

IMPLEMENTATION OF THE HELSINKI ACCORDS

HUMAN RIGHTS IN TURKEY

June 6, 1995

Briefing of the
Commission on Security and Cooperation in Europe
Washington, DC

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Briefing on Human Rights in Turkey

**by Yavuz Onen, Human Rights Foundation,
and Akin Birdal, Human Rights Association**

Tuesday, June 6, 1995

**Commission on Security and Cooperation in Europe
and the International Human Rights Law Group
Washington, DC.**

The commission and law group met, pursuant to adjournment, at 2 p.m. in room 2200, Rayburn House Office Building, Sam Wise, Director for International Policy of the Commission on Security and Cooperation in Europe, presiding.

Mr. Wise. Good afternoon, everyone. I'd like to open up this briefing of the Commission on Security and Cooperation in Europe, of which I am the international policy director. This briefing is co-sponsored by the International Human Rights Law Group. I welcome you here on behalf of CSCE chairman Congressman Christopher Smith of New Jersey and Senator Alfonse D'Amato of New York.

Welcome everyone, but especially our guests from Turkey, to this briefing on human rights in Turkey. Today's briefing is being co-sponsored, as I said, by the International Human Rights Law Group.

The Helsinki Commission has closely followed human rights issues in Turkey since issuing its first report on the subject in 1982. An updated report was published in 1988. Periodic Commission delegations to Turkey have focused on persistent human rights problems, including restrictions on free speech, widespread use of torture, terrorism and the Kurdish situation.

Last month a Commission staff member accompanied a delegation of the Organization for Security and Cooperation in Europe Parliamentary Assembly to Turkey. The delegation's just-released report is available on the table outside this room. [See Appendix.] The Helsinki Commission has also sponsored numerous public briefings such as this one, some of which involved Turkish parliamentarians now in jail or in exile for speech crimes.

The government of Turkey has also had a standing invitation for over a year from the Commission to provide witnesses for a briefing. The Commission has been particularly concerned about problems facing Turkey's Kurdish citizens and the human rights implications of terrorism. The right of states to combat terrorism is widely accepted and is supported by the U.S. Government and this Commission. The human costs of both terrorism

itself and efforts to combat it has unfortunately been high in Turkey because innocent civilians have become the main victims.

Since 1984, it is generally acknowledged that more than 16,000 people have died as a result of terrorism and the anti-terror campaign. More than 1,000 villages in southeastern Turkey have been forcibly evacuated and destroyed, and over 2 million refugees created. Assassinations and disappearances of prominent human rights activists, journalists and others have become routine. Those who publicize such problems, including our guests here today, face official harassment or jail for their efforts.

Last March, Prime Minister Ciller outlined the latest democratization plan, which included lifting of the state of emergency; constitutional amendments to expand political liberties; abolition of Article 8 of the anti-terrorism law; and possible amnesty for prisoners detained for speech crimes. In the previous 5 years, similar efforts have failed to win *parliamentary approval or have simply not been implemented. The present package of reforms faces strong opposition in parliament even though many observers believe adoption of meaningful reforms will be required before Turkey can move closer to the European Union.*

I'd now like to introduce Peter Rosenblum, program director of the International Human Rights Law Group, our co-sponsors, and thank him for his assistance in making this briefing possible and ask if he would like to have a few words.

Mr. Rosenblum. Thank you, Mr. Ambassador. I'd like to join you and the commission in welcoming everyone here today. I'd like to thank the members of the Commission for their assistance in organizing this briefing, and in particular Mike Amitay, who has done so much over the years in respect to Turkish issues and human rights.

The Law Group is thrilled to be co-sponsoring this event and to have Mr. Onen and Mr. Birdal here with us today. Over the last year we've sent several delegations to Turkey that have been able to provide a presence at critical moments during the prosecutions of deputies from the DEP party and also to follow through and to discuss with Mr. Onen and Mr. Birdal some of the issues that have arisen in human rights, some of which have arisen in their own cases, including the continuing prosecutions under Article 8 of the Emergency Law. Now, even as the state prepares to remove Article 8, provisions of the normal Criminal Code continue the pursuit of those who would try to raise issues about human rights in the Kurdish context.

We've invited Mr. Birdal and Mr. Onen to be here in the United States with us to accept something that we very pretentiously call the Partners Award. It's pretentious because we really have no claim to be their partners. They stand alone in the work that they do, and we have only been able to benefit from coming into their contact as we seek as an organization to be able to provide whatever support we can to enable them to be heard in important milieu, including our own here in the United States. So we're thrilled that they were able to accept our invitation to come here to the United States. They will be here for the course of the week. And for those organizations that would like to try to meet with them separately, they may still have time in their schedule, and I encourage you to come up and talk to me afterwards.

Thank you very much again, and I'll turn things over.

Mr. Wise. Thank you, Peter.

Our format from this point on will be that we'll listen to our two visitors. After they have spoken and their remarks have been translated, we will open the floor to questions

from the audience. I would ask those who have questions and I recognize to please use the microphone, introduce yourself and indicate which, if any, organization you represent. I would also ask you to keep questions brief. We hope that everyone who wants to can have an opportunity to participate, and that we won't have long speeches which I would have to interrupt.

At this point I'm pleased to introduce two individuals who are eminently qualified to discuss human rights in Turkey. First, I will introduce Mr. Akin Birdal, who is chairman of the Human Rights Association of Turkey, an association which was founded in 1986, has over 60 branches throughout Turkey. It is Turkey's largest and oldest human rights monitoring organization. The group investigates reports of human rights abuses throughout Turkey, organizes conferences, issues reports and plays a leading role in grassroots human rights education.

Mr. Birdal?

Mr. Birdal. Thank you very much. [Through interpreter.] Thank you all. As the opening statements indicated, we are here to receive the Partnership Award. But the real award for us will be when Turkey attains a real democratic state that it deserves. We value the award because of the conditions under which we make our human rights efforts in Turkey. It increases our morale and encourages us.

It is not accident or coincidence that we are here so far from Turkey discussing human rights issues in Turkey in a forum such as this, because human rights issues are universal. Turkey is a member of United Nations and European Economic Council and is party to many treaties that stem from these organizations. In the 1993 Vienna global human rights meeting of international human rights organizations, Turkey accepted the universality of the human rights as it was championed by United States and the Western countries. Human rights is just like democracy and peace. They should be observed and protected. They should not be considered as an internal issue of a given country, so we are bringing Turkey's problems here, spreading them on the table in United States.

We feel the pain of crimes against humanity in other areas such as in Bosnia, Azerbaijan or in Nagorno-Karabakh. If the reflection of the fire that is burning nearby hurts us, we first should attempt to stop the fire that is burning inside of us. There are a number of other organizations that defends, protects and promotes human rights in Turkey. I will try to make an attempt to give a brief picture of the human rights situation in Turkey.

We want the rights that belong to human beings without any regard to their linguistic, religious, gender, political or ethnic differences. These should be applied equally and freely. Minority rights and freedoms especially should be discussed. It is inevitable that human rights issues are brought to the forefront of the Kurdish situation in Turkey. The solution to Kurdish problem in Turkey now has become a Turkish people's problem as well. It is also a problem of Turkish democracy.

We are looking at human rights not only as universal but also as a whole, indivisible whole. Turkey's problem or the biggest hurdle that Turkey faces in solving human rights issues today has its origin in the Constitution that was brought about by the military coup 15 years ago. Ruinous effects of this constitution have not been admitted so far. Basic rights and freedoms, including the right to life, is endangered. Despite the existence of 36 separate laws allowing capital punishment in Turkey, we have not had an execution

since 1984, which is welcome, but there are other forms of capital punishment that we are experiencing.

Systematic torture is continuing. Disappearance while in detention is present. During the last 15 days two bodies were discovered of men who were first detained by the security forces, subjected to torture, and then disappeared. If there are questions along these lines, I can provide more statistics. Only last month in the capital of Ankara, three bodies were unearthed in a house. We consider these to be extrajudicial killings. Our association has determined that there was no firing from inside the house. The security forces fired from outside into the house. Another violation of right-to-life takes place in the form of killings by unknown sources, mystery killings.

Thinking thoughts is considered a kind of crime, and expressing and disseminating such thoughts is considered a terrorist act. There are 157 individuals in prison for thinking thoughts. There are 2,474 cases that are in the appeal process and 5,685 individuals being tried for such crimes.

The current democratization attempts in Turkey do not address the essence of the problem. These are only for appearance's sake in order to facilitate Turkey's attempt to become part of the European Custom Union. The Ciller government came to power three and a half years ago with the claim that they were to introduce democratization in Turkey. Since that time 303 new laws were enacted. Only three of them address directly the issues of democratization and human rights, and even those are not implemented.

Democratization in Turkey is needed much more by Turkish people than Western European countries or the United States. There is a hot debate going on in Turkey now about Article 8 of the anti-terror law. With this debate, domestic as well as international public opinion is being fooled. Even if that particular Article 8 is taken out of the law and added into the penal code, which has Article 311 along those lines, it would not abolish criminal penalties for freedom of thought or expression in Turkey because there are 152 laws and over 700 articles in Turkey that restrict freedom of expression and freedom of press.

I now would like to touch upon the impasse in the Kurdish problem and the destruction that this brings about in Turkey. According to our studies, 2,494 villages have been forcefully evacuated and destroyed. During the last 6 months, in the Tunceli province and the surrounding areas, 350 out of 540 villages have been forcefully evacuated, and 50 of them have been burned. These numbers were supplied by the local administrative heads of villages and checked by our organization, and they are reliable numbers.

Our organization was denied permission to monitor and conduct inquiries locally in those areas during the last year and a half. Although the usefulness of NGO's and organizations such as ours has been cited in Paris and Moscow and Budapest and at the Vienna Conference, our 13 branches have been closed down *de facto*. As a result of this, most of the information is not exaggerated but actually underestimates the reality.

Our prime minister, when she visits the United States, being fluent in English, promises a great deal about democratization and human rights, but the moment she comes back to Turkey forgets all of them. Lately our prime minister is blackmailing the West with the position that "if you do not support us, Islamic fundamentalism will come." The very same government is actively supporting religious education in formal and informal modes. If I can give you an example of the extent of this, in the 1995 budget, 12.3 billion Turkish lira is devoted to religious education, which is equal to the total budget of five

ministries and 37 universities. Part of the ministry of education's funds that go to formal religious education is more than one billion Turkish lira and the total amount that is allocated for 37 universities.

In conclusion, we want human rights for everybody, without discrimination, to be equally benefiting and freely exercised by all in Turkey. And we want our rights and freedoms gained from Turkey's agreements with the other western countries and international organizations to be implemented domestically in Turkey. And, above all, we want Kurdish problems solved through peaceful and democratic means. We want the representatives belonging to the DEP party granted their freedom. In order to solve the Kurdish problem through democratic means, we want an atmosphere of freedom in Turkey where the Kurdish problem can be debated. We also want and think it necessary to enable over two million Kurdish villagers who were forcefully ejected to return to their villages, and policy should be put in place to encourage this.

Has there been a chance given to Kurdish people to solve the Kurdish problem in Turkey by democratic means that failed? This chance should definitely be granted, and the blood and tears should be stopped. We want a democratic Turkey where people freely speak. Not guns. The way to that is through democracy and human rights. The only path that will bring the peace and brotherhood of two peoples is this path, this way.

We also want Turkey to free itself from being interrogated, questioned, in international forums, platforms, such as this. We don't want to be citizens of a country that denies a nation's existence. We don't want to be citizens of a country where people are persecuted for their thoughts and expressions. We want to be a member of the human family, as a dignified Turk. Thank you.

Mr. Wise. Thank you, Mr. Birdal.

Let me introduce our next speaker, Mr. Yavuz Onen, who is president of the Human Rights Foundation of Turkey, a foundation established in 1990. It compiles printed and video documentation and prepares daily human rights reports on subjects including torture, extrajudicial killings, freedom of expression, and issues concerning Turkey's Kurdish citizens. The foundation publishes reports, and advocates for human rights throughout Turkey. The foundation also runs four centers for the rehabilitation of torture victims.

Mr. Onen, please.

Mr. Onen. Thank you. [Through interpreter.] I will try to avoid repetition and be brief.

There is a feeling—a conviction—in Turkey that democratization, as well as the solution to the Kurdish problem, is conditional upon the acts of terrorists. Separatism and terror increase in Turkey day by day, opposite to what official claims would have us believe. We are at a juncture where it seems neither democratization nor the Kurdish problem will find a solution. I personally would like to tell you that this is a false proposition. By presenting the problem in terms of terrorism, they make an atmosphere of discussion impossible in Turkey.

Freedom of press, gathering news, is forbidden in Turkey, especially in regions under a state of emergency. As a result of this, there are two sources for our information pertaining to these areas. One is declarations of the special Governor. The other is the PKK's arm in Germany, ARGK. That means we do not have a healthy, reliable source of information. Again, in that part of the country, all the democratic and non-governmental organizations are closed down. That includes human rights organizations.

There are very few journalists left; most of them left the area, including news services and wire services. I also would like to add as my personal opinion that in Turkey the media uses the official version as source, and also plays a provocative role. Now, I am going on to another subject.

The government, which came to power in 1991 promising democratization in Turkey, announced that the terror was to come to an end by March 9, 1994. Then they delayed it until September. Then to the end of the year. Then March or April it was announced. We are living a story that is endless. Consequently, before this basic problem is solved in Turkey, everything else, including human rights, is secondary. We are becoming marginalized. We start hearing ourselves repeating the same thing again and again.

Before finishing my remarks, I would like to touch upon an unfavorable issue; that is, the attitude of developed countries toward Turkey. Approximately a year ago, Western countries, including the United States of America, considered Turkey as a strategic country, an economic partner. You maintain a double standard when it comes to democratization and human rights, despite the fact that Turkey is a member of NATO. Why is that so? Because economic interests are in the forefront.

Now, Turkey is the country that purchases armaments from the Western countries, and the United States of America is at the top of the list. This large amount of military trade also reflects a kind of provoking a war or conflict in those areas. Because of this, developed countries should change their arms trade policies. If we publicize that weaponry sold by developed countries to certain areas is used against civilian populations, there is only a very light rebuke.

There is a tragedy being lived out in Turkey which is part of all the violations of individual rights in the existence of history. The culture is being uprooted. That particular region where the special emergency law applies is a kind of vacated, vast, void area—economically, culturally and population-wise, a kind of military war zone. As a person who was born and raised in that part of the country, I would like for you to take a more active role, and would like you to ring alarm bells about this situation and danger and tragedy.

Mr. Wise. Thank you, Mr. Onen. Thank you both. I think you've provided a picture that will certainly stimulate questions and ideas from the audience.

I will turn now to the audience. I would repeat my original remarks: Please keep your question short, introduce yourself, and use the microphone in the front of the room. And I'd just let you know that we want you to speak into the microphone because the meeting is being transcribed. This gentleman here first.

Questioner. I'm Michael Chyet, the new editor of the Kurdish Service at the Voice of America, and I have a question. Can I ask it in Turkish and then translate it? OK. [In Turkish.] In addition to the official written laws in Turkey, I understand that there are unwritten laws that are in practice. And I am wondering what you have to say about them. Thank you.

Mr. Birdal. [Through interpreter.] The mechanisms of democratic legal rule are well established, well known. These should be supremacy of law and the judicial, governmental and juridical organizations—arms of the government. But there are some sources of authority in Turkey that are beyond law. And there seems to be a great deal of authoritarianism. Oppression and force are used, and the security forces—not only the police and military—assume governmental forces as their own force. Of course, the proper forum to expose this in Turkey is the Congress.

Mr. Wise. All right, the gentleman in front here.

Questioner. *Najmaldin Karim from Kurdish National Congress.* First I'd like to thank both gentlemen for their remarks. And I would also like to commend them for their courage. They face death every day. They risk their lives to protect human lives in Turkey.

My first question is to Mr. Birdal. Does Mr. Birdal think the United States should stop military aid to Turkey in view of these violations and destruction of villages by weapons that are supplied by the United States?

And my second question is to either one of them: Knowing that there is a war going on in southeast Turkey, and that the Kurdistan Workers Party has called for political dialog and a peaceful solution for the Kurdish problem within the boundaries of Turkey, should the PKK, with other Kurdish groups, be involved? And can this be achieved without them?

Mr. Koseoglu. Would you repeat your second question about the political dialog concerning PKK?

Questioner. There is a war going on between the Turkish government and the Kurdistan Workers Party. The PKK has declared its willingness repeatedly, as recently as last month, for a peaceful solution to the Kurdish problem, to stop the fighting and to respect the territorial integrity of Turkey. Should they be included in any peace process? And could the problem be solved without including them?

Mr. Birdal. [Through interpreter.] First of all, the U.S. Congress is where this foreign aid issue should be discussed. But you will all remember the 1987 decision that the U.S. Congress required U.S. foreign aid to recipients to be evaluated on human rights grounds. And ever since then, the U.S. State Department prepares annual reports on human rights. Despite the diplomatic language that it employs, still no one can say that Turkey has a good record on human rights issues, when this is all very well known and documented and reported.

Still, what we hear—that is being debated—whether a 10 percent reduction is too little or too much along these lines. The entire practice should be reevaluated along the lines that Congress already decided in 1987. Since that time, however, the U.S. view in Turkey emphasizes short-term military and economic interests, and along the way has sacrificed long-term interests in the area.

The 1994 report was more realistic in its language in evaluating human rights violations in Turkey. But after determining the existence of serious violations, it is not enough to make a few suggestions. It is not enough to express some hopes. And I just think you don't act on it. How are you going to stop it? There has to be some way to reject these kinds of violations. There could be some sanctions brought against countries who are seriously perpetrating crimes against humanity.

During the last 8 months there have been three or four calls by PKK for a peace process to be started within the framework of Turkey's territorial integrity. Now, as long as there is a call for a peaceful means, it should be given a chance. Of course we are for a peaceful solution.

When it comes to the question of whether PKK should be included, or whether PKK can represent—that is a question that can only be answered by the Kurdish population. As human rights advocates, we believe in an environment where everyone can freely express themselves and find peaceful solutions to their desires within the legal frame-

work. Kurdish people will be the determining element, factor, who is the right party, who can represent their aspirations.

Mr. Onen. Thank you. [Through interpreter.] One should see the reality in Turkey. There is not an atmosphere, a reality, a situation which would enable a political solution to the problem immediately right now, not to mention PKK being a party to any solution. There is no Kurdish political representation in Turkey right now. We are trying to examine the situation within the democratic Turkey, but we cannot discuss this issue.

As my colleague, Mr. Birdal, expressed previously, there is a need for new solutions for the implementation of human rights in the world. When you read reports on human rights, you will see that no country is immune, including the United States. You will see human rights violations everywhere, in many, many countries. But existing international law does not have any authority, any mechanism, to solve, punish, or implement human rights in any given country. This void needs to be filled. There are needs for a new international mechanism to implement international universal human rights.

It is not possible to force a country to observe human rights by withholding a few dollars here, a few dollars there—\$1 million or what-not—in foreign aid. It is not a solution. We all need a new human, new state, new understanding in our world. But if one looks at Turkey's bilateral agreements with the European Community, there are some specific concrete references to these kinds of solutions and processes for implementation. These are areas that are being discussed in Turkey now.

Mr. Wise. In the back.

Questioner. I am Louis Kahn, former career diplomat, now with the American Turkish Council. My organization supports improvements to human rights in Turkey and has made that clear on a number of occasions. In framing my question to the two speakers, I refer to a brief portion of the most recent State Department human rights report on Turkey. I quote: "The Kurdistan Workers Party, or PKK, presents a major threat to Turkey's sovereignty and territorial integrity. It is a ruthless terrorist group which receives support from Syria, Iran, and some sources in Europe, and has terrorized the population of south-east Turkey, and destabilized the region." I would like to ask our two distinguished guests today how they believe that it is possible to have a perfect state of human rights in view of the circumstances I have just quoted?

Mr. Birdal. [Through interpreter.] Neither terror, nor war, nor the existence of a state of emergency can be used as an excuse for violating principal freedoms and human rights. This statement that I read is taken from the latest Moscow Convention that Turkey is also a part of—a signatory—as part of CSCE. The same document includes freedom of speech and freedom of the press as rights that should not be violated. In what democratic country can it be tolerated under any circumstances that thinking is considered a crime—certain thoughts are considered a crime?

Mr. Wise. The gentleman in the second row here.

Questioner. Jemal Fuad, Kurdish National Congress. I have this question for Mr. Onen: You spoke about terrorism. I just wonder who starts this terrorism. Since 1923, for over 70 years, Turkish Kurdistan has been under attack. People have been deported since that time. So, when we talk about terrorism, this is not something started in the 1980's; it started way back when—from 1925 to 1937. The Kurdish people were bombed, attacked, deported, and their language was prohibited. They could not even name their own children. I ask, when people are denied their rights, when they have no freedom of speech,

of movement, what other channels are left for them to react to the existing conditions? I would like to ask who started this terrorism? Is it the state of Turkey to begin with? Or is it the recent events that's happening in Turkey? Thank you.

Mr. Onen. [Through interpreter.] Nobody can defend terror or terrorism. It is a government's legitimate right to combat terrorism, and they are doing it as best as they can, as long as they have been doing it. Today half of our budget is going to efforts to combat terrorism. Nobody can defend terrorism. It is not our job to determine legitimacy or the solution. It is the government's job to finish terror. We, as a human rights organization, express our concerns over serious violations of human rights which should be guaranteed and protected by the government. That's the government's responsibility—the state's responsibility. This is what our concern is. That's what we are trying to establish.

Mr. Wise. Yes, in the back.

Questioner. John Salzburg, with the Center for Victims of Torture. Ambassador Wise mentioned in the introduction that the human rights foundation has a number of treatment programs in Turkey. I would be interested, and for the benefit of the audience, in learning something about those—how they started, what they are doing, and also their role in terms of promoting human rights, promoting democratization.

Also, I would like to recognize the report that was issued by the Human Rights Foundation, *File on Torture*—and our speakers were very courageous in issuing this report. I'm aware that the government (fortunately unsuccessfully) attempted to charge Mr. Onen with an act of terrorism—issuing an objective report indicating individuals who have been tortured by the government. Over 400 individuals died from torture in the 14-year period. I wonder if our speakers can tell us whether the government has done anything to investigate the allegations in the report, and has the government taken steps to prevent the practice of torture in Turkey, or prosecuted those who have engaged in torture? Thank you.

Mr. Onen. [Through interpreter.] We have four centers in Ankara, Istanbul, and Adana—for helping in treatment of victims of torture. Last year we treated 467 victims, and this year the number seems to be approaching 600. We do this with a volunteer team of about 300 doctors. Our organization is volunteering to implement efforts that are supported by the United Nations and European countries.

The Turkish government has changed its penal code for the declared aim of correcting the problem of torture. As a result of the work of our and other organizations, Turkey's lengths of detention and availability of legal counsel was brought to international standards. But the thing is, this aspect only applies to ordinary criminals subject to the civil penal codes. Torture mostly takes place not in this jurisdiction, but in cases of political crimes and crimes against the state which special military courts are empowered to try. The legal system alone cannot prevent torture. In our system, even if you establish the use of torture by a suspect, perpetrators can be prosecuted only if the provincial administrative head, the Governor, agrees to the proceeding; no one else can file a suit against a perpetrator.

The court cases against the perpetrators of torture crimes last very long—sometimes 8 years to 10 years. There is a legal term, "time is the essence." After a certain time you are no longer prosecuted for a given crime. There are some famous well-publicized cases involving the statute of limitations. Despite these several well-publicized court cases, the end result is not severe enough, strong enough. Punishments are so negligibly small that

they are not commensurate with the crime—they are not enough to prevent the occurrence of torture.

Questioner. I am Maryam Elahi with Amnesty International. Recently mothers of the disappeared have organized. For example, on Mother's Day, in May, thousands of mothers of the disappeared signed a petition calling for an end to the disappearances. Could either Mr. Onen or Mr. Birdal tell us a little bit about the activities of the mothers, and the kinds of demands that they have made and the response of the government to that?

Mr. Koseoglu. Did you say mothers?

Questioner. Mothers. [Speaks in Turkish.]

Mr. Birdal. [Through interpreter.] An individual named Hasan Ocak was taken into government custody on March 21st. During his 3-day detention Ocak died, and then was buried in an unmarked cemetery somewhere. His mother did everything she could and raised consciousness. Her cries were audible from many places, including during my court proceedings. She possibly hoped to attract some media, press attention as well. As a result of her activities, she was found guilty of contempt of court and imprisoned for 25 days and sent to prison.

Of course, mothers are symbols of efforts in establishing and implementing human rights all over the world. You all remember the mothers' agenda, every Thursday's meeting to demand their children, their sons. Some fasting and similar practices by mothers of prisoners in Turkey is quite common. You can see them, a constant fixture in front of many prisons. And there are mothers who have died at prison doors, all during their fasting process, protesting conditions of prisons where their kin or children are being held. Recently I was told that they are organizing amongst themselves, and pretty soon you will be able to hear their concerns through their own organized voice.

Mr. Wise. The gentleman here, and then the lady in the back.

Questioner. Ugur Akinci, Turkish Daily News. [In Turkish.]

When Mr. Birdal said that the Kurdish people should decide whether PKK should be a part of the peace process. The question is how exactly this could be done, because in Turkey there is only one parliament, which does not represent Kurds or Turks as such, but all Turkish citizens. So in terms of implementation, I wanted to know what Mr. Birdal is exactly advocating—whether a referendum in which only Kurdish people should participate, or is he advocating formation of new decisionmaking mechanisms for ethnic Kurds alone, or something else? That was my question.

Mr. Birdal. [Through interpreter.] Kurdish people should decide on their civil, political, and local administrative solutions themselves, instead of a higher or central authority telling them, "You do this," "You cannot do that," "You are going to live with this," "You cannot live with that," "I would allow you to form a political party," "I won't let you have a political party." This should not be so. You will see a frequent reference to 136 members of the parliament in Turkey being of Kurdish ethnic background. Yes, it could be, but they are not elected to represent Kurds. They are not there to express and defend Kurdish rights. They are there for the continuation of the existing regime. What we want, what we prefer, is a solution to the existing problem that Kurdish people will express their free preferences and aspirations.

Questioner. May I have a follow up?

Mr. Wise. Quickly.

Questioner. [In Turkish.]

Mr. Koseoglu. The question was: In light of your response, is it right to say that the solution can be found within the existing Turkish Congress? And the answer was that solutions should be found in the existing political mechanism.

Mr. Wise. The lady back here.

Questioner. My name is Gula Surwan, and I am with the Assembly of Turkish-American Associations. I will first ask my question in Turkish. [In Turkish.]

I am with the Assembly of Turkish-American Associations, as I have said before. I agree with Mr. Onen that the solution to the human rights situation in Turkey has to be searched for in Turkey, not in other third countries. As an NGO, what is the human rights association—both of them—doing in regard to shape public opinion vis-a-vis human rights in Turkey? What are you doing to tell the Turkish people, like the American people here, what the solution to the human rights situation in Turkey is?

And you said that the solution to the Kurdish problem in Turkey has to be looked for with the Turkish people. In Turkey there is a large majority of Turkish people—and I believe you also should consider their solutions to the Kurdish problem, since these two people are going to live together. Do you have a dialog with the Turkish government in order to find and implement solutions to the human rights situation? And, if you do, what specific solutions do you recommend? Thank you very much.

Mr. Onen. [Through interpreter.] We have publications, reports, annual studies, interim reports on situations we try to publicize. We also organize forums, discussion groups, and conferences, not only in Ankara and Istanbul, but also in every province—of course, lately, excluding the southeastern part. And this is important when we are talking about Kurdish identity or defending their rights. We consider them as Turkish citizens. It is not important whether someone is a Turk or Kurd, et cetera. We—our organization—defends all Turkish citizens' rights.

There is a ministry of human rights. Recently we had—"we" meaning NGO's such as our organizations and the other interested parties on human rights in Turkey—had a meeting with the minister. I don't know how long he is going to last there, but that meeting lasted for hours, and both parties left with very favorable impressions. In the past we all complained that there wasn't a meaningful dialog between the Turkish government and other NGO's, but that was a first and satisfying one.

Mr. Koseoglu. He would like to add a few words.

Mr. Birdal. [Through interpreter.] We have many activities to educate Turkish people in human rights issues. One is an education project that we undertook which is supported by the European Union. Last year we trained 565 practitioners of law in Turkey, in various provinces, on the subject of individual application to the European Council's Human Rights Commission. In this regard, we educated and trained 565 lawyers and published three volumes on that particular subject. This year we are preparing to educate the educators. We're going to be training the teachers in human rights. And that will continue. These programs will continue.

In another category, as my colleague mentioned, we have mass training activities of all sorts. We have many publications, we organize conferences, et cetera.

Another part of her question was about the Turkish ethnic majority's feelings, preferences, on the subject, whether it was being consulted. We are defending the rights of all peoples, including the Turkish people. On the subject of war versus peace, every people

prefers peace, because war has a ruinous effect on our economic development, on our budget. People will prefer peace over war always. With our government, we of course want a dialog. And if the government shows any positive development of a minuscule amount, we would be praising their efforts as forcibly as we can.

Questioner. [In Turkish.] I can translate if you want. I am Jasemin Cangar, the Washington correspondent of the Turkish daily *Milliyet*. I have been following the human rights association's work since it was founded, and I am a former member. I have this observation—and I wanted Mr. Birdal to comment on it, to correct me if I am wrong—that it started out to be a mass organization, and it has been somewhat narrowing down. It is my belief that this is because it didn't try to distance itself as much from the PKK as it did from the government, and I expect very much that it is distancing itself from the government. Again, being an NGO, I think it's one of the priorities.

I was wondering: In order to be more constructive in the Turkish human rights code and to be more listened to by a greater audience in Turkey and to be more effective in its message, should the association try to do more to distance itself from the PKK, which was also accused of being a human rights violator by the human rights report of the U.S. State Department this year? And if they are doing something on that, I would like to know.

And, second, I ask this also because Mr. Onen has said that they are becoming less and less effective, and are repeating themselves in the deadlock of the problem in Turkey now. I would like to know your opinion also on the U.S. government's and the European governments' position as regards the Custom Union agreement, and what's coming up in the European parliament. Do you think it will be a more constructive approach to work toward Turkey's membership at this stage? Do you think it will contribute positively to the human rights case in Turkey, or it will be a negative step? Thank you.

Mr. Birdal. [Through interpreter.] The first part of the evaluation is not valid. Our association now is not closer to a given group or more distant from another. We maintain an equal distance from all the parties. But if we express state violations of human rights first, it is because it is the state's duty to protect and implement human rights. There are a great deal of pressures on us. Eleven of our members were killed. Many of us have been taken to court for our activities in the human rights area. But that makes no difference in our resolve and activities.

Of course, we may have individual differences in our political views or preferences, but the moment we answer the door of the Human Rights Association in Turkey, the common denomination among us all is our concern for human rights. We have sensitivity not only to this particular ethnic problem in Turkey; we show the same sensitivity to many other areas and groups in Turkey. Very soon we are sending a group of delegates to Chechnya to observe human rights issues there. And we had many activities to express our concern and monitor human rights abuse in Bosnia. It is not true that we are closer to a particular group and more distanced from another. This is purposeful propaganda to make us less credible or listened.

For the other part, whether Turkey is accepted to the European Custom Union or not is not the primary issue here. The primary problem is basic rights and freedom in Turkey for the population at large. One cannot think that if Turkey is denied membership in the European Custom Union, then we don't have to observe human rights in Turkey because we would no longer have to answer to the EU. This is not relevant. But if one considers the fact that Turkey is a member of the United Nations and the European

Council and a signatory to many treaties which prohibit many human rights violations, then I point out the fact that being a member of these organizations alone is not sufficient to prevent unfortunate realities from happening.

In the light of this, my suggestion, my preference, will be first that the basic rights and freedom should be established in Turkey; then Turkey's membership to the Custom Union in Europe should be considered.

I'd like to add one more sentence. The head of Amnesty International's Turkey team, Jonathan Sugden, is not permitted to enter Turkey because he has been declared a supporter of PKK. The Reuter agency is denied entrance because of its activities in Turkey. Some European parliament members are denied entrance to Turkey. They're all declared on the side of the PKK. Well, with this latest report, maybe the U.S. Government can also be accused of supporting or taking the side of PKK. All I mean to say is we are at an equal distance from all sides.

The president of Turkey, Suleyman Demirel, reminds people that some European countries are trying to divide Turkey and encourage separatism in Turkey. This is the head of the country. Our Prime Minister defends European countries since she prefers Turkey's being accepted to the European Custom Union. Now, indirectly, our president is accusing our prime minister of being for the PKK since she is supportive of European countries which are for the division of Turkey.

Mr. Wise. I'll let you follow up, then this gentlemen. And that'll be it because we have the room until 4 p.m. Let her first, one follow-up, and then you.

Questioner. Yeah, I'm well aware of the accusations of the government and the president, but I wasn't asking about them. I was asking about your concrete doings. So let me make my question more explicit. Do you, for example, include in your reports the violations of human rights by PKK, as do the State Department here and as does Amnesty International?

Mr. Onen. Of course, yes.

Questioner. Is it the same?

Mr. Onen. The answer is, yes, without any doubt. We give equal importance to the human rights violations committed by or atrocities committed by PKK.

Mr. Onen. You will witness it if you read our reports.

Mr. Wise. The gentleman in the back will be the last question.

Questioner. Good evening. My name is Serder Ajan. I'm with the American Kurdish Information Network. On May 29th, in Tunceli, Turkey, Republican Populist Party, W.T. Sinan Yurtas said that the government had no prior knowledge of Turkish military operations against Kurdish villagers. We know of the Turkish military today attacking villagers and forcing them to join villager guards to fight against their Kurdish colleagues in towns of Tunceli, Mardin, Sirnak, Diyarbakir. How would you brief us about Mr. Sinan Yurtas's statement and the situation of village guards?

Mr. Onen. [Through interpreter.] Mr. Birdal a little while ago briefed you on the forcification of villages in the southeastern region of Turkey in general and provided numbers in that area. But I personally would like to mention the most recent development. What we see now is security forces consolidating their activities in the villages of Mardin province, not Tunceli anymore. Tunceli was in the recent past. These Mardin villages are well known to have refused to become village guards and work with government forces. Pretty soon we'll see forced migration from these areas. You can read these stories in Tur-

key in the newspapers. They are being published. The thing is, there is no reaction coming from any effective source to do something about it.

I can provide the names of two villages in the province of Mardin that I just mentioned. One is D-u-d-a-k-l-i. The other one is B-a-k-a-c-a-l. I can also supply the Kurdish names for these villages. One of these villages is where I spent my childhood. I know it very well.

Mr. Wise. Well, I must call our briefing to an end. I want to thank Peter Rosenblum and the International Human Rights Law Group again. I want to thank our distinguished panelists. And last, but not least, our interpreter, Mr. Koseoglu. Also I want to thank you in the audience for heeding my request at the beginning to keep your questions generally short. I think we had a more productive session than we have had sometimes in the past, which I think produced more illumination than fulmination. And I think it has been a good exchange between the panelists and the audience. Thank you very much.

[Applause.]

[Whereupon, the meeting was adjourned at 4. p.m.]

