

TURKEY UNVEILED

Chapter 1: The treatment and welfare of political prisoners in Turkey



Report of the Islamic Human Rights Commission, June 1999

| | Page |
|--|------|
| INTRODUCTION | 1 |
| PART ONE: Distinction between criminal and political prisoners | 3 |
| (One) Constitutional | 3 |
| (Two) Physical | 3 |
| PART TWO: Continued Persecution of Aczimendis | 5 |
| (One) Illegal detention | 5 |
| (Two) Deaths in Custody | 5 |
| PART THREE: Abuses of Prisoners' Rights | 7 |
| (One) Movement of prisoners without notice | 7 |
| (Two) Harassment of families and friends | 7 |
| (Three) Torture | 8 |
| (Four) Sentencing and Arbitrary Detention | 8 |
| PART FOUR: Other Prisons | 10 |
| CONCLUSION | 11 |
| Appendix I: Mazlumder Report on Eskisehir Prison | 12 |
| Appendix II: Cases of pressing concern to IHRC | 18 |
| Appendix III: Persecution of Human Rights Organisations | 23 |

First published in Great Britain in 1999 by Islamic Human Rights Commission, PO Box 598, Wembley, HA9 7XH

© 1999 Islamic Human Rights Commission

Printed in England by Islamic Human Rights Commission

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any means electronic, mechanical, or other means, now known or hereinafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Introduction

Three Rapporteurs from the Islamic Human Rights Commission, visited Istanbul, Turkey in October 1998. The remit of their task was to verify and catalogue the extent of abuses of human rights perpetrated by the various organs of the Turkish state against its citizens.

IHRC has been monitoring the deteriorating situation in Turkey over the previous two year period. It had noted a new phenomenon in Turkish politics, stemming from the February 1997 ruling by the National Security Council that, "Muslims are the number one enemy of the principles of the state of Turkey." Indeed the statement went further to prioritise the removal of a perceived rise in 'Islamic activism' as a priority over anti-Kurdish action by the state. This had resulted in what appeared from reports to be a sustained attack on any vestige of Islamic identity displayed by Turkish and Kurdish citizens. Mainstream reporting, such as there has been of this issue had concentrated on Turkish state action against the Refah (Welfare Party) and its successor Fazilat (Virtue) Party. However there appear to be a catalogue of abuses of human rights targeting not only those who are overtly active in the political arena e.g. politicians, journalists, writers, but also students, public sector workers, even private civilians adhering to Islamic dress codes, or even supporting the rights of others to do so.

Many so-called activists were imprisoned, and reports of torture abounded. The rapporteurs went to Istanbul to assess how far the reports of such activities were justified, and the extent to which they represent fully fledged organised persecution.

The rapporteurs were greatly assisted in their task by established human rights organisations, in particular Mazlumder, as well as various advocates, writers, journalists and private individuals some of whom are not named for fear of reprisals.

The rapporteurs would like to thank them for their time and efforts, and pray that their work and sacrifice will be ultimately rewarded.

IHRC, June 1999

PART ONE: Distinction between criminal and political prisoners

One: Constitutional distinction

IHRC Rapporteurs were surprised at and initially sceptical about the claim that the Turkish authorities explicitly recognise political prisoners as extant and indeed part and parcel of the prison system.

This scepticism was quickly dispelled by the alarming regularity of overtly political cases being brought to the rapporteurs attention. The Constitutional Court has been frequently used in the last few years to try a variety of students, journalists, writers, actors and others with treason for a variety of “crimes” (see Appendix III).

Constitutional Discrimination

The rapporteurs interviewed a number of former, present and relatives of prisoners during the course of their stay in Istanbul. During these interviews, there were a repeated claims that prisoners held for their beliefs were constitutionally as well as physically discriminated against.

Further enquiry confirmed that prisoners sentenced by the Constitutional Court have to serve at least three quarters of their sentence. Those convicted through criminal courts need only serve half of their sentence before they are eligible or release.

Further, the practice in Turkish prison procedure is to place prisoners in custody near their abodes, so as to allow family and friends the ability to visit. Political prisoners are frequently placed in prison at great distance from family and friends. Some are also subject to frequent moves from prison to prison, often without notice to them or to their families.

Two: Observation of physical discrimination against political prisoners

Two rapporteurs visited Bandirma Prison on the penultimate day of their visit. Bandirma prison, is situated across the Bosphorous from Istanbul. A two hour ferry ride and a fifteen minute taxi ride brought the rapporteurs to the prison.

The visit coincided with Republic Day, and prisoners were allowed exceptional contact with friends and family on this and other holiday occasions. Indeed it is the belief of the rapportuers that the unusual bustle of the day, enabled them to enter the wing without being questioned in detail as to their reasons for entry. All visitors were closely searched, and all bags, wallets and means of identification had to be left with guards whilst the visit took place.

Guards at the prison seemed to be routinely armed with standard automatic army issue weapons..

Those convicted through the criminal and constitutional courts can, on national holidays, spend the day with loved ones inside visiting areas in the prison. It was claimed that whilst criminals were allowed unhindered access i.e. physical proximity with their visitors, political prisoners were denied this. Instead families and friends could converse with the interred through perspex barriers.

The rapporteurs visited a number of prisoners, some of whom are referred to in the case reports below. The wing that was visited, indeed, confirmed the testimonies claiming discrimination between criminal and political prisoners.

Visitors sat in special booths concrete booths. Two sheets of perspex with two sets of bars in between, visually separate visitors and prisoners. Verbal communication is not possible through this sheeting. In order to speak with prisoners, visitors need to lean over to the side where four sheets of bore holed metal allow verbal but not visual communication.

As the rapporteurs attempted to leave Bandirma, they were stopped by guards who asked why they should be leaving, when they should in fact be spending the whole day. A third guard approached and explained that the rapporteurs were visiting the 'political' not the other prisoners. Upon this explanation the rapporteurs were allowed to leave.

On their return to Istanbul, the rapporteurs watched extensive television footage of holiday visits for criminal prisoners. These confirmed that criminal prisoners had different arrangements that allowed for physical proximity.

During their interviews with prisoners, the rapporteurs met with and spoke to Kurdish prisoners, who were clearly placed at a great distance from their families and friends.

PART TWO: Continued persecution of Dervish or Aczimendis community.

One: Persecution through detention

The Dervish or Aczimendis community are a community of Sufi adherents. They are overtly non-political, the purpose of their religious beliefs and practices are ascetic.

This community has been targeted as committing breaches of the constitution

because of a particular manner of dress that male adherents in particular adopt. This involves garments of a traditional nature – baggy trousers known as shalwar, long flowing over-shirts, and occasionally hats or turbans. They usually wear beards and their hair long. Since the crackdown on vestiges of Islamic identity, there have been arrests and cases of torture against members of this community.

Members of this community have been tried by the National Security Courts, which according to a test case brought before the European Court of Human Rights has no jurisdiction on civilian cases. The National Security Court can authorise arrest and detention for longer periods and without trial. Turkey has proceeded nevertheless to bring such cases before this Court.

The rapporteurs were advised of the case of a mass arrest two years previously of 127 Dervishes, for dressing in an unconstitutional manner. Upon their release they took on the dress code once more and were rearrested.

Whilst in prison, Dervishes have complained of the following abuses of their rights:

Being forced to strip by Prison Officers.
Having their hair and beards shaved forcibly.

One released Dervish complained that he had been stripped naked and left in solitary confinement in a room no more than 1 square metre in size. He was subjected to beatings on a daily basis as well as receiving electric shocks to various parts of his body, including his genitalia. He also had his legs cuffed during his solitary confinement.

Two: Deaths in custody

Rapporteurs received details of the death of another Dervish whilst in custody. Süleyman Bastug, was subjected to water torture, at Eskisehir Prison, as described in the case of Mustafa ASHIK (see Annex II), in January 1998. His health deteriorated as a result but prison officers refused to give him access to medical help. Eventually, Bastug was taken to hospital in Ankara, some 200 kilometres away but was returned in ill health to Eskisehir, as there was no room in Ankara prison. He later died in Eskisehir. His cause of death was originally recorded as tuberculosis, but during an enquiry into his death the cause was rerecorded in prison records to cancer, without post mortem examination. This death has many parallels with the death of another Dervish in Eskisehir at around the same time referred to in Annex I.

Another Dervish died in September 1998, in detention. Nine close friends arrived to take his coffin for burial, but were instead arrested and detained for breaching dress codes. They were at the time of the visit being held in Pasakapisi prison.

The report of Mazlumder into the continued persecution of Dervishes and conditions in Eskisehir Prison is annexed. The rapporteurs noted the dedication of Mazlumder activists who have continued to advocate on behalf of Muslims in Turkey, despite untold political pressures and threats. (see Appendix III)

PART THREE: Abuses of Prisoners Rights

One: Movement of Prisoners without notice

Emine SENIKOGLU, a writer, described how whilst serving a sentence for writing a book on freedom of political expression, she was suddenly moved in the middle of the night without warning. Her experiences of prison are recounted below and exemplify some of the findings of the rapporteurs.

She was originally imprisoned in Bayram Pasha Prison. She was suddenly moved without warning to CNAKALEH Prison, approximately 300km away. She was taken with other prisoners in a large van, and eventually dropped off at the new prison, almost one and a half weeks later. She was the only civilian prisoner held at this prison. Other inmates included those held on terrorist charges e.g. PKK suspects and prisoners.

She was one of only three female prisoners held. All three were harassed – shouted at continuously and humiliated.

SENIKOGLU was sentenced to 8 years, but was released in 1991 after 2 and a half years served. She is currently facing two sets of charges. She appeared on STAR TV, in or around 1996, critiquing the Turkish judiciary. This appearance forms the basis of one set of charges.

At a conference held on Anatolia Street, Istanbul, SENIKOGLU was invited to participate from the platform. She was asked why she was originally imprisoned. By answering the question she was investigated once more and charged.

She noted that upon her arrest in September 1998, she was held for four hours by anti-terrorist police. Her treatment was however in her words, 'respectful.'

Two: Harassment of families of prisoners

Relatives of prisoners have also complained of harassment. Apart from arrests such as those of Ipek Firat and Gul Aslan (See Appendix II below), families have complained of being followed by security forces. Others have claimed that security officers have visited the areas of their residence and questioned neighbours regarding the families' alleged criminal associations. Others have been questioned and released by security officers on prison visits.

At the time of the visit, a three week old crackdown on visits to political prisoners at Metris Prison, Istanbul was underway. Visitors were either turned away, given very limited access, refused permission to deliver requested articles, including small items of toiletries (these are not provided by the prison authorities) and so on.

Three: Torture

There were several claims that prisoners had been tortured. Methods of torture

used are consistent with known methods used by inter alia the Iraqi and Algerian security services. In addition to the cases cited above, cases and methods of torture reported to the rapporteurs include both physical and psychological forms.

Physical:

- Suspension by arms for two hour periods
- Beatings, especially of the soles of feet
- Electric shocks to parts of the bodies, especially genitalia
- Stripping and hosing in cold water, being left in this state in cells open to the winter elements
- Being forced to lie for protracted periods of time on snow and ice
- Buggery with broken bottles and other instruments

Psychological:

- Blindfolding of male suspects, and subjecting them to sounds of screams from women, claiming that these are the sounds of their families being tortured
- Threatening suspects with the rape of their spouses

Torture is used often to extract confessions (see Appendix II below) and often ceases upon the extraction of a confession. This has been reported to be the case in the matter of Nurettin SIRIN (see below).

Four: Sentencing and arbitrary detention

IHRC was deeply concerned with the sentences meted out to overtly political prisoners. Not only were sentences long (see the example of 'The Palestinians' below), they often overran or were elongated at their expiry upon the application of prosecutors to the High Court. Others often faced multiple charges related to one incident, which in total amounted to dozens of years to be served consecutively (see Mustafa ASHIK and Mehmet FIRAT in Appendix II below).

The case of Aydin KORAL, head writer Selam weekly newspaper in Istanbul, exemplifies this point. KORAL was sentenced to 20 months imprisonment by the Istanbul State security Court in May 1998. The sentence was upheld by the Court of Cassation three weeks later. KORAL was sentenced under Article 312/2 of the Penal Code - inciting religious hatred through religious discrimination for an article criticising the growing political ties between Israel and Turkey. He also faces a number of other charges relating to this article, the total sentences for which would amount to over one hundred years. His case has been documented by IFEX and CPJ amongst other concerned organisations.

Article 312/2 is regularly used against writers critiquing the Turkish authorities. The rapporteurs met one writer sentenced to two years imprisonment for writing a book about Kurdish orphans bereaved by the activities of Turkish security forces. During the visit, his sentence was commuted to fine of TL4 billion – about £6,500.

Article 312/2 was also used against the director, writers and performers of 'An

enemy of the people,' in 1998 (see Appendix II below).

In the course of their enquiries, the rapporteurs met scores of former detainees. Arbitrary detention is common place. Activist from all sorts of political backgrounds, complained of being arrested at demonstrations and held indefinitely from periods of days to years. A number of journalists, politicians, lecturers, students and other civilians were detained after October's 'Hand in Hand' demonstrations across Turkey. Their cases are referred to in more detail in the rapporteurs' report on the persecution of women in Turkish society.

The elected mayor of Istanbul Recep Tayyip Erdogan was also found guilty under this clause, for the recitation of four lines from a poem by Ziya Gökalp. He was sentenced in 1998, to ten months imprisonment and was automatically disqualified from holding any future political office. Mr. Erdogan, was a member of the Virtue Party (FP), the so-called Islamic party that succeeded the banned Welfare Party.

Ironically the poem and the poet who wrote it, are recommended to students and teachers by the Ministry of Education.

PART FOUR: Other prisons

Nigde.

There are 7 known political prisoners being held in Nigde. There is a cement factory near the prison, and cement often leaks into the premises. Additionally the environment is filled with dust from the production. Prisoners in Nigde suffer a variety of health problems as a result. Most obviously are respiratory complaints and diseases. Tuberculosis is a common complaint.

Istanbul – Metris 20 political prisoners

Bandirma 30

Konya 4

Uşak 1

Mardin, Maras, Gantep, Kirklareli were also reported to have political prisoners in unknown numbers.

CONCLUSION

The Rapporteurs returned from Turkey with heavy heart. Not only had the reports made to them before their visit been vindicated, the Rapporteurs felt that there was ample evidence to support further claims of organised state persecution of political opponents.

The justice system, was anything but its eponym. Trials were palpably politically motivated. Charges were often ridiculous. Sentences were long and arduous. Prisoners either tried or arbitrarily detained were subject to inhuman and degrading treatment from relatively small abuses of basic rights to horrendous torture and even extrajudicial killing.

A pattern of persecution emerged from the rapporteurs findings, which indicated that in addition to left-wing and Kurdish activists, Muslims were being increasingly targeted by the authorities. Although not in itself a new phenomenon, this persecution had markedly increased in the last decade, and was now perhaps the most obvious form being perpetrated nation-wide.

The Rapporteurs are callinf for the immediate and unconditional release of all prisoners of conscience regardless of their political, racial or confessional background. They strongly urge all those in decision making positions to use all means necessary to ensure that Turkey complies with basic standards of human rights and ceases its flagrant and routine breaches of international covenants on political, civil and human rights.

APPENDIX I

ESKISEHIR JAIL REPORT

© Mazlumder Organization of Human Rights, Head Office Necatibey Cad. No: 22/23 06430 Kizilay – Ankara / Turkey

INTRODUCTION

Having received information that Aczimendis imprisoned in Eskisehir Jail were experiencing problems, a delegation formed by Lawyer Mahmut EMMIOGLU, Lawyer Atilla DEDE, Lawyer Gürkan BIÇEN and Lawyer Erdinç TOKLU visited the jail in question and prepared a report based on their observations and interviews.

NAMES OF PRISONERS

18 Aczimendis named Mustafa AKGÜL, Adem BULUT, Sedat AKÇAM, Siddik DURMUS, Mehmet DURMUS, Fatih SEVEN, Seref KAZICI, Aydin GÖKSU, Erdemir ÇEVİK, Bayram YUMUSAK, Ahmet TOSUN, Sümmani SAYGILI, Selami TAS, Mustafa DOGAN, Ayhan DEMIR, Murat Yusuf AGAR, Tamer ACIMAZ and Mehmet SUNGURTAS who were imprisoned since 20th August 1998.

THE COMPLAINTS

- Continuous threats of having their hair cut and their beards shaved.
- Being stripped of their clothes and turbans by force.
- Being confined to their cells for two or three.
- Being restricted to only one hour outside or being completely denied.
- Health problems and the death of a prisoner.
- Harassment and detention of visitors.
- Not allowing clothes, books and foods brought to them.
- Illegal treatment while they are taken to court.
- Problems related with mail.
- Psychological torture through threats against their families
- Unhealthy food.
- Separating the prisoners in different places of jail
- Continuous confinement in cells
- Undue pressure from the prison authorities.
- Obstructing meetings between prisoners.

EXPLANATION

Originally all Aczimedis were kept together along with those prisoners mentioned above who were charged with the same crime. Nineteen of the prisoners have

been transferred

to Nigde, thirty three of the prisoners have been sent to Afyon and three of the prisoners have been sent to Ankara Ulucanlar Jail. According to the statements of the prisoners, they are kept at different blocks of the jail and all kinds of communications between each other are hindered. The Aczimendis are kept upstairs in the jail which has a cell system.

During the interview, the prisoners stated again their complaints about the harassment and detention of their visitors.

The prisoners stated that they are threatened with being stripped of their clothes, turbans and the cutting of their hair. These threats and abuses increase as their trial dates near. Furthermore the cells of the prisoners who do not attend the trials are raided by 20-30 prison guards and they are taken to the courts by force.

According to one claim, one of the prisoners was taken to the court without shoes since he had not been given permission to wear them by officers. Furthermore, the public prosecutor of Ankara State Security Court N. Mete Yüksel demanded the administration of the jail to continue the pressure on the Aczimandes over their dress code, thereby exceeding his authority. This case was also reported by the press. The prisoners alleged that their petitions related with this matter, are registered but they are sent back to the prisoners without following the necessary procedure.

Green or black clothes brought by the relatives are rejected by the authorities without stating any reason. Alternatively the clothes are not conveyed to the prisoners. Furthermore, books brought by the relatives are sometimes rejected. Risale-i Nur, a religious text was rejected when it was brought by a prisoner's family.

Prisoners are made to queue for medial attention. The prisoners said that they had had to try to persuade the authorities for hours, for even one simple analgesic. According to the prisoners' statements, a prisoner named Bekir GÖL was not allowed to be taken to a doctor for a long time even though he was ill. He was diagnosed with tuberculosis, but he was hardly hospitalized. Despite of the report of the hospital that the patient to be taken to sanatorium, the prisoner's hospitalizing was delayed for 2-3 weeks. He was returned due to the rejection of the Ankara Ulucanlar Jail. The prisoner in question was not taken to the infirmary of the jail and kept in his cell even though his body got too thin. He died on 11 October 1997 after being taken to hospital.

After the death of Bekir GÖL , the area around the jail had been quarantined and all the prisoners X-rayed. The authorities of the jail waited until the prisoner's death.

The Background of the Bekir GÖL's death

The friends of Bekir GÖL who had shared the same dormitory wrote a detailed account on our request about his death. They cite the unhealthy conditions of the jail. This account describes the conditions of the death in question.

The account follows:

"When we were imprisoned in Eskisehir Jail we were deprived the rights of the other prisoners due to the orders of the authorities and we were subjected to exceptional treatments and troubles continuously. The food which is brought to us was completely unhealthy except on the days when the public prosecutor or some people of authority visited. Medicines which are required are not bought by the administration. We are obliged to buy them with our limited income, the money brought to us by our relatives, is hindered.

The sickness of Bekir GÖL began in first six months since he was imprisoned, he was taken to the infirmary of the jail several times. The limited resources of the infirmary tried to palliate him with some medicines. One day we were separated at different blocks of the jail by an operation, and we were hosed with cold water. After that we were clubbed by the prison guards and soldiers. Bekir GÖL was at our block. He was standing trembling and sopping wet. The windows and the lamps were broken during the uproar of operation. Our days of suffering had begun.

"Despite of the cold weather, the central heating system did not work and the valves of our block was closed. As the windows were broken, it would not have been of any use even if the central heating system would have worked. When it rained our rooms were filled with water and it took too long for it to be dried. We could not fall asleep due to the cold most of times or could not stand the sleeplessness and sleep. We were asleep as rigid from the cold.

"Bekir was trembling and could not sleep also. We demanded for a second blanket as the other prisoners in the jail had, but our request was not approved as a punishment. An embargo on our visitors and letters was imposed. All kind of communications were forbidden. Any monetary support was hindered in this way. We were obliged to eat the foods, which the other prisoners never dared to eat in a cold room. And we were deprived the right to go out to the garden and the right to communication. Due to the water line for 20 hours in a day we were obliged to provide the necessary water from the unhealthy fire waters. Besides all of those negative situations, we were under the threat of having our hair cut and beards shaven. We were even threatened with surgery and the abuses increased. Bekir was hospitalized in the meantime since his condition was very bad. He was sent to a sanatorium in Ankara. He was not able to get up from the bed anymore. He was made to wait like this for a month. The administration was not listening our warnings and they were finding many excuses. At the end of the month they came to take Bekir in the morning and returned in the evening. They had taken him to Ankara but then came back again using the excuse that there is

no room in Ankara Central Jail. Bekir was getting worse. We were helping him to eat and performing ablution. They took him again one week later. He was established in Ankara Jail due to the anxiety on the part of the prison authorities that his death would be an embarrassment for the administration. But it was stated that he was made to wait for two weeks more since there was no room in hospital. After that we were transferred to Konya Jail, we heard of his death. "

According to the statements, a prisoner's tooth was broken while being to extracting by the dentist of the jail. The dentist did not extract the broken part of the tooth and said that it would fall by it self and not to worry about it.

Tea and sugar are not allowed since these products exist in the canteen of the jail but they are expensive. According to the statements, a prisoner had requested to buy a charged battery but this request was rejected on the basis that it would affect the battery selling.

Insects are found in food provided. The prisoners claim that this is a method to get them to buy food from the canteen. The prisoners think that they are subjected an unequal treatment. The prisoners were kept in cells for 2-3 days and all kinds of communications with the other prisoners are hindered. According to the statements, while the ones who are known as "titanians" are allowed unlimited access stay in the garden - for 24 hours if they like - Aczimendis are allowed for one hour and the garden is under surveillance by two cameras. Those who are not able to go out the garden at the designated time, cannot go outdoors....

Communication is hindered and the letters are read by four different authorities. A letter sent in October of 1997 reached its intended recipient in April of 1998. Forged letters have been written to the prisoners and their families. Futhermore the families of prisoners are instilled fear with that they have to save their children from the torture and attack of the prisoners. According to the prisoners it was aimed to reduce sympathy, support and to intimidate the families. Often letters are not given to their intended recipients. One of the prisoners said that the first letter he received was actually the fifth letter sent to him.

The prisoners complained about the hindrance of their relatives' and friends' visits. According to the statement, the relatives whose surname are not the same as the prisoners who they had visited, are taken to the public prosecutor and they are made to wait for hours, owing to the absence of the public prosecutor. Some of the visitors were obliged to return due to their long hair and beard.

It is worth noting that most of the visitors travel some considerable distance from cities far away. According to the statements of the prisoners, a visitor who came from Bursa was detained and sent back to Bursa again. Another visitor who wanted to convey money sent by the families, was detained due to his appearance and interrogated by the public prosecutor.

During the interrogation they asked about the reason of the visit and wanted to know who sent the money. He was detained for 20 days and his hair was cut and his beard was shaved. Other visitors were subjected to the same treatment.

It was stated that the prison authorities have tried to start conflict between prisoners and families, by informing the families against the prisoners. Many families stopped visiting as a result.

INTERVIEW WITH THE ADMINISTRATION

We requested interviews of all Aczimendis mentioned at the same time, as well as with the administration. Our request was denied. We conveyed the complaints of Aczimenis mentioned above, to the administration of the jail. From their answer it appears they have systematic policy to annihilate Aczimendi identity and even persons.

We noted that they were particularly sensitive over the issue of dress and appearance. They denied all forced attempts to strip or shave the prisoners, particularly when they are taken to court. They alleged that some of the Aczimendis voluntarily take off their turbans, and some of them are convinced. They also alleged that there is no pressure over the visitors and said that we could look at the visitors book. The authorized person said that he has not got any information about Bekir GÖL since he was appointed after his death.

OUR OPINION

As a result of the interviews with Aczimendis and with the prison administration, we believe that the Aczimendis are subjected to exceptional treatment. Harassment regarding appearance by some authorized or unauthorized people cannot be explained, along with many other abuses. Aczimnendis are treated as slaves both at court

and in Eski_thir Jail...As a result of the interviews and examinations, we believe that the negligence of the prison administration caused the death of Bekir GÖL. If preventive measures had been taken and the warnings of the prisoners had been heeded, this distressing situation would not have happened.

We have to stress the big difference between the treatment which Aczimendis had been subjected to generally and the treatment contemporaneous to the interview. It was observed that they are treated more provocatively after 127 of them were imprisoned in different jails in one operation. The other 18 Aczimendis interviewed were put into separate.

18.09.1998

Lawyer Mahmut EMÖMOLLAO

Lawyer Mahmut EMINMOLLAOGLU
Lawyer Gürkan BIÇEN

Lawyer Attila DEDE
Lawyer Erdiñ TOKLU

APPENDIX II

Cases of concern to rapporteurs

1. 'Enemy of the People' cases

The following were charged under Article 149-1 of the Penal Code. When their case came to trial the Ankara State Security Court deemed their offences to be under Article 312/2 (see above).

The prosecution sought the sentencing of the playwright, actors and director for each performance of the play 'An Enemy of the People,' which criticises the growing political links between Turkey and Israel, and the deterioration of human rights and civil liberties. Initially Ankara State Security Court felt this was inappropriate and meted out sentences of two and three years.

The Supreme Appeal Court however found this to be too lenient, and sentenced the participants to the following, taking into consideration each performance of the play:

| | |
|--|--------------------------------------|
| Mehmet Vahi YAZAR (playwright, director, lead) | 24 years and TL12 million fine |
| Osman YAVUZ (actor) | 16 years, TL10 and half million fine |
| Nazmi KAR (actor) | 16 years, TL10 and half million fine |
| Fuat BAPARYLY (actor) | 16 years, TL10 and half million fine |
| ZEKERIYA OZEN (actor) | 16 years, TL10 and half million fine |

2. The "Palestinians."

An alarming case was notified to the team, of four Arab prisoners known as the "Palestinians." Nazat Ashik, a housewife in her 50's, runs an organisation that tries to help political prisoners and their families. She became active in this field after the arrest, torture, charging and sentencing of her son Mustafa, a magazine editor, six years ago. His case is outlined in s3 below.

In the course of her work, Mrs. Ashik discovered the existence of four Arab prisoners in Bilicek prison. The four were arrested and imprisoned in or around 1980 for holding protests regarding the Camp David agreement. The full term of their sentence had by the end of 1997 expired, when their existence was discovered by Mrs. Ashik, who reported their case to Mazlumder. They in turn contacted the advocates for the four men, who advised them that the High Court had made a ruling preventing their release.

Details as to the actual provenance of all four could not be verified by the Rapporteurs. The most reliable account stated they were Egyptian and Palestinian students, whose collective name stems from the issue that they were protesting over.

3. Mustafa ASHIK

Mustafa Ashik was the editor of Akzudhur magazine. The magazine is widely held to be associated with IBDA-C, a Muslim group which has been allegedly involved in some violent activities across the country. The allegation of association with IBDA-C, or with Turkish Hizbullah is one often used against political prisoners, often with little credibility, particularly in the latter case. According to Nazat Ashik's organisation's knowledge there are about 100 prisoners held for alleged association with IBDA-C. Some are held without charge.

Six years ago he was arrested, tortured and eventually charged with plotting to cause explosions. He is currently serving a 17-year prison sentence. He was tortured for 13 days, as a result of which he bled from his genitalia for two months.

His mother claims that he was additionally subjected to 'cold water treatment.' This involved him being forcibly stripped naked by guards, doused in cold water and left in a cell with the windows open during winter for several days in January. He was also forced to lie on snow and ice with other prisoners.

He claims he was forced to confess to crimes he did not commit, under threat of further torture.

He is held in Nigde prison, some 900km from Istanbul where his mother and family lives.

At the time of the visit, the rapporteurs heard further report that Ashik received a further 32 year sentence for his alleged involvement in the bomb plot.

4. Gul ASLAN

Gul Aslan is a journalist working for Selam newspaper. She was arrested in 1996 on a visit to her husband tamar who was being held without charge in Bandirma prison. Neither Tamar or Gul Aslan have received formal sentencing for any crime. They have a daughter aged three and a half years at the time of the visit. Ordinary female prisoners are allowed to keep their child with them in Turkey. However, despite the incarceration of both parents, Aslan's child is not allowed to stay with her.

5. Tamar ASLAN

Tamar ASLAN was detained in 1995 upon undefined suspicions of activism. He has been held in Bandirma prison since then. The rapporteurs received reports from a variety of sources that ASLAN and his wife have both been subjected to

torture at the hands of prison authorities.

6. Mehmet FIRAT

Mehmet Firat is held in Bandirma prison. He is spending his fifth year in prison, although the case against him has not been fully heard. He is already serving 15- and 22- year sentences consecutively. He too was charged with association with IBDA-C. His confessions came after his wife Ipek Firat was arrested on a visit to him, and held for 8 months in the women's wing at Bandirma prison. She was accused of assisting her husband in IBDA-C activities, but was eventually released without charge.

It is claimed that Mehmet Firat was also tortured during the period up to his confession. Instances of torture include being suspended from his outstretched arms for one and a half hour periods; and electric shocks to his genitalia.

7. 'Jengiz'

According to his lawyer, 'Jengiz' was arrested on suspicion of terrorist activities in Bursa in 1993, and severely tortured. As a result of torture, he was paralysed on one side of his body and is now unable to speak, and can only be understood by his cellmates. He has still not been charged with any crime.

8. Huda KAYA

Huda Kaya and three of her daughters were arrested after the 'Hand in Hand' demonstrations in support of veiled students in October 1998. Charges against Huda Kaya have changed twice. She was originally due to be released in January 1999, but new charges were brought against her.

She was then given a 22 month prison term. The charges against her, produced by the DGM's attorney general Ahmet Kelebek were:

- Supporting the 'hand in hand' demonstration;
- Being a member of an illegal organisation;
- Organising women;
- Visiting Iran;
- Delivering a message in support of the students banned from university;
- Objecting to the Sincan-Quds verdict, where the mayor of Sincan, Bekir Yildiz, and the editor of *Selam*, Nureddin Sirin were imprisoned for four and seventeen and half years respectively, for organising a Quds Day rally;
- Objecting to the oppression of Kurds in the South East of Turkey;

Writing articles against the Kemalist regime in *Selam* newspaper.

At the time of writing she was scheduled for a pre-trial appearance on June 22nd, 1999, with her three daughters. Together with 71 other detainees arrested for their part in the Malatya section of the demonstration.

In 53 of the cases, including Huda Kaya's and her daughters', the prosecution are asking for the death penalty, on the grounds that the demonstrators actions and in particular their statements were attempts to change the constitution of Turkey – a treasonable offence. One of Kaya's daughter Gulan Intisar Saatcioglu faces similar charges for reading out a poem entitled 'Song of Freedom.'

The youngest facing a possible death sentence of the 53, is a fifteen year old boy. The prosecution is asking for 5 – 22 year sentences for the others if found guilty.

9. Nurettin SIRIN

Sirin is the editor of Selam newspaper. In 1997 he was sentenced to 17 and half years in prison for helping to organise a Jerusalem Day (Quds day) rally in Sincan province, with the then elected mayor of the region, Bekir YILDIZ (see below).

The charges against him were of terrorism, and in particular of being a member of Turkish Hizbullah. He denied this claim, and was supported by the Turkish Secret Service in court. Sirin is well known for his advocacy of Palestinian self-determination, and the withdrawal of the Israeli Defence Force from South Lebanon. He has also vigorously criticised Turkish – Israeli relations. The court found him guilty of terrorist involvement on the basis of such statements. Sirin supplied photographic material of leading anti-Israeli fighters from the region, and this was admitted as proof of complicity. The photographs were portraits available from any journalistic picture library.

Sirin's lawyer advised us that he still represents 14 out of 45 people arrested 7 years previously on suspicion of terrorist activity, These fourteen are still incarcerated waiting for trial. One of the 45 was release after 2 and a half years without charge or trial. The rapporteurs found this to be an accepted practice in the Turkish legal system.

10. Bekir YILDIZ

Bekir Yildiz was sentenced to four years for his part in organising the Jerusalem Day rally in Sincan, where he was the elected mayor. The Turkish Army sent tanks to patrol the streets of Sincan for days after the rally, despite its peaceful nature. Yildiz was one of the most popular politicians, garnering one of the highest votes in his favour in the country.

11. Yilamz YÜKSEL

Yilmaz Yuksel, is a journalist imprisoned for his religious beliefs.

12. Ümmu Gulsum YÜKSEL

Ummu Gulsum Yuksel for her opinions, published in a women's journal.

13. Ali Osman ZOR

Ali Osman Zor was the legal correspondent for TARAF magazine, and is spending his sixth year in prison on similar charges as Mehmet Firat. He was implicated with Kazmal Balik also of TARAF by its owner who was detained and allegedly tortured.

APPENDIX III

Persecution of Human Rights Organisations

Mazlumder is one of many human rights organisations working in Turkey, and as such its experiences are not unique. They have however together with other IHH, provided some information as to their perilous position to IHRC.

Mazlumder's offices across the country have been repeatedly raided. At the time of their visit the Rapporteurs found that both Mazlumder and IHH had had their accounts frozen by the state authorities. Since that time, the Sanliurfa office of Mazlumder was closed down on 31st December 1998, after a conference on the Universal Declaration of Human Rights and Turkey. The pretext for the closure was the publication of a calendar by the office containing material that was against the Turkish state. In fact all the photographs which pictured Turkey and other parts of the world had previously been printed in national Turkish newspapers without hindrance. The branch remains closed until the outcome of legal action taken against the office and its executive over the calendars.

The Adana branch was also raided in December 1998 and files either stolen or destroyed by security services.

© Islamic Human Rights Commission (exclusions as above), 1999



PO Box 598, Wembley, HA9 7XH, United Kingdom
Telephone (+44) 181 902 0888 Fax (+44) 181 902 0889
e-mail: ihr@dia1.pipex.com
web: <http://www.ihr.org/>