

## AFTERWORD

In the few months which have passed since the Commission's hearing on human rights in Turkey, the situation there has changed significantly. In many respects, pressures on the Turkish polity have increased and significant foreign policy issues have been inflamed. I have therefore accepted the generous offer of the Commission to attach some additional comments to the statement I delivered in April.

First, the death of President Özal has changed the appearance and the substance of the Turkish government. A new government has been formed, with Prime Minister Süleyman Demirel acceding to the presidency. Its domestic and foreign policies will only become clear with the passage of more time.

This successful, peaceful, democratic transition in Turkish politics, the second, a few years, reenforces the fabric of Turkish democracy generally. However, increasing internal and external pressures on society are evident almost everywhere. Very likely they will distract the government from domestic human rights questions.

Özal was personally engaged in the issue of Kurds in Turkey, and played an extremely important role in broadening the political debate over the last decade. Since his death, there have been significant changes in the situation.

A unilateral cease-fire which the PKK announced and held for some weeks is no longer in place. The level of violence by secessionist rebels and the Turkish military response have again escalated. The pattern in recent years has already shown that abuse in detention tends to increase with political violence and the military response, along,

with an inflammation of public feeling on all sides.

In addition, political pressure and unfavorable court opinions have been directed at the Kurdish political party in the Turkish parliament and its members. It remains to be seen what the eventual impact of this will be with respect to the political system, press rights, and the possibility of progress in the realm of cultural rights.

The situation of Turks in Germany has also deteriorated and grown more tense. The German Turkish community, the largest outside Turkey, is a source of funds and a safe haven for extra-territorial Turkish political activity. Recently, conflict between and among Turkish and Kurdish groups is more evident. It is cast against the backdrop of continuing violence by neo-Nazis directed at foreigners generally and often Turks in particular.

Since the hearing, another fire-bomb murder, this time in Solingen, near Cologne, again claimed Turkish children as its victims. It shocked Germany and the world, unleashing a wave of street fighting between German and Turkish youth. Unlike the case near Hamburg last Autumn, the president of Germany himself, along with other national leaders, attended the funeral services. A few days later, the actual burial of the victims in Turkey was the occasion for a considerable outpouring of feeling there. The German President, Richard von Weizsäcker, and the German government, acted quickly and forcefully to assure the Turkish government of the importance and value of German-Turkish relations.

In addition, while recent German legislation has restricted the political asylum laws of the Federal Republic, there is a broad and important discussion of possible dual

citizenship for Turks in Germany. That is the one element of the current situation which may serve eventually to bind Turkey more closely to the West.

With potential dual citizenship the only positive note, the other factors in Germany (and to a lesser extent elsewhere in Europe) continue to undermine the position of European critics of human rights performance in Turkey. The deepening rift in European and Turkish perceptions of each other increases the gap in credibility.

With respect to Iraq, another issue where President Özal was a significant force, the situation is little better. The government continues to resist U.N. sanctions, and seeks ways to demonstrate its sovereignty in the predominantly Kurdish north of the country. The future of the allied military mission to protect Iraqi Kurdistan is hotly debated, as the attitude of the new Turkish government is being assessed. This difficult and unresolved issue, outside but bordering on the C.S.C.E. and NATO, impinges on the matter of Kurdish cultural rights in Turkey.

Fighting between Armenia and Azerbaijan has intensified, with Armenia making significant gains. The Elchibey government in Azerbaijan, which Turkey supported, has fallen, and there is great pressure from public opinion in Turkey to get involved on the Azeri side. The perceived indifference of the west to Azeri claims has also served to heighten skepticism among portions of the Turkish public about the universality of western standards of concern for human rights.

In addition to Armenian-Azeri conflict, others of Turkey's neighbors along the Black Sea, especially Georgia, have been in continued upheaval since the time of the hearing. Likewise there are continuing problems in other Turkic areas, where the hope

has been that the Turkish example of democracy and Helsinki standards can be used as a model.

Finally, as this report is being prepared for printing, fighting in Bosnia continues. Bosnian Muslims and their supporters have failed to induce a strong enough political response from outside to put an immediate end to the fighting or to achieve their goal of breaking the arms embargo against the Muslim community. Here, again, there has been damage to the cause of widening the base of popular support for C.S.C.E. standards in Turkey.

The ability of any society to concentrate its energies on long-term issues -- such as questions of human rights, is always limited by the demands of immediate crises. In Turkey over the last few months, the complexity of internal and external politics has become increasingly evident and problems are now closer to the surface.

This does not change the fundamental situation in Turkey as I described it in my testimony. However, the eruption of simultaneous crises at home and abroad, combined with popular anger regarding a perceived double standard of human rights, sharpens our view of the complexity of Turkey's situation.

For steady progress to be made on the issues which concern the commission, systematic, concentrated efforts will have to be made: by the Turkish government; by the C.S.C.E. and its member countries; by private organizations; and by the Commission. With each passing day, however, the situation seems more delicate and the way to progress more convoluted.

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*Amnesty International USA*

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**Testimony on Human Rights  
Concerns in Turkey**

**Before the Commission on  
Security and Cooperation in Europe**

**April 5, 1993**

Chairman DeConcini, Co-Chairman Hoyer, distinguished members of the Commission on Security and Cooperation in Europe, thank you for this opportunity to testify before you on human rights violations taking place in the Turkey.

Amnesty International (AI) is a worldwide human rights movement independent of any government, political persuasion or religious creed which works for the release of "prisoners of conscience" -- men, women and children detained for their beliefs, color, sex, ethnic origin, religion or language, provided they have not used nor advocated violence. The organization works for fair and prompt trials for all political prisoners, and the abolition of the death penalty and torture.

The following is a brief discussion of our very serious concerns in Turkey focusing in particular on four primary areas: extrajudicial killings and "disappearances"; torture and ill-treatment; deaths in custody; and lack of accountability by the government.

#### I. EXTRAJUDICIAL EXECUTIONS AND "DISAPPEARANCES"

The pattern of extrajudicial killings and "disappearances" of local politicians, political and human rights activists and journalists began in the summer of 1991 with the

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abduction and killing of Vedat Aydin, a member of the Human Rights Association and the President of the People's Labor Party (HEP) in Diyarbakir. He was taken from his house around midnight on July 5, 1991 by several armed men, ostensibly plainclothes police officers. His bullet-riddled body showing signs of torture was found on July 8, near Ergani, some 60 kilometer from Diyarbakir. The government has up to this date, failed to conduct independent and thorough investigations into his killing and a full autopsy was never conducted.

Since then a new pattern has emerged. The on-going allegations of extrajudicial executions are of a scale unprecedented for Turkey. The victims are often taken from their homes in the middle of the night and shot. The groups targeted have been members of the independent Turkish Human Rights Association, the People's Labor Party (HEP) and journalists with an interest in human rights. In the last year, more than 200 people were the victims of extrajudicial killings in southeastern Turkey. There was evidence that the security forces had colluded in some of the killings and may in fact have carried them out.

At least 120 people were killed during the year in the southeast as a result of the police firing on apparently unarmed civilians. In March 1992, during demonstrations for

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the Kurdish New Year (Nevruz), 91 people were allegedly killed by the security forces by firing indiscriminately at unarmed demonstrators. For the last nine years, Nevruz has been a time of gross human rights violations by the security forces in southeast Turkey. In March 1993, Amnesty International appealed to Prime Minister Demirel to ensure that the security forces would adhere to international standards regulating the use of firearms and we noted that the scale of violations was significantly lower this year. The PKK had also declared a period of cease-fire during March for the occasion of the Nevruz.

On February 27th of this year, the bodies of the lawyer Metin Can, Chairman of the Human Rights Association in Elazig and Dr. Hasan Kaya were found under a bridge 120 kilometers away from Elazig. Their bodies bore marks of cigarette burns and Hasan's eyes were gouged out and both had been shot with one bullet to the head. Both men had "disappeared" together and were believed to have been abducted after having been called away from Metin Can's home by a telephone call. We are urging that every step be taken to find those responsible for the abduction, torture and murder of these two individuals and to bring them to justice. In many cases of extrajudicial killings, despite strong evidence suggesting involvement of the security forces, the Turkish authorities have consistently failed to

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respond to Amnesty's appeals for the establishment of independent commissions of inquiry into these killings.

Amnesty International is appealing for a prompt, thorough and impartial investigation into the circumstances of all extrajudicial executions, prosecution of those guilty of extrajudicial killings and undertaking all appropriate measures to protect human rights activists in the region and prevent further attacks from taking place.

## II. TORTURE AND ILL-TREATMENT

Torture continues to be systematically practised in Turkey. No progress has been made in the practical safeguards against torture, and indeed with the new provisions of the Anti-Terror Law passed in April 1991 there has been a retrograde step in this regard. Amnesty International continues to receive a large number of allegations of torture in police stations and gendarmeries. Many of these detailed allegations are supported by medical certificates issued by the Forensic Medicine Institute, which operates under state authority.

In an unprecedented step, the European Committee for the Prevention of Torture (ECPT) announced in December 1992 that it had found extensive proof that "torture and other forms

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of severe ill-treatment of persons in police custody remains widespread in Turkey." This is the first time ever, that the ECPT, established by the Council of Europe and held in high regard by the European Community has publicly reported on its findings and condemned a member state. The committee has visited Turkey several times in the past three years and during impromptu visits to interrogation centers discovered equipment apparently used to torture suspects. These findings corroborate the view expressed by Amnesty International which have been vigorously denied by the Turkish authorities for over a decade.

In the southeast of Turkey, an internal conflict which has cost more than 3,000 lives since 1984, is being fought between the security forces and members of Kurdish guerrilla groups, principally the Kurdish Workers' Party (PKK), who are reported to have attacked and carried out "executions" of civilians. Many of those reportedly tortured by the Turkish police are alleged to have a history of political activity in militant separatist movements and are therefore suspected by the authorities of membership of illegal armed groups. However, since the beginning of 1990, there appears to have been an increase in the number of arrests of villagers who have no history of political activity, on suspicion of having sheltered Kurdish guerrillas.

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The maximum pre-trial detention period for political prisoners is 30 days in the provinces of southeast Turkey which are subject to emergency legislation, and 15 days in the rest of the country. This period is often incommunicado detention thereby subjecting detainees to a high risk of torture in the first few days of their detention. It is during this initial interrogation and detention period when most torture and ill-treatment allegations are reported.

Political detainees who allege torture describe broadly similar methods of torture, and similar precautions operated by the security forces in order to conceal the practice of torture. Together, these make up a consistent pattern characterized by secrecy (incommunicado detention, blindfolding), and by elaborate measures to prevent subsequent detection and possible prosecution of the torturers (use of methods which leave little trace, recovery period in extended detention period to give any marks of torture time to disappear, inadequate medical certificates, failure to provide medical certificates).

Suspects are taken into custody from their home, place of work or from a public place. Families are rarely informed of detention, and when they make inquiries they are frequently given no information about where their relative is being held and why. Some detainees are beaten from the moment they

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are taken into custody, as they are taken to police vehicles. Detainees are blindfolded as they are brought into the place of detention. The blindfold is usually removed while detainees await interrogation in a cell, but is replaced whenever they are brought to interrogation. The blindfold disorients detainees and makes it more difficult for them to avoid blows, but its chief purpose appears to be to prevent identification of the torturers.

Apparently, detailed records are not kept of interrogations and interrogators, and courts and lawyers have generally not been permitted access to duty rosters in order to assist investigation of torture allegations.

Interrogation is usually conducted in a room set aside for that purpose. In Istanbul Political Branch, for example, former detainees have described two interrogation/torture rooms, with two further rooms nearby which contain office equipment, where statements are taken. The equipment used for interrogation under torture is relatively simple, light and portable - a hand generator and electrodes for inflicting electric shocks, wooden bar and bindings for hanging, and a foam mattress, hose and water source for applying cold water under pressure. During falaka (beating the soles of the feet), the victim's feet are beaten with a

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stick while bound together and hung from a pole, or pushed through the back of an upended chair.

The standard methods of torture are beating; falaka; hanging by the wrists (tied in front or behind); hanging with the arms bound to a wooden pole; electric shocks to fingers, toes, sexual organs and other sensitive parts of the body; spraying with a jet of cold water on mouth, nose, sexual organs and other sensitive parts of the body; twisting or squeezing the testicles. Occasional reports are also received of sandbags being swung against the ribcage either singly or simultaneously from both sides.

All these methods seem to be chosen because they leave relatively few traces, and such bruising swelling or abrasions as do occur, generally disappear or greatly diminish during the waiting period. People who have been suspended by the wrists often complain of pain or incapacity in the arms for up to a year following hanging, but during the hanging procedure care is taken to apply padding under the bindings in order to leave no visible traces. During spraying with cold water, the victim is usually placed on some kind of mattress in order to prevent scraping and bruising on the concrete floor. Clothing is almost always removed, and both women and men report sexual harassment.

Interrogation and torture of women is almost invariably carried out by men, although since 1990 there have been reports of women staff on duty at Ankara Police Headquarters. Various forms of psychological torture are also employed, i.e., death threats, mock executions, threats to bring wives or children into the place of interrogation (sometimes this is actually carried out), and there have been cases of family members being tortured together.

A recent case is that of Nazli Top, a nurse who was picked up by the police as she was leaving the hospital where she worked and tortured for four days at the Anti-Terror Branch of the Istanbul Police Headquarters. She reported that during her interrogation, the police ignored her pleas to see a lawyer. She stated that they suspended her with her arms tied behind her and gave her electric shocks through her fingers, toes, nipples, and sexual organs. Despite the fact that she told the police that she was three months pregnant, they allegedly punched her all over, especially in the stomach, breasts and belly, raped her with a truncheon, and tried to rape her with a bottle. After 10 days in police custody, she was released without a charge. A doctor in the Turkish Human Rights Foundation issued a report stating that her injuries were consistent with her allegations of torture. Nazli Top made a formal complaint to the authorities, but as of yet, the government has taken no

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steps in compensating her or initiating proceedings against the police officers that tortured her.

It is internationally recognized that there is a very high risk of torture when suspects are kept in prolonged detention in police custody while lawyers and family are denied access. Incommunicado detention affords an opportunity for torture. Ensuring proper access for lawyers is the single most effective measure that the Turkish Government could take in the prevention of torture. For obvious practical reasons, torture would be very difficult to carry out where a lawyer had access at all times and could provide additional confirmation of torture allegations.

Access by lawyers would require no revision or reform of Turkish legal provisions, since there is no legal basis for incommunicado detention in Turkey. Article 136 of the Turkish Criminal Procedure Code (TCPC) states that detainees have the right to seek the assistance of and consult with legal counsel at any stage of the investigation. Nevertheless, incommunicado detention for the full pre-trial period of detention is absolutely standard practice throughout Turkey for all detainees suspected of political crimes.

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In December 1992, a number of amendments were made to the Criminal Procedure Code concerning detention procedures. The length of time during which common criminal detainees can be held in police custody before being brought before a judge was reduced to eight days (16 in the Emergency Powers Region) and detainees were given the right to have a lawyer present during interrogation. However, the new measures do not apply to detainees suspected of political offences -- those at most risk of torture -- who may still be held incommunicado for up to 30 days. It is scandalous that after years of debate in the Parliament, the judicial "reform" package failed to provide any legal safeguards for political detainees. One is left to conclude that the law is an empty gesture mainly intended to serve public relations purposes inside Turkey and abroad.

### III. Deaths in custody

With interrogations carried out in complete secrecy by police and gendarmerie who are rarely prosecuted, it is perhaps no surprise that deaths in custody have continued in 1991 and 1992. All Of the 13 deaths in custody in 1992 have taken place in the eastern provinces. One such case is that of a sixteen year old girl, Biseng Anik. In the last week of March 1992, some 100 people, mostly students were detained by the police in Sirnak, a provincial mountain town

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in southeastern Turkey. Police officers, gendarmes and masked village guards were said to be going from house to house, taking the detainees away. Biseng Anik and six other girls from her school were seen on March 25 as they were led away to a minibus followed by a tank.

On March 29, the Turkish newspaper Milliyet reported that the young girl, Biseng Anik, had died in police custody on March 28 in suspicious circumstances. The next day after her detention, the police called her mother and told her to "come and collect the body." When they went to the town hospital where the body had been left, they found that the left side of Biseng's head was missing. On what was left of it and on her body, there were reportedly marks of beatings. The state doctor certified suicide as the cause of death: a self-inflicted shot to the head with a long-barrelled weapon. According to the authorities, she had used a G3 rifle which had been left by a police officer in the cell in which she was held.

Amnesty International expressed concerns on this case and asked that the autopsy report be made available to her family and that an independent inquiry be immediately initiated. There has been no substantive response from the Turkish government as of this point. The government of Turkey needs to establish an independent commission to

investigate all allegations of deaths in custody, to make the findings public, prosecute the guilty law enforcement officers and compensate the families of the victims.

#### IV. LACK OF GOVERNMENT ACCOUNTABILITY

In the last year, there has been a marked decline in the human rights situation in Turkey. The newly elected government of Prime Minister Demirel has failed to deliver its campaign promise of ending torture in Turkey. Political killings rose from 50 in 1991 to over 300 in 1992 with serious allegations that the security forces colluded in many of these killings. In most cases, there have been little or no attempts to prosecute those responsible. A much awaited judicial "reform" package did not provide any safeguards for political detainees who face the greatest risk of torture.

Most complaints made by detainees concerning torture in police custody are dismissed by prosecutors because the detainees, being blindfolded, are unable to identify their interrogators, or because they were not given a medical certificate in support of their allegations. Judges almost invariably fail to investigate detainees' complaints of torture, occasionally dismissing the complaints out of hand,

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or suggesting that the detainees apply to the Public Prosecutor.

The new government has failed to respond to Amnesty International's repeated appeals that independent commissions of inquiry need to be established to examine the dramatic increase in allegations of extrajudicial executions - as recommended by the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal Arbitrary and Summary Executions.

Amnesty International has expressed its grave concerns to the government of Turkey about the actual or threatened forcible return of a number of Iranian refugees and asylum-seekers to Iran. Amnesty International believes that many Iranians who risk serious human rights violations in Iran are not granted adequate legal protection in Turkey. Turkey is a state party to the 1951 Convention relating to the Status of Refugees and is prohibited under this Convention and international customary law from the forcible return of any person to a country where he or she would risk serious human rights violations. The government of Turkey is failing to comply with this internationally-recognized principle.

In addition, the government has failed to put into force measures that would safeguard freedom of expression. In

fact, Article 8 of the Anti-Terror legislation which was put into force in April 1991, permits the fining and sentencing of individuals for two to five years for exercising their right to freedom of expression, even when they have in no way advocated or participated in violence. Amnesty International has expressed its misgivings with respect to this legal provision which is in contravention of article 10 of the European Convention on Human Rights.

Over the years, Amnesty International has raised its concerns with the government of Turkey regarding structural impediments to ending torture and has provided recommendations to the government for ending torture. The government has failed to implement our numerous recommendations and to put into force legal structures which would provide safeguards for detainees. This leads us to seriously question the political will of the government in bringing about an end to human rights violations. Amnesty International recognizes that the political situation in the southeast is difficult and that there have been allegations of deliberate killings by the guerrillas of the PKK, as well as, other armed opposition groups. Nonetheless, violence from non-governmental entities does not in any way excuse the government from failing to comply with its international human rights obligations.

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Mr. Chairman, the government of Turkey has ratified numerous human rights treaties, among them, the European Convention on Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Convention Relating to the Status of Refugees, Protocol Relating to the Status of Refugees, and the Convention Against the Use of Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. Ratification is a first step, however, without implementation, it remains no more than an attempt by the government to misrepresent its commitment to human rights. The United States should urge that the government of Turkey comply with its above-mentioned treaty obligations and immediately put into force legal safeguards to prevent any further abuses from taking place.

#### V. CONCLUSION

Mr. Chairman, the implementation of the following safeguards will bring Turkey in compliance with its international human rights treaty obligations. We urge you to forward our recommendations to the Turkish authorities.

First, to annul the legal provision which permits, for political prisoners, an extended police detention period of up to 15 days in most of Turkey and 30 days in the

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southeastern provinces. This period should be very short, hours, if possible, and at no time without access to lawyers, doctors and family members.

Second, to give detainees' immediate access to lawyers upon arrest. In compliance with the recommendation of the U.N. Special Rapporteur on Torture, given the high incidence of torture in incommunicado detention, "any person who is arrested, should be given access to legal counsel no later than 24 hours after his arrest."

Third, to carry out independent, impartial and thorough investigations into all allegations of torture. These investigations should be carried out promptly in order to provide the opportunity for legal redress for detainees whose statements were extracted under torture. In addition, those responsible for acts of torture need to be punished. The government needs to send a strong message to all law enforcement officers that under no circumstances can torture be tolerated in Turkey.

Fourth, for the Turkish government to review the anti-terror legislation and annul all provisions which obstruct the investigation of acts of torture or the prosecution of torturers or the imprisonment of individuals for exercising their right to freedom of expression.

Fifth, the training of police officers should emphasize the proper treatment of detainees in accordance with international legal standards. Law enforcement officers throughout Turkey should be familiar with Turkey's obligations to abolish torture and prosecute torturers.

Sixth, prompt, thorough and impartial investigations into all deaths in custody and killings in suspicious circumstances.

Finally, judicial authorities should be required to strike from the court's record and not admit in the proceedings any statement extracted under torture.

Putting these measures into effect can and should take place immediately. We are asking that the government of Turkey recognize the current problems in the human rights arena and set out to implement safeguards in order to end torture and to comply with its obligations under the international human rights treaties to which it is a State Party.

The United States, as a friend of the Turkish people has a serious responsibility to urge that the government of Turkey abide by its international obligations. In order for the United States to genuinely demonstrate its unreserved

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commitment to human rights, friends and allies alike ought to feel the strict scrutiny of international human rights norms.

TESTIMONY BY LOIS WHITMAN, DEPUTY DIRECTOR OF HELSINKI WATCH,  
BEFORE COMMISSION ON SECURITY AND COOPERATION IN EUROPE BRIEFING  
ON HUMAN RIGHTS ISSUES IN TURKEY, APRIL 5, 1993

Helsinki Watch would like to thank the CSCE for holding this briefing on human rights issues in Turkey and for an opportunity to present our views on this important and troubling question.

When the coalition government of Prime Minister Suleyman Demirel took office in November 1991, we at Helsinki Watch were pleased to hear its many promises of improvements in human rights. Among them were promises to assure a "state of law based on human rights and freedoms;" to end torture; to enact significant legal reforms; to "recognize the Kurdish reality;" to abolish anti-Democratic provisions in the current constitution and, after a period of time, to enact a new constitution; and to guarantee a free and independent press.

Sadly, none of these changes has taken place. The over-all human rights picture has, in fact, deteriorated rather than improved.

Torture. The vile practice of torturing detainees during interrogations by police continues unabated. In August 1992, Helsinki Watch conducted a fact-finding mission to four cities in western Turkey--Istanbul, Ankara, Adana and Antalya. We interviewed 24 people who had dreadful allegations of appalling recent torture by police in all four cities, including suspension by arms or wrists, blindfolded and naked, while electric shock was applied to sensitive parts of the body; severe beatings; rapes of both men and women, including a pregnant woman; and

being placed in a cell with an attack dog and repeatedly bitten.

Torture is not confined to adults. In January 1992, Helsinki Watch issued a report detailing the brutal torture by police of nine children between the ages of 13 and 17. Some were suspected of political offenses such as distributing literature or attending a protest rally. Some were suspected of ordinary crimes. Many were released without being charged with any crime. None of the children was allowed to see a lawyer; none of the children's families were notified of their whereabouts. Since that report was issued, Helsinki Watch has continued to receive reports of children who have been tortured by police during interrogation.

Suspicious deaths in detention. Helsinki Watch has the names of sixteen people who died in suspicious circumstances in 1992 while in the custody of police who were interrogating them.

An extraordinarily high percentage of these suspects--six of the sixteen--were said by police to have committed suicide; three of them were children between the ages of 13 and 16. To our knowledge, only three of these deaths are being investigated. In none of these cases has anyone been held accountable for the death.

Killings in house raids. Helsinki Watch is extremely concerned as well about the deaths of suspects who are killed by police during house raids. There is no question that Turkey faces serious law enforcement and military problems: extremist left-wing groups (chiefly Dev Sol--"Revolutionary Left")

assassinated at least 54 police and other officials in western Turkey in 1992; and the PKK (Workers' Party of Kurdistan) continues to wage guerrilla warfare in the southeast, frequently in violation of international humanitarian law--the laws of war.

But instead of attempting to capture, question and indict people suspected of illegal activity, Turkish security forces kill suspects in house raids, thus acting as investigator, judge, jury and executioner. Helsinki Watch knows of seventy-four people who were killed in such raids in 1992: forty in western Turkey and thirty-four in southeast Turkey. Police routinely assert that such deaths occurred in shoot-outs between police and "terrorists," and, of course, when police are fired upon, they may properly shoot back. But in many cases eye-witnesses have reported that no shooting came from the attacked house or apartment. Moreover, reliable reports usually indicate that while the occupants of the raided premises were shot and killed, no police were killed or wounded during the raids. This strongly suggests that the killings were, in fact, deliberate executions. Such summary, extra-judicial executions are outlawed by both international human rights law and the laws of war. Helsinki Watch knew of nineteen such killings in 1991; the 1992 killings far exceeded that number.

Killings of demonstrators. Moreover, Turkish security forces continue to use deadly force against peaceful demonstrators, contrary to international laws and standards. Helsinki Watch knows of 104 people killed by security forces that

shot into crowds of demonstrators during 1992; most of them were killed during the observance of the Kurdish New Year in March 1992. No one has been charged in any of these deaths.

During 1991, the previous year, Helsinki Watch knew of ten people who had been killed by security forces using live ammunition for crowd control. The 1992 figure obviously represented a major increase.

Failure to investigate suspicious killings. During 1992 there was a disturbing number of suspicious killings in southeast Turkey--a terrible new development. Hundreds of people were killed by unknown assailants; many of these people were leaders or in positions of responsibility in the Kurdish community--doctors, lawyers, teachers, human rights activists, political leaders, journalists, businessmen. These people were not victims of robberies or people shot in the crossfire between security forces and the PKK. These were civilians who were deliberately targeted for assassination. Reuters reported in February 1993 that 450 people had died in such assassinations in 1992.

The Turkish government, in a statement by Interior Minister Izmet Sezgin on February 10, put the total even higher: 534 killings by unknown assailants during 1992. And Helsinki Watch has the names of 69 people assassinated since then, in January 1993.

Thirteen of these assassinations were of journalists, all but two of whom had written for left-wing or pro-Kurdish journals. Several had written about purported connections

between a "counter-guerrilla" force and Turkish security forces. In addition, four distributors of pro-Kurdish journals were assassinated during 1992 and early 1993.

To our knowledge, the Turkish government has, with few exceptions, failed to mount serious investigations into these deaths. Under international standards, the government has a responsibility to investigate promptly, thoroughly and impartially all of these killings and to indict, prosecute and punish those responsible.

Guerrilla warfare in southeast Turkey. The PKK's guerrilla war, begun in 1984, markedly intensified during 1992. Of the about 5,000 deaths that have resulted since, about 2,000 took place in 1992. The military stepped up its attacks and frequently killed civilians and destroyed civilian homes, in some cases bombing villages from the air. At least one city, Sirnak, was nearly obliterated by Turkish security forces in August. Thousands of civilians abandoned their homes as a result.

In addition, Kurdish villagers were frequently forced by security forces to choose between acting as village guards, thus making them targets of PKK attacks, and abandoning their homes and fields. The Turkish Human Rights Association has listed 400 villages that have been abandoned in the southeast.

As for the PKK, it continued to attack and kill large numbers of village guards as well as civilians; in many cases bodies of victims were suspended from telephone poles with notes indicating that they had been killed as informers.

Helsinki Watch has criticized both the Turkish government and the PKK for actions that violate international humanitarian law--the laws of war.

Kurdish ethnic identity. Kurdish ethnic identity has continued under attack under the Demirel government. The Kurdish language may not be spoken in court or other official settings, Kurdish parents are sometimes forbidden to give their children Kurdish names, Kurdish associations have been closed, education in Kurdish is forbidden, cassettes with Kurdish songs are frequently confiscated by police, and Kurds have been detained and arrested for singing Kurdish songs at wedding ceremonies.

Law reform. Prime Minister Demirel's government asserted in November 1991 that "a state of law based on human rights and freedoms will be established throughout our country." Just a year later, Parliament passed a legal reform bill that was a grave disappointment to people concerned with human rights in Turkey.

In the new law, permissible lengths of detention are different for people suspected of ordinary crimes and those suspected of political crimes. Ordinary criminal suspects can be detained for twenty-four hours for individual crimes, and for up to eight days for collective crimes (crimes committed by more than one person) before being brought before a court.

Eight-day detentions are in clear violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Turkey is a signatory. In Brogan v. United

Kingdom, in 1988, the European Court of Human Rights ruled that a detention of four days and six hours--far shorter--violated Article 5(3) of the European Convention on Human Rights, which provides that detainees must be brought "promptly" before a judge.

The new law provides that political suspects in the state of emergency region--southeast Turkey--can be detained far longer: for as long as thirty days before appearing before a judge. This provision is an astonishingly blatant violation of the European Convention.

The new law contains many other provisions. Among them are a prohibition against torture and a provision that detainees may consult with attorneys at every stage of their interrogation. Both of these provisions already existed in Turkish law. Whether the new law will result in change remains to be seen. Unfortunately, since the new law was passed, Helsinki Watch has continued to receive frequent reports of torture in detention, as well as reports of denial of access to attorneys for detainees.

Freedom of the press. In November 1991, Prime Minister Demirel's Government Program stated: "Our government is determined to create and establish the concept of a free and independent press in line with contemporary currents and developments."

Since the new government took office, thirteen journalists have been assassinated in southeast Turkey, as mentioned earlier--a kind of censorship by assassination. And the government has,

with one exception, the case of well-known columnist Ugur Mumcu, failed to investigate the killings. In addition, scores of journalists have been detained, beaten, interrogated and harassed for their writings. Many journalists have been tortured and some journalists have been tried and sentenced for their writings. Most were charged under the very broad Anti-Terror Law for such offenses as "criticizing" or "insulting" the president, public officers, Mustafa Kemal Ataturk or the military; printing "anti-military propaganda"; "praising an action proscribed as a crime"; or for generating or disseminating "separatist propaganda."

Moreover, Turkish authorities have confiscated and banned dozens of issues of small left-wing or pro-Kurdish journals and raided editorial offices. Writers of books have also been detained, tried and sometimes sentenced for their writings, and many books have been confiscated and banned.

Freedom of assembly. During 1992, dozens of meetings, demonstrations and marches were banned, and hundreds of demonstrators and marchers were detained, tortured and sometimes prosecuted. Moreover, as noted earlier, police used live ammunition as a method of crowd control, killing 104 non-violent demonstrators.

Freedom of association. Turkish associations have been harassed, restricted, raided and sometimes closed since the new government took office. Many of their members were detained, tortured and indicted. The associations were charged with such offenses as "shouting illegal slogans," "possessing confiscated

or prohibited publications," violating the Law on Associations or the Anti-Terror Law, "having links with illegal organizations," or "activities incompatible with their aims."

In short, the human rights situation in Turkey is truly appalling. Since the Demirel government took office, more people have been killed in house raids, more non-violent demonstrators have been shot and killed by security forces, authorities have failed to investigate hundreds of assassinations in the southeast, brutal torture continues to be used as a standard interrogation technique, the Kurdish minority continues to suffer grave abuses, and there are continued violations of freedom of the press, association and assembly. The Demirel government has not demonstrated the political will to end any of these abuses.

Turkey continues to be the third largest recipient of U.S. aid; for fiscal year 1993 it received loans of \$450 million in military assistance and \$125 million in economic support grants. Helsinki Watch has recommended to the United States Government that it end all military and security assistance to Turkey until such time as Turkey no longer manifests a consistent pattern of gross human rights violations.

Statement by the Representative of  
the Turkish Embassy at a Briefing Organized by  
the Helsinki Commission  
April 5, 1993

Mr. Chairman,

Thank you for this opportunity to present Turkey's perspective on human rights issues.

Following the end of the Cold War, it is clear that there is no other road to freedom than democracy and that there is no other road to prosperity than the free market. The question now is not whether democracy will succeed but rather what we have to do to make it succeed. Behind those realities lies the challenge of our times: the challenge of defeating democracy's remaining enemies--poverty, injustice, racism, terrorism, xenophobia, intolerance, ignorance and corruption in all its forms.

In this new era, democratic and secular Turkey found herself in the midst of an increased danger of conflict and instability in her region. A quick glance at the map of world trouble spots highlights the magnitude of challenges that Turkey faces presently.

Since the dissolution of the Soviet Union, the region surrounding Turkey has become increasingly unsafe. The on-going crises and instability in the Persian Gulf, the Middle

East, the Trans-Caucasus, Central Asia and the Balkans are a serious threat not only to Turkey's security but also for global peace and stability.

Under the present and foreseeable circumstances, Turkey's presence as a secular and democratic country in an environment of conflict, ethnic hostility and fundamentalism is greatly in the strategic and security interests of the western community.

Here, I would like to quote from the statement made by Prof. Larry Diamond, an eminent researcher from Stanford University, before the House Foreign Affairs Committee on "Democracy and Human Rights" on March 23, 1993.

"No country of comparable size and economic development is more important to the new world order than Turkey. Bordering Greece, Bulgaria, the former Soviet Union, Iran, Iraq, and Syria, straddling North and South, East and West, Turkey is one of the most strategically situated countries in the post-Cold War world...Turkey is the one country in the region with the resources and prestige to foster political and cultural development hospitable to the West. In fact, it is the only predominantly Muslim country that provides a model for reconciling Islam with democracy and modernization. As such, a democratically stable, economically dynamic, and geopolitically influential Turkey could have an enormous positive impact on the development of the Muslim republics of the former Soviet Union and potentially some Arab republics of the Middle East as well. It is strongly in our national interest to help consolidate its democracy and develop as a regional economic and political power."

Turkey, well aware of the pivotal role that evolved upon her following the end of the Cold War, has been making

and will continue to make every effort to utilize its position to reinforce the movement in its region towards democracy, secularism and the free market. This policy reflects Turkey's own dedication to further improving democracy and human rights on its soil.

Turkey considers human rights to be universal and knows that, in every country, human rights must be honored, upheld and furthered as a part of the dynamic democratic process. Turkey has taken significant steps in the field of human rights both in adopting new legislation and realizing its application. The drive towards full respect for human rights has gained momentum in line with the aspirations of the Turkish people. Turkey is adopting both in practice and in legislation the most advanced standards set by the international conventions to which it is a party.

In recent years, Turkey has become party to various international control mechanisms. In January 1987, Turkey recognized the right of individual petition to the European Commission of Human Rights. In February 1988, it became a party to the European Convention Against Torture. In September 1989, it became a party to the UN Convention Against Torture. In June 1989, it ratified the European Social Charter. In January 1990, it recognized the compulsory jurisdiction of the European Court of Human Rights. In September 1990, it signed the United Nations

Convention on the Rights of the Child. In November 1990, it accepted the Ninth Additional Protocol to the European Convention on Human Rights, which prescribes the right of individual petition to the European Court of Justice. That month, it also signed the revised European Social Code and the Paris Charter. Moreover, it has ratified 35 ILO conventions to date.

According to Article 90 of the Turkish Constitution, the provisions of the international instruments to which Turkey is a party become integral parts of national law.

These actions, which involve greater international controls, reflect the determination and the openness of Turkey's fight against human rights violations and abuses.

The general elections of October 20, 1992, radically changed the composition of the Turkish parliament. Today, all political tendencies in Turkey are being fully represented in the parliament.

The coalition government formed after the elections committed itself, in both its program and coalition protocol, above all to uplifting and reinvigorating democratic principles as well as human rights. Thus, it embarked on a comprehensive human rights reform program. To

this end, further reforms have been initiated in all legal documents.

As a first step, the government established a Human Rights Ministry, exclusively in charge of human rights issues.

The Parliamentary Human Rights Commission, which was created in 1990 to monitor human rights practices has become more active in investigations into the activities of the Executive.

The Constitutional Court, which for some time was seized with the constitutionality of the Anti-Terror Law, nullified several controversial articles last year. Derogations made under Article 15 of the Anti-Terror Law to the European Convention on Human Rights have been withdrawn.

The government submitted a draft code to the Grand National Assembly which contains a total review of the jurisdiction of juvenile courts.

The parliament adopted another amendment to the Turkish Citizenship Code to pardon those who lost their citizenship after leaving the country because of crimes committed against the state.

The government has begun to ameliorate prison conditions. It showed its sensitivity to complaints in this area by closing down Eskisehir Special Prison and by transferring all inmates to other prisons following medical examination.

Human rights education and training for policemen and prison personnel have been increased and diversified. Cooperation has been established with various foreign countries including the US in this education and training effort.

Most recently, a comprehensive legal reform bill containing several amendments to the Code of Criminal Procedure was adopted. This legislation:

- limits pre-trial detention periods;
- defines the accused rights to legal counsel, to meet privately with an attorney and to have an attorney present at all stages of interrogation;
- prohibits unacceptable methods of interrogation, such as torture, ill-treatment, drugs, use of force, etc., and forbids the entry into evidence of statements obtained through unlawful methods;
- reduces arrest periods;
- establishes pro bono legal counsel.

All these measures were taken during a period of intensified terrorism in Turkey that has claimed the lives of more than 5,000 civilians and security personnel.

We do not claim that we have done everything possible in the legislative realm. Moreover, the best texts are meaningless without effective application. The reality is in the implementation, whether in Turkey, the United States or any other country. We also bear in mind that the fight for human rights is constant, requiring continuous vigilance. This is equally as true for Turkey, facing massive violations of human rights by terrorist groups that define themselves in the killings they commit, as for the established democracies of the western world.

In fact, since its creation, the Republic of Turkey has opted for western values. Our society, much like that of the United States, has been a melting pot for different groups of people. Just to give one example, there are more Bosnians living in Turkey today than there are living in Bosnia. One of the most noteworthy of Turkey's achievements has been its articulation of the concept of citizenship in a modern state. This concept, based on the principle of non-discrimination, enables all Turkish citizens to enjoy full equality before the law, in both theory and practice. It also enables them to maintain their uniqueness and traditions. Building on the centuries-old

Ottoman tradition of respect for religious diversity, Turkey has adopted non-discrimination as its cardinal principle. As one of the basic tenets of the Republic, secularism has helped further extend this principle. The 500th anniversary of the migration of Jews to Turkey, which we celebrated last year, is a telling example. Jewish Turks are active members of our society.

Thousands of years of Anatolian civilization have left an imprint on Turkish society, creating a culturally rich nation. Many languages and dialects other than Turkish are freely used in the country. There is no discrimination against citizens on the basis of ethnic, linguistic, cultural, religious or racial characteristics. Persons of Abkhasian, Albanian, Arab, Armenian, Assyrian, Azeri, Bosnian, Chechen, Circassian, Georgian, Greek, Kurdish, Laz, Persian and Zaza origin are all equal members of our society. We consider cultural, linguistic and ethnic diversity a factor that strengthens the unity of a nation. Persons of different backgrounds are active in all walks of life in the political, economic and cultural spheres. Turkish citizens of all backgrounds live throughout the country. For example, contrary to the general impression, the majority of our citizens of Kurdish origin live in the western and southern regions of Turkey. Turkey's experience compares favorably with that of other societies. Despite living in a turbulent part of the world, we have been able

to achieve a remarkable degree of harmony in a society of free and equal citizens.

Turkey's democratic evolution is unique. In fact, Turkey is the only preponderantly Moslem country where democracy has flourished. Turkey has compressed into mere decades a democratization process that, in the west, spanned at least two centuries and gestated centuries before that.

The Turkish governmental system rests firmly on the twin pillars of justice and the supremacy of law, both of which guarantee the free and peaceful exercise of human rights and ensure human dignity.

Turkey is, by all standards, a functioning democracy with all of the fundamental prerequisites, including checks and balances between the three branches of government. Political parties, trade unions, bar, vocational and civic associations, all operate without restriction. Freedom of the press is fully guaranteed. All these democratic institutions scrutinize critically the human rights practices in the country, thus serving as an active domestic control mechanism.

It is a sad fact that we now face terrorism, which aims to destroy the territorial integrity of our country and the democratic regime. Most of the victims of this terrorist

campaign of coercion and intimidation have been innocent inhabitants of the border areas of southeastern Turkey. Despite such threats, however, our national unity remains strong.

At the CSCE Helsinki Summit in July 1992, 51 heads of state declared that terrorism is a threat to security, democracy and human rights. In fact, all international documents--from the Helsinki Final Act, Universal Declaration of Human Rights, NATO declarations, UN resolutions to the Paris Charter--clearly define terrorism as a major threat to democracy and to the most basic right of the individual - the right to life. Thereby, participating states are obligated to combat terrorism.

The commitments contained in the CSCE documents form the basis for ensuring respect for the human rights of all citizens. However, at the same time, these documents also state that none of these commitments may be interpreted as implying the right to engage in any activity or perform any action in contravention of the principle of territorial integrity.

These are the pillars of Turkey's perspective vis-a-vis democracy and human rights. Being resolved to pursue her path towards democratization, Turkey will vigorously continue to uphold these values, bearing in mind that this

process requires constant vigilance. As Turks, whose roots can be traced to three continents, we are proud of our democratic achievements and want to share equally in their benefits. Certainly we face major problems, such as the need for further economic development, the country's rapid population growth and urbanization, terrorist violence and regional disparities. But we shall continue to seek solutions to these problems in a free and democratic society and shall inevitably and definitively overcome them. We expect that the western community of nations will do more to encourage and support Turkey in its endeavors to be their stable, mature, dependable political and economic partner.

## TURKEY: CENSORSHIP BY ASSASSINATION:

### Eleven Journalists and One Newspaper Distributor Murdered Since February

Helsinki Watch is deeply disturbed by the news of three more suspicious deaths in southeast Turkey: journalists Hatip Kapcak and Namik Taranci and newspaper distributor Halil Adanir were killed in separate incidents during the month of November. A total of eleven journalists and one newspaper distributor have been assassinated by unknown assailants since February of this year--a truly appalling situation in which death squads are carrying out censorship by assassination.

The recent murder victims were:

- HATIP KAPCAK, the Mardin reporter for a local newspaper, *Soz*, and for the weekly journal, *Gercek* (Fact), who was killed in an armed attack in the Mazidagi district of Mardin on November 18. Mr. Kapcak had been researching and reporting on a local organization that uses the name Hezbollah, which allegedly has ties to security forces. Mr. Kapcak had served six years in prison on political charges. After his release, he wrote for the daily, *Gunes*, and then for the daily, *Hurriyet*, before joining the *Soz* staff two months ago.
- NAMIK TARANCI, 37, the Diyarbakir representative of the weekly journal *Gercek*, who was shot and killed on November 20 on his way to work in Diyarbakir. He reportedly died on the spot with three bullets in his head after an attack by two assailants. Mr. Taranci had reportedly received a telephoned death threat the night before his murder. *Gercek* personnel had been threatened in connection with a story the journal had published on Hezbollah.
- HALIL ADANIR, a 32-year-old taxi driver, who was burned to death in his car in Batman Province on November 22. Mr. Adanir had reportedly been threatened several times to stop distributing *Ozgur Gundem* (Free Agenda), a pro-Kurdish periodical that began publication on May 30, 1992; four *Ozgur Gundem* reporters have been shot and

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killed since June and a fifth permanently paralyzed. Because of death threats, newspaper distribution companies in Batman Province stopped distributing *Ozgur Gundem* in early November; the journal has been distributed by volunteers. In Diyarbakir, twenty-two newspaper vendors have stopped selling the newspaper because of intensified threats.

\* \* \*

Helsinki Watch has previously reported on the killings of nine journalists since February.<sup>1</sup> All but one of the journalists had written for left-wing or pro-Kurdish journals; several had written about purported connections between a "counter-guerrilla" force or the Hezbollah and Turkish security forces. These murders suggest an on-going campaign to silence the dissident press in southeast Turkey.

The nine journalists killed earlier this year were:

- HALIT GUNGEN, 22, a reporter for the left-wing weekly journal, *2000'e Dogru* (Toward 2000), who was killed in the Diyarbakir office of *2000'e Dogru* at 8:00 p.m. on February 18, 1992. The February 16 issue of the journal had featured a cover story on the purported relationship between the Hizbullah (Party of God), an Islamic terrorist group, and the counter-guerrillas, an armed force allegedly linked to security forces.
- GENGIZ ALTUN, 24, the Batman correspondent for the weekly pro-Kurdish newspaper, *Yeni Ulke* (New Land), was killed by six bullets fired into his back on February 24 as he was on his way to work. A *Yeni Ulke* official alleged that Altun had recently been threatened with death at Gercus Genmdarmerie Station. Mr. Altun had written articles about the alleged activities of government-backed counter-guerrillas; the most recent had been published in the February 2-8 issue.

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<sup>1</sup> See Helsinki Watch newsletter, "Turkey: Eight Journalists Killed Since February; A Ninth Critically Wounded," August 1992; and October 6 Helsinki Watch Press Release on the murder of Musa Anter, 74, a well-known Kurdish writer and journalist.

- IZZET KEZER, a journalist for the mainstream daily, *Sabah*, was shot and killed by security forces in Cizre on March 23, during violence that followed the celebration of the Kurdish New Year, *Nevroz*. During a state-imposed curfew, Kezer and other journalists emerged from their hotel waving white flags. No shooting was going on at the time. Kezer, at the head of the group, reached an intersection and was shot dead by security forces who fired from an armored personnel carrier.
- The body of MECIT AKGUN, a reporter for *Yeni Ulke*, was found hanging from a telephone pole near Colova village in Nusaybin on June 2. Akgun had been missing for three weeks, having last been seen in Nusaybin. According to the Anatolia News Agency, an autopsy showed that Akgun had been strangled ten days earlier. A statement found on his body saying that "he was punished because he was a traitor" was allegedly signed by the PKK.
- HAFIZ AKDEMIR, a reporter in the Diyarbakir office of *Ozgur Gundem*, was killed by a single bullet shot into the back of his head on June 8. Akdemir was shot at 8:00 a.m., fifty meters from his home in Diyarbakir. *Ozgur Gundem* began publication on May 30, 1992; reporters stated that they had received telephoned threats for several days -- several addressed to Akdemir. Mr. Akdemir had recently interviewed human rights delegations visiting the region and had written about them, as well as about the workings of the counter-guerrilla forces in the region.
- CETIN ABABAY, the Batman correspondent for the journal *Ozgur Halk* (Free Public), who was shot in the head at 7:30 p.m. on July 29 by three unidentified men while on his way home; he died in Diyarbakir University Hospital on July 30.
- YAHYA ORHAN, 30, the Gercus (Batman Province) correspondent for *Ozgur Gundem*, who was shot and killed by unknown assailants on July 31 at about 10:30 p.m. *Ozgur Gundem* reported that Mr. Orhan had been stopped on the street and threatened. According to his family, Mr. Orhan received a phone call at his home on July 31 in which he was told, "We have removed all journalists. Now it is your turn." Sounds of gunshots were then heard on the telephone.
- HUSEYIN DENIZ, 36, the Ceylanpinar (Urfa Province) correspondent for *Ozgur Gundem*, who was critically wounded by one bullet fired into his neck while on his way to work on August 9. He died on August 10. Mr. Deniz was also the regional correspondent for the daily, *Cumhuriyet*.
- MUSA ANTER, 74, a well-known Kurdish writer and journalist, who was shot and killed in Diyarbakir on September 20. Mr. Anter, who had published four books, was a columnist for *Ozgur Gundem*, *Yeni Ulke*, and the Kurdish newspaper, *Welat*. He was also the chairman of the board of the Mesopotamian Cultural Center in Istanbul. Mr. Anter was lured from his hotel on false pretenses and shot in the outskirts of Diyarbakir. A relative accompanying him was shot and wounded at the same time.

\* \* \*

The Turkish government has made no serious effort to investigate the murders and prosecute the killers of any of these journalists. The government's attitude toward the deaths has been most unsympathetic. On August 11, Prime Minister Suleyman Demirel said, "Those killed were not real journalists. They were militants in the guise of journalists. They kill each other."

Helsinki Watch is appalled by what appears to be a systematic campaign to silence the press about events in southeast Turkey, where a guerrilla war is being waged against security forces by the PKK (Kurdish Workers' Party). We urge the government to take immediate steps to investigate these twelve killings and to prosecute those responsible to the full extent of the law.

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*This report was written by Lois Whitman.*

*News From Helsinki Watch is a publication of Helsinki Watch, a division of Human Rights Watch. Helsinki Watch was created in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The Chair is Jonathan Fanton; Vice Chair, Alice H. Henkin; Executive Director, Jeri Laber; Deputy Director, Lois Whitman; Staff Counsel, Holly Carner; Research Associates, Erica Dailey, Rachel Denber and Ivana Nizich; Associates, Pamela Cox, Christina Derry and Aleksandr Petrov.*

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