğan (24)	30 Sept. 1984	İstanbul Security Dir.	Political
Died at Çapa Med. Fac. Hospital he was taken to in coma. Superintendent Rahmi Kaya, officers Ekrem Yiğit, Erdoğan Oğuz, Cabir Subaşı, İbrahim Yıldırım sentenced to 33 months.				
202)- Behzat	Ak	November 1984	İstanbul Security Dir.	Political
203)- Şah İsmail	Şut	14 Dec. 1984	Kars Security Dir.	Ordinary
Policemen Mehmet Bingöl, Hamdi Balcı, Mustafa Koç, Adnan Kahramanoğlu and Mustafa Belge were each sentenced to 4 years 5 months 10 days in prison.				
204)- Behzat	Baykal (25)	30 Dec. 1984	İstanbul Security Dir.	Political
205)- Mehmet Ali	Uğur	1984 - 1985	Kars Prison	Ordinary
206)- Kurban	Kaya	1984 - 1985	Kars Prison	Ordinary
207)- İsmail	Bağ	1984 - 1985	Kars Prison	Ordinary
208)- Abdurrahman	Aydın	1984 - 1985	Kars Prison	Ordinary

209)- Bekir	Çelenk	1985	Mamak Military Prison	Ordinary
Official claim: "Died due to a heart attack."				
210)- Turan	Çağlar	1985	Mamak Military Prison	Ordinary
Retired Colonel. Official claim: "Died due to a heart attack."				
211)- Yusuf	Alta	1985	Maraş Pazarcık	Political
Official claim: "Committed suicide."				
212)- Adnan	Tüysüz	17 Feb. 1985	Urfa Ceylanpınar	Ordinary
Authorities acknowledged that torture caused death. Captain Kadir Aslan and 4 enlisted men prosecuted at the Urfa Criminal Court on demand of 48 years and 14 years each, respectively.				
213)- Halil	Çelik (15)	06 March 1985	Mut Security Dir.	Ordinary
Authorities acknowledged the fact that the torture inflicted had caused the death.				
214)- Kemal	Gezgin	13 March 1985	Ankara	Political
Official claim: "Committed suicide."				
215)- Yıldırım	Özkan	18 March 1985	Ankara	Political
Official claim: "Committed suicide."				
216)- Hasan	Akan	14 April 1985	Şırnak	Political
217)- Adil	Can	15 April 1985	Metris Military Prison	Political
Official claim: "Fell sick and died."				
218)- Vedat	Aldoğan (23)	17 May 1985	Ankara Security Dir.	Political
Official claim: "Committed suicide by jumping from the 7th floor."				
219)- Haluk	Aydın	June 1985	Mamak Military Prison	Ordinary
Retired Colonel. Official claim: "Died because of heart attack."				
220)- Teoman	Samanlı	June 1985	Bartın Prison	Political
221)- Kazım	Çakır	07 June 1985	Mersin	Political
222)- Haydar	Öztürk (29)	08 June 1985	Ankara Security Dir.	Political
Official claim: "Died 11 days after jumping from the 4th floor of the security building."				
223)- Ömer	Çorak	04 July 1985	Çorum	Ordinary
Authorities acknowledged the fact that the torture inflicted had caused the death.				

224)-	Siddik Bilgin	31 July 1985	Suveren Gen. Station	Political
Major Ali Şahin, non-coms. Mehmet Acar and İbrahim Yıldızgörü, corporal Suat Akova were acquitted on 21 April 1994 at the end of the trial at the Ankara Criminal Court No.2.				
225)-	Şerafettin Tırıç	10 August 1985	Ordu Fatsa	Political
Official claim: "Killed in a clash."				
226)-	Halil Yuluk (41)	18 August 1985	Muğla Fethiye	Ordinary
Official claim: "Committed suicide by hanging himself with his shirt."				
227)-	Şazuman Kansu	September 1985	Çanakkale Prison	Political
Died at the Hospital of the Bayrampaşa Prison where he was taken to as critically ill.				
228)-	Cevher Yaşar (18)	04 Sept. 1985	Elazığ	Political
Official claim: "Committed suicide."				
229)-	Akın Tanış (49)	10 Sept. 1985	Bakırköy Police Station	Ordinary
Chief Superintendent Adem Yılmaz was sentenced to 4 years 5 months 10 days in prison.				
230)-	İbrahim Polat (22)	28 Sept. 1985	Mardin Nusaybin	Political
Official claim: "Committed suicide by jumping out of the car."				
231)-	Kenan Özcan	20 Oct. 1985	Amasya Prison	Political
Official claim: "Committed suicide by hanging himself with a sheet."				
232)-	Şehmuz Durgun	25 Oct. 1985	Çanakkale Prison	Political
233)-	Hamza Tutan	08 Nov. 1985	Yüksekova Gen. Station	Ordinary
Vice-superintendent Ali Cumhuri, policemen Nihat Gümüş, Ayhan Altunasar, Bekir Temelli, Çetin Dal were removed from office; an investigation was launched against them.				
234)-	Halil Yağcı	December 1985	Gaziantep Prison	Political
235)-	Ramazan Göncü	December 1985	Malatya Pötürge	Ordinary
Official claim: "Committed suicide."				

236)-	Fikri Sönmez	1986	Amasya Prison	Political
Official claim: "Died due to a heart attack."				
237)-	M. Emin Coşkun	1986	....	Political
Official claim: "Committed suicide by hanging himself."				
238)-	Recep Tuna (23)	27 Jan. 1986	Bayrampaşa Prison	Political
239)-	Ali Kılıç	February 1986	Diyarbakır Mil. Prison	Political
240)-	Yaşar Durmaz (22)	09 Feb. 1986	Samsun	Political
Authorities accepted that the torture inflicted had caused the death. First claim: "Committed suicide by jumping from the 3rd floor."				
241)-	Hasan Çelik (61)	12 Feb. 1986	Çorum	Ordinary
Trial launched against non-com Ali (Ahmet) Ceylan of the Çorum Sözdeğirmeni Gen. St.				
242)-	Zekeriya Ülkücü (47)	14 Feb. 1986	Bayrampaşa Prison	Ordinary
Died at the İstanbul Faculty of Medicine Hospital where he was taken to in a coma.				
243)-	Zülfikar Bayram (65)	21 Feb. 1986	Pirinçlik Gen. Station	Ordinary
Non-coms Mustafa Hastürk, Nuri Eroğlu, Turgay Özkök, Aziz Danışman, İbrahim Doğru sentenced to various terms ranging from 13 months 10 days to 6 months 20 days in prison.				
244)-	H. Hüseyin Erbil (35)	03 March 1986	Uşak	Ordinary
Official claim: "Committed suicide by hanging himself with his necktie."				
245)-	Zübeyir Yıldırım (60)	14 March 1986	Nusaybin	Political
246)-	Haydar Yağmur (25)	20 March 1986	Bayrampaşa Prison	Ordinary
247)-	Mustafa Yağcı	11 April 1986	Sivas Prison	Ordinary
A trial was launched against the prison director and 29 staff members.				

196)- Hüseyin	Yüce	23 May 1984	Diyarbakır Mil. Prison	Political
197)- Ömer	Aydar	July 1984	Şırnak	Political
198)- İbrahim	Kurt	July 1984	Şırnak	Political
199)- Bahri	Aslan	August 1984	Şırnak	Political
200)- Hüseyin	Başaran	August 1984	Şırnak	Political
201)- Hasan Hakkı	Erdoğan (24)	30 Sept. 1984	İstanbul Security Dir.	Political
Died at Çapa Med. Fac. Hospital he was taken to in coma. Superintendent Rahmi Kaya, officers Ekrem Yiğit, Erdoğan Oğuz, Cabir Subaşı, İbrahim Yıldırım sentenced to 33 months.				
202)- Behzat	Ak	November 1984	İstanbul Security Dir.	Political
203)- Şah İsmail	Şut	14 Dec. 1984	Kars Security Dir.	Ordinary
Policemen Mehmet Bingöl, Hamdi Balcı, Mustafa Koç, Adnan Kahramanoğlu and Mustafa Belge were each sentenced to 4 years 5 months 10 days in prison.				
204)- Behzat	Baykal (25)	30 Dec. 1984	İstanbul Security Dir.	Political
205)- Mehmet Ali	Uğur	1984 - 1985	Kars Prison	Ordinary
206)- Kurban	Kaya	1984 - 1985	Kars Prison	Ordinary
207)- İsmail	Bağ	1984 - 1985	Kars Prison	Ordinary
208)- Abdurrahman	Aydın	1984 - 1985	Kars Prison	Ordinary

209)- Bekir	Çelenk	1985	Mamak Military Prison	Ordinary
Official claim: "Died due to a heart attack."				
210)- Turan	Çağlar	1985	Mamak Military Prison	Ordinary
Retired Colonel. Official claim: "Died due to a heart attack."				
211)- Yusuf	Alta	1985	Maraş Pazarcık	Political
Official claim: "Committed suicide."				
212)- Adnan	Tüysüz	17 Feb. 1985	Urfa Ceylanpınar	Ordinary
Authorities acknowledged that torture caused death. Captain Kadir Aslan and 4 enlisted men prosecuted at the Urfa Criminal Court on demand of 48 years and 14 years each, respectively.				
213)- Halil	Çelik (15)	06 March 1985	Mut Security Dir.	Ordinary
Authorities acknowledged the fact that the torture inflicted had caused the death.				
214)- Kemal	Gezgin	13 March 1985	Ankara	Political
Official claim: "Committed suicide."				
215)- Yıldırım	Özkan	18 March 1985	Ankara	Political
Official claim: "Committed suicide."				
216)- Hasan	Akan	14 April 1985	Şırnak	Political
217)- Adil	Can	15 April 1985	Metris Military Prison	Political
Official claim: "Fell sick and died."				
218)- Vedat	Aldoğan (23)	17 May 1985	Ankara Security Dir.	Political
Official claim: "Committed suicide by jumping from the 7th floor."				
219)- Haluk	Aydın	June 1985	Mamak Military Prison	Ordinary
Retired Colonel. Official claim: "Died because of heart attack."				
220)- Teoman	Samanlı	June 1985	Bartın Prison	Political
221)- Kazım	Çakır	07 June 1985	Mersin	Political
222)- Haydar	Öztürk (29)	08 June 1985	Ankara Security Dir.	Political
Official claim: "Died 11 days after jumping from the 4th floor of the security building."				
223)- Ömer	Çorak	04 July 1985	Çorum	Ordinary
Authorities acknowledged the fact that the torture inflicted had caused the death.				

248)-	Veysi	Şimşek	25 April 1986	Diyarbakır Mil. Prison	Political
249)-	Ömer	Çavuşoğlu	28 May 1986	İstanbul Security Dir.	Political
250)-	Mustafa	Taş (17)	13 June 1986	İstanbul	Ordinary
				Official claim: "Was not detained, found dead."	
251)-	Suphi	Çevirici	20 June 1986	Diyarbakır Prison	Political
				Official claim: "Committed suicide."	
252)-	Yüksel	Tokdoğan	25 June 1986	Ankara Yenimahalle	Political
				Official claim: "Beaten to death by unknown assailants."	
253)-	Mehmet	Andan	27 August 1986	Diyarbakır Lice	Political
254)-	Vasıf	Özaltın	30 Dec. 1986	Gelibolu Military Prison	Political
				Official claim: "Died due to a heart attack."	

255)-	Alaattin	Gülmüş	1987	Diyarbakır Security Dir.	Political
256)-	Muammer	Özdemir	1987	Çanakkale Prison	Political
				Official claim: "Fell sick and died."	
257)-	M. Hilmi	Musa	February 1987	Ankara	Political
				Palestinian. Official claim: "Escaped from the hands of intelligence officers. Did not die."	
258)-	Hidayet	Akın	12 Feb. 1987	Ankara Security Dir.	Ordinary
				Official claim: "Committed suicide by jumping from the 5th floor."	
259)-	Hasan	Acar	14 Feb. 1987	Sirkeci Security Auth.	Ordinary
260)-	Orhan	Dağlı	23 Feb. 1987	Kale Gendarmerie Station	Ordinary
				Enlisted man Cevdet Erdoğan, killed him opening fire with the aim of frightening, arrested and a trial was launched against him.	
261)-	Sabri	Çuhadar	March 1987	Edirne Security Dir.	Ordinary
				Official claim: "Committed suicide by hanging himself."	
262)-	Hıdır	Keskin	March 1987	Elazığ	Political
263)-	Ahmet	Çetin (35)	16 March 1987	Burdur Prison	Political
				Official claim: "Died in Ankara where he was taken for kidney transplantation."	
264)-	Mehmet Temel Oktay (54)		20 March 1987	Ereğli Gendarmerie Station	Ordinary
265)-	İbrahim	Savaş (24)	27 March 1987	Balveren Gen. Station	Political
266)-	Feridun	Çelik	22 April 1987	İstanbul Security Dir.	Political
				Official claim: "Committed suicide by jumping from the 3rd floor."	
267)-	Hüseyin	Kurumahmutoğlu	May 1987	Mamak Military Prison	Political
268)-	Mehmet	Kalkan	14 June 1987	Diyarbakır Security Dir.	Political
				Official claim: "Committed suicide by hanging himself."	
269)-	İbrahim	Öztürk	11 Oct. 1987	İst. Beyazıt Police Station	Ordinary
				Trial launched against policemen Ahmet Akbal, Şener Yıldırım and Yusuf Bezenmek on demand of 10 years in prison. Defendants acquitted; acquittal was upheld by Supreme Court.	
270)-	Aziz	Biltekin	11 Nov. 1987	İzmit	Ordinary
				Authorities acknowledged the fact that the torture inflicted had caused the death.	
271)-	Haydar	Talay	20 Nov. 1987	Van Çarşı Police Station	Ordinary
				Authorities acknowledged the fact that the torture inflicted had caused the death.	
272)-	Kemal	Karapınar	02 Dec. 1987	Aras Gendarmerie Station	Ordinary
				Died at the Erzurum Numune Hospital.	

273)-	Muhittin	Sustam	1988	Kartal Military Prison	Political

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Deaths

248)-	Veysi	Şimşek	25 April 1986	Diyarbakır Mil. Prison	Political
249)-	Ömer	Çavuşoğlu	28 May 1986	İstanbul Security Dir.	Political
250)-	Mustafa	Taş (17)	13 June 1986	İstanbul	Ordinary
	Official claim: "Was not detained, found dead."				
251)-	Suphi	Çevirici	20 June 1986	Diyarbakır Prison	Political
	Official claim: "Committed suicide."				
252)-	Yüksel	Tokdoğan	25 June 1986	Ankara Yenimahalle	Political
	Official claim: "Beaten to death by unknown assailants."				
253)-	Mehmet	Andan	27 August 1986	Diyarbakır Lice	Political
254)-	Vasıf	Özaltın	30 Dec. 1986	Gelibolu Military Prison	Political
	Official claim: "Died due to a heart attack."				

255)-	Alaattin	Gülmüş	1987	Diyarbakır Security Dir.	Political
256)-	Muammer	Özdemir	1987	Çanakkale Prison	Political
	Official claim: "Fell sick and died."				
257)-	M. Hilmi	Musa	February 1987	Ankara	Political
	Palestinian. Official claim: "Escaped from the hands of intelligence officers. Did not die."				
58)-	Hidayet	Akın	12 Feb. 1987	Ankara Security Dir.	Ordinary
	Official claim: "Committed suicide by jumping from the 5th floor."				
59)-	Hasan	Acar	14 Feb. 1987	Sirkeci Security Auth.	Ordinary
60)-	Orhan	Dağlı	23 Feb. 1987	Kale Gendarmerie Station	Ordinary
	Enlisted man Cevdet Erdoğan, killed him opening fire with the aim of frightening, arrested and a trial was launched against him.				
61)-	Sabri	Çuhadar	March 1987	Edirne Security Dir.	Ordinary
	Official claim: "Committed suicide by hanging himself."				
62)-	Hıdır	Keskin	March 1987	Elazığ	Political
63)-	Ahmet	Çetin (35)	16 March 1987	Burdur Prison	Political
	Official claim: "Died in Ankara where he was taken for kidney transplantation."				
64)-	Mehmet Temel	Oktay (54)	20 March 1987	Ereğli Gendarmerie Station	Ordinary
65)-	İbrahim	Savaş (24)	27 March 1987	Balveren Gen. Station	Political
66)-	Feridun	Çelik	22 April 1987	İstanbul Security Dir.	Political
	Official claim: "Committed suicide by jumping from the 3rd floor."				
67)-	Hüseyin	Kurumhanmutoğlu	May 1987	Mamak Military Prison	Political
68)-	Fehmet	Kalkan	14 June 1987	Diyarbakır Security Dir.	Political
	Official claim: "Committed suicide by hanging himself."				
69)-	Rahim	Öztürk	11 Oct. 1987	İst. Beyazıt Police Station	Ordinary
	Trial launched against policemen Ahmet Akbal, Şener Yıldırım and Yusuf Bezenmek on demand of 10 years in prison. Defendants acquitted; acquittal was upheld by Supreme Court.				
70)-	Zeynep	Biltekin	11 Nov. 1987	İzmit	Ordinary
	Authorities acknowledged the fact that the torture inflicted had caused the death.				
71)-	Harun	Talay	20 Nov. 1987	Van Çarşısı Police Station	Ordinary
	Authorities acknowledged the fact that the torture inflicted had caused the death.				
72)-	Ali	Karapınar	02 Dec. 1987	Aras Gendarmerie Station	Ordinary
	at the Erzurum Numune Hospital.				

73)-	Ali	Sustam	1988	Kartal Military Prison	Political
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274)- Emin	Özkaya	18 Jan. 1988	Antalya	Political
Authorities acknowledged the fact that the torture inflicted had caused the death.				
275)- Manuel	Demir (25)	24 Jan. 1988	İstanbul	Political
Official claim: "Was shot during a clash."				
276)- Raif	Üstünel (63)	March 1988	Bursa	Ordinary
Superintendent Orhan Özen in charge at the Bursa Muammer Sencer Police Station was sentenced to 4 years 2 months in prison.				
277)- Mehmet	Ergan	April 1988	G.antepe Fidanlık Pol. St.	Ordinary
278)- Nihat	Yurtoğlu (58)	17 April 1988	Ankara	Ordinary
Superintendent Salih Özkan was arrested and a trial was launched against him.				
279)- Muhlis	Akbulut	May 1988	Diyarbakır Bismil	Political
280)- Mustafa	Gülmez (25)	25 June 1988	Edirne Kıyık Police St.	Political
A trial was launched against 7 security officers including Edirne Political Department Chief Erol Hakan and superintendents Murat Ceylan and Abdullah Varol.				
281)- Gül Sevim	Ulukoç	16 July 1988	Karapınar Security Auth.	Ordinary
Official claim: "Committed suicide by hanging herself with her scarf."				
282)- Necmettin	Sarıcalı (38)	27 July 1988	Susuz Gen. Station	Ordinary
283)- Derviş	Şavgat	01 Sept. 1988	Mardin Security Dir.	Political
Official claim: "Killed due to fire by PKK militants on the road to site investigation."				
284)- Hüseyin	Kazı	04 Oct. 1988	Hakkari	Political
285)- Sadık	Çelebi (30)	22 Nov. 1988	Mardin Gen. Brigade	Political
286)- Kemal	Vardar (38)	December 1988	İstanbul	Ordinary

287)- Neriman	Papış (45)	14 Jan. 1989	İstanbul Security Dir.	Ordinary
The trial launched against Chief Superintendent Mehmethan Tokuş resulted in acquittal.				
288)- Ömer	Kızılırmak (26)	06 March 1989	Ankara Security Dir.	Ordinary
289)- Mehmet	Akkuş (29)	02 June 1989	Balıkesir Security Dir.	Ordinary
Official claim: "Committed suicide by hanging himself with his underwear."				
290)- Osman	Esendemir	03 June 1989	Siirt Eruh	Political
Official claim: "Died during a clash."				
291)- Şchmuz	Orhan	18 July 1989	Hakkari	Ordinary
292)- H. Hüsnü	Eroğlu	02 August 1989	Aydın E Type Prison	Political
Official claim: "Died because of hunger strike."				
293)- Mehmet	Yalçınkaya	02 August 1989	Aydın E Type Prison	Political
Official claim: "Died because of hunger strike."				
294)- Recep	Demir	07 Sept. 1989	İzmir Security Dir.	Political
Official claim: "Wounded during a clash and died at the hospital he was taken to."				
295)- Ali	Çınar	23 Oct. 1989	Ankara Security Dir.	Ordinary
296)- Mehmet	Ertürk (50)	21 Nov. 1989	Cizre 23rd Gen. Brigade	Political
297)- Samet	Aslan	12 Dec. 1989	Ağrı Prison	Political
Official claim: "Committed suicide."				

298)- Halil İbrahim	Alkan (24)	30 Jan. 1990	Gaziantep Düztepe Pol.St.	Ordinary
Official claim: "Committed suicide."				
299)- Emine	Yılmaz (22)	13 April 1990	Zonguldak Prison	Ordinary

300)- Ali Akkan (19)	06 May 1990	Antalya Security Dir.	Political
Official claim: "Committed suicide by jumping from the 4th floor."			
301)- Şaban Kırkgözler (19)	17 May 1990	İstanbul	Ordinary
302)- Serdar Çekiç Abbasoğlu (23)	04 June 1990	Ankara Security Dir.	Ordinary
Died in the Ankara Central Closed Prison just after being arrested.			
303)- İbrahim Ateş	20 July 1990	Mersin	Ordinary
Official claim: "Committed suicide."			
304)- Leonit Zelemin	26 July 1990	Mersin Security Dir.	Ordinary
USSR citizen. Official claim: "Committed suicide."			
305)- Abdurrahman Tanrıbilir	08 Sept. 1990	Şırnak Cizre	Ordinary
Official claim: "Hung himself with his shirt." Authorization to launch a trial not granted.			
306)- Ünsal İdiz	27 Oct. 1990	Turhal Police Station	Ordinary
Ünsal İdiz, released by prosecution office after 2 days under custody, committed suicide leaving a note saying "They played with my pride. Police 'Apo' is responsible for my death."			
307)- Necmettin Çoban (35)	02 Nov. 1990	Sürt Prison	Ordinary
Official claim: "Fell sick and died."			
308)- Yakup Aktaş (24)	20 Nov. 1990	Mardin Derik	Political
Official claim: "Died due to a heart attack."			
309)- İdris Can (18)	20 Dec. 1990	Paşakapısı Prison	Ordinary
Official claim: "Fell sick and died." But then torture was acknowledged to have caused death. Trial launched against a policeman ended with acquittal. Verdict was overturned by the Supreme Court stating that the defendant should be prosecuted on demand of 20 years in prison.			

310)- Cumali Çopur	12 Jan. 1991	Nevşehir Prison	Ordinary
Official claim: "Committed suicide."			
311)- Tevfik Timurtaş	14 Jan. 1991	Cizre	Political
Official claim: "Died due to a heart attack."			
312)- Birtan Altunbaş (24)	16 Jan. 1991	Ankara Security Dir.	Political
Official claim: "Died during a hunger strike."			
313)- Haydar Arman	24 Jan. 1991	Ankara Etlik Police St.	Ordinary
A trial was launched against policemen Bayram Aydemir, Hasan Cahit Selekoğlu, Mecit Turan and Mustafa Şahinbaş on demand of imprisonment terms varying from 8 to 12 years.			
314)- Kasım Aras (40)	30 Jan. 1991	Kars Aralık Prison	Ordinary
Official claim: "Fell sick and died."			
315)- İrfan Başbuğa (22)	31 Jan. 1991	Anafartalar Police Station	Ordinary
Official claim: "Committed suicide." Trial against policemen Osman Yolcu, Cüneyt Demir.			
316)- Ali Rıza Ağdoğan (20)	16 Feb. 1991	Beyoğlu Security Auth.	Political
Official claim: "Committed suicide jumping from the 8th floor." Trial against 5 policemen.			
317)- Haydar Altun	March 1991	Diyarbakır	Political
Official claim: "Died during a clash."			
318)- İmran Aydın (28)	03 March 1991	Ankara Security Dir.	Political
Official claim: "Fell down while escaping and died as his pancreas burst."			
319)- Haşim Sincar	04 April 1991	Solhan Gen. Station	Ordinary
Official claim: "Died due to a heart attack."			
320)- Veli Geleş	05 April 1991	Ankara	Political
Official claim: "Shot while he was escaping."			
321)- Alaattin Kürekeçi (28)	20 May 1991	Şişli Security Auth.	Ordinary

322)- Osman	Ekinci	20 July 1991	Şırnak Görendoruk	Political
323)- Süleyman	Dalga (16)	09 August 1991	Dağpınar Gen. Station	Political
Enlisted man Muharrem Deniz was arrested consequently and trial launched against him.				
324)- Hanifi	Göllü (18)	12 August 1991	Gaziantep Security Dir.	Ordinary
Official claim: "Committed suicide by jumping from the 4th floor."				
325)- Şerafettin	Çelik (31)	08 Sept. 1991	Gaziantep Security Dir.	Ordinary
Official claim: "Fell down from the 4th floor and died."				
326)- Osman	Keleş	18 Sept. 1991	Ağrı Security Dir.	Political
Official claim: "Committed suicide."				
327)- Mecbure	Akdoğan	31 Oct. 1991	Lice Yolçatı Village	Political
328)- H....	U.... (Female)	15 Nov. 1991	Isparta Security Dir.	Ordinary
Official claim: "Committed suicide."				
329)- Murat	Özsat	23 Nov. 1991	Gaziantep	Political
Official claim: "Killed by unknown assailants."				
330)- Yücel	Özen (26)	24 Nov. 1991	Beyoğlu Security Auth.	Ordinary
Authorities acknowledged that torture inflicted caused death. Trial against 6 police officers.				

331)- Abdülrakip	Akın	01 Feb. 1992	Muş Korkut	Political
332)- Burhan	Serikli (18)	05 March 1992	Batman Gen. Reg. Com.	Political
Official claim: "Committed suicide by hanging himself with his blindfold."				
333)- Zeki	Böçkün (44)	11 March 1992	Antalya Security Dir.	Ordinary
Official claim: "Committed suicide by squeezing his throat with his false teeth."				
334)- Bişeng	Anık (17)	20 March 1992	Şırnak Brigade Command	Political
Official claim: "Committed suicide by shooting herself with a rifle."				
335)- Tahir	Seyhan	13 April 1992	Dargeçit Gen. Station	Political
Died in Diyarbakır State Hospital he was taken. Official claim: "Fell on the ground, died."				
336)- Mithat	Kutlu	18 April 1992	Diyarbakır Bismil	Political
337)- Abdülkadir	Kurt (35)	20 April 1992	Bismil Gen. Battal. Com.	Political
Official claim: "Fell sick and died."				
338)- Mehmet	Yılmaz (80)	25 April 1992	Batman Security Dir.	Political
Official claim: "Died due to a brain hemorrhage."				
339)- Agit	Salman (42)	28 April 1992	Adana Security Dir.	Political
Official claim: "Died due to a heart attack."				
340)- Ali Ekber	Atmaca	28 April 1992	Artvin Gen. Command	Political
Official claim: "Died because of a bleeding in the stomach."				
341)- Nurettin	Aslan (55)	23 July 1992	İstanbul Narcotics Dpt.	Ordinary
Official claim: "Committed suicide by jumping from the 8th floor."				
342)- Temel	Uçar	25 August 1992	Şırnak Brigade Command	Political
343)- Remzi	Basalak (29)	23 Oct. 1992	Adana Security Dir.	Political
It was acknowledged that torture inflicted caused the death. 15 security officers are on trial.				
344)- Tahir	Saday (56)	24 Oct. 1992	Van Gen. Reg. Command	Political
Official claim: "Died due to a heart attack."				
345)- Ramazan	Altunsöz (28)	30 Oct. 1992	Batman Security Dir.	Political
Official claim: "Committed suicide by cutting his throat with an iron stick."				
346)- Derviş	Karakoç (33)	11 Nov. 1992	Dicle Kurşunlu Village	Political
347)- İbrahim	Sevilgen (60)	24 Dec. 1992	Çırpı Gen. Station	Political
Official claim: "Fell sick and died."				

348)- İbrahim	Ekinci	15 March 1993	Güçlükonak Gen. Station	Political
349)- Suphiye	Varlık (60)	22 March 1993	Nusaybin Gen. Station	Ordinary
A trial was launched against non-commissioned officer Şahin Bozkurt.				
350)- Hacı İbrahim	Dilek	18 April 1993	Midyat Barıştepe Village	Political
Official claim: "Killed by unknown assailants."				
351)- Kudbettin	Tekin (24)	10 May 1993	Bismil Gen. Station	Political
Official claim: "Committed suicide by hanging himself on radiator pipes."				
352)- Vakkas	Dost (30)	29 May 1993	Kumkapı Police Station	Ordinary
A trial was launched against policeman Nurettin Öztürk, who ran away after the incident and decided to be arrested in absentia, on demand of up to 24 years in prison.				
353)- Ahmet	Aydemir (75)	12 June 1993	Diyarbakır Lice	Political
354)- Veysi	Kaymaz (30)	15 June 1993	Diyarbakır Çınar	Political
Official claim: "Died as he fell down while escaping."				
355)- Mehmet	Öztürk (29)	20 June 1993	Alaplı Gendarmerie Station	Ordinary
Official claim: "Died because of an alcohol coma."				
356)- Abdüsselam	Orak	23 June 1993	Tatvan Gen. Station	Political
Died at the Diyarbakır State Hospital he was taken to.				
357)- Rıza	Ürün	02 July 1993	Çankaya Police Station	Ordinary
Official claim: "Died due to a heart attack."				
358)- M. Siddik	Öncü (40)	08 July 1993	Diyarbakır	Political
359)- Hacı Ramazan	Sınığ (60)	21 July 1993	İdil Gendarmerie Station	Political
360)- Yücel	Dolan (25)	02 August 1993	Hazro Gendarmerie Station	Political
Died at the Diyarbakır State Hospital. Official claim: "Died due to a heart attack."				
361)- Selahattin	Dörtbudak	03 August 1993	Nizip Gendarmerie Station	Ordinary
Official claim: "Died due to a heart attack."				
362)- Osman	Akçiçek (22)	17 August 1993	Eminönü Security Auth.	Ordinary
Died at hospital. A trial was launched against a superintendent.				
363)- Baki	Erdoğan (27)	21 August 1993	Aydın Security Dir.	Political
Official claim: "Died because of tuberculosis." Trial launched against 4 police officers.				
364)- Harun	Çetin (20)	05 Sept. 1993	Avcılar Security Auth.	Political
Right 5 hours after being detained on the night of 15 March 1993, Harun Çetin was taken to the Cerrahpaşa Faculty of Medicine Hospital in a coma. Following a 5,5-month period in coma, he died at the Taksim Hospital where he was treated.				
365)- Şefik	Kaplan (61)	07 Sept. 1993	Soğanlı Gen. Station	Political
Official claim: "Committed suicide."				
366)- Dodo	Tekin	11 Sept. 1993	Mardin	Political
367)- Hacı	Sansak (56)	03 Oct. 1993	Şırnak Security Dir.	Political
Official claim: "Died due to a heart attack."				
368)- Bilen	Çiftçi (24)	12 Oct. 1993	Ankara Security Dir.	Ordinary
Official claim: "Committed suicide."				
369)- Selman	Karabacak	22 Oct. 1993	Manisa E Type Prison	Ordinary
Died in İzmir Yeşilyurt Hospital he was taken to on diagnosis of brain haemorrhage.				
370)- Mehmet Emin	Bingöl (62)	08 Nov. 1993	Muş Köykent	Political
Official claim: "Killed by unknown assailants."				
371)- Mehmet	Acar	08 Nov. 1993	Muş Köykent	Political
Official claim: "Killed by unknown assailants."				
372)- Yakup	Tetik	08 Nov. 1993	Muş Köykent	Political
Official claim: "Killed by unknown assailants."				

373)- Alican Öner	08 Nov. 1993	Muş Köykent	Political
Official claim: "Killed by unknown assailants."			
374)- Kemal Canpolat (27)	13 Nov. 1993	Diyarbakır Security Dir.	Political
375)- Filit Er (27)	22 Nov. 1993	Iğdır Security Dir.	Political
376)- Mehmetşah İkincisoy (22)	22 Nov. 1993	Diyarbakır	Political
Official claim: "Killed during a clash."			

377)- Zeynel Bilgen	25 Jan. 1994	Şenköy Gen. Station	Political
Official claim: "Was not detained."			
378)- İbrahim Danış	30 Jan. 1994	Cizre	Political
Official claim: "Killed during a clash."			
379)- Ebubekir Dayan	31 Jan. 1994	Diyarbakır Sec. Dir.	Political
Official claim: "Died due to a heart attack."			
380)- Ömer Alevcan (28)	09 Feb. 1994	Siirt Security Dir.	Political
Official claim: "Committed suicide by hanging himself with a blanket."			
381)- Cemile Sanik (18)	10 Feb. 1994	Tatvan	Political
382)- Velathan Gülşenoğlu	22 March 1994	Kasmpaşa Police Station	Political
Official claim: "Was shot while trying to take the gun of a police officer." A trial was launched against a traffic officer.			
383)- Abdurrahman Avsar (35)	02 April 1994	Şırnak Security Dir.	Political
384)- Garip Ölmez	14 April 1994	Bitlis Gen. Reg. Command	Political
Authorities acknowledged the fact that the torture inflicted had caused the death.			
385)- Kadri Yılmaz	May 1994	Diyarbakır Sec. Dir.	Political
386)- Aydın Tekay	May 1994	Diyarbakır Sec. Dir.	Political
387)- Kamil Gündoğan (28)	06 May 1994	Lice Security Dir.	Political
388)- Bedel Özkan	11 May 1994	Hakkari Çukurca	Political
Official claim: "Killed by the PKK militants".			
389)- Hasan Ateş	11 May 1994	Hakkari Çukurca	Political
Official claim: "Killed by the PKK militants".			
390)- Nimet Barut (57)	12 May 1994	Diyarbakır Kulp	Political
391)- Ali Beke	15 June 1994	Siirt	Political
Official claim: "Committed suicide."			
392)- Osman Akın (32)	27 June 1994	Bünyan Gen. Station	Ordinary
Official claim: "Committed suicide."			
393)- Mahmut Tanlı (22)	27 June 1994	Doğubeyazıt Security Dir.	Ordinary
Official claim: "Died due to a heart attack."			
394)- Abdullah Baskın	04 August 1994	Batman Gen. Command	Political
Died at the Batman State Hospital he was treated.			
395)- Ahmet Demiray (29)	14 August 1994	Lice Gen. Command	Political
396)- Lokman Alicioğlu (19)	19 August 1994	Adana	Political
Official claim: "Died when the bomb he had in hand exploded."			
397)- Can Demirağ (24)	23 August 1994	Gayrettepe Security Dir.	Ordinary
Official claim: "Committed suicide by hanging himself."			
398)- Cihan Akkum (21)	24 August 1994	Diyarbakır Police College	Political
Official claim: "Committed suicide by hanging himself with a blanket."			
399)- Elif Leyla Çelik (18)	13 Sept. 1994	Adapazarı	Political
Official claim: "Committed suicide jumping from the 4th floor of the Sec. Dir. Building."			

400)- Bedri	Tan (40)	14 Sept. 1994	Diyarbakır Hani	Political
Official claim: "Stepped on a mine and died while showing a PKK shelter to the officers."				
401)- Ramazan	Özüak (18)	04 Oct. 1994	Diyarbakır Prison	Political
402)- Süleyman	Ongun	04 Oct. 1994	Diyarbakır Prison	Political
Got wounded on 4 Oct. 1994. Died at the Gaziantep Special Type Prison on 20 Jan. 1995.				
403)- Aydın	Kişmir (26)	12 Oct. 1994	Diyarbakır Sec. Dir.	Political
Official claim: "Fell down the stairs and died as he attempted escaping."				
404)- Ali	Karaca (61)	13 Oct. 1994	Tunceli	Political
Official claim: "Beaten to death by unknown people."				
405)- Bayram	Duran (26)	16 Oct. 1994	İstanbul Gazi Police St.	Ordinary
Official claim: "Died due to a heart attack."				
406)- Emin	Dündar	17 Oct. 1994	Siirt Gen. Command	Political
407)- Abdulkerim	Alataş (54)	19 Oct. 1994	Van Gevaş	Political
408)- Bekir	Önder (30)	28 Nov. 1994	Mardin Closed Prison	Political
Kept in detention between 4-21 November 1994 at the Mardin Kızıltepe Security Directorate. His elder brother Ahmet Önder, detained along with Bekir Önder, declared that the torture inflicted while in detention had caused the death of his brother.				
409)- Ferhat	Demir	08 Dec. 1994	Batman Security Dir.	Political
Official claim: "Died due to a bomb explosion while showing a PKK shelter to the security officers."				
410)- Nefiye	Çelik	08 Dec. 1994	Batman Security Dir.	Political
Official claim: "Died due to a bomb explosion while showing a PKK shelter to the security officers."				

411)- Abdullah	Eren	20 Jan. 1995	Şırnak	Political
Official claim: "Killed by unknown people."				
412)- Nurettin	Toluk (60)	18 March 1995	İzmir	Ordinary
Official claim: "Died as he was hit by a train."				
413)- Ataç	Korutürk (22)	01 April 1995	İst. 100. Yıl Police St.	Ordinary
Official claim: "Shot himself to death with a gun belonging to a police officer."				
414)- Ali	Yılmaz (52)	27 May 1995	Ankara Siteler Police St.	Ordinary
Official claim: "He was old. Fell sick and died."				
415)- Halil	Akça (34)	03 July 1995	Kastamonu Security Dir.	Ordinary
416)- Sinan	Demirbaş (23)	21 July 1995	Elazığ Security Dir.	Political
Official claim: "Got wounded as he fell down the stairs and died at the hospital where he was taken to." Upon his parents' attempts, a trial was launched against 8 security officers including Political Police Director Erdoğan İnan on charges of "murder under torture". Trial still goes on.				
417)- Haydar	Efe (31)	11 August 1995	Ankara Security Dir.	Ordinary
Official claim: "Committed suicide by jumping from the 3rd floor." Müslüm Efe, Haydar Efe's brother detained along with him, said they were both tortured while in detention. Müslüm Efe received a medical report of 3 days.				
418)- Safyettin	Tepe	29 August 1995	Bitlis Security Dir.	Political
Batman correspondent for the journal Yeni Politika. Official claim: "Committed suicide by hanging himself on the cell door iron loop-hole sticks with his shirt."				
419)- Şaban	Erkol (24)	12 Sept. 1995	İstanbul Security Dir.	Ordinary
Official claim: "Hung himself on cell door iron loop-hole sticks with his belt."				

Deaths because of hunger strikes

420)- Ali	Erek	20 April 1981	Diyarbakır Mil. Prison	Political
421)- Kemal	Pir	07 Sept. 1982	Diyarbakır Mil. Prison	Political
422)- M. Hayri	Durmuş	12 Sept. 1982	Diyarbakır Mil. Prison	Political
423)- Akif	Yılmaz	15 Sept. 1982	Diyarbakır Mil. Prison	Political
424)- Ali	Çiçek	17 Sept. 1982	Diyarbakır Mil. Prison	Political
425)- Orhan	Keskin	02 March 1984	Diyarbakır Mil. Prison	Political
426)- Cemal	Arat	05 March 1984	Diyarbakır Mil. Prison	Political
427)- Abdullah	Meral	15 June 1984	İst. Sağmalcılar Prison	Political
428)- M. Fatih	Öktülmüş	17 June 1984	İst. Sağmalcılar Prison	Political
429)- Haydar	Başbağ	17 June 1984	İst. Sağmalcılar Prison	Political
430)- Hasan	Telci	26 June 1984	İst. Sağmalcılar Prison	Political
431)- Mehmet Emin	Yavuz	18 Feb. 1988	Diyarbakır Mil. Prison	Political
432)- Abdullah	Fidan (45)	09 April 1993	Muş E Type Prison	Political
433)- Fesih	Beyazçiçek	23 July 1995	Yozgat E Type Prison	Political
434)- Remzi	Altıntaş (21)	11 August 1995	Amasya E Type Prison	Political

Deaths because of medical negligence or illnesses due to torture

435)- Cemal	Özdemir	26 Feb. 1983	İstanbul	Political
436)- Eşref	Durmuş	1984	....	Political
437)- Mehmet	Kocamaz	1984	Mersin	Political
438)- Mustafa	Tepeli	April 1984	Sultanahmet Prison	Political
439)- İsmail	Yıldırım (30)	1985	Ankara	Political
440)- Hüseyin	Aydın	July 1985	İstanbul	Political
441)- Ali	Kalkan	July 1986	İstanbul	Political
442)- Hüseyin	Elmas (34)	30 Nov. 1988	İstanbul	Political
443)- İnkılap	Dal	23 August 1989	Abroad	Political
444)- Mehmet	Çövendere	26 Feb. 1990	Bayrampaşa Prison	Ordinary
445)- Feremez	Aydın	18 Ağustos 1990	Antalya	Ordinary
446)- Mustafa	Bahar (41)	14 Oct. 1990	Ceyhan Prison	Political
447)- Ali	Topaloğlu	28 Feb. 1992	Ankara/Rize	Political
448)- Ahmet	Özdil	05 May 1993	Abroad	Political
449)- Metin	Türker (40)	June 1993	Abroad	Political
450)- Hamdullah	Erbil (41)	15 July 1993	Abroad	Political
451)- Burhan	Çiftçi (33)	05 Sept. 1993	Abroad	Political
452)- Cuma	Tepe (33)	06 Sept. 1993	Ankara	Political
453)- Naime	Gürgör	02 Nov. 1993	İzmir	Political
454)- Yılmaz	Doğru (20)	29 Nov. 1993	Diyarbakır Prison	Political
455)- Sercan	Yalçın	11 April 1994	Gaziantep	Political
456)- Orhan	Tarıkuşlu	21 March 1995	Diyarbakır Prison	Political
457)- M. Salih	Işık	28 April 1995	İzmir Buca Prison	Political
458)- Ayhan	Işık (25)	05 June 1995	İst. Beylerbeyi Police St.	Ordinary
459)- Hakan	Anterli	15 June 1995	Diyarbakır Prison	Political
460)- Kerem	Kalbişen	30 June 1995	Batman Prison	Ordinary

DETERMINED TORTURE CASES

The Human Rights Foundation of Turkey, in consequence of the studies it carried out and the information it compiled, determined that a total of 4,281 people^(*) of whom 146 were children and 740 were females, had been tortured in detention places or prison during the period from the beginning of 1989 to the end of August 1995. 1,454 of those people certified the torture via medical reports. 111 of the tortured females stated that they had been raped or sexually abused under custody. These figures were revealed when the information about the people who filed official complaints with prosecution offices, were able to publicly declare that they had been tortured, via courts or press organs, and those who applied to the İHD or HRFT, was evaluated.

Stating that they had been tortured in detention places or prison for the last 15 years, a total of 2,179 people, 40 of whom in 1990, 238 of whom in 1991, 393 of whom in 1992, 323 of whom in 1993, 472 of whom in 1994, and 713 of whom in 1995, applied to the treatment centers (in Ankara, İstanbul, İzmir and Adana) of the HRFT which began functioning in September 1990. (About 50 percent of the applicants to the HRFT's treatment centers are not included in the 4,281 people stated below. When we take this situation into consideration, it will be brought into light that the HRFT has information about more than 5,000 people tortured after the 12 September Coup.)

	<u>Torture victims</u>	<u>Medical reports</u>	<u>Female</u>	<u>Rape-Abuse</u>	<u>Children</u>
1989-90:	329	213	44	8	7
1991 :	552	218	53	9	15
1992 :	594	188	93	24	11
1993 :	827	160	126	22	29
1994 :	1,128	476	261	36	24
1995 :	851	199	163	12	60
(Information gathered as of 1 August 1995)					
TOTAL	4,281	1,454	740	111	146

(*) While preparing this section, the information thought to be exaggerated or suspicious, was not considered. As may be known, torture is inflicted on every single defendant without any discrimination of political or ordinary cases, as a systematic interrogation method in Turkey. Although there is widespread use of well-known torture methods against suspects accused of ordinary crimes under police or gendarme custody, a significant part of torture cases cannot be revealed because, often, suspects do not insist on realizing their rights. Most of the people who lodged official complaints of torture or ill-treatment and obtained medical reports are the ones charged for political reasons. In addition, when the difficulty in receiving information from the provinces except İstanbul, Ankara and İzmir, and particularly from the Emergency State Region is considered, it becomes apparent that the number of torture victims identified by the HRFT for a period of 7 years reflects only a small part of the larger total.

APPLIED TORTURE METHODS (*)

- . Beating
- . Blindfolding
- . Insults, swears, humiliation
- . Electric shocks
- . Cell isolation
- . Death threats
- . Suspension on a hanger
- . Restriction of food and water
- . Squirting pressurized water
- . Sexual harassment
- . Exposure to cold floor
- . Falanga
- . Preventing urination and defecation
- . Pulling out hair and moustache
- . Mock execution
- . Squeezing testicles
- . Threats of torturing relatives
- . Forcing to wait in a garbage-like place
- . Forcing one to watch torture on others and listen to their screams
- . Pulling out nails
- . Beating in a tire
- . Forcing one to eat salt

(*) These methods of torture were determined under the light of the information provided by the torture victims who applied to the HRFT. Thus, torture methods such as putting into a sewer pit, forcing to eat human or animal excrement, burying in snow, pulling out nails, inserting needle between nails are not placed in this section. According to a study based on the applications made to the HRFT, 78,0 percent of the torture cases were witnessed in security centers (security directorates, anti-terror branches, anti-riot forces directorates), 11,6 percent at police stations, 9,0 percent at gendarmerie stations, and 1,3 in other places. According to the expressions of the applicants, torture and ill-treatment also continue in prisons. However, the extent of the torture and violence inflicted on the arrested and convicted prisoners is not entirely reflected on the data. The prevention of the provision of basic supplies like food, drink and cloths, the bans and restrictions on the printed material, paper, pen and likewise, extremely hot or cold wings, insufficient space and beds, not allowing into fresh air, preventing to receive medical treatment of the ill and wounded, and even leaving them to death, seizure and destruction of the private belongings during the raids held on the pretext of searches in the wings, prevention of visits from outside and other practices are the problems experienced in prisons. (Source: The HRFT Treatment Centers 1994 Report)

DISAPPEARANCES

(12 September 1980 - 12 September 1995)

Another subject which came on to the agenda with the 12 September Military Coup was the disappearances of certain people who were detained or strongly suspected to be detained. Neither the deaths in detention places or prisons due to torture nor disappearances could be eliminated. A significant increase in the number of disappearances took place starting from the year 1992, whereas this number reached the highest level in 1994. As a result of the studies carried out by the HRFT, it came out that a total of 108 people, ^(*) 10 of whom by the end of 1990, 3 of whom in 1991, 8 of whom in 1992, 12 of whom in 1993, 52 of whom in 1994 and 10 of whom in 1995 (until 12 September 1995), mysteriously disappeared during the 15-year period. (List of the disappeared people is enclosed at the end of the chapter.)

Claims about the disappearances were neither investigated nor seriously considered. The fate of the people who disappeared ^(**) could not be revealed. The families who applied to the related authorities on the claims that their relatives had disappeared after being detained, did

^(*) This section includes the missing people about whom information has been received from numerous people stating that they had disappeared or those whose fates have been brought on to the agenda frequently by their relatives. Apart from those stated in this section, there are hundreds of missing cases, mostly in the Emergency State Region. However, as the claims in this respect were impossible to prove, or were further supported by fresh information, these people are not included in the list. Besides, those who were found dead or alive after disappearing, are excluded from the list, too.

^(**) The fate of Tuğrul Özbek (36) who disappeared in 1992 was clarified in 1993. In a statement made by "Devrimci Sol (Revolutionary Left)" in March as to the event, it was stated that Tuğrul Özbek had become a police agent after being detained and taken part in the operations against the organization. It was also pointed out that the organization was striving to apprehend him, who was determined to be still alive. Tuğrul Özbek who had served in prison for 10 years as a defendant of the Revolutionary Left case concluded by Istanbul Military Court in 1991, disappeared on 9 October 1992 after leaving a tea-garden in Yeniköy, Istanbul. Many statements made following the event indicated that he might have been killed under police custody. Taking into account the high number of persons who witnessed that Tuğrul Özbek had been detained, he was classified under the title of "Disappearances" in the "Turkey Human Rights Report-1992" prepared by the HRFT. Tuğrul Özbek was also classified among the "disappearances in detention" in reports by certain international human rights organizations.

not receive satisfactory replies from the authorities. For example; the then Prime Minister Süleyman Demirel answered the families of the missing people who visited the Prime Ministry Office on 8 November 1992, saying "Am I supposed to take your children out of my pocket and give them to you?" In addition, official authorities were content with answers such as: "The aforesaid people were not detained. We are looking for them, too."

Not a single serious investigation was conducted concerning the fates of the disappeared people by any units including the National Assembly. Claims of disappearance were neither investigated nor taken seriously. A concrete example of this situation was that certain new claims about Hüseyin Toraman who had been kidnapped by presumed police officers in İstanbul in October 1991 and whose fate could not be revealed, were not seriously investigated. Claims about Hüseyin Toraman took place in the story entitled "Hüseyin Toraman Buried in Eski-hisar" published in the weekly "Gerçek" (Fact) dated 6 November 1993. According to the aforesaid story, a letter was sent to the journal "Emeğin Bayrağı" (Flag of Labor) by an unknown person who introduced himself as a police officer in charge at the Gebze Security Directorate. According to the letter, Hüseyin Toraman was tortured to death at the Gebze Security Directorate and then buried in Eskihisar region of Gebze. Shortly the letter said: "Hüseyin Toraman, a member of an illegal left-wing organization, was tortured to death on the evening while I was on duty, and was buried by Chief Superintendent Remzi Akıncılar around a bridge on Eskihisar road in line with the instructions of the director. Thereby the point is clarified and my conscience is at peace now." Following the letter, Hüseyin Toraman's wife Gülay Toraman and lawyer Metin Kozan applied to the Gebze Public Prosecution Office demanding an inquiry into the event. However, the Prosecution Office did not take the application seriously. Upon insistence of lawyer Metin Kozan, a file was opened concerning the event. After a brief examination, the file was shelved on the grounds that Eskihisar region was too wide to be searched.

Initiatives by the relatives of the disappeared people, or protest demonstrations by them were in general forcibly banned by police. For example; Administrators of the İHD^(*) who wanted to stage a sit-in act in front of the Interior Ministry building demanding the revelation of the fate of those who disappeared after being detained, were prevented by the police. About 60 people consisting of the administrators of the İHD Headquarters and of its branches, gath-

(*) The İHD launched a campaign for the revelation of the fates of those who went missing after being detained. Akın Birdal, the Chairman of the İHD, held a press conference on 1 June 1995 in connection with the campaign, and stated that disappearances in detention had become systematic after 1990. Akın Birdal noted that the campaign would continue for 3 months. The distribution of the posters that read "Disappearances Should Be Found, Responsible People Should Be Prosecuted", prepared by the İHD in connection with the "Disappearances Campaign" was banned by the Ankara Governorate and an investigation was launched. In the meantime, the İHD Chairperson Akın Birdal was prosecuted because of the aforesaid poster suspended on the Human Rights Monument on the Ankara Yüksel Street while he was delivering a speech in front of the monument. In the indictment heard during the hearing at the Ankara Penal Court of First Instance No.3 on 3 November, Akın Birdal, who was accused of "suspending a poster without permission", was demanded to be sentenced up to 4 months in prison under Articles 44 and 82 of the Law on Associations. Akın Birdal, who was cross-examined in the hearing, said that suspending a poster without permission during his speech had been out of question, and added, "It is misleading to look for an intentionally committed crime in the incident. I demand my acquittal." Akın Birdal was sentenced to 3 months in prison in the trial that ended on 21 December. The sentence passed on Akın Birdal was commuted to a fine of TL 450,000, and then suspended.

ered in the İHD Headquarters. Subsequently, they set out for the Ministry of Interior building on the morning of 24 June. However, the group was blocked by the police in front of the İHD Headquarters. When the İHD administrators continued marching, the group was stopped by police barricade. The İHD administrators who passed the police barricade after discussions, were not allowed to go further than the Güven Park. İHD Chairperson Akın Birdal who made a statement in the Güven Park condemned the prevention of the march and said that in Turkey it was not possible to bring any democratic protests on the agenda.

The demonstration attempted to be held in front of the İstanbul Governorate building by relatives of the people who had disappeared after being detained because of the incidents which had taken place in İstanbul Gaziosmanpaşa and Ümraniye in the March 1995, was prevented by the police. Gathering in front of the Governorate building on 4 April 1995, the relatives of those who had disappeared launched a demonstration demanding the release of the detainees. Subsequently, the crowd was dispersed under beating with truncheons and clubs by plain-clothes and uniformed police officers. Most of the demonstrators were detained. A trial was launched against 30 of the detained people with a demand of sentences from 18 months to 5 years in prison. The trial started at the İstanbul Penal Court of First Instance on 9 June 1995.

The crowd formed of the families of those who disappeared, artists and members of the İHD who attempted to march from İstanbul to Ankara with the aim of securing the revealment of the fates of those who had disappeared after being detained, was forcibly prevented by the police. Police officers who surrounded the crowd which gathered on the İstanbul İstiklal Street at noon on 8 July 1995, detained 33 people either by beating or dragging them on the ground. The detainees were released on the evening of 8 July. The disappeared people's relatives, who came from İstanbul to Ankara by bus, were prevented from entering Ankara by the police. Police officers stopped the bus 20 kilometers to Ankara on the evening of 9 July, and took the 36 people in the bus forcibly to the Sincan Fatih Police Station. The crowd that refused to return back to İstanbul despite all the pressure by the police, spent the night in the bus that was kept waiting in front of the police station. They were sent back to İstanbul on the night of 10 July under police control.

Those saved alive

Some of the disappeared people managed to escape alive from those who abducted them. For example; a businessman named Abdullah Aydın who was abducted after a raid by unknown people against his house in the Bağlar Quarter of Diyarbakır on 1 September 1994, was found alive on 15 September 1994. Emergency State Regional Governor Ünal Erkan disclosed that Abdullah Aydın had been abducted by Hezboullah militants and found at the basement of a house raided by police, his hands tied and about to be killed. Abdullah Aydın who was utterly exhausted due to hunger and torture, was treated at the hospital for a long period.

Ayhan Uzala (36) who was abducted by unknown persons in front of his house in Kadıköy, İstanbul on 29 November 1994, was released on 19 December 1994. In a statement, Ayhan Uzala stated that he had been abducted by persons he deemed counter-guerrilla or MIT (National Intelligence Organization) members, been psychologically tortured and threatened to death during 20 days, and said, "I was to be the latest victim of the chain of murders by unknown persons. My being a Dutch citizen contributed to my being able to stay alive." İHD İstanbul Branch President Ercan Kanar said the following in his statement: "We know what Ayhan Uzala experienced during the 20 days. The killing of Ayhan Uzala was prevented as he

is a Dutch citizen and, probably, because the incident coincided with the European Union talks. Authorities were caught red-handed. This incident has proved that high level authorities are also informed of the disappearances."

Irfan Dilmen, abducted by people who had stepped on his car as customers on 19 December 1994, was saved by the security officers on 22 March 1995 after spending 94 days in a 1.5 meters high shelter 5 meters under the ground, hands and feet in chains. It came out that he had been abducted by Hezboullah militants "to put pressure on his family". Irfan Dilmen, deprived of nutrition during the last 20 days spent in the shelter, was treated for a long time.

President of the Belediye-İş Trade Union Batman Branch, Osman Küntaş, and Halit Aydın (dental technician), Selahattin Yasak (teacher), Şakir Tanrıkulu, Ahmet Günbatı (village headman), Ekrem Şaşmaz, Hikmet Çiftçi, Burhan Alkaş, Halit Teymur and Arif Gezici (doctor), who had been abducted in Batman by unknown people during January and February 1995, were released on the first half of January 1996. It has been expressed that the 10 people had been abducted by Hezboullah militants and kept at the specially-prepared shelters in the basement of some houses in Batman. The 10 people were released upon the intensification of the operations against the Hezboullah organization in Batman. As a result of the aforesaid operations, 33 people were detained on the allegations of "being members of Hezboullah and having committed numerous murders".

Those found dead

However, all the disappeared ones were not always as lucky as those stated above. Numerous people were found dead short/long after having disappeared. For example; People's Labor Party (HEP) Diyarbakır Provincial President Vedat Aydın, abducted by people who came to his house in Diyarbakır on the night of 5 July 1991 and introduced themselves as "police officers", was found on the Diyarbakır-Maden Highway on 7 July 1991; İsmail Hakkı Kocakaya, abducted in the Esenler Quarter of Diyarbakır on 23 November 1991 by people alleged to be "police officers", was found in the Karacadağ region around Siverek on 27 November 1991; journalist Bülent Ülkü gone missing in Bursa by the beginning of year 1992 was found in Bursa Uludağ on 1 April 1992; Freedom and Democracy Party (ÖZDEP) Erzincan Provincial President Cemal Akar gone missing on 25 January 1993 was found on 25 February 1993 around the Pülümür District of Tunceli; journalist Ferhat Tepe abducted on 28 July 1993 in Bitlis by people with radios in hand was found on the coast of Lake Hazar around the Sivrice District of Elazığ on 3 August 1993; retired major Cem Ersever (had quit the army by the beginning of year 1993 and made important statements about the activities of the counter-guerrilla) gone missing in November 1993 and his 2 friends namely Mustafa Deniz and Neval Boz (members of the intelligence department) were found on 5 November 1993 -all dead.

The İHD Elazığ Branch President lawyer Metin Can and doctor Hasan Kaya, gone missing on 21 February 1993, were killed. The incident developed as follows: Metin Can left his house together with Hasan Kaya upon a phone call on the evening of 21 February. An unknown person who called the house of Metin Can at noon on 22 February, told his wife Fatma Can that they had been killed. Following this, the car Metin Can and Hasan Kaya drove was found near Beldekonak Town. An unknown person called the house of Metin Can on 23 February and said: "We will set Metin Can free, but keep Hasan Kaya". On the same day, someone called the house of Hasan Kaya and made them listen to the sounds of a person screaming under torture. The shoes that Metin Can had worn on the day that he had disappeared, were found around his

house on the evening of 24 February. All of the efforts to find Metin Can and Hasan Kaya alive, proved futile. Metin Can and Hasan Kaya were found dead on 26 February 1993 in a place 12 kilometers from Tunceli. It was determined that the İHD Branch President and his friend had been tortured and each had been shot dead with one bullet in the head. As a result of the autopsy it was established that one tooth of Hasan Kaya had been broken and there was a cord trace around his neck, and that ribs of Metin Can had been broken.

A tradesman named Mehmet Şerif Aşar who was abducted by armed people who came to his shop in the Yenişehir Quarter of Diyarbakır on 22 April 1994, was found dead around the Tepebaşı Village of Silvan on the morning of 7 May. Mehmet Şerif Aşar was revealed to have been shot dead with 2 bullets in the head. As a result of the investigation, village guards Yaşar Günbattu, Aziz Erbay, Ömer Güngör, Fevzi Gökçek and Nevzat (Sayel) Akçil, and repentant Mesut Mehmetoğlu, who abducted and killed Mehmet Şerif Aşar, were apprehended. Later, a trial was launched by the Diyarbakır Public Prosecution Office against those people. In the trial, Ömer Güngör was demanded to be sentenced to death while other defendants faced up to 20 years in prison. The trial started at the Diyarbakır Criminal Court No.3 on 5 July. Out of the defendants cross-examined in the hearing, Ömer Güngör admitted to have killed Şerif Aşar, and claimed that Şerif Aşar had provided medical aid to PKK militants, convinced some people to join the PKK, and had caused him to get injured.

HADEP Elbistan District President Hüseyin Koku who was abducted on 20 October 1994 by persons who introduced themselves as "policemen", was found dead on 27 April 1995. The corpse of Hüseyin Koku was found in the vicinity of the Pötürge District of Malatya, and it was disclosed that his head had been cut off and the corpse had decayed to an extent that it was not possible to recognize him. Hüseyin Koku was identified by his wife Fadime Koku thanks to the clothes he had been wearing and some papers in his pocket. Ali Gökot, HADEP Maraş District President, who made a statement after the abduction of Hüseyin Koku, pointed out that Hüseyin Koku had been abducted on Malatya Street which was the most crowded street of Elbistan, by people carrying radios right before the crowd, and said, "Hüseyin Koku disclosed that houses of patriots and revolutionaries were recorded and he was abducted by the police one day after this disclosure. Immediately after the incident, Elbistan District Governor Şükri Görücü stated that Hüseyin Koku was not under custody. Who, in the midst of Elbistan, dares to introduce themselves as police officers? The District Governor should expose the persons wandering in the midst of Elbistan with radios hand. Otherwise, the District Governor will be responsible for the disappearance of Hüseyin Koku."

People killed in 1994 after being abducted by unknown/known persons, were not limited to Mehmet Şerif Aşar and Hüseyin Koku. Kurdish businessman Behçet Cantürk (44) and his driver Recep Kuzucu, who were found dead in the vicinity of the Sapanca District of Sakarya on 15 January; an imam named Kerem Gencer (42) who was found dead in the vicinity of the Kırkbudak Village of Tatvan on 17 January; Şeyhımız Yavuz (41) who was found dead on the Diyarbakır-Silvan Highway on the night of 11 March; Yusuf Ekinci (52), a lawyer of the Ankara Bar who was found dead around the Gölbaşı District of Ankara on the morning of 25 February; a Kurdish businessman named Savaş Buldan (30) and his friends Adnan Yıldırım (37) and Hacı Koray who were found dead in the vicinity of the Karakuş Village of the Yığılca District in Bolu on 4 June; a trade unionist named İkrâm Mihyas who was found dead in the vicinity of the Yaka Village of the Bornova District of İzmir on 6 July; a village headman named Naif Ummaz who was found dead in the vicinity of Hilvan on 16 August; two persons

named Siddık Etyemez and Ahmet Ceylan who were found dead on the Diyarbakır-Ergani Highway on 30 September; and lawyer Faik Candan whose corpse was found in a deserted area in the Salih Bey region 15 kilometers from the Bala District of Ankara on the morning of 14 December, were a few of the examples of people who disappeared and were killed.

Similar incidents also took place in 1995. For example; Süleyman Abak and Abdullah Abak, abducted from their house in the Kızıltepe District of Mardin in the beginning of 1994, were found dead in June 1995 in the vicinity of Viranşehir; tradesman Mehmet Saydam, abducted on 9 February 1995 by people that came to his shop in Diyarbakır Urfakapı, was found dead on 21 February 1995 in the Devegeçiti Region around Ergani; Hamza Haran (uncle of İhsan Haran who had gone missing in December 1994), gone missing on 23 February 1995 in the Hüseyinika Village of Lice was found dead on 24 October 1995 in the vicinity of the same village; the youngman named Atilla Barış (20), abducted in Muş by unknown people at the beginning of March 1995, was found dead on 13 April 1995 in the vicinity of the Ağaç Village of Muş; farmer Hadi Baran, abducted by unknown people on 14 May 1995 from the Kahveci Village of Kozluk, was found dead on 7 June 1995 in the vicinity of the Kurtalan District of Siirt; Ramazan Nas, gone missing in Cizre in June 1995, was found dead on 5 August 1995 in the vicinity of the Geçitboyu Village of Şırnak.

Pharmacologist Ayşenur Şimşek (one of the founders and administrators of Sağlık Sen), who had gone missing in 24 January 1995, was found dead on 29 January 1995 in the vicinity of the Yahşihan District of Kırıkkale. Her family was informed 3 months after. Following the killing of Ayşenur Şimşek, her elder sister Fatma Şimşek made a statement and said the following: "We were able to learn that my sister had gone missing one month after. She was living apart from us since about a year. Her friends told us that we should not publicize the incident, for they were expecting to hear from somebody soon. However, no information came from there. Ayşenur could not be traced. The gendarmes kept the corpse waiting for 15 days and then buried it in the homeless cemetery. Then came the news. We went and looked at the pictures taken, and identified her. We disinterred the corpse out of the grave it was buried." In the statement made by the Revolutionary People's Liberation Party-Front (DHKP-C), it was declared that Ayşenur Şimşek had served as an executive within the organization and that she had been murdered by the counter-guerrilla.

Hasan Ocak - Rıdvan Karakoç

Rıdvan Karakoç (34), declared to have "gone missing after being detained by the police in İstanbul on 15 February 1995" and Hasan Ocak (30), gone missing after being driven by people reported to be "police officers" in İstanbul Gedikpaşa on 21 March 1995, were found tortured to death in the vicinity of the Buzhane Village of Beykoz. The fate of Rıdvan Karakoç and Hasan Ocak, (*) whose corpses were kept waiting at the Forensic Medicine Institute

(*) Emine Ocak, the mother of Hasan Ocak, and Gülşen Birsen Gülünay, the wife of Hasan Gülünay (disappeared after being detained in İstanbul on 20 July 1992), were each sentenced to one month in prison by the Ankara SSC. Upon the verdict, Emine Ocak and Gülşen Birsen Gülünay were arrested on the morning of 17 April 1995 and sent to the Ankara Central Closed Prison. Emine Ocak and Gülşen Birsen Gülünay who were convicted since they shouted the following at the court board: "We want those missing. I want my son who is tried to be sent missing. Find our children.", after a hearing held at the Ankara SSC on 11 April, served in prison for 12 days. The verdict in question was delivered on the grounds that Emine Ocak and Gülşen Birsen Gülünay had broken the order of the hearing.

Morgue after being found and whose families were not informed, could only be learned by their families in May. The fact that the corpses of Rıdvan Karakoç and Hasan Ocak were found one after another in regions close to each other, caused widespread discussions. This period included numerous attempts and activities related to the disappearances.

It was determined that the corpse of Hasan Ocak, who had disappeared after being driven by some persons reported to be police officers on 21 March 1995 in İstanbul Gedikpaşa, was found in the vicinity of the Buzhane Village of Beykoz on 26 March 1995, kept in the Forensic Medicine Morgue till 28 April 1995 and buried at the Fatih Homeless Cemetery afterwards. It was revealed that Hasan Ocak was killed by being throttled with a wire, and that there were traces of blows and burns (electricity) on his head and certain parts of his body, and cuts on his face. The fate of Hasan Ocak came out as follows: Hasan Ocak's elder brother Hüseyin Ocak, who evaluated the information he received on 15 May, went to the Forensic Medicine Institute Morgue on the morning of 16 May and examined photographs of unclaimed corpses. He realized that one of the persons, pictures of whom he examined there, resembled Hasan Ocak. Then he went to the Public Prosecution Office in Beykoz where the corpse of the person in question was found. There, Hüseyin Ocak who examined the other photographs taken after the corpse had been found, determined that the corpse belonged to his brother. Besides this, as a result of blood test on Hüseyin Ocak it was revealed that his blood group matched his brother's. Pointing out that he reached the corpse of his brother via the mole on the left cheek and the scar on his eyebrow, Hüseyin Ocak said that the photographs and documents he examined brought to light that his brother had been tortured to death.

Numerous expressions, witness accounts and evidence came out stating that "Hasan Ocak was detained by the police". In addition, many attempts and protests were launched by Hasan Ocak's family and friends in order that his fate can be brought to light. The applications lodged by the Ocak family with many institutions headed by the Assembly Presidency, Prime Ministry, Interior Ministry, İstanbul SSC and İstanbul Security Directorate drew attention to the following points:

- Baki Düzgün, detained on 23 March 1995, said that he had been taken to the İstanbul Security Directorate on Vatan Street, and that on the same night, his blindfold had broken free as he fell down and right at that moment, he had seen Hasan Ocak taken for interrogation. Stating that Hasan Ocak wore a pale-colored sweater and gray pants and that he was taken to the cells on the 5th floor after the interrogation, Baki Düzgün said in his application to the İHD that Hasan Ocak might have gone missing in detention.
- Suna Yaşar, who had been detained on 25 March, disclosed that she had felt the presence of someone beside her after the blindfolded interrogation she had gone through on 26 or 27 March. Yaşar added that as she looked from under her blindfold, she had realized that this person was Hasan Ocak, whose pictures were later published in the newspapers. Veysel Ceylan, who had been detained on 26 March, reported to have seen Hasan Ocak's name on the detainees list at the İstanbul Security Directorate.
- Bilgi Camekan, detained on 26 March, said that she had seen Hasan Ocak's name on the finger prints list.
- Hasan Ocak's sister Maside Ocak disclosed that on 4 March, while in detention at the Eminönü Security Directorate, a police officer "of medium height, slightly bold, with light brown hair and a mustache" had said that he himself had written down the record about her brother. She called attention to the point that this officer had told her that her

brother had TL 70 million on him, so he might have escaped with this money, and she said the following: "I do not know from where this police officer got the information. However, I believe that he had seen Hasan and this proves the fact that he had been detained."

- Asiye Baş, kept in detention along with Maside Ocak, stated to have heard this conversation between Maside Ocak and the plainclothes police officer.
- It came out that some people in charge at the İstanbul Security Directorate had asked for an accounts enumeration from the Yapı Kredi Bank Avcılar Branch where Hasan Ocak had an account.

Rıdvan Karakoç (34), who had disappeared after being detained by the police, was found dead. It was revealed that the corpse of Rıdvan Karakoç had been found in the vicinity of the Buzhane Village of Beykoz (the region where the corpse of Hasan Ocak had been found) on 2 March 1995 and then buried at the İstanbul Altuşehir Homeless Cemetery on 26 March 1995, after being kept at the Forensic Medicine Morgue for a while. The autopsy revealed that Rıdvan Karakoç had been killed by being throttled with a wire on 1 March 1995, there were traces of blows and burns (electricity) on his head and certain parts of his body, and his teeth were broken. The incident was brought to light as the Beykoz Public Prosecution Office that determined the identity of Rıdvan Karakoç through his fingerprints informed his relatives in Ağrı. Upon this, his brothers Abdurrahman Karakoç and Mehmet Karakoç went to the Prosecution Office and examined the pictures taken at the Forensic Medicine Morgue. As a result of the examination, it became definite that the corpse belonged to Rıdvan Karakoç. Making a statement as to the incident, lawyer Eren Keskin reported that Rıdvan Karakoç had been wanted by the police, and stated the following: "Rıdvan had sent us a proxy through the notary in Bursa. He kept on saying that his life was in danger. The last time he called us, it was the beginning of February. We learnt that unknown people who called his family several times after March said, 'We have something belonging to you. Come and get it.' I absolutely believe that he had been killed in detention." Rıdvan Karakoç's brother Hasan Karakoç made a statement and said the following: "Rıdvan did not come home since he was wanted by the police. However, he used to call us regularly. In the same period, police officers came to our house frequently and threatened us saying 'Find Rıdvan. Otherwise, we will jail you.' The phone calls from my brother ceased as of 20 February. We did not receive any news from him since then. As of that date, the threats by the police subsided, too. Consequently, we started searching for my brother and found him buried in the homeless cemetery. Although his identity was determined via his finger print and the police knew our address, they did not notify us but our relatives in Ağrı. We think that the police behaved so, because they did not want the incident to be revealed."

Disappearances

001)- Gazal	....	1980	Mardin	Political
002)- Hüseyin	Morsümbül	18 September 1980	Bingöl	Political
003)- Cemil	Kırbayır	09 October 1980	Kars Güle	Political
004)- Mahmut	Kaya	25 December 1980	Kars	Political
005)- Gürkan	Mungan	December 1983	Ankara	Political
006)- Nurettin	Öztürk	04 April 1984	Ankara	Political
007)- Ömer	Savun	06 May 1989	Siirt	Political
008)- Hüseyin	Demirtaş	26 May 1989	Siirt	Political
009)- Adnan	Bağca (32)	11 June 1990	Siverek	Political
010)- Abdullah	Kurt	September 1990	Yüksekova	Political

011)- Yusuf	Erişti	March 1991	İstanbul	Political
012)- İbrahim	Gündem	25 September 1991	Hazro Sarıerik Village	Political
013)- Hüseyin	Toraman(25)	27 October 1991	İstanbul	Political

014)- Mehmet	Demir (32)	10 January 1992	Siirt	Political
015)- Durmuş	Çaylak (27)	09 February 1992	Fethiye	Ordinary
016)- Hüseyin	Yaman (22)	04 May 1992	İstanbul	Political
017)- Soner	Gül (22)	04 May 1992	İstanbul	Political
018)- Hasan	Gülünay (32)	20 July 1992	İstanbul	Political
019)- Mehmet	Ertak	22 August 1992	Şırnak	Political
020)- Ayhan	Efeoğlu (25)	06 October 1992	İstanbul	Political
021)- Namık	Erkek (30)	19 December 1992	Mersin	Political

022)- Ali	Kırlangıç	07 March 1993	İstanbul	Political
023)- İbrahim	Akıl	14 June 1993	Şırnak Görümlü Villa.	Political
024)- Hikmet	Şimşek	14 June 1993	Şırnak Görümlü Villa.	Political
025)- Salih	Demirhan	14 June 1993	Şırnak Görümlü Villa.	Political
026)- Hamdi	Şimşek	14 June 1993	Şırnak Görümlü Villa.	Political
027)- Halit	Özdemir	14 June 1993	Şırnak Görümlü Villa.	Political
028)- Şemdin	Çulaz	14 June 1993	Şırnak Görümlü Villa.	Political
029)- İhsan	Uygur	06 July 1993	İstanbul	....
030)- Yüksel	Alptekin	06 July 1993	İstanbul	....
031)- Aysel	Malkaç (22)	07 August 1993	İstanbul	Political
032)- Erdoğan	Şakar (32)	13 August 1993	İstanbul	Political
033)- Abdülvahap	Timurtaş (32)	14 August 1993	Silopi Yeniköy Village	Political
034)- M. Şah	Atala (24)	09 October 1993	Kulp Alaca Village	Political
035)- Bahri	Şimşek	09 October 1993	Kulp Alaca Village	Political
036)- Hasan	Avar (41)	09 October 1993	Kulp Alaca Village	Political
037)- Şerif	Avar (24)	09 October 1993	Kulp Alaca Village	Political
038)- Nusrettin	Yerlikaya	09 October 1993	Kulp Alaca Village	Political
039)- Turan	Demir (27)	09 October 1993	Kulp Alaca Village	Political
040)- Behçet	Tutuş (40)	09 October 1993	Kulp Alaca Village	Political
041)- Abdi	Yamuk	09 October 1993	Kulp Alaca Village	Political
042)- Salih	Akdeniz (65)	09 October 1993	Kulp Alaca Village	Political
043)- Celil	Aydoğdu	09 October 1993	Kulp Alaca Village	Political
044)- Ümit	Taş	09 October 1993	Kulp Alaca Village	Political
045)- Yılmaz	Gümüş	21 October 1993	Batman	Political
046)- Ahmet	Çakıcı	28 November 1993	Hazro Çitlibahçe Villa.	Political

047)- Ali	Efeoğlu	05 January 1994	İstanbul	Political
048)- Fethi	Yıldırım	05 January 1994	Urfa Viranşehir	Political
049)- Yusuf	Tunç	09 February 1994	Kızıltepe Kengerli Vil.	Political
050)- Cüneyt	Aydınlar	20 February 1994	İstanbul	Political
051)- Nazım	Babaoğlu	12 March 1994	Urfa	Political
052)- Zeynel	Kürsad	23 March 1994	Batman	Political
053)- Muharrem	Tanrıverdi (20)	08 May 1994	Lice Dibek Village	Political
054)- Mehmet	Tanrıverdi (25)	08 May 1994	Lice Dibek Village	Political
055)- November	Alpsoy	18 May 1994	Adana	Political
056)- Mustafa	Bulut (25)	18 May 1994	Lice Törelî Village	Political
057)- İkrâm	İpek (21)	18 May 1994	Lice Duralî Village	Political
058)- Servet	İpek (16)	18 May 1994	Lice Duralî Village	Political

059)- Seyithan	Yolur	18 May 1994	Lice Durali Village	Political
060)- Ali İhsan	Çiçek (19)	18 May 1994	Lice Dernek Village	Political
061)- Tahsin	Çiçek (47)	18 May 1994	Lice Dernek Village	Political
062)- Çayan	Çiçek (15)	18 May 1994	Lice Dernek Village	Political
063)- Zeki Ercan	Diril	19 May 1994	Beştüşşebap Kovankaya	Political
064)- İlyas Edip	Diril	19 May 1994	Beştüşşebap Kovankaya	Political
065)- Mehmet Selim	Orhan	24 May 1994	Lice Yorulmaz Village	Political
066)-	Orhan	24 May 1994	Lice Yorulmaz Village	Political
067)- Mehmet Can	Ayşin	24 May 1994	Lice Yorulmaz Village	Political
068)- Recai	Aydın (32)	02 July 1994	Diyarbakır Çınar	Political
069)- Abdülgani	Dağ	23 July 1994	Nusaybin Akarsu Villa.	Political
070)- Mahmut	Demirel	August 1994	Batman	Political
071)- Resul	Saçan	09 August 1994	Batman	Political
072)- Safura	Yıldırım	31 August 1994	Nusaybin Çağlı Village	Political
073)- Lütfiye	Kaçar	05 September 1994	İstanbul	Political
074)- Fidan	Güngör	11 September 1994	İstanbul	Political
075)- Sabahattin	Talayhan	11 September 1994	İstanbul	Political
076)- Kenan	Bilgin	12 September 1994	Ankara	Political
077)- Rıdvan	Temiz	October 1994	Mardin Derik	Political
078)- Turgut	Yenisoy	04 October 1994	Diyarbakır Bismil	Political
079)- Hıdır	Işık (59)	Sept. - Oct. 1994	Tunceli	Political
080)- Hatun	Işık (25)	Sept. - Oct. 1994	Tunceli	Political
081)- Elif	Işık (22)	Sept. - Oct. 1994	Tunceli	Political
082)- Düzali	Serin (31)	Sept. - Oct. 1994	Tunceli	Political
083)- Yeter	Işık (15)	Sept. - Oct. 1994	Tunceli	Political
084)- Gülizar	Serin (28)	Sept. - Oct. 1994	Tunceli	Political
085)- Dilek	Serin (3)	Sept. - Oct. 1994	Tunceli	Political
086)- Adnan	Şeker	Sept. - Oct. 1994	Tunceli	Political
087)- Nazım	Gülmez (61)	Sept. - Oct. 1994	Tunceli	Political
088)- Mehmet	Ağgün (90)	Sept. - Oct. 1994	Tunceli	Political
089)- Ahmet	Akbaş	Sept. - Oct. 1994	Tunceli	Political
090)- Müslüm	Aydın (56)	Sept. - Oct. 1994	Tunceli	Political
091)- İbrahim	Gencer (55)	Sept. - Oct. 1994	Tunceli	Political
092)- Ahmet	Yetişen	14 November 1994	Batman	Political
093)- Ali	Tekdağ	26 November 1994	Diyarbakır	Political
094)- Ender	Toğcu	29 November 1994	Diyarbakır	Political
095)- İsmail	Bahçeci	December 1994	İstanbul	Political
096)- İsmail	Ağaya	December 1994	Batman	Political
097)- Abdullah	Efeli (50)	15 December 1994	Şırnak Cizre	Political
098)- İhsan	Haran (25)	24 December 1994	Diyarbakır	Political

099)- M.Şirin	Mutlu	January 1995	Kozluk Zıdyak Village	Political
100)- Bedri	Algan	25 January 1995	Diyarbakır	Political
101)- Nihat	Aslan	February 1995	Midyat Doğançayır Vil.	Political
102)- Muhittin	Olmaz (35)	15 February 1995	Diyarbakır Bismil	Political
103)- Tarık	Ümit	March 1995	İstanbul	Ordinary
104)- Ali İhsan	Dağlı	14 April 1995	Silvan Eşme Village	Political
105)- Nezir	Tekçi	28 April 1995	Yüksekova Ölçek Villa.	Political
106)- Selahattin	Akbulut (60)	02 June 1995	Bismil Mehmeşervan V.	Political
107)- Ahmet	Cingöz (24)	07 June 1995	Diyarbakır	Political
108)- Edip	Aksoy	07 June 1995	Diyarbakır	Political

'FILE OF TORTURE' WAS PROSECUTED

The first version of the book "File of Torture", which assessed torture cases witnessed during the period between 12 September 1980 and 12 September 1994, was prosecuted shortly after it was published. The book which was prepared as a result of the studies carried out by the HRFT Documentation Center in summer 1994, was made public through a press conference held by the HRFT President Yavuz Önen on 12 September 1994. The book was published in Turkish and English and distributed in the last days of September.

After the distribution of the book was concluded, the Ankara Security Directorate applied to the Ankara SSC Prosecution Office on 21 September 1994 and lodged an official complaint. Upon the official complaint, the Ankara SSC Prosecution Office took the book under examination and launched an investigation under Article 8/1 of the "Law to Fight Terrorism". At the same time, the Prosecution Office applied to the court in order that the confiscation of the book be ordered. This demand by the Prosecution Office was rejected by the Ankara SSC Reserve Judge on 14 October 1994. Then, the Prosecution Office utilized its right to object, and insisted on the confiscation of the book. Thereupon, the Ankara SSC No.1 nullified the first decision on 18 October 1994 and ordered the confiscation of the book.

'File of Torture' before the court

Because of the investigation, the HRFT President Yavuz Önen went to the Ankara SSC Prosecution Office on 1 November 1994, and testified to Lieutenant-Colonel Nuh Çetinkaya, one of the SSC prosecutors, while Fevzi Argun, a member of the Administrative Board, gave his testimony on 3 November. Later on, the Ankara SSC Prosecution Office launched a trial against Yavuz Önen and Fevzi Argun. In the trial launched under Article 8/1^(*) of the "Law to Fight Terrorism", Yavuz Önen and Fevzi Argun were demanded to be sentenced from 2 to 5 years in prison and fined up to TL 100 million, each. According to the indictment, Yavuz Önen was charged because of certain sections of his article entitled "12 September 1980-A Step

^(*) Article 8/1 of the "Law to Fight Terrorism", on which the trial was based, says: "Written and oral propaganda and meetings, demonstrations and marches aiming at destroying the indivisible integrity of the State of the Turkish Republic with its territory and nation are forbidden, regardless of the method, intention and ideas behind it. Those conducting such an activity are to be punished by a sentence of 2 to 5 years' heavy imprisonment and a heavy fine of 50 to 100 million Turkish liras."

Towards Darkness" while Fevzi Argun was charged in connection with a paragraph about the Kurdish problem on the 10th page of the book in question. Following is the indictment of the Ankara SSC Prosecution Office, dated 11 November 1994 and numbered 1994/53:

As a result of the examination and the investigation carried out in connection with the book entitled "File of Torture" which was sent by the Ankara Security Directorate with a letter dated 21.09.1994 and numbered EGM.4.06.00.12.06.91111/94-1514:

In the article entitled "12 September 1980: A Step Towards Darkness", written by defendant Yavuz ÖNEN and included in the book prosecuted, certain sections and clauses such as

"Pressure, violence, torture, killing, controlling every political and democratic movement, identifying each demand of the Kurdish people with the PKK, banning political and democratic movement of the Kurds, depriving the right to Assembly membership and blocking the ways of parliamentary struggle took place under the economic, political and legal regime of the 12 September. This regime has violated the human rights, strengthened fascist identity and abolished parliamentary system under the guise of protecting the indivisible unity of the state with its country and nation. As the Constitutional Court has stated in its verdict to close the DEP, the regime is based on the Turkish nationalism. This ideology which is the inspirational source of the Turkish-Islamic synthesis, has turned the war based on language, race and religion discrimination, into a reality of the daily life in Turkey under protection of the 12 September Constitution and laws for 14 years." (Page 6)

"This imperialistic, primitive, nationalistic and religion oriented ideology..." (Page 6) take place. Here our people were divided as Turkish and Kurdish; the nationalism that was included in the introduction part of the T.R. Constitution and implemented in Turkey was mentioned as an imperialistic and primitive one; and by disregarding the fact that the political and democratic movements that exist in Turkey is the Turkish political and democratic movement, a separate Kurdish political and democratic movement was mentioned, and when the article was evaluated in whole, it was concluded that propaganda aiming at damaging the indivisible integrity of the State of the Turkish Republic with its territory and nation was disseminated.

In the 10th page of the prosecuted book prepared by the other defendant Fevzi ARGUN, it said, "Approach of the government towards the Kurdish problem was not so different from the logic of the 12 September generals. The Kurdish problem became more complex day by day. Demands for a democratic solution to the Kurdish problem were ignored. Military methods were introduced as the only solution and applied. On the other hand, the PKK which staged a guerrilla war as of 1984, increased the dose of its attacks by 1990 to a great extent. As a result of the struggle between the administrators who insisted on military solution, and the PKK which increased the dose of its attacks; the Kurdish problem was jammed in a triangle of violence, pressure and death and became almost unsolvable. The gap between the Turkish and Kurdish people widened. The Kurdish problem also caused a great damage to the Turkish economy." It was concluded that in this section, by regarding the acts by the PKK, that aims at dividing the country and the nation, as a "guerrilla movement" that is the common name of the struggle carried out against the enemy forces that invaded a country, and by mentioning the Kurdish people and problem separate from the Turkish people in Turkey, without taking into consideration the fact that anybody, without any discrimination, who is bound up with the Turkish State with citizenship is Turkish, as stated in the Constitution (Article 66/1), propaganda aiming at damaging the indivisible integrity of the State of the Turkish Republic with its territory and nation was made.

With the opinion and the conclusion that; as in the 6th article of the decision of the Human Rights Foundation of Turkey Executive Board dated 27.08.1994, a copy of which is included in the case file, the Executive Board member defendant Fevzi ARGUN was authorized for the preparation, printing and distribution of the book that is subject to prosecution, defendant Fevzi ARGUN, who prepared and published this publication that cannot not be regarded as a periodical, would be responsible as the writer of publication from the view point of penal responsibility within the framework of the Press Law, and that the other defendant Yavuz ÖNEN would be responsible for his article:

It is demanded and claimed in the name of the public that the defendants Yavuz ÖNEN and Fevzi ARGUN should be prosecuted under Articles 19 and 20 of the Law Numbered 9 and 20 and SENTENCED separately under Article 8/1 of the Law Numbered 3718, under the guidance of Article 16/4 of the Law Numbered 5680 amended with the Law Numbered 2950, and the prosecuted book that was decided to be confiscated (by the Ankara SSC No.1) should be SEIZED. 11.11.1994

Nuh ÇETİNKAYA

Lieutenant-Colonel, Judge - SSC Prosecutor

The prosecution of Yavuz Önen and Fevzi Argun, who were accused of "making propaganda aiming at damaging the indivisible unity of the Turkish Republic with its nation and territory, via publication" started on 19 December 1994. In the first hearing of the trial which was held at the Ankara SSC, Yavuz Önen (Annex: 1) and Fevzi Argun (Annex: 2) were cross-examined after the indictment was read out. Later, the next hearing postponed for the deficient documents in the case file to be completed.

In the second hearing held on 29 December, SSC Prosecutor Nuh Çetinkaya disclosed his opinion on the essence of the case. Nuh Çetinkaya who demanded sentences from 2 to 5 years in prison and a fine up to TL 100 million for Yavuz Önen and Fevzi Argun under Article 8 of the "Law to Fight Terrorism", said the following: "It has been determined that in his article which is the subject of the offense, Yavuz Önen tried to stress that Kurdish people had been exploited and their existence had been denied by describing the nationalism of Atatürk, which is stated in the Constitution of the Turkish Republic and has been implemented in Turkey, as repudiative, imperialistic and primitive. He also mentioned the Kurdish political and democratic movement, disregarding that the political and democratic movement in Turkey has been a Turkish political and democratic movement, and thus he made propaganda aiming at damaging the indivisible unity of the Turkish Republic with its nation and territory; that Fevzi Argun disseminated propaganda, especially in the section of the book written in the indictment, aiming at the indivisible unity of the Turkish Republic with its territory and nation, by mentioning Kurdish people apart from Turkish people in Turkey although everyone who is a citizen of Turkey is a Turk and all of those citizens have formed the Turkish people, by talking about a Kurdish problem and expressing that the government has pretended not to hear the democratic demands by the Kurdish people for a solution to the problem. Therefore, it has been remarked that the defendants Yavuz Önen and Fevzi Argun should be sentenced under Article 8/1 of the 'Law to Fight Terrorism' and seizure of the book should be decided."

Trial against the İHD executives

In addition to the trial against the HRFT executives, the Ankara SSC Prosecution Office launched a trial under Article 8 of the "Law to Fight Terrorism" against certain executives of

the Human Rights Association in connection with a book they have published. This trial and the one against the HRFT executives occupied an important part within the reactive implementations against the human rights advocates. Both trials, held and concluded on the same days, drew much attention and provoked protests against Turkey, both inside and especially outside Turkey.

The book entitled "A Cross-Section from the Burnt Down Villages-1993 Regional Report" prepared by the İHD Headquarters, was confiscated at the beginning of May 1994 by Ankara SSC under Article 8 of the "Law to Fight Terrorism". The confiscation was ordered on the grounds that "the book disseminated separatist propaganda". Upon this order, police officers coming to the premises of the İHD Headquarters on the morning of 5 May 1994, confiscated 714 copies of the book which had just taken from the printing house. Concurrent with the confiscation decision, a trial^(*) was launched by the Ankara SSC Prosecution Office against İHD Chairperson Akin Birdal, Secretary General Hüsnü Öndül, İHD Vice Chairperson Sedat Aslantaş and for Erol Anar, who is responsible for İHD publications, in connection with the introduction written by İHD Vice Chairperson Sedat Aslantaş.

The trial launched in connection with the book "A Cross-Section from the Burnt Down Villages-1993 Regional Report" started at the Ankara SSC on 17 October 1994. The indictment read out in the first hearing sought 2 years imprisonment under Article 8 of the "Law to Fight Terrorism" for İHD Chairperson Akin Birdal, İHD Secretary General Hüsnü Öndül and İHD Vice Chairperson Sedat Aslantaş and for Erol Anar, who is responsible for İHD publications. The 4-page indictment prepared by the SSC Prosecutor Ali Rıza Konuralp said, "*When the allegations stated in the book are evaluated as a whole, it has been discerned that, by mentioning people living in the Southeast region of the Turkish State who are Turkish citizens as an ethnic group, and by stating that that these people had been murdered, persecuted, and exiled by the security forces of the state, a propaganda was made against the indivisible unity of the Turkish Republic with its nation and territory.*"

Akin Birdal, who was cross-examined in the first hearing, said, "Those who burnt down books and human beings yesterday burn down villages with their residents today. They commit crime against all human beings. Instead of those who write about the burnt down villages, those who burn the villages down should be punished." In his cross-examination, Hüsnü Öndül said that the prosecuted book described the human rights situation in Turkey, and there were no criminal elements in its content.

In the hearing held on 14 November 1994, Sedat Aslantaş and Erol Anar who did not participate in the previous hearing, were cross-examined. In his testimony, Erol Anar said: "Our book is a document left to the judgement of history. You cannot prosecute those who burnt down villages, so instead, you prosecute us. However, history will prosecute those who burnt down the villages. If to say, 'Villages should not be burned down. People should not be killed. Gun shots should be stopped.' means separatism, yes, we are separatists." In the hearing held on 7 December 1994, the İHD General Administrative Board decision given for the publication of the book which caused the prosecution, was examined.

^(*) In the book in question, incidents and human rights abuses in the Emergency State Region are reported. The book also contains detailed information and lists on the burning down and evacuation of the villages in the region, which have intensified after 1990. It reports that 923 villages or hamlets were evacuated or burnt down from the beginning of 1990 until the end of 1993.

In the hearing held at the Ankara SSC on 19 December, the last remark of the SSC prosecutor was disclosed. In the last remark, which claimed that separatist propaganda was disseminated in the book in question, sentence of 2 to 5 years in prison was sought under Article 8/1 of the "Law to Fight Terrorism" for Sedat Aslantaş (He was arrested on 5 December 1994 and sent to the Ankara Central Prison in connection with the sentence of 3 years in prison he received due to the speech he delivered during the İHD Congress held in 1992) who prepared the book, sentences of 6 months to 2 years in prison were sought under Article 8/2 of the "Law to Fight Terrorism" for Akın Birdal and Hüsnü Öndül, who secured publication of the book, while acquittal was demanded for Erol Anar. The next hearing during which the defendants and their lawyers would make their defenses and the verdict would be disclosed, was decided to be held on 11 January 1995.

Acquittal verdict

Verdicts against the leaders of the İHD and the HRFT were disclosed in the hearings held at the Ankara SSC on 11 January 1995. In the first of the hearings, which were observed by a crowded group of spectators, Yavuz Önen and Fevzi Argun, and their lawyers (Annex: 3) presented their defenses. Yavuz Önen, who demanded his acquittal in his defense, said, "We prepared a publication in line with the aims stated during the establishment of the Foundation. While preparing this publication, we completely acted objectively. Besides, while writing my article in the book, I acted as a human thinking freely, and tried to be objective." In his defense, Fevzi Argun stated that the HRFT was a well-respected organization both at home and abroad, and its objectivity was appreciated, and said, "It is quite weird that instead of initiating an inquiry accepting the cases told in the book as official complaints and of applying our information as witness in this inquiry, we have been brought before court as defendants."

The Court Board which disclosed the verdict after the reading out of the statements was completed, decided unanimously on acquittal (Annex: 4) for Yavuz Önen and Fevzi Argun on the grounds that in the book there was no legal element of separatist propaganda as ascribed in Article 8 of the "Law to Fight Terrorism". The Board also lifted the confiscation decision ordered for the book.

Following this trial, the last hearing of the trial against the leaders of the İHD started. Sedat Aslantaş who was kept under arrest in prison for 40 days in connection with the speech he delivered during the congress of the İHD in 1992, also attended the hearing. In the hearing, Akın Birdal, Hüsnü Öndül, Sedat Aslantaş and Erol Anar presented their final defenses. The Court Board which subsequently disclosed the verdict decided on acquittal for Akın Birdal, Hüsnü Öndül, Sedat Aslantaş and Erol Anar. The acquittal decision was taken by the majority of votes with the opposition by one of the judges, namely Abdulkadir Davarcıoğlu. Nevertheless, an official complaint was filed with the Public Prosecution Office about the defendants under Article 159 of the Turkish Penal Code on allegations that security officers were insulted in certain sections of the book in question.

The hearings of the case against the İHD and HRFT were observed by Ali Yurttagül on behalf of European Parliament Greens Group, German Greens Party Deputy Amke Dieter-Schener, Douglas Johnson, Mark Williams, and Michael Cline of the Center for Victims of Torture, Vice-representative of the Commission of the European Communities in Turkey Jörg Ketelsen, as well as the representatives of Amnesty International, International Human Rights Federation, and Centre for the Independence of Judges and Lawyers. Some diplomats, depu-

ties, executives of political parties and democratic civic organizations, as well as the members and officers of the İHD and HRFT, also observed the hearings. The last hearing was observed by the diplomatic missions of all European Union member countries in accordance with a common decision, and of the USA and Russia as well.

The Ankara SSC Prosecution Office raised objections to the acquittal decisions made for the leaders of the İHD and HRFT. In the objection, it was stated that the defendants should be re-tried and sentenced under the "Law to Fight Terrorism". The objection was rejected by the Supreme Court Penal Chamber No.9, and the acquittal decisions were upheld in May 1995.

Trials launched against the human rights advocates were not limited with the ones against the "File of Torture" and "A Cross-Section from the Burnt Down Villages-1993 Regional Report". Tens of trials were launched against the executives of the İHD in charge at its Headquarters or branches. Two of the trials drew much attention and provoked protests.

Other trials

A trial was launched against Chairperson of the İHD Akın Birdal, former Chairperson of İHD İzmir Branch Alpaslan Berktaş, former İstanbul Deputy Hüsnü Okçuoğlu, Lawyer Ali Yıldırım and Journalist-Author Yalçın Küçük in connection with the speeches they had delivered in the meetings held in the framework of the "Human Rights Week" activities organized in December 1992 by the İHD. The indictment heard in the trial that started at Ankara SSC on 13 January 1994, sought sentences from 2 to 5 years in prison for the defendants under Article 8 of the "Law to Fight Terrorism". Cross-examined during the hearing, Akın Birdal stated that his speech was not as it was stated in the indictment, and said, "Our duty is to be aware of the human rights abuses in the place of their occurrence and bring them into light, and to announce them to the public properly. Our speeches during the meeting were within this frame. However, the speeches we made have been crooked through the gathering of some sentences".

In the 13 December 1994 dated hearing of the trial that lasted throughout 1994, the SSC Prosecutor who disclosed his opinion on the essence of the case, claimed that İHD Chairperson Akın Birdal had tried to make people enemy against each other and that Hüsnü Okçuoğlu, former deputy for İstanbul, and Lawyer Ali Yıldırım had made separatist propaganda. Thus, the SSC Prosecutor demanded imprisonment sentence from 1 to 3 years for Akın Birdal and from 2 to 5 years for Hüsnü Okçuoğlu and Ali Yıldırım. In the opinion on the essence of the case, acquittal decision was demanded for Alpaslan Berktaş, the former Chairperson of the İHD İzmir Branch, while separation of the section concerning Yalçın Küçük who was abroad, was proposed. In the trial that ended on 11 April 1995, Akın Birdal, Hüsnü Okçuoğlu, Ali Yıldırım and Alpaslan Berktaş were acquitted. The acquittal verdicts for Hüsnü Okçuoğlu, Ali Yıldırım and Alpaslan Berktaş were taken unanimously, while that for Akın Birdal by majority of votes. The case against Yalçın Küçük was separated.

The book "Olağanüstü Hal Bölge Raporu 1992" (Emergency State Region Report 1992), published by the İHD Diyarbakır Branch, was confiscated in the beginning of December 1994 by the Diyarbakır SSC on the grounds that separatist propaganda was disseminated in the book. Police officers raiding the Branch confiscated 400 copies of the book. As a result of the investigation which was launched after the confiscation of the book, a trial was launched and arrest warrant was ordered against the Executive Board members of the İHD Diyarbakır Branch Halit Temli (Vice Chairperson of the İHD and the İHD Diyarbakır Branch Chairperson), Mahmut Şakar (Lawyer-Diyarbakır Branch Secretary), Nimetullah Gündüz (Lawyer),

Abdullah Çağır (Lawyer), Melike Alp, Hayri Veznedaroğlu and Hüseyin Yıldız. Upon the warrant, Mahmut Şakar, Nimetullah Gündüz and Abdullah Çağır were detained and arrested by police who raided their houses on 17 December 1994, and Melike Alp on 30 December 1994. The search for three other İHD leaders continued. In the meantime, the Branch was closed on 28 December 1994 for one month on the grounds that banned publications were kept on premises, meaning the book.

The trial against the 7 İHD leaders started at the Diyarbakır SSC on 13 February 1995. The indictment heard in the hearing sought no less than 10 years in prison for the 7 İHD leaders on the grounds that they were members of the PKK and made propaganda against Turkey in the name of the PKK, and demanded closure of the İHD's Diyarbakır Branch. By using the statements made by the Emergency State Region Governorate, the indictment also tried to refute the human rights abuses reported by the İHD Diyarbakır Branch.

After the indictment was read out, the İHD leaders were cross-examined. Stating that they were brought before the court in order to disguise the human rights abuses in the region, the İHD leaders said: "The trial is a political one launched upon directives by the National Security Council. The way to refute the report is not to prosecute those who prepared it, but to discuss it before the public. When Governorate of the Emergency State Region faces a report that it does not like, it must prefer to refute the report through documents."

Following the cross-examinations, witnesses named Soner Güçlü and Murat Kargı whose names were mentioned in the indictment and who had given testimony against the İHD leaders to the Diyarbakır SSC Prosecution Office, were listened to. In their statements the witnesses expressed that they had been forced to sign the testimonies mentioned in the indictment without reading, and those statements were untrue. Later lawyer Ercan Kanar took the floor, pointed out the importance of human rights organizations and told about the works and working methods of the İHD. Lawyer Sezgin Tanrıkulu stated that many points in the indictment did not reflect the facts, and submitted a file which includes documents confirming this case, to the court board. Release demands by the arrested defendants namely Mahmut Şakar, Nimetullah Gündüz, Abdullah Çağır and Melike Alp were rejected. Administrators of the İHD and HRFT, representatives of international human rights organizations and certain foreign diplomats watched the hearing.

The trial against the 7 Administrative Board members of the Diyarbakır Branch of the İHD continued on 17 April 1995. In this hearing, Mahmut Şakar, Nimetullah Gündüz, Abdullah Çağır and Melike Alp were released. However, arrest warrants issued in absentia of Halit Temli, Hayri Veznedaroğlu and Hüseyin Yıldız were not lifted. The trial is still continuing.

Trial against the İHD bulletin

In the beginning of 1996, the Ankara SSC Prosecution Office launched a trial against the bulletin entitled "Çözüm Barışta" (Solution Lies in Peace), published by the İHD Headquarters on 1 September 1995, in connection with the World Peace Day.^(*) In the trial launched on charges of "separatist propaganda was spread in the bulletin" 17 İHD administrators, undersignatories to the decision to publish the bulletin, were demanded to be sentenced to 1 to 3 years in prison and fined no less than TL 100 million under Article 8/1 of the "Law to Fight Terror-

(*) This trial was an example demonstrating that the amendments to Article 8 of the "Law to Fight Terrorism" made at the end of October 1995 did not mean anything.

ism". Here are some of the expressions deemed as a crime in the indictment prepared by the SSC Prosecutor Talat Şalk: "Nearly 20 thousand casualties during the last 10 years, evacuated villages, burnt down forests, barren lands, all strive to prove how dreadful the war is.", "Why do they want to continue this war?", "Why shouldn't the people be educated in their own languages? Why should a part of the people be convicted to the emergency regulations whereas the rest is administrated through ordinary laws?", "The products of the war which has been going on since 110 years are blood, tears, funerals, poverty, death and cruelty. Thousands of Turks and Kurds have died."

The trial against the İHD executives started at the Ankara SSC on 6 March 1996. In the trial, following the hearing of the indictment, İHD General Secretary Hüsnü Öndül read out the common defense prepared by the association executives. Following are the opinions in short, expressed in the common defense which stated that a war continued at the Emergency State Region and that this war caused gross destruction: "One-third of Turkey's budget is spent for this war. This war concerns and affects everyone living in Turkey. Just like poverty, war is one of the obstacles right before the practice of the human rights. Thus and for the peaceful solving of the problems, the United Nations was established. It is always desired that the war should end, for it holds people's right to live, prevents the rights to education, health and development, and destroys the historical-cultural inheritance and the nature. We are obliged to say that 'Solution Lies in Peace'. Our demand for peace can not be stopped by threats of punishment. We are voicing our thoughts in order that the people live in better economic and social conditions, in an environment respecting the human rights and basic freedoms. Our thoughts do not injure, kill, burn or destroy anyone. It is not an armed clash we want, but an environment where thoughts can be freely expressed and where people can freely discuss. Still and once again, we say, 'Solution Lies in Peace'."

The İHD executives against whom the trial was launched are Akın Birdal, Hüsnü Öndül, Nazmi Gür, Erol Anar, Selahattin Esmir, Hediye Gülten Felekoğlu, Nebahat Akkoç, Ercan Kanar, Hamit Toprak, Ahmet Turan Demir, Alp Ayan, Yeşim İşlegen, Nihat Bulut, Ümit Erkol, Abdullah Çağır, Müjgan Aslan and Özcan Sapan. The trial at the Ankara SSC is continuing.

Annex: 1

**TO THE CHAIRMANSHIP OF THE
ANKARA STATE SECURITY COURT NO.2**

Esteemed Chairman, Esteemed Judges,

Following the 12 September Coup, infliction of torture, deaths in detention places or prisons took place intensively and they occasioned legal, political and moral discussions in our society. The HRFİT which started functioning in March 1990 in such a debating atmosphere, has not only aimed at the prevention of torture and treating of torture victims but the releasing of publications in order to inform the public, the officials and authorities and warn them as well. Our Foundation has decided, in accordance with its aim, to prepare the "File of Torture" which compiled information related to incidents of torture experienced during the last 14 years' period and deaths due to torture in detention or in prisons on the 14th anniversary of the 12 September Coup, and deemed it a duty as a civil organization.

The main aim of this file is, first and foremost, to inform and to warn the public and the administrators about the human rights abuses, to prevent these abuses and thereby secure an improvement on this field. Our country and society are in need of such efforts, as the human rights abuses, incidents of torture and deaths are continuing uninterruptedly. Therefore, it is necessary to keep on making efforts both in person and on the institutional context directed at abolishing such undesirable incidents. The file was prepared in line with such an understanding of duty.

While writing my article entitled "12 September 1980: A Step Towards Darkness" in the introductory part of the file, I have acted in line with the same feeling of responsibility and conscience. I have considered it inevitable to touch on the fundamental and general reasons and the current situation of torture which is something to be ashamed of, and the deaths under torture or in prisons. Such a determination and display had to be carried out in a criticizing way. I believe that this file would have been deficient unless the political, economic and cultural situation in our country since 1980 had been mentioned. Therefore, in my article, I touched on general developments and applications and on the Kurdish reality and problem. In order to come closer to this fact, to contribute to finding a solution to this problem and to let Turkey embrace a really democratic administration, I mentioned the increasing danger of the nationalist and religious streams and expressed my opinions concerning this.

I regard the closing down of the political parties as anti-democratic. I believe that if the deputies elected by votes of people continued their duties under the roof of the Grand National Assembly, this would contribute to the solving of problems. I say that democratic life should develop without any restraints and pressure.

As for my mentioning the political and democratic rights of Kurdish people, this should be evaluated within my attempt to strive for a democratic Turkey, a state which respects human rights and the Rule of Law. It is impossible to charge me of 'disseminating separatist propaganda directed at destroying the indivisible integrity of the Turkish Republic with its territory and nation' because of my words, criticisms and thoughts stated in the article. And the same goes with my opinions concerning the 1980 Constitution and its ideology.

When the book is assessed in its entirety, it is obvious that the accusation is a forced thing. The book covers undeniable, objective and real information. These details are the significant data which are capable of enlightening solutions to many problems, particularly torture. Our main aim is to secure these data, and the book should be evaluated from this point of view.

Because of the reasons I have shortly expressed above, I demand my acquittal, and the lifting of the verdict of confiscation on the book "File of Torture".

With respects.
(19 December 1994)

Yavuz Önen

Annex: 2

**TO THE CHAIRMANSHIP OF THE
ANKARA STATE SECURITY COURT NO.2**

Esteemed Board Members,

I want to convey my thoughts on the indictment prepared by the esteemed prosecutor in a written form, and I reject all claims stated in the indictment.

The HRFT which started functioning in 1990 after acquiring the status as a corporate body, has been carrying out activities on two main fields. One of them is the treatment and rehabilitation of people taken ill physically or psychologically due to torture in detention places or prisons. The second field of activity is collecting documents and information on human rights in general and human rights violations, documenting and preparing reports, books, booklets, etc. by utilizing the aforesaid documents.

The HRFT is a structure established in accordance with the laws and functions within their framework. The HRFT is an organization prestigious at home and abroad and rewarded from time to time. Its objectivity and scientific approach are appreciated.

The book which caused the launching of the trial was prepared in September 1994 on the occasion of the 14th anniversary of the 12 September Military Coup in order to tackle the incidents of torture, another dimension of human rights violations observed since 12 September 1980. We prepared this report with the aim of informing and warning public and governmental authorities about the incidents of torture and paving the way for evaluation.

The book was prepared and printed by me as a result of the authority granted by the Executive Board of the HRFT. For this report, we have utilized newspapers, journals, and similar publications, and assessed the news stories conveyed to the Foundation or reported by human rights advocates. While preparing the book we have preserved our objectivity and avoided making any comments. We have cited incidents of torture and consequent cases of death supported by several sample cases. Yavuz Önen, the President of the HRFT, has contributed to the book with his article which may be considered as a preface. I have regarded publishing the article that I wholly agree from the heart, believe to be extremely objective and to contain not a single element of crime, as appropriate.

The book was based on Article 26 of the Constitution which defines the freedom of thought and expression, and the Constitution and laws, especially Article 66, were not for once contravened. The book is a research produced as a result of a meticulous study on torture which is a significant problem of Turkey. This book is not a publication aiming at disseminating propaganda, especially not a "separatist and destructive" one. I have abided by all of the principles of my occupation as a journalist, on news writing. From this

point of view, the book is a long version of a story. The book and torture cases included in it, came out as a product of an evaluation of Turkey as a whole, not just a part of it. While examining cases, no discriminations of race, religion, sex or political view were made.

A short preface summarizing the economic, social, political and legal problems experienced since the 12 September Military Coup was included as an introduction to the part evaluating the cases of torture. A paragraph in this introduction is deemed as a criminal element in the indictment.

In this paragraph, there are some determinations related to the Kurdish problem, the most significant concern of the last 10-15 years' period. In this paragraph, the killing of thousands of people, the worrisome situation of certain clashes and quarrels witnessed now and then in some settlement centers in the Western regions, especially in the Aegean and the Mediterranean, and the ever-increasing economic problems are summarized. There is not a single criminal element in the paragraph or in the book as a whole. The aim in this paragraph is to express the sorrow for the distressing point that the Kurdish problem has reached. While writing this paragraph, I have not acted in a manner aiming at destroying the indivisible unity of the Republic of Turkey with its territory and nation. Concepts such as "the Kurdish problem", "Kurdish people" and "guerrilla movement" mentioned in the paragraph are not directed at such a propaganda as claimed in the indictment. These concepts are commonly used and are frequently run into.

In the case that the expressions used in the paragraph are deemed as crime, Turkey shall turn out to be a world of offenders. Because, the subjects stated in this section and in the whole book, have been uttered by many authorized or unauthorized people and included in pre-electoral declarations and programs by governments. They are the subjects which have been expressed in the speeches by Ministers and even by Prime Ministers. As might be recalled, the present DYP-SHP coalition government came to power with promises on solution to the problems summarized in the introduction section of the book. Besides this, I would like to call attention to the point that many authorities, including the persons in the highest ranks such as Doğan Güreş and Yıldırım Akbulut used concepts and expressions such as "guerrilla war", "guerrilla movement" in their speeches and statements, and that Süleyman Demirel, the 9th President of Turkey, had said "I acknowledge the Kurdish reality." in his first important statement as a Prime Minister (December in 1991).

Shortly, the book I have prepared was produced in order to draw attention to incidents of torture, the still bleeding wound of Turkey. While preparing the book, it was not meant to "disseminate propaganda directed at destroying the indivisible unity of the Republic of Turkey with its territory and nation". However, this publication was evaluated from a different point of view. Instead of initiating an inquiry accepting the cases expressed in the book as official complaints and appealing to our information as witnesses, it was preferred to bring us before the court as defendants.

Therefore, I hope that the trial shall conclude in our acquittal and the confiscation decision against the book shall be lifted. With respects.

Annex: 3

**STATE SECURITY COURT
ANKARA STATE SECURITY COURT NO.2**

FILE NO : 1994/38
REF : Written defense.

I) FIRST CLAIM

With the No. 1994/153 indictment, dated 11 November 1994, of the Ankara State Security Court Prosecution Chief Office, a trial was launched against the defendants Yavuz Önen and Fevzi Argun on charges of "acting in contravention of Article 8/1 of the Law No.3713". Prior to the preparation of the indictment, the book entitled "İşkence Dosyası (The File of Torture)" published by the HRFT was submitted to the State Security Court Prosecution Chief Office by the Police Security Department Directorate, because it was "found worthy of examination". As a result of the examination, the Prosecution Chief Office first applied to the State Security Court No.2, demanding the confiscation of the book. The decision No.1994/35 of the State Security Court No.2 stated: *"Because of the fact that in the examination of the book entitled 'The File of Torture' published by the Human Rights Foundation of Turkey, there is not proof of the dissemination of separatist propaganda against the indivisible unity of the State of the Republic of Turkey with its territory and its nation, the rejection of the confiscation demand by the Ankara SSC Public Prosecution Chief Office and the entrusting of the preparatory file and the decision to the Ankara SSC Public Prosecution Chief Office for the execution and performance of what is required, was decided on the conditions that the right to objection shall be preserved."*

The public prosecution office objected to this decision on 18 October 1994. Upon the objection, this time the State Security Court No.1 read the book with the decision No. 1994/209, abolished the decision to reject the confiscation of the book and decided for the re-confiscation of the book on the grounds that, *"Despite the rejection of the demand to confiscate, during the examination of the book, it was understood that separatist propaganda against the indivisible unity of the State of the Republic of Turkey with its territory and nation was disseminated..."*

Therefore the judges are of different opinions related to the dissemination of separatist propaganda in the book; however the standpoint of the public prosecution office dated 14 October 1994 related to the confiscation was transformed into an "indictment".

In fact, by quoting 13 lines from the article entitled "12 Eylül 1980: Karanlığa Atılan Bir Adım" (September 12, 1980: A Step Towards Darkness) by Yavuz Önen, which is included in the book, a passage on page 6 is word for word cited in the indictment.

Also 14 lines were cited from page 10 of the book, claiming that it was written by our next client, Fevzi Argun.

Consequently, as the indictment decided that "the nationalism present at the introductory part of the Constitution of the Republic of Turkey and practiced in Turkey was regarded to be denying, exploiting and primitive, that our people were discriminated as Turkish-Kurdish, and that propaganda directed at destroying the indivisible unity of the State of the Republic of Turkey with its territory and nation was disseminated", it has demanded the punishment of the defendants under Article 8/1 of the Law No. 3713. As for our client Fevzi Argun, he is considered to be the "writer of the book" within the framework of the provisions of the Press Law and therefore, demanded to be sentenced under the same Article.

This is the first claim and the "confiscation adventure" of the "File of Torture"

II) COMMENT ON THE ESSENCE OF THE CASE

In the hearing dated 29 December 1994 the Public Prosecutor has made his comment related to the essence of the case. There is no variation in the demand. Repeating his first claim, the Prosecutor says: *"As in his article Yavuz Önen attempts to stress that the Kurdish people are exploited and their very being is denied, by regarding the nationalism present at the introductory part of the Constitution of the Republic of Turkey and practiced in Turkey as denying, exploiting and primitive, separately mentions the Kurdish political and democratic movement, overlooking the fact that the political and democratic movement practiced in Turkey is in fact the Turkish political and democratic movement, by this way, he is disseminating propaganda directed at destroying the indivisible unity of the State of the Republic of Turkey with its territory and nation and;*

As especially in the part cited in the indictment, by stating that in Turkey there exists a separate Kurdish nation apart from the Turkish nation although everyone related to the Turkish State with the bond of citizenship is Turkish and therefore the total of all the citizens form the Turkish nation, that the Kurdish nation does have certain problems and that the administration closes the ear to the democratic demands of the Kurdish nation aimed at the solving of the problem, Fevzi Argun is disseminating propaganda directed at destroying the indivisible unity of the State of the Republic of Turkey with its territory and nation. Therefore, the separate punishment of defendants Yavuz Önen and Fevzi Argun under Article 8/1 of the "Law to Fight Terrorism" in line with their performances and the confiscation of the aforesaid book is considered to be appropriate."

We wonder if the "punishment" of the defendants is really possible when based on the first claim and the never-changing comment related to the essence of the case.

III) THE PROSECUTED "HRFT" and "THE FILE OF TORTURE"

The Policy of Turkey Related to Human Rights Organizations Within the Context of Freedom of Thought

As it is well-known, the freedoms/rights regarding trade unions, foundations and associations are generally acknowledged in the supra-national human rights documents. What we are going to emphasize are the organizations within the scope of human rights.

1- The Situation Cited in the Supra-National Human Rights Documents

In the supra-national human rights documents, the States have accepted and undertaken that they shall encourage the establishment of non-governmental human rights organizations, that they shall make the necessary amendments in this direction within the national law, and that they shall ease the activities of these organizations.

In Article 71 of the "United Nations Charter" signed on June 26, 1995, the point that the Economic and Social Council shall be able to set up contacts with NGOs along with the specialist organizations by granting them the consultant status, is regulated. Also in the introductory part of the Universal Human Rights Declaration, all the members and organs of humankind are mentioned.

A detailed regulation is introduced in the part entitled "Non-governmental Organizations" of the Conference on Security and Cooperation in Europe (CSCE) Paris Charter (November 21, 1990); and Article 43 of the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (October 3, 1991). According to this, the undersignatory countries (among them Turkey) have decided that:

- They do recognize the non-governmental human rights organizations,
- They will facilitate the ability of the NGOs to conduct their activities freely,
- They will keep in contact with these organizations,
- They will endeavor to seek ways of strengthening modalities for exchange of views,
- They will endeavor to facilitate visits to their countries by the NGOs,
- They will welcome non-governmental organization participation in CSCE,
- During the future work of the CSCE on the human dimension, NGOs will have the opportunity to distribute written contributions to all delegates,
- The CSCE Secretariat will, within the framework of the resources at its disposal, respond favorably to requests by the NGOs.

In the World Conference on Human Rights Vienna Declaration dated June 25, 1993, the function and the importance of the non-governmental human rights organizations have been emphasized through the Articles 36 and 38. The fact that the non-governmental human rights organizations "are entitled to freely conduct their human rights activities without any intervention", has been underlined.

And most recently, at the December 1994 CSCE Budapest Meeting, it was decided that the non-governmental human rights organizations and the human rights defenders should be protected. Turkey agreed with this decision.

The regulations stated above are the acquired rights of the human rights defenders and organizations. The reason for this is quite clear. The guarantors of the acquisition, protection, practice and development of human rights are the human rights defenders and organizations. These people and organizations promote human rights; play an active role in education; enlighten the public; strive for the acknowledgement of the acquisitions as "rights" by nature. What is referred to here is not only the human rights defenders and organizations in every single country. As a natural outcome of the principle of "universalism", it should be acknowledged that the human rights defenders throughout the world constitute the "human rights public".

2- The Practice in Turkey

The HRFT was established as a result of the initiative and the leadership of the İHD. The Foundation aimed at the rehabilitation of the victims of torture. The Foundations Directorate General opposed the word "torture" in the Foundation's Statute. Despite the fact that the application to the court for the registration of the Foundation took place in 1989, the official registration was not achieved until the end of the year 1990.

The obstacles faced during the process of establishment continued in practice. The acquisition, protection, implementation and development of rights are directly related to the freedom of thought. If the freedom of thought is perceived as "the free access of the person to thoughts and information, his not being condemned for acquired thoughts and opinions, and his being able to freely express, defend, communicate and disseminate these through various means (by speech, press, painting, movies, theater, etc.) by himself or together with other people, it is impossible to say anything good about the policies by Turkey regarding the human rights organizations.

The aims of the human rights organizations are quite clear. It should first and foremost be acknowledged that the aim is to struggle for human rights. In the expressed conditions, the understanding claiming the illegality of the statements and activities in the form of warning the ones who have the authority to determine the rights abuses, announcing these abuses to the public in a written or oral form or through visual instruments; preventing the abuses, fitting the practice within the framework of law, abolishing the legal regulations in contradiction with the supra-national norms and creating new regulations, has no legal value.

The status of the human rights defenders and organizations is not a personal privilege. "Privilege" and "immunity" should be considered together with the purpose. The claim that "the right is misused" serves political purposes of those who would conceal the truth.

Article 3 of the part entitled "Aim and Service Themes" of the Statute of the Human Rights Foundation says:

"AIM and FUNCTION THEMES

Article 3) The Foundation publishes periodicals and non-periodicals and documents related to human rights and freedoms, carries out scientific research and educational activities.

It establishes, runs and delivers the right to run research, education and health institutions related to all the human rights as defined in the international human rights documents and our national law."

The Documentation Center formed within the HRFT in line with the aims cited above, has been functioning since March, when the Foundation was established. The Center has been preparing daily human rights bulletins (except Saturdays and Sundays) since April 2, 1990. The newspapers and journals are continuously scanned, the clippings are classified and filed according to their headings at the Documentation Center. Besides, a computerized data bank, an information and a video cassette archive have been formed. The Documentation Center assists the people or institutions interested in

human rights through the information and the documents at its disposal, and supports the human rights struggle in this respect. Apart from the daily works summarized above, during the 4-years' it has existed, the Documentation Center has prepared various reports for the national and international public, and has also contributed to the promotional activities of the Foundation.

Throughout the international documents, democracy is defined as a regime where the public depends upon the free expression of will to determine its own political, economic, social and cultural systems. Democracy is pluralism, participation and transparency. It is based on the freedom of thought and freedom of association. In this context, the promotion and protection of the human rights and basic freedoms both in the national and the international arena is universal and unconditional.

The "File of Torture" prepared in line with the aim stated in the Statute of the Foundation but prosecuted today, is the product of efforts to create a Turkey where the democratic social order in which all the rights, first and foremost the right to live, written in the human rights documents are respected, torture is eliminated and torturers are prosecuted. The aim is to warn. The aim is to inform. The aim is the prevention of torture.

IV) "FILE OF TORTURE" and the NATURE of the THEME of the TRIAL

1) The aim of the defendants and the nature of the book:

Above we have stated the theme of the aims and functions of The Human Rights Foundation of Turkey. When his testimony related to the book that constituted the theme of the trial had been referred to, Yavuz Önen, striving for this particular purpose, had voiced during the prosecutor's cross-examination dated 1 November 1994 the fact that he definitely opposed the separation of the State from its territory and nation, and that no such propaganda was disseminated in the book. It was explicitly questioned whether by saying "the Kurdish Nation" they aimed at separatism or not, and also what was meant by saying "the policy of banning the political and democratic movement of the Kurds and blocking the ways of parliamentary struggle by usurping the right to Assembly membership...". In his reply, Yavuz Önen stated that he considered it as an advantage for the aforesaid MPs to be under the roof of the Assembly and by this, he had not emphasized separatism but the opposite. Besides in the reply by the defendant to the allegation, it was re-stated that in the anniversary of September 12th, a balance-sheet of the previous 14-year period was drawn up and an evaluation was made. He has expressed that the Foundation performed its duties as a non-governmental organization, referred to the economic, political, social and cultural situation the country experienced since 1980 to the present, and touched on the "Kurdish reality". The defendant declared before your court that "for uniting Turkey with a really democratic rule, he has mentioned the ever-increasing threat by the nationalist and fundamentalist tendencies", and repeated that he has expressed his "thoughts" in his article.

As for the defendant Fevzi Argun, he disclosed in his testimony dated 3.11.1994 at the prosecution office that he never meant to disseminate propaganda against the "indivisible unity of the Turkish Republic with its territory and nation" and added that they had summarized the incidents experienced from the year 1980 to 1994 in this book. In

his reply to the indictment, he expressed that he had prepared the book within the framework of the authority granted by the HRFT Executive Board, and that he aimed at "informing and warning the public and the authorities about torture, which definitely is the bleeding wound of Turkey, and providing them with the opportunity to make an evaluation. In the cross-examination before your court, he especially emphasized that in the book, no action contrary to the laws (especially Article 66 of the Constitution) was taken, and that the freedoms of informing and preparing news stories were utilized in accordance with all the rules of his profession (journalism) and while examining the events, not a single discrimination of race, religion, sex or political opinion was made.

The defendants' defense in reply to the prosecutor's cross-examinations and the indictment has not proven to cause even the slightest change in the prosecutor's point related to the essence of the case. Whatever the prosecution office thought on 14 October 1994, it has repeated the same opinion on 29 December 1994. Another way to state this is that the interpretation of the "Law to Fight Terrorism" and the opinion of the prosecution office are the same. We wonder if in such a trial in which the qualifications of the report, prepared with the aims of stating opinions, expressing thoughts or warning the authorities are disclosed and the "aims" of the defendants are determined, is it possible to sentence the defendants under Article 8 of the Law No.3713 by extricating and especially choosing a certain part of the articles?

2) "Law to Fight Terrorism" and Article 8:

In the justification of the Law No.3713, it says, "*The countries and the governments are evaluated according to the rules of democracy, however, terrorism disregards all. The inhumane, exceptional activity is conditioned within the context of ideology. The conviction of terrorism in practice, which should also be convicted legally and ideologically, is a must for the citizens of the world in living together in peace in line with their constitutional limitations, and in not experiencing the possible pain to be caused by terrorism.*"

Again in the same justification, it says, "*It is clear that the provisions which had been liberal at the beginning, lost this qualification due to the amendments. It is of course a must that the destructive organizations that would shake the national structure and the possible violent activities of these organizations should be forbidden. However, while achieving this, the freedom to express thought and the freedom of association should not be damaged. As a matter of fact, Articles 141, 142 and 163 of the penal code do limit the freedom of thought and the freedom of association in their present form. Out of these reasons, there emerged the necessity of abolishing these articles and replacing them with new provisions to protect the material order of the State, to restore the freedom of thought and the freedom for the organization and by this way, to fit the two legal interests to the balanced and contemporary democratic legal system.*" (The Grand National Assembly of Turkey Journal of Minutes, 106. Session 11 April 1991; from the draft of the "LFT" and General Justification of the Report of the Justice Commission)

Despite the fact that this is the justification of the law, indeed the lawmakers, while abolishing Article 142 of the Turkish Penal Code, have performed the legal regulation "in conformity with the order" by producing Articles 6 and 8 of the "Law to Fight Terror-

ism". The law originally stems from the belief that the incidents of violence can not be prevented through democratic means. In fact, even the concept of "terror" as defined in the law, does not fit the 1982 Constitution's existing Penal Code and the principle of penal responsibility. The exercise of the law from 1991 to date has proven that the legislative and executive powers that wish to solve the problem of terrorism, have transferred every single problem that they failed in solving, to the judiciary. Consequently articles published, thoughts disclosed and opinions expressed have begun to be prosecuted at the State Security Courts. Through regarding the disclosing and expressing of thought as the equivalent of "terrorism", the "free circulation of news" and the "freedom and right of the public to acquire information" have begun to be restricted under the Law No.3713. Day by day, even if to fight terrorism, simply giving information, simply writing down news, simply commenting and criticizing, or, say, writing a report on "torture", has been considered an act of terrorism. If such an act is charged under such a law and if such a prevention is put into practice within the framework of the "protection of the State", then this clearly is the punishing of the "act of informing".

In countries where democracy is considered already established, individuals can not be placed out of the decision-making mechanism. The basis of democracy and consequently, the respect for human rights is maintained through the utilization of the principles of "producing common decisions" and the "individuality of the society". The more pluralist and participatory the individuals are, the less severe the clash between State rights and human rights shall be. And it shall completely disappear in time. The restriction of the right to be informed of the public and the accusation of the appropriate news circulation is unacceptable.

Therefore administrators are not entitled to conceal anything from individuals and the right and freedom of individuals to acquire information can only be maintained through the granting of the freedoms of information, and the writing down of the news. The circulation of free, widespread, and accurate news secures the solid establishment of the democratic political structure. The freedom of expressing thought via the press is the most important element of the right of the public to be informed and to learn the truth. When individuals learn the truth, they are accurately informed about what goes on in the country. And they acquire the right to participate in the ruling process with the aid of the accurate information and the learnt truths, although in a somewhat indirect way. The democratic political power is the one that does not fear the public's learning the truth, being informed and participating in the ruling process. Otherwise if the accurate and real information is not communicated to the individuals even if it is in the interest of protecting the State or preventing terrorism, or the communication of this information is indirectly restricted, there emerges the "permitted thought" and "non-permitted thought".

Such an atmosphere contradicts democracy. The right of informing is prevented. The right and freedom of circulating news is abolished with respect to the right of disclosing opinions, commenting and criticizing and step by step, the right to create and right to express thought. Polyphony would be lost. Monophony and the official opinion system would rule over the society. Such an atmosphere can never be claimed to be a democratic State of Law, and a democratic societal order as defined in the international treaties can not be created as via such approaches.

With the publishing of this book, the defendants wanted the public to learn about the truths. Another aim is to be able to announce one of the problems of Turkey to the rulers, with a 14 years' enumeration.

But the alleging office demands conviction under Article 8, for several sentences it has picked up from among the contents of the book. Article 8 of the "Law to Fight Terrorism" contradicts all the ideas expressed above. The definition of each and every single offense should be clearly determined. But the definition in Article 8 does not fit the type of the offense. The article of the law should describe the type of offense and should be able to explain its reasons and logic. The aim and the practicing logic of Article 8, which is incompatible with the principle of legality in the offense, is limited to preventing terrorist acts. However, such a case and such an indictment restricts the right to freely write down the news, comment and criticize. Article 8 should be acknowledged for the acts aiming at terrorism. There should exist an act of publication directed at damaging the protected legal values, anticipating violence. Because, Article 8 punishes the act of "danger directed at creating terrorism". Then the expressions and opinions which do not imply propaganda at all or do not anticipate terrorism and violence within the context of the propaganda act, and which do not provoke or encourage terrorism and violence, should not be punished. The Article 8 contradicts the principle of legality in offense.

It is impossible to allege the presence of propaganda by sentences singled out from the whole passage. Disclosing a certain opinion shall be considered as an offense only on condition that the disclosed opinion should comprise such a gravity that is capable of resulting in damage against the law regarding its quality and contents, and it has to be directed at an unlawful end. The assailant of the offense should aim at destroying the unity of the territory and the nation, and should be capable of causing damage to serve this aim. However, putting forward a different idea or using the word "Kurdish" in a book published with a certain interpretation, can not alone be considered as a propaganda. In the book the defendants narrate certain incidents and propose solutions in a manner that would never, ever destroy the unity. It is impossible for this action to be regarded as a propaganda (which can not even be defined in Article 8), accepted as an offense and be punished. The defendants are not obliged to think in accordance with the official opinion and produce opinions to support this. An opinion that contradicts the concept of nation can not be considered as "destructive propaganda directed against the national or territorial unity". Besides, criticizing the administrators for the actions that stem from incorrect policies and that are in contravention of the democracy and freedoms, and producing solutions can not be considered as acts directed at destroying the territorial unity. Actions that are defined and unlawful are not sufficient for the punishment of people, for at the same time, the aim and the moral factor should be questioned. The aim is clear. The action is clear. There is nothing that contradicts Article 8 of the "Law to Fight Terrorism" in the "File of Torture" which only attempts to clarify certain points and produce solutions.

"A determination of the situation" is done in the accused passage. There, the economic, political and legal regime in Turkey introduced along with the September 12th is defined. The right to become an MP is a result of the right of electing and being elected, provided by the Constitution. It is a shame for the parliamentary regime and democracy

that people are provided with this right on the one hand, and banned from exercising it on the other. Because the most important thing is the continuation of the parliamentary struggle within democracy. Political parties are a product of the indispensable and inevitable principle of democracy. The political parties, which are the result of the right to organize and political struggle, are one of the basic rights and freedoms of individuals open to everybody. Democracy rejects pressure, violence, torture and murder. So, what we have said till now concerns the parts included in the charged article. The Kurdish problem, attempted to be settled through certain systems introduced by the September 12th regime and which contradict democracy, is a problem that should be openly discussed. The governments should discuss this problem. Otherwise in the case that the truths are not communicated to the people or solutions outside the borders of democratic systems are considered, the problems are never settled. On the contrary, they become more and more significant each day. It is today acknowledged by everyone that the Kurdish problem has seriously damaged the Turkish economy. Insisting upon the "military solution" to such a problem that affects the balance of the Turkish economy, is one point of view. However, opposing this view and proposing economic, social and cultural solutions and opening these solutions for debate is a natural product of the most basic freedoms of thought and its expression.

As a result, the very act of talking about the policy of oppression, violence, torture, killing and supervising all kinds of democratic movements, identifying each and every single demand of the Kurds with the PKK, banning the Kurdish political and democratic movement and usurping the right to parliamentary membership, is suggesting the opening of this road. There are many decisions and opinions that eliminate the legal system that was created by the September 12th and could not be abolished by the executive and legislative organs. In another way, the regime is discussed in these decisions and moreover, the fact that discussion means producing solutions, is emphasized.

EXAMPLE 1:

"A preparatory investigation was launched into the allegations that in the first part of the interview published under the heading of "Ateş Altındaki Ülkeden İnsan Manzaraları" on page 6 of the newspaper (...) -the defendant (...) is the chief editor for this newspaper- dated (...), the actions of the members of the illegal organization PKK, that legally constitute a crime, are praised.

After the examination of the part that constituted the basis for the offense and after the testimonies of the defendants, it was concluded that the interview aimed at learning and reflecting the thoughts and feelings of the people related to the Kurdish problem experienced in the Southeastern region. (...) Some people, under the influence of what they have gone through, have sympathized with the PKK and the opinions of these people were cited in the interview, and the aim of the interview was concluded to be the expressing of the problems and the situation experienced in the Southeast related to the pan-Kurdish trends and the PKK to the readers and the informing of the public.

In fact, in an atmosphere where the Kurdish problem experienced in Southeastern Anatolia and which has also caused discomfort in other parts of Turkey is brought forward to be discussed in all ways by the public, and the various dimensions of the prob-

lem is considered, the publishing of various situations and ideas such as the interview in question, and the displaying of these inconveniences, is to the benefit of the public. Without knowing the situation and the topics, it is impossible to find healthy solutions, and produce. Therefore this published interview has the qualifications of a publication that is in conformity with the principles of the press law and it has to be considered within the framework of the freedoms of press and publication.

As a result of the reasons stated above, a verdict of non-prosecution was delivered under Article 164 of the CMUK." (İstanbul Public Prosecution Chief Office Preparation Prep: 1992/188 Decision: 1992/143 and the verdict of non-prosecution dated 19.8.1992)

EXAMPLE 2:

"A public trial was launched (...) on charges of contradicting Articles 6/2 of the Law Numbered 3713 (...) in connection with the mentioning of the publication of the Dersim Province ERNK declaration by the terrorist PKK organization in the article entitled 'PKK: Terkedilen Mülke El Koyarız' placed on pages 1 and 17 of the newspaper Cumhuriyet dated 30.8.1993. (...)

With the provisional regulation, compiling the situation of the press has become a delicate subject. As is known, the press has three functions, compiling news, commenting upon the news and circulating it. Among these the most important one is the circulating of the news, in short, the function of information. (...) Because of the fact that the aim of the law can never be interpreted in a manner to prevent the function of informing, certain statements are made even in the daily TV news. Actually a contradicting interpretation would pave the way for implementations beyond the aim of the law and would result in the inability to produce any news in certain regions.

Although in the decision by the Supreme Court dated 20 September 1993 numbered 1993/9-157, 1993/190, it is stated that the Article 6/2 does not seek for a special intention or motive, there are no future references. In a decision by the Supreme Court that should not be forgotten, while referring to intention, it says: "The principle in penal law is intention. Taking this into account, an unintended action, be it in contradiction with the law, does not constitute a crime. It is a step in the civilized world that the moral element is taken into account regarding the crime and if that element is not detected, the action can not be considered as a crime. In today's interpretation the suitable and unlawful action does not suffice for the conviction of a person. The attribution of this action to the person and the ability of the person to evaluate his own action is also required..." (Journal of Yargıtay Kararları, December 1983) Actually if instead of the opinion that no special intention would be sought, the opposite had been stated, it would have been comparably more appropriate to practice Article 6/2. Being content with simply the general intention may have resulted in the prevention of the informing function of the press.

In fact today, along with the elements of crime in the classical meaning, contradiction of the law is also handled at the faculties of law as a component. In the case that the law provision is practiced as a form, without evaluating these components, receiving and circulating news shall turn out to be impossible..." With these justifications, an acquittal verdict numbered 1993/279 and essence numbered 1993/264 dated 30 December 1993 was delivered for the defendants by the İstanbul State Security Court No.2.

EXAMPLE 3:

An article entitled "Kürt Çalar, Çiller Oynamaz" was published in the 341st issue of the journal İktisat dated September 1993, in İstanbul. A trial was launched in connection with this article on charges of contradicting the Law Numbered 3713. In the article, it was stated that the State practiced official violence and compulsion in the region and that the PKK carried out sabotages and massacres, and the Prime Minister's policy on the Southeast was criticized. However, the court decided for the acquittal of the writer and the responsible editor-in-chief on the following justifications: "... Despite the fact that the writer argued that he had been careful to stay impartial in the article in question, the actions and approaches of the organization and of the State (political power) are not reflected in a completely impartial manner. The article was conducted with a prejudice that the political power displayed an errant approach. The writer of the article in question should not be expected to think and state in line with the wishes of the political power. Actually freedom of thought is secured under our Constitution and Laws and polyphony is the basis of democracy. Therefore the writer's expression of an opinion that can not in fact be approved has not been considered by our court as an act under Article 7/2 of the Law Numbered 3713..." (Verdict numbered 1994/33 and essence numbered 1993/296 dated 24 February 1994, by the İstanbul State Security Court No.2.)

EXAMPLE 4:

15 years after the decision, the European Human Rights Convention, which is acknowledged as a provision within the national law, is in effect in today's Turkey. When we consider the Spain of 15 years ago, we see that Spanish Senator Miguel Castells is convicted in his country in year 1979. The MP Senator has written down an article for a weekly journal. He has held the extremist right wing organizations responsible for murders by unknown assailants, armed attacks and bombings in a certain region of the country. He has even denied that these organizations are not independent of the State itself, and claims that the State is behind all these incidents. Is the immunity of the Senator lifted, is he prosecuted in Spain? Yes, his immunity is lifted. In Spain he is sentenced to 1 year 1 month in prison on October 31, 1983, on charges of insulting the government.

The Senator has applied to the European Human Rights Commission. Accepting the application (11798/85), the Commission, in its report dated 8 January 1991, has decided that Article 10 of the European Human Rights Convention on the freedom of ex-pression is violated, with the majority of 9 ayes over 3 noes. The case file of the Senator against the Spanish Government has come before the European Human Rights Court on 21 March 1991. The court has reminded Spain of the importance of the freedom of ex-pression for a democratic society. (The freedom of expression constitutes a part of the main basis of the democratic society, and it is one of the main conditions for the development of the democracy. The convention, on the condition that Article 10/2 is reserved, is applicable for the opposing, shaking or disturbing thoughts, along with the news or thoughts that do not seem to be aggressive or significant. It is necessitated by pluralism, tolerance and open-mindedness that the democratic society cannot do without them.)

The court has strictly protected the freedom of expression of an MP, who is a member of the opposition, stating that because he is the elected representative of the public, he

is obliged to draw attention to the points they attach importance to, and protect their interests. It has even stated that the MP's preference of a weekly journal to disclose his opinions instead of the parliament does not mean that he has lost his right to criticize the government. The role of the press within this framework was especially stressed, and communicating the news and opinions regarding the political problems and the other points related to the benefit of the public was considered to be the obligatory duty of the press. The limits of acceptability stated in the convention regarding the criticisms against the government is wider than those related to ordinary people, even a politician. In a democratic order, the actions or negligence of the government are under the close supervision of not only the legislative and the executive organs but of the press and the public as well. It is clear that the court regards the democratic social order as a pluralist one and in such an order, the freedom of expression enjoys the benefit of superior protection. Then in the protection of the freedom of expression, the priority does not belong to the "government order" but the "democratic social order" is required and determining.

In conclusion; as we have been trying to explain till now, the "File of Torture" is a scientific work based completely on research. The book that is the subject of this trial should be evaluated as a whole. The defendants have carried out their duty so that the incidents that are the subject of the research will not be experienced once again, so that torture will be prevented, and in the case that if such a crime of humanity is committed, this will be punished with the appropriate provisions. They have warned the administrators within the context of the aims of the HRFT. They have communicated the incidents to the people living in Turkey, for the right and freedom of being informed. They have taken a step further in the struggle to pave the way for discussion, for the production of results and for the practicing of the individual's main rights and freedoms as determined in the international treaties suitable to the principles of the democratic State of Law with the aid of the solutions produced. Therefore, it is our demand that they should not be punished under Article 8 of the Law in connection with the book aimed at the securing of the democratic social order in Turkey and the functioning of the order in line with all rules.

CONCLUSION and DEMAND:

We demand an acquittal decision be issued for our clients for the reasons stated above and the lifting of the decision to confiscate. (January 11, 1995)

With Regards

Defendants: **Yavuz Önen - Fevzi Argun**

Represented By:

Lawyer Fikret İlkiz	Lawyer Hüsnü Öndül	Lawyer Şenal Sarıhan
Lawyer Yusuf Alataş	Lawyer Meryem Erdal	Lawyer Şeref Turgut
Lawyer Ahmet B. Çağlar	Lawyer Selahattin Esmer	Lawyer Ercan Kanar
Lawyer Kamil T. Sürek	Lawyer Yıldız İmrek	Lawyer İbrahim Açıkan
Lawyer Nuri Özmen	Lawyer Kazım Bayraktar	Lawyer Metin Kozan

Annex: 4

T.R.
ANKARA
THE STATE SECURITY
COURT NO.2

DETAILED RULING

ESSENCE NO	: 1994/38
DECISION NO	: 1995/1
PUBLIC PRO. ESSENCE NO	: 1994/153
PRESIDENT	: Mehmet Turgut OKYAY (17339)
COL. JUDGE MEMBER	: Abdulkadir DAVARCIOĞLU (972-Yd.8)
MEMBER	: İbrahim KOZAN (22020)
PUBLIC PROSECUTOR	: Nuh ÇETİNKAYA (973-Ord.10)
CLERK	: Hüseyin KARAKUŞ (75)
CLAIMANT	: Public case
DEFENDANTS	: 1- YAVUZÖNEN: Son of Mehmet Selim and Ayşe born in 30.12.1938. Registered at Ankara Çankaya Kavaklıdere Quart. (...) Resides at 87 Rafet Camtez St. Oran, Ankara. Married with 3 children. Senior architect. The Chairperson of the Human Rights Foundation of Turkey, literate, no criminal record, T.R., Islam.
REPRESENTED BY	: Lawyer Hüsnü Öndül (Registered at the Ankara Bar) Lawyer Fikret İlkiz (Registered at the İstanbul Bar)
OFFENSE	: Disseminating propaganda aiming at damaging the indivisible unity of the Turkish Republic with its territory and nation.
DATE OF OFFENSE	: SEPTEMBER 1994

2-FEVZİ BAHAEETTİN ARGUN: Son of Sami and Zühal Güler, born in 22.10.1960. Registered at Bolu Düzce Burhaniye Quart.(...) Resides at 21 İnanç Blocks 4, 100. Yıl, Ankara. Married with a child, literate, college graduate. Journalist. No criminal record, T.R., Islam.

REPRESENTED BY : Lawyer Hüsnü Öndül - Lawyer Meryem Erdal
(Registered at the Ankara Bar)

: Lawyer Fikret İlkiz
(Registered at the İstanbul Bar)

OFFENSE : Disseminating propaganda aiming at damaging the indivisible unity of the Turkish Republic with its territory and nation.

DATE OF OFFENSE : SEPTEMBER 1994

DATE OF DECISION : 11.01.1995

As a result of the open prosecution of the public trial launched by the Ankara SSC Prosecution Office with the indictment dated 11.11.1994, essence no. 1994/153 against the defendants (their clear IDs and the offenses they are charged with, are stated above):

WHAT IS REQUIRED IS DECIDED:

THE CLAIM

With the indictment dated 11.11.1994 numbered 1994/127 by the Ankara SSC Prosecution Chief Office, a public trial was launched against Yavuz Önen and Fevzi Argun, the President and the Member of the Executive Board of the Human Rights Foundation of Turkey, respectively, with sentences sought for both of them on charges of opposing Article 8/1 of the Law Numbered 3713 by disseminating propaganda via publication aiming at damaging the indivisible unity of the Turkish Republic with its territory and nation in the introductory part and certain paragraphs of the book entitled "İŞKENCE DOSYASI" (The File of Torture) published and distributed with the decision dated 27.8.1994 of the Foundation Executive Board. Although in the aforesaid indictment, it was alleged that:

a) Yavuz Önen, by saying in the preface entitled "12.9.1980: Karanlığa Atılan Adım" (12.9.1980: A Step Towards Darkness) that under the economic, political and legal regime of the September 12th, the identification of each and every single demand of Kurdish people with the PKK, the banning of the political and democratic movement of the Kurds, and the policy of usurping the right to Assembly membership and blocking the ways of parliamentary struggle, were realized under the guise of protecting and preserving the indivisible unity of the State with its territory and nation; by mentioning that the Turkish nationalism that stems from the Turkish-Islamic synthesis, through discriminations of language, race and religion, has turned the war into a fact of the daily life, and using the attributions of "denying, exploiting, primitive, nationalist and funda-

mentalist ideology', our people were discriminated as Turkish and Kurdish; and by describing the nationalism which is stated in the introductory part of the Constitution of the Turkish Republic as denying, exploiting and primitive and by mentioning a Kurdish political and democratic movement apart from the Turkish political and democratic movement, disseminated separatist propaganda.

b) Defendant Fevzi Argun, by saying in the file of torture part of the book that: "The approach of the governments towards the Kurdish problem was not much different from the logic of the 12 September generals. The Kurdish problem became more and more complex each day. Demands for the democratic solution of the Kurdish problem were ignored. Military methods were introduced as the only solution. As a result of the struggle against the PKK, the Kurdish problem was jammed into a triangle of violence, pressure and death. The gap between the Turkish and Kurdish people widened. This problem also significantly damaged the Turkish economy.", by defining the actions of the PKK as a guerrilla movement and mentioning a Kurdish nation apart from the Turkish nation, disseminated separatist propaganda.

And although the Public Prosecutor, in the discussion related to the essence of the case, had repeated the allegation and demanded the conviction of the defendants in line with the referring article;

THE DEFENSE

Of the defendants that do not accept the charge during their interrogation and defense,

1- Yavuz ÖNEN: Has declared that one aim of the HRFT is treating tortured people and the other is struggling and publishing for the prevention of torture and that the book in question was one of the publications prepared to serve this aim. He has said that a Foundation Executive Board decision was made to publish this book that included the human rights abuses during the period of 1980-1994, that in the aforesaid book cases of torture were studied and therefore Fevzi Argun was entrusted at the Foundation's Documentation Center. He has stated that they have reported the incidents with an objective point of view; have refused the violence and preferred the solution of the Kurdish problem in a democratic atmosphere, that the Foundation and him in person objected to separation, and added that he has not in his articles declared that the Kurds should set up a separate nation and a separate state and did not in fact agree with opinions favoring this.

2- Fevzi B. ARGUN: Has stated that he was entrusted by the decision dated 27.8.1994 of the Foundation Executive Board to prepare a report and to publish a book about the cases of torture that took place during the 14 years' period since September 12, 1994, and consequently, he has summarized the incidents that had taken place during the aforesaid period in the book. He has said that he never, ever meant to disseminate separatist propaganda but that he does not want the people to die or to suffer and the paragraphs in question were nothing but a complaint only. Fevzi Argun stated that their Foundation had two main functions; one of which is the securing of the treatment and rehabilitation of the people who have physical or psychological complaints due to torture in prison or in detention and the other is the compiling of information and documents

related to the human rights abuses and human rights subjects and the preparing of reports, books and brochures utilizing these; the book in question was prepared to study the part related to torture of the human rights abuses experienced and witnessed after 12.09.1980 and the aim was to inform and warn the public and the authorities about torture, and provide them with the opportunity to make an evaluation; that while preparing the study, they have refrained from commenting and had absolutely no intention of disseminating either destructive or separatist propaganda and that the cases of torture placed in the book were the product of an evaluation that comprised not a certain part of Turkey but the whole country in general; while working on the evaluation, not a single discrimination regarding race, religion, sex or political opinion was made; besides, the economic, social, political and legal problems were summarized in the book, and not a single element of crime can possibly be detected in his articles and words, if the book is evaluated as a whole and the preface separately.

And the lawyers of the defendants, in the defense they have prepared, have stated that as in supra-national human rights documents, the States have accepted and undertaken that they shall encourage the establishment of non-governmental human rights organizations, make the necessary amendments in this direction within the national law and facilitate the ability of these organizations to freely conduct their activities, and Turkey is an undersignatory to the aforesaid documents; the fact that the human rights organizations shall be able to freely conduct their activities without any intervention is determined in these documents, and this is a right granted to the human rights defenders and organizations for they are the guarantee of the acquisition, protection, practice and development of human rights; the aim of the human rights organizations is to struggle for human rights and to warn those who have the authority to determine and announce the human rights abuses to the public, to prevent the abuses, to abolish and to change national regulations that are in contravention of the supra-national norms, and the aims and duties of Foundation the defendants are members of, should be evaluated within this framework; that democracy is a regime of pluralism, participation and transparency based on the freedom of thought and organization and thus, while publishing the book in question as a product of the struggle to create a Turkey dominated by the democratic social order in line with the target stated in the Statute of the Foundation, it was aimed at warning, informing and preventing torture; the freedom of the expression of thought and the freedom of organization should not be damaged during the prevention of destructive activities and in fact, the preparation of the "Law to Fight Terrorism" aimed at this target; that in the aforesaid book, the public's learning of the truths and the informing of the administrators through the enumeration of 14 years of incidents of torture -one of the problems of Turkey- was targeted; the book is a scientific work based completely on research; and when it is evaluated as a whole, as not a single legal element of the offense defendants are charged with is present; and the acquittal of the defendants is demanded.

JUSTIFICATION

THE DEFINITION AND ANALYSIS OF ARTICLE 8/1 OF THE LAW NO. 3713:

The title of the Article contains the provision of "Propaganda against the indivisibility of the State" and the text anticipates the punishment of written and oral propaganda

directed at destroying the indivisible unity of the Republic of Turkey with its nation and territory, regardless of method or belief.

In the general justification of the aforesaid draft, it was aimed at banning violent activities, directed against the basic rights and freedoms secured by the Constitution, of the organizations that have the capacity to shake the national structure. However, while doing this, the fact that great pains should be taken not to damage the freedom of expression of thought which is the pre-condition of the securing of a contemporary democratic societal order, and the freedom of organization round this thought, was emphasized; and it was understood that the intention in preparing the draft was to issue such a law that would protect both the material order of the State and the freedom of the expression of thought, to fit these two legal interests into the framework of contemporary democratic order of law and thereby, contribute to the public peace. So it was concluded that in practice the justification stated above can not be overlooked. Besides, by making an interpretation of the terms in the passage (expressed in the part of the indictment related to the transfer, as propaganda directed at destroying the indivisible unity of the State with its territory and nation and stated to form the legal element of the crime) it was thought that it should be evaluated whether the words and expressions in the book, one by one or as a whole, were said or expressed with the intention of committing a crime.

In the publications of the Turkish Language Institution (TDK); SEPARATIST is defined as a person who aims at breaking up a society and paving the way for clashes inside, whereas SEPARATISM is the action performed by the separatist and PROPAGANDA is defined as the influence enjoyed via oral, written or other means to disseminate a thought or a belief and to increase its supporters.

Therefore, it was concluded that while making a decision, the aforesaid definitions should be examined in the determination of whether the defendants had intentions of splitting a group and encouraging them to fight against each other with their words and articles that are the subjects of the trial, and the principle and aim of the Foundation should be considered together with the reason of preparation and publication of the book.

It was observed that in the preface by Yavuz Önen, the bottlenecks, problems and various human rights abuses in the political, economic, social and legal life after 12.09.1980 were criticized in a sophisticated style, and declarations that include effective, widespread and systematic propaganda which associates violence, are carefully avoided. Besides, the court is of the opinion that the separately or altogether pronouncement of the clauses of the 'Turkish people' and the 'Kurdish people' used in certain parts of the book can be regarded as neither discrimination nor separatism, because;

Along with a group of people that constitute a nation, a whole lot of the people living in the same country and bonded together with common interests, or a part of a nation that live together in a certain region are referred to as "people" in the daily life (the Anatolian people, the Turkish people in the Balkans). This also supports the opinion of the court related to the intention of the offense. Also, the creation of an element of crime by putting different meanings on some words and terms through extended comments, is not in conformity with the general principles of the penal law. If a sentence of a paragraph is capable of meaning different things, this fact should be interpreted in favor of the defendant.

DECISION

In the book that is the subject of the trial, the publicizing of the violations of rights determined in our country during the aforesaid period was carried out via clearly stating the place and the time and thereby, displaying concrete incidents.

It was determined that in the book prepared and published to secure the prevention of abuses, to inform the administrators so as to take precautions, the limits of critical thought necessitated by democracy is not exceeded. The indictment and the defense were evaluated in an objective way, and the defense was regarded as sincere and convincing. It was concluded that as when the book in question is evaluated as a whole together with the preface, the legal elements for the offense attributed have proven to be non-existent, the **ACQUITTAL** of the defendants and;

The **RETURNING** of the books in question confiscated by the decision dated 18.10.1994 numbered 1994/209D. of the Ankara SSC No.1, **BACK** to the HRFT;

contrary to the indictment, was unanimously decided right before the defendants and their representatives, on the condition that the right to appeal shall be preserved. 11.1.1995 ^(*)

PRESIDENT: 17339 MEMBER: 972-Yd.8 MEMBER: 22020 CLERK: 75

^(*) The SSC Prosecution Office raised an objection against the acquittal decision by the Ankara SSC. The acquittal decision was upheld by the Supreme Court in May, 1995, and became decisive.

Publications of the HRFT ()*

- ◇ Turkey Human Rights Report-1991 (Turkish-English) (NA)
- ◇ Turkey Human Rights Report-1992 (Turkish-English) (NA)
- ◇ HRFT Treatment Centers Report 1990-1992 (Turkish-English) (NA)
- ◇ Turkey Human Rights Report-1993 (Turkish-English) (NA)
- ◇ File of Torture-12 September 1980/1994 (Turkish-English) (NA)
Confiscated, Tried at the Ankara SSC, acquitted.

- ◆ HRFT Treatment Centers Report 1993 (Turkish-English)
- ◆ Abidin Dino-Torture Drawings
- ◆ Health Services and the Problems of the Health Personnel
in the Southeast (English)
- ◆ A Present to Emil Galip Sandalcı (Turkish)
- ◆ Turkey Human Rights Report-1994 (Turkish-English)
- ◆ HRFT Treatment Centers Report 1994 (Turkish-English)
- ◆ Freedom of Thought and Migration (Turkish)
10-17 December 1994 Human Rights Week activities
- ◆ File of Torture -12 September 1980/1994 (Turkish-English)
(2nd Edition)

(*) The HRFT publications are available at the Headquarters of the HRFT and its representative offices.

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