

Turkey

COUNTRY ASSESSMENT

TURKEY

April 2001

Country Information and Policy Unit

The Country Information and Policy Unit conducted a fact-finding mission to Turkey between 17-23 March 2001. The purpose of the mission was to verify and update information contained in the October 2000 Turkey country assessment, which follows, and to collect additional information to assist in the determination of asylum applications in the United Kingdom.

The report of the fact-finding mission, incorporating other material that has become available in the meantime, will be published on this site as soon as it is finalised. A comprehensive country assessment incorporating both of the above documents will be produced in the normal way in October 2001.

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Scope of document

I SCOPE OF DOCUMENT

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

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

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

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

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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Geography

II GEOGRAPHY

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

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History

III HISTORY

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

POLITICAL HISTORY

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

3.2 Modern Turkey is largely the creation of that one man, Atatürk. His achievement was to salvage the Turkish state from the wreckage of the Ottoman Empire and to define it as a modern secular nation. He vigorously pursued a radical campaign of far-reaching reform and modernisation, including the secularisation of the state, the abolition of Islamic courts, the emancipation of women and the encouragement of European culture and technology. He died in 1938, and was succeeded as President by Ismet İnönü who, after World War II, took steps to liberalise Atatürk's autocratic regime. In 1950 the newly founded Democratic Party, led by Adnan Menderes, won Turkey's first free election. However, the Menderes government was overthrown by a military coup in May 1960 on the grounds that it had betrayed Atatürk's principle of secularism, and Menderes was subsequently executed. A new constitution was adopted in October 1961 and this lasted until March 1971 when widespread unrest caused the armed forces to demand and obtain the resignation of the government led by Suleyman Demirel. The return to democracy in 1973 coincided with the oil crisis, which hit Turkey hard. In July 1974 Turkey invaded Cyprus and occupied the northern third of the island. In Turkey several inconclusive elections in the 1970s resulted in a series of unstable coalitions which attempted to govern in circumstances of pressing economic difficulties and rising political violence between right and left-wing groups. This violence came to a climax in December 1978 in the south eastern part of Karamanmaras when 100 people were killed and 1,000 injured during the days of rioting and violence. The government responded by imposing martial law in thirteen provinces. [1]

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

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President on 31 October 1989 and appointed Yildirim Akbulut, his successor, as Prime Minister. [1]

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

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

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

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

3.8 General elections were held on 24 December 1995. They left three parties - Refah (pro-Islamic Welfare Party), DYP and ANAP - with vote shares on or around 20%. Over two months of discussions followed as the leaders of these three parties in turn tried to reach agreement on the terms for a coalition government. On 6 March 1996, ANAP and DYP announced formation of a minority coalition. But the traditional tensions between the two centre-right coalition parties, made worse by the intense antagonism between their respective leaders, effectively resulted in a paralysed government by late April. The coalition ended on 6 June. [1,4(a)]

3.9 President Demirel invited Necmettin Erbakan, as leader of the largest party (Refah), to try to form a government. Talks with the DYP resulted in the formation of a Refah/DYP majority coalition in July 1996. Professor Erbakan was Turkey's first Islamist Prime Minister; Mrs Çiller was Deputy Prime Minister and Foreign Minister, and was due to take over the premiership in mid-1998. Refah and DYP shared the Ministerial portfolios. [1,4(a)]

3.10 Erbakan's DYP-Refah coalition government began by largely following traditional Turkish secularist policies. However, in early 1997 Erbakan attempted to introduce a number of measures seen as anti-secularist by the National Security Council (NSC) such as lifting the ban on wearing headscarves in public workplaces and building mosques in secularist strongholds. These policies disturbed the largely secularist establishment and on 28 February 1997 led the

National Security Council (NSC) to produce a list of action points, which was subsequently agreed by Erbakan. The measures were designed to maintain Turkey's secularist state and western orientation. On 26 April the NSC reinforced their message. Meanwhile, the coalition was also damaged by a series of scandals following a car crash in Susurluk in November 1996 which revealed links between the Government, hit squads and organised crime. [2(c)(d),4(a)]

3.11 The failure of Erbakan's government to implement the anti-Islamist measures as advised by the NSC, led to a number of resignations by DYP MPs. The government lost its majority in parliament, and on 18 June 1997 Erbakan announced his resignation. On 20 June the President invited Mesut Yilmaz, leader of the main opposition ANAP (Motherland Party) to form a government. [2(c)(d)]

3.12 On 29 June President Demirel approved Yilmaz's coalition government. ANAP's coalition partners were the DSP (Democratic Left Party) and the DTP (Democratic Turkey Party). Although outside the coalition, the CHP (Republican People's Party) supported the government in parliamentary votes. [2(c)(d),4(a)]

3.13 Yilmaz's government was forced to resign after losing a vote of confidence in the Grand National Assembly on 25 November 1998 over allegations of corruption in the sale of the state owned Türkbank. [23(m),43(b)] The motions of censure had been brought against the government by DYP (True Path Party) and the government's former supporters, the CHP (Republican People's Party). [30(e)(f)] On 2 December 1998 President Demirel appointed Bülent Ecevit [leader of the DSP (Democratic Left Party)] Prime Minister designate and asked him to form a government. [30(g)] Ecevit failed to form a government and handed the mandate back a few weeks later. [53(a)] Demirel next chose Yalim Erez, the trade minister, to form a government, but he was also unsuccessful, returning the mandate in early January. [30(h),40(f)] Bülent Ecevit then returned and created a minority government of the DSP with the support of the DYP and ANAP. The government won a vote of confidence on 17 January 1999 and governed until the elections in April 1999. [11(j)(k),33(h)]

3.14 The ten year old state of emergency in the provinces of Batman, Bingöl and Bitlis, was lifted on 2 October 1997 when the ANAP led coalition government proposal was approved by the Turkish Grand National Assembly. An improvement in the security situation was cited as the reason for the lifting of the state of emergency. Earlier, in September 1997, the then Prime Minister Mesut Yilmaz and his Deputy Bülent Ecevit visited the southeast and pledged development for the region. Meeting in Siirt for the first time in 16 months, the GAP (Southeastern Anatolia Project) high council under the chairmanship of the Prime Minister approved various measures that will provide incentives for reviving and strengthening the economy in eastern and southeastern provinces. These measures included the building of a university in Siirt. [11(g)(h),60]

3.15 Refah (Welfare Party), an Islamist party and a partner in the previous coalition government, was closed by a Constitutional Court ruling on 16 January 1998. The case against Refah was that it had become the focal point of anti-secular activity. Most former members

of Refah, including some 100 former Refah Assembly deputies, joined a new Islamist grouping, Fazilet (Virtue Party), which was formed in December 1997 by Ismail Alptekin and which became the largest party in parliament. [1(b),2(g)(h),33(a),43] The current leader of the Virtue Party is Recai Kutan. In October 1998, an appeals court upheld a State Security Court decision to sentence the Refah Party's Mayor of Istanbul, Taysip Erdogan, to 10 months in prison for reading a religious poem at a rally in December 1997. The sentence also prevented Erdogan from holding an elective office for at least two years. Erdogan had been seen as a future leader of Turkey's Islamic movement. [5(e),27,28(b),36]

3.16 The Virtue Party contested the April 1999 national and local elections, and, while not doing as well as anticipated, still polled 15% of the vote (see below). However, at the opening session of parliament a Virtue Party deputy, Merve Kavakci, tried to wear a headscarf, contrary to the code of conduct for public servants. Even some Virtue deputies viewed this as an unwise and unnecessarily confrontational act. Kavakci was subsequently stripped of her Turkish citizenship for applying for US citizenship without permission from the Turkish government and did not take her seat in parliament. Kavakci's actions became part of the evidence quoted by the Chief State Prosecutor in June 1999 when he applied to the Constitutional Court to have the Virtue Party banned on the basis that it was anti-secular and merely a continuation of the banned Refah Party. The Constitutional Court is expected to announce its decision in autumn 2000. [30(oo)] (See "Freedom of Political Association" and "Freedom of Religion" (chapter VII) for further details on Virtue and the headscarf issue).

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

1995. However, the Adana State Security Court re-adopted the one year imprisonment verdict in December 1998. [12(g),30(c)] Birdal has appealed again. In a separate case, Birdal was in November 1998 acquitted by Ankara State Security Court of helping a separatist terrorist organisation in a speech in a meeting held in Rome in April 1997. [30(d)]

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

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

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

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

3.22 Following the arrest of Öcalan a small chairmanship council began running the PKK, although Öcalan was confirmed as leader despite his detention. [59(a),46(d)] At the start of March 1999 divergent views were expressed by the political and military wings of the PKK, with the former announcing that actions would take place in a democratic framework while the latter called for "total war" and an escalation of military actions. [46(e)(f),65(a)] However, throughout

June 1999 the PKK began to fall in line behind the calls for peace which Öcalan had made during his trial which began on 30 April 1999. [11(s)] The PKK's manifesto would henceforth be to work towards a peaceful and democratic solution to the "Kurdish problem", although "active defensive positions" would be maintained. In mid-July 1999 the ARGK (military wing of the PKK) announced that guerrilla actions would halt until further orders were received. [62(c)(d)].

3.23 Öcalan was convicted of treason and on 29 June 1999 sentenced to death. [11(t)] His lawyers have appealed to the European Court of Human Rights. [30(cc)(ff)] On 2 August 1999 Öcalan, through his lawyers, made a statement calling on the PKK to "end the armed struggle as of 1 September 1999, and withdraw its forces outside the borders for the sake of peace". [30(ee)] Two days later the PKK presidential council answered his appeal and confirmed that PKK combatants would indeed cease operations against Turkey. The statement was supported the following day by the People's Liberation Army of Kurdistan (ARGK), the armed wing of the PKK, which confirmed that it would abide by Öcalan's decision, although it claimed the right to fight in self-defence if attacked. [63(b)]

3.24 On 12 January 2000 the Turkish government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court. Analysts argued that the decision underlined the Government's determination to push forward with its plans to join the EU, and to pursue its economic and political and political objectives, and that it was ready to defy public sentiment to achieve them. In a written statement from prison, Öcalan said that the decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that the PKK's war for a Kurdish state was a "historic mistake". The PKK Presidential Council confirmed that they would pursue only democratic means to further their political objectives. [63(e)]

3.25 On the 23 April 1999 the British Independent Television Commission served a notice on the satellite channel Med-TV, widely regarded as a mouthpiece of the PKK, revoking its licence. The revocation followed broadcasts which included inflammatory statements encouraging acts of violence in Turkey and elsewhere. [30(hh)] Med-TV's broadcasts were suspended in March pending the ITC ruling. It appears that, pre-empting the ban, Med-TV secured satellite access as another channel, on which name it now broadcasts. [30(ii)]

3.26 In December 1998 the Turkish Interior Minister expressed the view that terrorist incidents in eastern and south-eastern Anatolia had dropped to a minimum. [11(m)] Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP (pro-Kurdish People's Democracy Party) members went on hunger strike in sympathy with the PKK leader. Others held demonstrations that had not received prior approval from the authorities (see "Freedom of Assembly" (chapter VII)) during which some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of detainees at the end of November as 3,064, including its

leader, Murat Bozlak. Most were reportedly freed after a brief detention, but one 18 year old party member died in police custody, allegedly from beatings during interrogation. HADEP leaders said that many of their party members were beaten and tortured during the crackdown. [2(s)(t),5(e),30(m)-(s),33(i)] Following the hunger strikes in support of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment requested prison terms between four and half years to seven and a half years. [11(o)] On 29 January 1999 the Chief Prosecutor of High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an "organic relationship" between HADEP and the PKK. [30(t),33(i)] Despite two legal challenges HADEP was permitted to take part in the April 1999 elections. [46(c),54(c)] In mid-July 1999 Murat Bozlak and 16 other HADEP officials were released. [64(a)]

3.27 HADEP failed to gain enough votes in the April 1999 elections (10% national threshold) to return any representatives to parliament, but won control of several municipalities in the south east, including Diyarbakir. [63(a)] The HADEP Mayor elected for Lice was removed from office following a decision of the High Election Council on the grounds that he was involved in an incident involving injuries in 1989 and was subsequently banned from public service. The Mayor said that the decision was illegal as he had previously applied to the prosecutor and had his criminal record cancelled. [62(b)]

3.28 The general and municipal elections were held on 18 April 1999 and were contested by a wide range of parties. [30(aa)] The Democratic Left Party (DSP) won the largest share of the vote (22%), followed by the Nationalist Action Party (MHP) with 18%, the Virtue Party (FP) with 15.4%, the Motherland Party (ANAP) with 13% and the True Path Party (DYP) with 12%. [63(a)] The Republican People's Party (CHP) lost all its seats, leading to the resignation of its leader, Deniz Baykal. Altan Oymen was elected in his place in late May 1999. [30(x)] The Democratic Turkey Party (DTP) leader Husamettin Cindoruk also resigned after his party did badly at the polls. He was replaced by former defence minister Ismet Sezgin. [30(y)] In late May a coalition government of the DSP, ANAP and MHP, with the DSP's Bülent Ecevit as Prime Minister, was approved by President Demirel. Cabinet posts were split between the parties. Although ANAP entered the government, its leader, Mesut Yilmaz, did not initially take up a position in the cabinet. In July 2000 he joined the Cabinet as Deputy Prime Minister, and assumed responsibility for EU affairs. [30(z),63(f)]

3.29 In May 2000 parliament elected as the new President of Turkey Ahmet Necdet Sezer, the respected chief of Turkey's constitutional court. He is the first President in Turkey's history who is neither an active politician nor a senior military official. Many Turks saw as a breath of fresh air his reputation for personal integrity, his distance from the country's much despised political parties, and his deeply ingrained respect for the rule of law. One commentator observed "(He) is a man of law who will not allow violations of the law or tolerate corruption." In 1999 Mr Sezer criticised Turkey's constitution for restricting democratic freedoms. He also argued that legal

decisions in the south-eastern provinces still under emergency rule should be open to appeal. [1,54(d)]

3.30 Turkey is recognised as a key member of NATO, on account of its strategic position in Europe, of its having the second largest army in NATO, and because it is the only NATO member of the Organisation of the Islamic Conference. As far as Turkey's wish to join the European Union is concerned, the (October) 1999 "Regular Report from the European Commission on Turkey's Progress towards Accession" records that Turkey still does not meet the political criteria for membership. The report says that there are serious shortcomings in terms of human rights and protection of minorities. Torture is not systematic, but is still widespread, and freedom of expression is regularly restricted by the authorities. The National Security Council continues to play a major role in political life. Although there have been some improvements in terms of the independence of the judiciary, the emergency courts system remains in place. In recent months there have been some more encouraging signs of democratisation. The Government and Parliament have worked to adopt some key laws regulating political life, the justice system and protection of human rights. The Commission says that it is too early to assess the impact of these measures, but it urges that these efforts be pursued and extended to all citizens, including those of Kurdish origin. [1,76]

3.31 In December 1999 Turkey was given official status as a candidate for EU membership. This was hailed by the Turkish media as a historic step, and the Greek Prime Minister said that it marked "a historic shift towards peace, security and development in our region". The candidacy offer went a long way towards meeting Turkey's demand to be treated on equal terms with other applicants, although there was a careful formulation in the Helsinki conclusions in order to make the offer acceptable to Greece. The Helsinki conclusions called for a settlement to the divided island of Cyprus, but made it clear that Turkey could not block Cyprus's joining the EU if it remained split between Turkish and Greek communities. On the political and economic programme which Turkey would have to adopt as an EU candidate, the EU leaders made specific mention of the need for Turkey to improve its record on human rights. [63(d)]

ECONOMY

3.32 The Turkish economic climate has been uneven in recent years. Unsustainable high economic growth in 1993 came to a dramatic end at the beginning of 1994 when a draining of international confidence triggered a sharp devaluation of the Turkish lira as inflation rose sharply. A tough new economic package restored some confidence but the crisis and its aftermath had a severe effect on the real economy. 1995 and 1996 generally saw a gradual improvement through successful short-term action. Growth and revenue remain high but the annual rate of inflation for 1997 of close to 100% and a dramatically widening trade gap, high interest rates and huge debt repayments continue to cause concern. The annual inflation rate had eased by mid 1999, but was still more than 50%. In mid-1999 a growth rate of the economy of 0.5% was predicted for that year, although the major earthquake in August, which severely affected production in some parts of the country, seemed likely to result in a

growth rate of minus 2.5%. Early estimates of the cost of the earthquake to the Turkish economy ranged from \$5000m., over a period of 18 months, to as much as five times that amount. In December 1999 Turkey signed an important Standby Agreement with the International Monetary Fund, setting tough inflation and interest rate targets. In April 2000 the Government announced plans to introduce a new lira (equivalent to 1 million of the present units) from 2001 as part of its anti-inflationary measures, which also envisaged a reduction in inflation to 25% in 2000. [1,28(a)]

Instruments of the state

IV INSTRUMENTS OF THE STATE

GOVERNMENT

4.1 In October 1981 the National Security Council (NSC), which took power in September 1980, announced the formation of a Consultative Assembly to draft a new constitution, replacing that of 1961. The Assembly consisted of 40 members appointed directly by the NSC from candidates put forward by the governors of the 74 provinces; all former politicians were excluded. The draft Constitution was approved by the Assembly in September 1982 and by a national referendum in November. The Constitution provides citizens with the right to change their government peacefully, and this is observed in practice.

Legislative power was vested in the National Assembly which is elected by universal adult suffrage for a 5 year term. Executive power is vested in the President, who is elected by the National Assembly for a seven year term and is empowered to appoint a Prime Minister and senior members of the judiciary, the Central Bank and broadcasting organisations; to dissolve the National Assembly; and to declare a state of emergency entailing rule by decree. Strict controls on the powers of trade unions, the press and political parties were also included. In July 1995 the number of deputies in the National Assembly was increased from 400 to 550. The military exercises substantial, but indirect, influence over government policy and actions and politics in the belief that it is the constitutional protector of the State. The Government neither coerces nor forbids membership in any political organisation, although the Constitutional Court may close down political parties for unconstitutional activities; the Court is, as of October 2000, looking at two such cases (Fazilet (Virtue Party) and HADEP). In January 1998 the Islamist Refah Party was banned, and pro-Kurdish parties have been banned in the past. Details on the National Security Council are found in "The Military Establishment" section (chapter IV). [1,5(f),6,18b]

LOCAL GOVERNMENT

4.2 Local government plays a major role in Turkish political affairs. Reforms implemented in 1984 allow local authorities to levy taxes and to borrow. Local administration consists of two levels with central appointed civil service administrators and locally elected mayors. Each province has an appointed "vali" or provincial governor who is in control of security matters. Provinces are divided into "ilce" or sub-provincial districts and each has a centrally appointed "kaymakam" or sub-provincial governor working to the governor. Mayors, who are selected in local elections, are responsible for the provision of basic services or utilities such as water, sewage disposal, electricity and transport. These responsibilities are limited and mayors are subordinate to, and can be overruled by, the local governor who has far wider powers. Cities and towns have a municipal mayor in overall charge of the whole city or town, and also have mayors responsible for smaller sub-areas. Villages will fall under the jurisdiction of the nearest municipality. In response to the PKK's violent guerrilla campaign, which began in 1984, the Government imposed martial law in nine troubled provinces, and the state of

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emergency continues today in four provinces (having in July 2000 been reduced from five). Reforms agreed in July 1995 included the transfer of more power to the provinces but these have still to be implemented. Villages and each ward in a town or city will have an elected muhtar (headman). Muhtars act as an interface between the local population and the various organs of the state. Muhtars keep records of the people resident in their district and are responsible for issuing various documents required in connection with such matters as military service and obtaining Nufus or ID cards. [3,5(f)]

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

ELECTIONS

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

INDEPENDENCE OF THE JUDICIARY

4.5 Until the foundation of the Turkish Republic, a large part of the Turkish civil law - the laws affecting the family, inheritance, property, obligations, etc - was based on the Koran, and this holy law was administered by special religious (Shari'a) courts. The legal reform of 1926 was not only a process of secularization, but also a radical change of the legal system. The Swiss Civil Code and the Code of Obligation, the Italian Penal Code and the Neuchâtel Code of Civil Procedure were adopted and modified to fit Turkish customs and traditions. According to Turkish law, the power of the judiciary is exercised by judicial (criminal), military and administrative courts. These courts render their verdicts in the first instance, while superior courts examine the verdict for subsequent rulings. The Constitution provides for an independent judiciary, and in practice the courts generally act independently of the executive. [1,5(b)(c)(e),23(f)] However, Amnesty International has expressed concerns over the make up of the ruling body of the judiciary, the Supreme Council of Judges and Prosecutors, which appoints, transfers, promotes, disciplines and dismisses judges. The Council is chaired by the Minister of Justice, a Ministry of Justice Under-Secretary and five judges selected by the President, thereby failing to separate the judiciary from the executive. Decisions of the council are not open to judicial review. Discussion within the Turkish government about possible changes to the Supreme Council suggests that the

government is aware that it is not satisfactory. [12(j)] Problems with the legal system relating to the investigation of torture allegations are covered in chapter V ("Human Rights: General Assessment"). The legal system is reported not to discriminate against minorities. However, as legal proceedings are conducted solely in Turkish, and the quality of interpreters varies, defendants unable to speak Turkish may be seriously disadvantaged. [5(b)(c)(e)]

Criminal Courts

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

Military Courts

4.7 These have responsibility over military personnel but additionally have jurisdiction over civilians in areas of martial law. It should also be noted that Turkish law still allows civilians to be tried in military courts under military law for offences against military institutions. [1]

Supreme Court of Appeals or Court of Cessation

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

State Security Courts

4.9 Article 143 of the Constitution provides for the establishment of State Security Courts (Devlet Güvenlik Mahkemesi), to deal with "offences against the indivisible integrity of the State with its territory and nation, the free democratic order, or against the Republic whose characteristics are defined in the Constitution, and offenses directly involving the internal and external security of the state." [4(e),9(b)] State Security Courts predominantly handle cases under the Anti-Terror Law and Section 312 of the Criminal Code (incitement to racial or ethnic enmity). [5(b)(c),9(b)] The following prosecutions are amongst those dealt with by the State Security Courts: Articles 125-139, 146-157, 161, 168, 169, 171, 172, 174 of the Turkish Penal Code. [9(b)]

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

4.11 A heavy caseload means that State Security Court trials can last years. Hearings may be closed and testimony gathered during interrogation in the absence of legal counsel may be admitted. [5(c),9(b)] No immediate access to a lawyer is provided under the law for persons whose cases fall under the jurisdiction of the State Security Courts. In March 1997, parliament passed legislation which

allowed access to a lawyer after 4 days for those charged under the Anti-Terror Law. Implementation is reported to have been uneven. [5(c)] Independent commentators concur that lack of early access to a lawyer by those detained is of great importance in allowing torture to be inflicted. The regulation to reduce periods spent in incommunicado detention has not been universally complied with. Lawyers in Batman and Diyarbakir reported that access to suspects was still difficult. There is concern that some police are falsifying the date of detention to record a briefer period of detention than was actually the case in order to suggest compliance with the new law. However, Amnesty International has suggested that the reduction in incommunicado detention times may be having some effect. [5(c)(e),12(f),13,67]

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

The Repentance Law

4.13 At the end of August 1999 the Turkish parliament passed a repentance law with the following provisions. Only rebels who were not involved in the fighting will get an amnesty, while others can benefit from sentence reduction. Those seeking to benefit under the law must provide information about the rebel movement. Founders and high level executives of the PKK cannot benefit from the law. The law was initially valid for six months, but its validity was extended by a further six months from 29 February 2000. PKK members who benefit from the law and who are sentenced to death will have their punishment reduced to not less than nine years imprisonment, while those sentenced to life will have their punishment reduced to imprisonment for not less than six years. [30(pp)(qq)]

Anti-Terrorism Act - Law of 11 April 1991

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

4.15 Article 1 of the Anti-Terror Law defines terrorism as "any kind of action conducted by one or several persons belonging to an organisation with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, damaging the indivisible unity of the State with its territory and nation...by any one method of pressure,

force, and violence, terrorization, intimidation, oppression, or threat."
[9(b)]

4.16 Article 8 deals with propaganda against the indivisibility of the State and is used to prosecute and imprison people for peacefully expressing their opinions. The Article has most frequently been used to prosecute writers, journalists, pro-Kurdish politicians and intellectuals. [7(a),18(b)] In October 1995, a number of amendments reduced the length of prison sentences under Article 8 to 1 to 3 years (from 2 to 5 years) and introduced the possibility of converting prison terms into fines and suspending future prison terms. [9(b)] This led to the release of 143 prisoners in 1995 and an additional 126 prisoners by mid-November 1996. [5(b)] The Article now demands that the prosecutor proves intent on the part of the individual to destroy the integrity of the state before reaching a decision. [5(b),7(a),18(b)] In its revised version, Article 8 reads:

"Written and oral propaganda and assemblies, meetings and demonstrations aimed at damaging the indivisible unity of the state of the Turkish Republic, its territory and as a nation, are forbidden. Those conducting such an activity are to be punished by a sentence of between one year's and three years' imprisonment and a fine of between 100 to 300 million Turkish liras. In the case of re-occurrence of this offence, sentences shall not be committed to fines." [18(b)]

Death Penalty

4.17 In November 1990, the number of cases in which the death penalty may be pronounced was reduced from 29 to 16 offences listed in the Turkish Penal Code. The Anti Terror Law commuted all 25 outstanding death penalties before 8 April 1991 to between 10 or 20 years imprisonment, depending on the offence committed. [6]

4.18 However, certain offences under the Anti-Terrorism Act and the Turkish Penal Code still carry the death penalty. Before a death sentence can be carried out it needs the ratification of the Grand National Assembly, which has in recent years been very reluctant to give this authorisation. [6,8] Although a draft bill abolishing the death penalty was introduced in 1998, the initiative for the change in law disappeared following the arrest of Öcalan. [30(i)(dd)]

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

THE MILITARY ESTABLISHMENT

4.20 On three occasions - 1960, 1971 and 1980 - Turkish military leaders have intervened to uphold the principles on which the constitution is based, and to preserve internal law and order. On each occasion the armed forces emphasised their commitment to democratic principles and Turkey soon returned to civilian rule. But, in accordance with the Constitution, all important foreign policy and national security questions are still discussed by the National Security Council, a body which is made up equally of military and civilians, including the Service chiefs, the President and the Prime Minister. [1]

4.21 On 28 February 1997, the NSC, reflecting the military's concern that the Refah led government was steering Turkey away from its secularist nature and western orientation, produced a list of action points. These included reducing the influence of Islamic schools and maintaining the independence of the judiciary. These points were agreed by the then Prime Minister Erbakan. [2(a)] On 26 April the NSC reinforced their message. The failure of Erbakan's government to subsequently implement the anti-Islamist measures as advised by the NSC, led to a number of resignations by DYP MPs. Erbakan resigned in June after the coalition had lost its majority in parliament. [2(c)(d)] The military is reported to enjoy widespread support as guarantors of Turkey's secular, western-oriented society. [28(a),40(b)]

4.22 In addition to political power, the military authorities also wield considerable economic power. In the 1960s it created the Armed Forces Mutual Assistance Fund (OYAK), one of the largest investment companies in Turkey. OYAK is active in the automobile, petroleum, insurance, food processing, construction and import - export sectors. [1]

SECURITY SITUATION

4.23 Four years after the 12 September 1980 coup, which crushed the activities of urban insurgents and fundamentalists, Turkey faced a different threat from a similar source - rural insurgency, initially concentrated in the south east region along the borders with Iran, Iraq and Syria. Almost all the rural insurgent groups had their origins in the student groups based in the cities, one particular case in point being Abdullah Öcalan's PKK (Kurdistan Workers' Party). The separatist activities soon spread to the cities. [1,4(e)]

4.24 Following the coup, there was a sharp decline in the number of insurgent acts and resulting deaths. Official statistics showed a 70% decline in ordinary crimes while the number of political murders decreased by 82%. This downward trend continued in the three years following the coup, suggesting that the insurgent threat had been crushed. After 1983 there was a strong belief that the insurgent organisations would never come back to the Turkish scene. However, by 1984, this opinion proved baseless when insurgency (in the form of the PKK) resurrected suddenly. Instead of a resumption of armed activities in Turkey's main cities, the emphasis was on attacks concentrated in the south east. [1]

4.25 In July 1987, ten provinces in the southeast were placed under emergency rule due to an increased level of fighting; Van, Bitlis, Tunceli, Diyarbakir, Siirt, Bingol, Batman, Hakkari, Sirnak, Mardin. [9(b)] The state of emergency was lifted in Mardin in November 1996, in Batman, Bingol and Bitlis in October 1997, in Siirt in November 1999, and in Van in July 2000. [5(b)(f),11(g)(h),30(rr)] It continues in Diyarbakir, Hakkâri, Sirnak, and Tunceli provinces. [5(e)(f),11(p),30(j)]

4.26 In a speech in December 1998, President Demirel stated that, since 1984, 23,638 PKK members, 5,555 security force members, and 5,302 civilians had lost their lives in the fighting between the security forces and the PKK, which fought, initially, for Kurdish self-rule in the southeast. [5(e)] The conflict has led to the migration of Kurds from exposed villages to district and provincial centres, or out

of the southeast altogether. [18(b)] Forcible evacuations by the Turkish security forces are reported to have led to the destruction of 3500 villages in the region and the displacement of between 330,000 and 3 million people. [5(c),7(a),9(b),18(b)] As so many villages have now been evacuated and because the fighting has now moved to the mountains, the rate of evacuations has decreased in recent years, with 30 villages being evacuated in 1998. The Human Rights Association states that, as of October 2000, no village clearances took place during the year. [5(e),46(b)]

4.27 The situation in the southeast was reported to be calmer in 1998 than in previous years. [33(f),39(b),44] In September 1998, rapporteurs from the Council of Europe Parliamentary Assembly said the region had started a process of "normalization" in comparison to their last visit there. Since the PKK ceasefire in August 1999, there has, as of October 2000, been a 90% reduction in violence in the south-east. [27(b)]

4.28 In October 1998 the PKK's leader, Abdullah Öcalan, was expelled from Syria. Following his expulsion he unsuccessfully attempted to claim asylum in several European countries before being apprehended in Kenya and flown to Turkey. He was tried and convicted of treason and sentenced to death. After his sentencing he instructed PKK fighters to withdraw from Turkey, and a Turkish general confirmed that this was actually happening (see chapter III "History"). [21(b),46(d),55(a),59,11(m),40(g)]

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

MILITARY SERVICE

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

4.30 In August 1998 the armed forces totalled 639,000 people (including 528,000 conscripts). The size of the army was 525,000 men, the navy 51,000 men, and the air force 63,000 men. Paramilitary forces totalled 182,000 (180,000 gendarmerie, 2,200 coast guard). [1]

4.31 All young male Turks become liable for **compulsory military service** in the year in which they reach 20 years of age and they remain eligible until the age of 41. [26,32] The length of military service was reduced from 18 to 15 months following the 1991 elections and there was a further pledge to reduce it to 12 months in the future. However, following a freeze to discharges in July and

October 1994 it was restored to **18 months**. [23(b)(c)] Legislation enacted in 1992 means that military service can be reduced to two months on payment of 10,000 German marks or equivalent in any convertible foreign currency and military service in these circumstances would be completed at Burdur. However, from February 1994 only Turkish conscripts working abroad were able to shorten their military service with this method. [22,26] In December 1993, the Defence Minister stated that up to 250,000 people were avoiding their military service. [23(a)]

4.32 In November 1999 the Government, in a bid to boost revenues after the August earthquake, adopted a proposal allowing men to shorten their compulsory military service in return for a cash payment. The law allows men born before 1 January 1973 to perform just 32 days of military service in return for around US\$8000. Men over 40 years old are able to pay some US\$10,500 to avoid the call-up altogether. [63(c)]

4.33 A number of provisions allow people liable to military service to defer their service, principally for educational reasons. In accordance with Clause 35c of the Military Service Law Code No 1111, military service for those attending a school in Turkey or abroad is deferred until the end of the year in which they reach 29. Under Clause 35e, the military service of university graduates who attend a post graduate programme is deferred until the end of the year in which they reach the age of 33. Furthermore, for those post-graduate students who studies in local or foreign post-graduate programmes are proved to be an innovation or development in the respective field of study, military service is postponed to the end of the year in which they reach the age of 36. [25]

4.34 There are no provisions in Turkey for alternative service for conscientious objectors, although there are special exemption regulations in certain cases. Certain professional groups (e.g. doctors, teachers and civil servants) may be permitted to perform special service. Teachers, for instance, who are willing to take a job in the south-east are exempt from military service. No special regulations apply to clergy. Bribery has also been used to avoid military service. [26(b)] There is one particularly well reported case of a committed conscientious objector, Osman Murat Ulke, whose persistent refusal to do military service has resulted in repeated imprisonment. [12(l)]

4.35 The monthly salary of a Turkish private was reported to be equivalent to \$2.25 in 1994. [23(g)]

4.36 The penalties for evasion of military service under Article 63 of the Turkish Military Penal Code impose a sliding scale: a one month sentence in a house of correction for those who report within seven days, rising to between 6 months and 3 years in a house of correction for those arrested after three months. The house of correction is reported to be more severe than prison. It is also reported to be common practice that, when an evader is caught or reports, he is taken straight to his unit and into service. [26] No differentiation is made between evaders who remain in Turkey and those who migrate abroad. [32]

4.37 A report by the German Federal Agency in August 1997 stated:

"In practice in Turkish military jurisdiction it is apparent that the courts regularly aim at the minimum penalties and impose fines (commuted low custodial sentences). The military courts, despite the situation in the south east of Turkey, obviously see no reason for punishing non-entry to military service more severely than before." [32]

4.38 If a person absconds during the first four months of basic training and before being sworn into the armed forces, he is obliged to start basic training again. There is no other penalty. If a person is convicted of desertion after having been sworn in, he is liable to serve a prison sentence of one month. After this, he is obliged to completely re-start his military service. "Desertion and escaping abroad" can be punished by 3 to 5 years in prison and "aggravated" desertion with 5 to 10 years. In February 1999 Amnesty International reported the case of a deserter who was admitted to hospital after claiming he had been tortured in Istanbul Police Headquarters following his arrest. [12(h),26,32]

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

4.40 In the past, conscripts were not sent to serve in their home provinces. Traditionally the principle was that (for reasons of cultural unification of the country) men from e.g. Istanbul were sent to complete their service in the East and young men from e.g. Diyarbakir were sent to the West. [12(i)] However, this rule was modified in or shortly before 1993, and postings are now determined at random by computer. The Chief of General Staff can, under exceptional circumstances, overrule the computer. [4(b)(c),26,32] In a letter dated 7 May 1998 Amnesty International state that they have come across some cases of people from eastern villages and towns completing their military service in other parts of the East, but that this does not appear to be common. [12(i)] Basic training is conducted in western Turkey. A report by the German Federal Agency for the Recognition of Foreign Refugees stated:

"It can usually be established at this point whether the person concerned is suitable for deployment in the emergency areas. It is

very unlikely that recruits of Kurdish recruits whose attitude to the conflict against "PKK terrorists" is reluctant or neutral would be classed as suitable for deployment in those areas." [32]

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

HR General assessment

V HUMAN RIGHTS: GENERAL ASSESSMENT

5.1 There have been numerous reports by human rights organisations of systematic use of torture by security forces, deaths in police custody, disappearances and extrajudicial executions. Details of commonly reported types of torture can be found in the US Department of State reports, the Helsinki Human Rights Watch report "Torture and Mistreatment in Pre-Trial Detention by Anti-Terror Police (March 1997)", and the Medical Foundation's report "Staying Alive by Accident: Torture Survivors from Turkey in the UK".

[5,8,9(a)(b),10,12(a)(c)(d),13,77] The United Nations Special Rapporteur, following a visit to Turkey in November 1998, reported that there had been a substantial reduction in the brutality of the methods used in some places. Allegations of the use of falaka (beating on the soles of the feet), "Palestinian hanging", electric shocks and rape have abated substantially in some parts of the country, notably Ankara and Diyarbakir. On the other hand, blindfolding, the use of hosing with cold water, "straight hanging", rough physical treatment, sexual abuse and threats of rape, the use of grossly insulting language and the making of threats to the life and physical integrity of detainees or their families still seem rife in many parts of the country. [12(h),67]

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

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

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

"Torture has very deep emotional and traditional roots in Turkey. It is used as a measure of discipline, to intimidate detainees and as an interrogation method. It forms part of a mentality of the way in which a civil servant respects his fellow citizens. No doubt many Turks consider it as part of the criminal sanction. In many Turkish families it is common that a husband beats his wife, a father his children. Why

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shouldn't the police do the same with criminals?" [8]

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

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

5.6 In March 1997 the Turkish Parliament agreed to reduce significantly detention lengths, allow detainees greater access to lawyers and remove certain articles on public order from the jurisdiction of the State Security Court. These reforms are intended to reduce the existence of torture in detention. If a person apprehended for ordinary crimes committed by one or two persons is not released, he must be arraigned before the competent judge no later than 24 hours, except the necessary time needed for his arraignment before the nearest judge. If the crime falls under the scope of the State Security Courts, this period is 48 hours. This period may be extended by written order of the public prosecutor to a total of four days in the case of collective crimes, including crimes falling under the jurisdiction of the State Security Courts. Further, if the investigation is still not completed after the four days, the prosecutor may request the judge to extend the custody to seven days before the suspect is arraigned before the judge. For such crimes committed in emergency regions and falling under the scope of the State Security Courts, the seven day period may be extended to 10 days upon request of the prosecutor and the decision of the judge. (67)

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

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

Human Rights Association, in their public statement of March 1999, similarly emphasise the important role which access to legal advice plays. [73(a)]

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

5.10 Detainees who claim to have been tortured seldom have their injuries properly documented by doctors working for the state. Former detainees have asserted that some medical examinations take place too long after the event to reveal any definitive findings of torture. Members of the security and police forces often stay in the examination room when physicians are examining detainees, resulting in intimidation of both the detainee and the physician. Physicians responded to the coercion by refraining from examining detainees, performing cursory examinations and not reporting findings, or reporting findings but not drawing reasonable medical inferences that torture occurred. The Turkish Medical Foundation has reported that some police officers have torn up reports that documented torture, and insisted on fresh ones that do not refer to torture. [5(c),13,18(b)] A Turkish doctor appeared in court in March 1998 charged with malpractice for reporting that six men had been beaten and tortured in police custody. The doctor's findings of "traces of blows and constraint" had been confirmed by a university medical department. [33(g)] The charges were later dropped.

5.11 It has been reported that the judicial authorities investigate very few of the formal complaints involving torture, and prosecute only a fraction of those. [5(c),18(b)]

5.12 Prosecutors are required to initiate an investigation to determine whether there are grounds for prosecution when he or she receives a complaint of torture. If the investigation supports the allegations of torture the prosecutor is supposed to charge those responsible. There are practical problems with this system, in that the prosecutor relies on the police to conduct the preliminary investigation. Police officers are also rarely suspended while the investigation continues and are even less frequently placed on remand when an indictment is brought. (67) Prosecutors sometimes charge officers with the lesser offence of ill-treatment rather than torture. [12(j)]

5.13 The US Department of State Report for 1999 states that the rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a

climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. [5(f)] The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment stated in December 1996 that

"On countless occasions over the last seven years - most recently in September 1996 - the Committee has received allegations that detained persons did complain about treatment received at the hands of the police when brought before the public prosecutor, but the latter displayed no interest in the matter." [13]

5.14 Government officials admit that torture occurs. [5(c),19] Although there has been an increase in the prosecution of abusive police, numbers are still low. [2(i),5(c),12(h)] The case of the murder of Metin Goktepe, a journalist who died during police detention in January 1996, concluded on 19 March 1998 with the conviction of five policemen with sentences of seven-and-a-half years. This case had been widely regarded as a test of Turkey's commitment to the issue of human rights abuses by members of the security forces. [39(a)] However, in July 1998 the appeals court overturned the verdict and ordered a retrial, because of what it said was an insufficient investigation. [2(i)] In December 1998 the court released the five officers from custody pending their re-trial. [5(e),11(n)] One officer who was the subject of an outstanding arrest warrant for the Metin Goktepe killing, reportedly turned himself in to the Bitlis prosecutor and remains under arrest. [5(e)] On 6 May 1999 six of the eleven policemen who were tried on charges of killing Goktepe were imprisoned for seven-and-a-half years. The five other suspects were acquitted due to lack of evidence proving their involvement. Goktepe's lawyers have applied to the Supreme Court, saying that the sentence is insufficient. [30(u)]

5.15 On 11 March 1998, in another case viewed as a test of the government's commitment to prosecuting security force members accused of human rights abuses, nine policemen were acquitted of torturing 16 teenagers. [40(a)] In October 1998 the Court of Appeals overturned the acquittal and sent the case back for re-trial, ruling that the students had exhibited evidence of physical and psychological torture while under detention. The officers accused remained free pending re-trial. [5(e)] Manisa High Criminal Court acquitted the officers, but in June 1999 the Supreme Court of Appeals General Criminal Council rescinded the acquittal verdict by 17 votes to 7. The officers will be re-tried by Manisa High Criminal Court. [11(q)] In May 1998, a court found six police officers guilty of causing the death by torture of a university student, Baki Erdogan. The court's written verdict stated, "The defendants acted with unified intent to directly mistreat (student Baki Erdogan), which, compounded with a prior condition of which they had no knowledge, caused his death." [2(l)] On 23 December 1998 the Supreme Court overturned the decision, finding the original trial to be "flawed".

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

cases, 83 remained unresolved. [12(h)]

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

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

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

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

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

5.22 Another facet to the "disappearance" issue in Turkey is the Saturday Mothers. From 1995 the Saturday Mothers, relatives of

those who have "disappeared", held a weekly vigil in central Istanbul, demanding that the authorities account for the whereabouts of those missing. The vigil was held every Saturday, hence the name. Each time they met a press announcement was read out detailing one case of "disappearance", but otherwise the meet was in silence. A press release was read out because such a public announcement does not need official approval; a demonstration would require such approval. While expressions of solidarity were welcomed by the Mothers and their supporters in the Turkish Human Rights Association (IHD), unfortunately outside groups and organisations with a different and often militantly political agenda frequently attempted to take advantage of the credibility of the Mothers' action by turning up to shout slogans. The activities of such groups irritated the police and introduced an extra hazard for the Mothers. From May 1998 the Turkish police clamped down on the gatherings in an often heavy handed manner. In September 1998 some of the Mothers were shut in a police bus which then had pepper gas sprayed into it. Those in the bus were later charged with "resisting the police", "destroying public property" and "acting in breach of the Law of Assembly and Demonstrations". [12(m)] In March 1999 the Mothers decided to discontinue the weekly gatherings because of police harassment and abuse. [5(f)]

5.23 Although members of the security forces are said to be responsible for most cases of enforced disappearances, they are rarely brought to trial or prosecuted for these acts. Although arrests of police and other law enforcement personnel increased in cases of extrajudicial killings, the number of arrests remained low, and punishment for those persons convicted remained insufficient. The PKK has routinely kidnapped young men, or threatened their families, as part of its recruiting effort. PKK terrorists continue to abduct local villagers, teachers, journalists and officials in the south east. [5(c)(e),7(a),18(b),37]

5.24 Security forces are responsible for extrajudicial and political killings, particularly deaths in police custody, deaths of suspected criminals in house raids and deaths of individuals who refuse to become village guards. Most of the reports pertain to the south east. The principal victims of extrajudicial killings and "mystery killings" which security forces are suspected of having carried out include "suspected PKK sympathisers, HADEP and DEP organizers, journalists especially of pro-Kurdish publications, and trade union activists" as well as "prominent members of the Kurdish community, physicians, human rights monitors, [and] local politicians". The government blames many of the "mystery killings" on Hizbullah/ Hezbollah, an Islamist Turkish terrorist group. In January 1998, four trials continued against 89 Hizbullah/ Hezbollah members charged with a total of 113 murders. [5(c)(e),7(a)]

5.25 In November 1996 a fatal car crash - known as the Susurluk incident - exposed links between the Turkish intelligence agencies and right-wing mafia gangs. A report into the affair commissioned by Prime Minister Mesut Yilmaz found that the gangs had been responsible for the elimination of political enemies. Several police officers are on trial in connection with the affair and a former interior minister and another deputy have had their parliamentary immunity

lifted and face charges that carry prison sentences of up to 12 years. Their trials began in April 1998 and continue as of October 2000; they are not expected to reach an early conclusion. [2(k),5(e),17]

5.26 The PKK routinely commits political and extrajudicial killings, primarily in the rural south east. The PKK, the DHKP/C and other armed groups, such as the Turkish Workers' and Peasants' Liberation Movement (TIKKO), reportedly use the threat of murder as a form of party discipline. According to the US Department of State, PKK terrorists "murdered non-combatants, targeting village officials, teachers and other perceived representatives of the State and committed random murders in their effort to intimidate the populace". The PKK regularly carry out attacks against village guards, often executing the guards, their wives and children. [5(c)(e),7(a),18(b)]

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

5.28 Turkey recognises the jurisdiction of the European Court of Human Rights. In 1999 Turkey lost all 18 cases in which it was a party, and was fined nearly £2 million. Most of the cases pertained to free expression crimes that occurred in the early 1990s. [5(f)]

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

Information on freedom of expression is located in chapter VII.

HR Specific groups

VI. HUMAN RIGHTS: GROUPS

THE KURDS

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

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

Kurdish Society and History

6.1 Estimates of the number of Kurds in Turkey vary considerably; there may be 12 - 15 million Kurds in Turkey out of a total population of 64.4 million, making Kurds the largest minority ethnic group in Turkey. The Kurdish birth rate is high and the proportion of Kurds in the national population of Turkey is likely to increase. [4(e),6,14]

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

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

6.4 By the 1950s it seemed as if the Kurds had finally been hammered into Turks. The end of one party politics in the 1940s led the new opposition to woo the old tribal chiefs and the new landlord class in the Kurdish region to deliver the peasant vote. This became a key feature of Turkish electoral politics. The landlord class benefited in material ways and obeyed the State ideology. It was young middle class intellectuals in the 1950s who reawakened nationalist ideas within Kurdish society, challenging the State's view that Kurds were

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mountain Turks. (Kurdish is a member of the Iranian branch of the Indo-European family of languages. Kurds have no ethnic connection with Turks, whose language is a member of the Altaic family). [16(d)]

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

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

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

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

6.9 In 1999 Abdullah Öcalan, the PKK leader, was captured and brought to trial by a Turkish court. In June he was found guilty of treason, and was sentenced to death. In early August the PKK

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

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

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

6.12 Of the four main Kurdish dialects only two are spoken in Turkey, Kurmanji and Zaza. All Kurdish dialects are related, but they are not always mutually intelligible. Most Turkish Kurds speak Kurmanji, but

those in the north western Kurdish area, mainly in the provinces of Tunceli and Elazig, speak Zaza. Kurdish, which is an Indo-European language, is unrelated to Turkish, which is an Altaic language.

[4(e),45]

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

[18(b)(c),42(a)(b)]

Kurdish Political Parties

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

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

6.15 HADEP members are sometimes the object of arbitrary arrests and mystery killings and are often harassed in the southeast for their legal political activities. [5(c),7(a)] In February 1998, seven HADEP leaders were arrested on charges of being linked with the PKK. [33(b)] The case was initiated by a HADEP calendar which features pictures of separatist guerrillas. [30(b)] HADEP leaders have denied any links with the PKK. [2(n)(o)] Depending on the outcome of the investigation, HADEP faces closure by the Constitutional Court. [2(p)] In September 1998, five of the defendants were released, including Murat Bozlak, the HADEP chairman, although the investigation continues. [23(i)] Two of HADEP's predecessors, HEP and DEP, were closed by the Constitutional Court due to alleged collaboration with the PKK. [2(n)(p),5(c),7(a),12(b),18(b)]

6.16 Following the detention of Abdullah Öcalan in Italy in November 1998 some HADEP members went on hunger strike in sympathy with the PKK leader. Others held illegal demonstrations and some threw Molotov cocktails. This led to widespread arrests of HADEP members through the end of November and December, with further arrests being made at protests against police actions against HADEP. HADEP put the number of detainees at the end of November as 3,064. Most were reportedly freed after a brief detention. HADEP

leaders said that many of their party members were beaten and tortured during the government's crackdown on HADEP, and one 18 year old member died in custody. [2(s)(t),5(e),30(m)-(s),33(i)] Following the hunger strikes on behalf of Öcalan and the issuing of a press release protesting against the request for his extradition, on 28 January 1999 the Ankara State Security Court Chief Prosecutor's Office filed a suit against 47 HADEP officials, including Bozlak. The indictment has requested prison terms between four and half years to seven and a half years. [11(o)] On 29 January 1999 the Chief Prosecutor of High Court of Appeals filed a suit against HADEP in the Constitutional Court calling for its closure and alleging an "organic relation" between HADEP and the PKK. [30(t),33(i)] HADEP stated its intention to stand in the April 1999 general elections despite the pending lawsuit, and the Constitutional Court permitted it to do so. [54(c)]

6.17 The forcible return of Abdullah Öcalan to Turkey in mid-February 1999 was marked by public protests by his supporters, many of which became violent. There was a series of PKK bombings across Turkey. The unrest led to another round of arrests of HADEP members. [33(j),40(g)] Following the elections and a drop in PKK terrorist violence in summer 1999, government pressure on HADEP eased somewhat, although a case for closure of HADEP is currently before the Constitutional Court, and three HADEP mayors were arrested in February 2000. [5(f)]

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

6.18 The government has relied on an exclusively military answer to the problems in the southeast and appears to have handed over its authority to the security forces, who have increasingly forced the local population to take sides e.g. through the village guard scheme. The policy has been to concentrate the local population into more easily protected villages away from the Iraqi and Syrian borders. During the fighting the local population has suffered considerably both from PKK excesses and heavy handed retaliation on the part of the security forces. The Turkish authorities have accused several countries, including Syria, Greece, Cyprus, Russia, Iraq and Iran, of harbouring the PKK. [1,5(a),6,7(b),14] Following heightened military tension between the Syria and Turkey, on the 20 October 1998 an agreement was signed under which Syria agreed to curtail PKK activities in its territory. [2(s)] Despite reported hitches in the implementation of the agreement, overall Turkish officials have stated that they regarded Syria as trying to abide by its terms. [30(k)(l)]

6.19 The "village guards" are armed and paid by the authorities to defend their villages against attack by the PKK and to deny them logistical support from the villages in the area. Although recruitment into the village guard corps is voluntary (indeed, some Kurdish tribes are pro-government and enthusiastic in their participation) refusal by individuals or entire villages to participate in the system is usually considered by the local forces as an indication of active or passive support for the guerrillas. The evacuation of the village, and its subsequent complete or partial destruction on security grounds, can follow a refusal to join. It has been estimated that since 1991 over 3,000 villages have been emptied. The exact number of persons

forcibly displaced from villages in the southeast since 1984 is unknown, but the US State Dept. report for 1999 observes that the figure (given by a former Member of Parliament from the region) of 560,000 people appears to be the most credible estimate. Other observers in the region estimate that the total number of displaced persons is about 800,000, and the Representative of the Secretary General on Internally Displaced Persons puts the number as high as two million. The rate of evacuations has now decreased, with 30 villages reportedly being evacuated in 1998, and none in 2000 (up to October). [5(f),46(b)] There has also been voluntary migration away from the rural areas for economic or educational reasons, continuing the previously established trend of migration to urban centres in pursuit of employment. [1,5(c),6,7(b),14,18(b)]

6.20 The majority of Kurds are reported to be opposed to the PKK and its "ruthless armed techniques". Political killings perpetrated by the PKK have included state officials (Jandarma, local mayors, imams, and schoolteachers), state-paid village guards and their family members, young villagers who refused to be recruited and PKK guerrillas-turned-informants. The PKK was attributed with the killing of at least 130 unarmed civilians during 1997. In January 1998, a US State Department official stated "We believe that Turkey has the right to protect its citizens against the PKK. We also would like to see those individuals and organisations who criticise Turkey to understand the difference between the PKK terrorism and the Kurdish minority and not to confuse the two". [5(c),7(a)(b),14,20,23(d),40(e)]

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

Kurdish Parliament-in-Exile

6.22 The Kurdish parliament-in-exile (PKDW) had its headquarters in Brussels and held monthly meetings. [46(a)] Its members held talks with European parliamentarians on a number of issues. [27(c)] The parliament-in-exile was strongly influenced or even run by the PKK. [7(a)] In June 1999 the parliament-in-exile elected Öcalan as their "honorary president". [71(a)] In July 1999 the Chief Public Prosecutor's office of the Ankara State Security Court launched an investigation into the PKDW. It was reported that arrest warrants in absentia were issued for 33 people in line with article 168 of the Turkish Penal Code (establishment of armed gangs against state security). In September 1999 the parliament-in-exile voted to dissolve and to join the Kurdistan National Congress. [1,11(r)]

Kurdish National Congress

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

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

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

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

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

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

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

population have meant a weakening of some of the Alevi doctrines.
[70]

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

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

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

6.32 Both Turkish and Kurdish Alevis may be subjected to some bureaucratic discrimination as are other ethnic and religious minority groups in Turkey (for example, Christians). However, there is no evidence that Alevis are persecuted on account of their religious beliefs by the Turkish state. Indeed, the Refah-led government fell from power in June 1997, under army pressure, after it failed to implement a series of measures proposed by the National Security Council to curb Sunni fundamentalism. (Refah is orthodox Sunni). Alevis have traditionally supported left wing parties because of their strong commitment to secularism. [4(e),5(c),14,16(a)]

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

6.34 In October 1998, the Chief Prosecutor's Office began an investigation after three lawyers from the Ankara Bar Association filed

a complaint against Virtue Party leader, Recai Kutan, for remarks he had made about Alevis. In the complaint it was stated that although his remarks were specifically aimed at the ruling Alawi sect in Syria, they were also insulting to millions of Alevi citizens in Turkey. [23(j)] Kutan is reported to have apologised for his comments stating, "I would be a fool to speak badly of our Alawite brothers in Turkey." [2(u),27(d)]

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

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

6.37 ARMENIANS - It is estimated that there are about 50,000 Armenians in Turkey, including Gregorians, Protestants and Catholics, most of whom live in Istanbul. In 1915 and 1916 (prior to the foundation of the Turkish Republic) more than a million Armenians were killed at the hands of the "Unity of Progress" wing of the government. Following this and subsequent mass deportations many Armenians fled from Turkey. [1,18(a)]

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

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

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

This grouping was formerly a large and prosperous community, mainly located in the south eastern provinces of Mardin and Adiyaman and centred on the ancient monasteries of the Tur'Abdin area. Estimated in 1980 to number 40,000 people but there has since been a move towards emigration, particularly amongst the younger Syriac generation, partly based on economic reasons. Part of the community has relocated in Istanbul, while others have gone to western Europe and the USA. In 1988, it was estimated that only 1 - 2,000 Arameans were left in the Tur'Abdin district and the overall figure in the south east is believed to have dropped to 4,500 after a series of murders in 1990. [4(e),5(e)]

6.41 Distinct from Arameans, but nonetheless connected to them, are the Chaldean or East Syrian Christians, still to be found in scattered

groups in the province of Mardin, and another, even smaller group, the Nestorians (also known as Assyrians) who were once numerous in the provinces of Van and Hakkâri. The combined numbers of these groups was estimated in 1980 to be only 7,000 and it is likely that this figure is much lower today. [4(e)]

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

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

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

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

6.46 Independent women's groups and women's rights associations exist and are growing, having increased to over 50 in number. In February 1997, close to 10,000 women gathered in Ankara to march and demonstrate against social policy initiatives of the then Islamist-led government. [5(c)]

The issue of the wearing of headscarves is dealt with in the "Freedom of Religion" section in chapter VII

6.47 - Turkey has ratified the UN Convention on the Rights of the Child, which affirms that special efforts must be made to protect

children against torture or other cruel treatment. However, Turkish children as young as 12 have reportedly been subjected to torture. [12(e)]

6.48 The Government is committed to furthering children's welfare and works to expand opportunities in education and health. There is a State Minister for Women's and Family Issues who is responsible for implementing the government's programmes for children. In August 1997, Parliament passed an education reform bill that extended compulsory primary education from 5 to 8 years. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters. The new 8 year compulsory education requirement is expected to allow more girls to continue their education, as well as reducing the number of child workers. [5(c)]

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

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

6.51 The Government recognised the serious problem of child labour in Turkey. The Ministry of Labour, the Ankara municipality, the Türkis labour confederation, the Turkish Employers Association are among the institutions participating in the ILO's International Program on the Elimination of Child Labour (IPEC), a project to solve the problems of working children. The Ministry of Labour and the ILO jointly produced a study showing that almost one-half (44%) of the children working are below the age of 15, are paid less than the minimum wage, and have no insurance. According to a 1996 study conducted by the Türkis child workers bureau, for every 100 workers, 32 were between the ages of 6 and 19. Children employed at work sites and homes constitute 5 percent of the total working population and were employed mostly in the metal, shoe, woodworking, and agricultural sectors. The young workers employed on a monthly or daily wage payment basis worked over 40 hours per week, and those employed at home and not receiving a wage payment worked less than 40 hours a week. The study reported that 56% of these workers were uninsured. It added that the total number of working young persons between the ages of 12 and 19 was 3.5 million and that 45 percent of them were under the age of 16. The constitution prohibits compulsory labour, including that performed by children, and the laws are enforced. [5(e)]

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

HR Other issues

VII. HUMAN RIGHTS: OTHER ISSUES

FREEDOM OF POLITICAL ASSOCIATION

7.1 All activities by political parties were banned by the National Security Council (NSC) on 12 September 1980, and all parties were dissolved on 16 October 1981, prior to the formation of a Consultative Assembly. From May 1983 new parties were allowed to form, but their participation in the general election was subject to strict rules: each had to have 30 party founders approved by the NSC and party organisations in at least 34 of the provinces, while candidates for the election were also subject to veto by the military rulers. Legislation enacted in March 1986 stipulated that a party must have organisations in at least 45 provinces, and in two-thirds of the districts in each of these provinces, in order to take part in an election. Parties can only take seats in the National Assembly if they win at least 10% of the national vote. [1]

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

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

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7.4 Another party which was banned for contravening the secular nature of the Turkish Republic was the Welfare Party, although the issue in this case was religion. In February 1998 the Constitutional Court's decision on the case was published, in which the Welfare Party was adjudged to be using democracy to establish a state based on *Shari'a* following statements made by its leaders in speeches. Following the disbanding of the Welfare Party most of its parliamentary deputies joined the Virtue Party. However, although it initially steered a more cautious course than the Welfare Party it appeared to diverge from this course when one of its female deputies entered the Turkish parliament wearing a headscarf, a public show which even some Virtue Party deputies saw as an unnecessarily confrontational move. On 4 June 1999 the chief prosecutor sent an application to the Constitutional Court claiming not only that the Virtue Party was a centre of anti-secular activities, but that it was also a continuation of the Welfare Party, contrary to provisions of the constitution which forbids permanently closed parties to reopen under another name. The case for closure remains before the Court, which is expected to make its decision in late October 2000. [30(oo)]

Trade Unions

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

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

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

Major Trade Union Confederations

7.8 TÜRKİS (Confederation of Turkish Labour Unions) Leader: Bayram Meral.

DISK (Confederation of Progressive Labour Unions) Leader: Ridvan Budak.

HAK-IS Leader: Necati Celik. [4(e)]

Employers' Confederation

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

FREEDOM OF SPEECH AND OF THE PRESS

7.10 An extremely detailed examination of this issue is made in the Human Rights Watch paper "Turkey: Violations of Free Expression in Turkey" of February 1999. [9(d)] Almost all Istanbul papers are also

printed in Ankara and Izmir on the same day, and some in Adana. Among the most serious and influential papers are the dailies 'Milliyet' and 'Cumhuriyet'. The weekly 'Girgir' is noted for its political satire. The most popular dailies are the Istanbul papers 'Sabah', 'Hürriyet', 'Milliyet', 'Yeni Gunaydin', 'Türkiye' and 'Zaman'. Yeni Asir, published in Izmir, is the best-selling quality daily of the Aegean region. There are numerous provincial newspapers with limited circulation. [1]

7.11 Article 28 of the 1982 Constitution provides that the Press is free and shall not be censored. Other articles of the Constitution and a large number of related laws, however, impose considerable restrictions on press freedoms, directly or indirectly, although in practice these restrictions have tended to affect the major newspapers less than the smaller, more politically extreme journals. Political comment on the behaviour of the government and the leading politicians is unprohibited, with corruption allegations providing a favoured topic. Nonetheless, a significant number of journalists have been convicted of press-related offences, normally in connection with the Kurdish question. Article 8 of the Anti-Terror Law has been used extensively in these cases. There have been cases of journalists being imprisoned or, less frequently, killed, by the security forces, not just in the south east. The Committee to Protect Journalists (CPJ) reported that at the end of 1999 at least 18 journalists were in prison. At the end of 1998 the figure was 25. [5(f),58] Turkish press coverage of the situation in the State of Emergency Region in the south east tends to be unreliable, with the major papers largely relying on the official reports issued by the Office of the Governor of the State of Emergency Region. Government decree No 430 requires self-censorship of all news reporting from and about the State of Emergency Region and gives the power to ban any news regarded as misrepresenting events in the region. In addition to these pressures, journalists operating in the south east have faced "bans" imposed at various times by the PKK which have stated that any journalists defying the bans will be regarded as legitimate targets. A number of journalists have been kidnapped by the PKK in the last few years. [4(e),5(b),9(b),18(a)]

7.12 Article 26 of the 1982 Constitution prohibits the use of any language "prohibited by law" in the expression and dissemination of thought. Legislation passed in April 1991 repealed the law effectively outlawing the use of Kurdish, but the wording of the new legislation means that it still remains illegal to publish or educate in Kurdish, or to use Kurdish in official business. Kurdish language papers are now openly sold in Turkey although the first Kurdish language newspaper, "Rojname", was forced to close due to persistent police harassment. [4(e),5(b)] In October 1998, a newspaper focusing on Kurdish issues, Ulkede Gundem, was shut for 312 days by a court order and fined 40bn Turkish liras (US\$12,000) over an article judged to have "incited hatred" along ethnic lines. [9(c)] A further 180 cases are pending. A series of Kurdish newspapers have been closed down in recent years. [2(r)] Despite these difficulties, Human Rights Watch report that Kurds speak their native tongue throughout the country and Kurdish music and videos are widely available and played openly, including in the conflict region in southeastern Turkey. The so-called "Kurdish question" is discussed in the press and some limited radio broadcasting in Kurdish is taking place, and there appear to be some

plans to allow some sort of Kurdish language television. [9(d)]

7.13 Despite these improvements, serious problems remain. The Constitution, Political Parties Law, the Law Concerning the Founding and Broadcasts of Television and Radio, the Foreign Language Education and Teaching Law, and the Law Concerning Fundamental Provisions on Elections and Voter Registries Provincial Administration Law, all prohibit or restrict with certain exceptions the use of languages other than Turkish. Political parties are still banned for "inciting hatred on the grounds of religious or ethnic difference" if they demand linguistic and cultural rights for the Kurds. A recent attempt by a private foundation to teach Kurdish "ran into a legal brick wall". The head of the unregistered Kurdish Institute was unable to register the Institute or put up a sign saying Kurdish Institute, even though police calling at the Institute would refer to it as the Kurdish Institute. Seraffettin Elci, an ethnic Kurd and former public works minister who was famously imprisoned for declaring he was a Kurd summed up the situation by stating:

"When I was a minister and said in public I was a Kurd, the whole society was shaken. It was treated as a manifesto. The whole state was in turmoil, and I was punished under Article 142. Now when someone says he is a Kurd there is no reaction. Things have changed, but this doesn't mean that "Kurdishness" has a legal status."
[9(d)]

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

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

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

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

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

FREEDOM OF ASSEMBLY

7.18 The Constitution provides for freedom of assembly, however, prior notification of gatherings is required and the permission of the authorities must be obtained. The authorities may deny permission if they believe the gathering is likely to disrupt public order. Spontaneous demonstrations are illegal and punishable by imprisonment of up to three years. In addition, Article 8 of the Anti-Terror Law prohibits assemblies, meetings and demonstrations which are aimed at undermining the indivisible unity of the Turkish state. Demonstrators, including human rights defenders, students and Islamists, have frequently been taken into custody from peaceful public meetings, and held for hours or days in police detention solely because of their non-violent political activities. [5(b),6,12(o),18(a)]

FREEDOM OF THE INDIVIDUAL

(See also chapter V "Human Rights: General Assessment" for information on extrajudicial killings, torture, "disappearance" and impunity issues)

7.19 The criminal trials procedure law (CMUK) states that the maximum detention period for those charged with common individual crimes is 24 hours. Those detained for common collective crimes may be held for an initial 24 hour period, which can be extended for a further 24 hours. The CMUK entitles detainees to immediate access to an attorney and may meet and confer with the attorney at any time. This access is actually practised. [5(b),6]

7.20 However, the safeguards in the CMUK do not apply to persons detained in connection with crimes under the Anti-Terror Law. Using a broad definition of terrorism, the Anti-Terror Law is used to detain alleged terrorists and others suspected of promoting "separatism" and "threatening the indivisible unity of the state". Those charged with individual such crimes must be brought before a judge within 48 hours, while those charged with crimes of a collective, political or conspiratorial nature may be detained for up to 7 days in most parts of the country and up to 10 days in the five south eastern provinces under the state of emergency. These crimes come under the jurisdiction of the State Security Court, and in such cases there is no guarantee of immediate access to an attorney. [2(f),5(b),6]

FREEDOM OF RELIGION

(See also "Freedom of Political Association" section for religion in politics)

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

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

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

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

FREEDOM FROM RACIAL DISCRIMINATION

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

FREEDOM OF MOVEMENT / INTERNAL FLIGHT

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

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

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

7.28 UNHCR advise that, in general, Kurds fleeing southeast Turkey have a possibility to relocate within Turkey. According to their information, the large number of internally displaced persons in Turkey do not normally face serious security problems. However, the ongoing conflict between the Turkish state and the PKK has increased tensions between Turks and Kurds, in particular in big cities where there has been a large influx of Kurds fleeing conflict zones. These tensions have been exacerbated by the arrest, trial and conviction of PKK leader, Abdullah Öcalan. Obviously, the group most

likely to be exposed to harassment/ prosecution/ persecution are Kurds suspected of being connected to or being sympathisers with the PKK. In view of the above, UNHCR advise that it is essential to find out if Turkish asylum seekers, if returned, would be at risk of being suspected of connection to or sympathy with the PKK, or have otherwise a political profile. If this is the case, UNHCR continue, they should not be considered as having been able to avail themselves of the option to relocate in a region outside the southeast of the country. [18(h)]

TREATMENT OF FOREIGNERS SEEKING ASYLUM IN TURKEY

7.29 Although Turkey has ratified the 1951 Convention relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol, it operates the Refugee Convention with a geographical restriction, applying the terms of the Convention only to refugees from Europe. In November 1994 the Turkish government published a new regulation regarding refugees, entitled "Regulation on the Procedures and the Principles related to Mass Influx and the Foreigners Arriving in Turkey either as Individuals or in Groups Wishing to seek Asylum from Turkey or Requesting Residence Permits with the Intention of Seeking Asylum From a Third Country". Under this new regulation, non-Europeans as well as Europeans are required to submit their application to the Turkish authorities. If a European is recognised as a refugee, the Turkish government affords them protection under the terms of the Convention. If a non-European is recognised by the Turkish authorities to have a valid claim to protection, he or she is classified as an "asylum-seeker" and their case is submitted to the UNHCR for resettlement in a third country. The "asylum-seeker" does not have the option of remaining in Turkey, although they generally will be allowed to stay in the country pending re-settlement. [12(n)] Nearly 4,000 refugees were processed for resettlement by UNHCR Turkey during the period January - September 1998. [18(g)]

7.30 Under the 1994 regulation mentioned above, foreign nationals arriving in Turkey to seek asylum must submit their application to the police within 5 days of their arrival in the country. Those who have entered illegally (for example without proper documentation or authorisation) are required to submit their application to the authorities in the governorate closest to their point of entry. UNHCR is present in border areas to monitor refugees and counsel asylum seekers about Turkish asylum regulations. Those who enter the country legally may submit their application in any city in the country, but are still required to do so within 5 days. The claim is considered by the Ministry of the Interior. If a negative decision is reached, a deportation order is issued, which may be appealed against within 15 days. The UNHCR office in Ankara still conducts refugee determination of non-European asylum-seekers in Turkey, independent of the Turkish government and undertakes to resettle those it recognises as needing of protection. [12(n),18(g)]

7.31 Amnesty International's main criticism of the Turkish process is directed towards the 5 day time limit. Failure to register within 5 days of arrival leaves asylum seekers liable to immediate deportation without any examination of their claim, and the 5 day limit is stringently applied. There have been instances of asylum seekers who have approached the UNHCR and been recognised as refugees,

but have been deported for failing to comply with the 5 day registration deadline. Nearly all of the cases known to Amnesty International involved asylum seekers who had entered Turkey illegally and had failed to register within the 5 day limit. In Amnesty International's view, the numbers of such cases may reach the hundreds. [12(n)] UNHCR note that working relations between UNHCR and the Turkish government are excellent, although there have been discrepancies between status determination decisions taken by UNHCR and those of the Turkish authorities. UNHCR advocate a more flexible application of the asylum procedure in Turkey. [18(g)]

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

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

TREATMENT OF RETURNED ASYLUM SEEKERS

7.34 There is no organisation or government that consistently and formally monitors the treatment of returnees to Turkey. Even the Turkish Human Rights Association (IHD) does not perform this function. The only way incidents of mistreatment are brought to notice is if the person him or herself notifies human rights organisations, press, embassies and so on. [72(a),73(a)] In principle the Turkish police can question any deported citizen upon their arrival at the airport. This interrogation aims to establish the identity of the individual and also to check whether they have been implicated in any common law case. In general there is no follow-up unless the individual is the subject of legal proceedings. [47] If the returnee is known to the police for whatever reasons, he is possibly taken into custody for more interviews. [72(a)] Amnesty International in Germany take the view that while it is still true that most asylum seekers or returnees are released after the routine interview, there has been an increasing number of cases lately where returned asylum seekers were picked up later by "unknown men" and beaten up or arrested by the police and taken into police custody. The report goes on to say that this mistreatment is carried out in order to obtain confessions from suspected persons. [12(k),72(a)]

7.35 Returnees without documents will be questioned. [47] This will be an in depth interrogation by the Turkish border police (which is to

be distinguished from the routine identity check on arrival). The German authorities state that, as a rule, the questions refer to personal data, date of and reasons for departing Turkey, possible criminal record in Germany and contacts with illegal Turkish organisations. In some cases further inquiries will be made via other offices (e.g. prosecutor's office, registrar's office at the last Turkish residence of the returnee) in order to find out if the returnee is liable to prosecution for a criminal offence. These enquiries can take from several hours to several days, during which time the returnee will be kept in custody. Currently available information indicates that undocumented returnees are generally not being maltreated while being kept in custody. However, ill-treatment cannot be ruled out in cases where returnees are suspected separatists. [48] The Swiss authorities take the view that nothing can be completely excluded or assumed from the start; it depends on the individual case. [72(a)]

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

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

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

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

below:

4 - allegedly refouled

5 - not returnees (holidaymakers, voluntary returnees, etc)

15 - were either PKK sympathizers, or were returned to Turkey with material on them or in their luggage which would strongly indicate PKK sympathies

2 - family connections to the PKK

3 - outstanding legal actions against them in Turkey

4 - denounced as PKK supporters

5 - are reported as missing

2 - involved religion: one Alevi, one Yazidi

5 - inconclusive / no details of ill-treatment (only reported to be sent for military service, or imprisoned, or arrested, or failed to contact family outside Turkey after return)

27 - cases without explanation / other cases

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

7.41 Few countries were able to give figures for the number of removals for the last 10 years, the period over which the reported cases of mistreatment occurred. Even with only half the figures for returnees for the last 10 years being available, and these relating to only 9 countries, the numbers are still large, with 37,769 Turkish nationals being returned, of which 6,416 are identified as being unsuccessful asylum seekers. The figure of 6,416 does not include unsuccessful asylum seekers returned from Germany, the USA, Canada or Australia as they make no distinction in their statistics between asylum and non-asylum deportees. As can be seen from the table, Germany returns more Turkish nationals than the other countries who provided figures, so the number of unsuccessful Turkish asylum applicants returned to Turkey would in reality be considerably larger than 6,416.

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

Annex A

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[78] Extract from "INTRODUCTION TO TURKISH LAW" edited by Tuđrul Ansay and Don Wallace (1996).

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Notifications of Turkey's signature of the International Covenant on Economic, Social and Cultural Rights, and of the International Covenant on Civil and Political Rights.

Annex B

ANNEX B: PARLIAMENTARY PARTIES

Anavatan Partisi (ANAP) (Motherland Party). Founded 1983. Supports free market economic system, moderate nationalist and conservative policies, rational social justice system, integration with the EU, and closer ties with the Islamic world. Chair. Mesut Yilmaz. Sec.-Gen. Yaşar Okuyan.

Büyük Birlik Partisi (BBP) (Great Unity Party). Founded 1993. Chair. Muhsin Yazıcıoğlu.

Cumhuriyet Halk Partisi (CHP) (Republican People's Party). Founded 1923 by Kemal Atatürk, dissolved in 1981 and reactivated in 1992. Merged with Sosyal Demokrat Halkçı Parti (Social Democratic Populist Party) in February 1995. Left-wing. Leader Altan Öymen. Sec.-Gen. Adnan Keskin.

Değişen Türkiye Partisi (DEPAR) (Changing Turkey Party). Founded 1998. Chair. Gökhan Çapoğlu.

Demokrasi ve Barış Partisi (DBP) (Democracy and Peace Party). Founded 1996. Pro-Kurdish. Leader Refik Karakoç.

Demokrat Türkiye Partisi (DTP) (Democratic Turkey Party). Leader (vacant).

Demokratik Sol Partisi (DSP) (Democratic Left Party). Founded 1985. Centre-left. Draws support from members of the former Republican People's Party. Chair. Bülent Ecevit. Sec.-Gen. Zeki Sezer.

Doğru Yol Partisi (DYP) (True Path Party). Founded 1983. Centre-right. Replaced the Justice Party (founded 1961 and banned in 1981). Chair. Tansu Çiller. Sec.-Gen. Nurhan Tekinel.

Fazilet Partisi (FP) (Virtue Party). Founded 1997. Replaced Refah Partisi (Welfare Party). Islamic fundamentalist. Interest in free market economy. Leader Recai Kutan.

Halkın Demokrasi Partisi (HADEP) (People's Democracy Party). Founded 1994. Pro-Kurdish nationalist party. Chair. Ahmet Turan Demir.

İşçi Partisi (İP) (Workers' Party). Founded 1992. Chair. Doğu Perinçek.

Liberal Demokratik Parti (LDP) (Liberal Democratic Party). Founded 1994. Chair. Besim Tibuk.

Millet Partisi (MP) (Nation Party). Founded 1992. Chair Aykut Edibali.

Milliyetçi Hareket Partisi (MHP) (Nationalist Action Party). Founded

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1983. Formerly the Conservative Party. Leader Devlet Bahçeli.
Sec.-Gen. Koray Aydın.

Ozgurluk ve Dayanisma Partisi (ODP) (Freedom and Solidarity Party). Founded 1996. Leader Ufuk Uraz.

Yeniden Dogus Partisi (YDP). (Rebirth Party). Founded 1992. Chair. Hasan Celal Güzel.

Yeni Parti (YP) (New Party). Founded 1993. Leader Yusuf Bozkurt Özal.

Source - 1.

Annex C

ANNEX C: MAIN ILLEGAL POLITICAL ORGANISATIONS

PKK (Kurdistan Workers' Party / Partiya Karkeren Kurdistan)

Founded on 27 November 1978. It advocates armed struggle both at home and abroad, to achieve an independent Kurdish state slicing through Turkey, Syria, Iraq and Iran, and launched the struggle in 1984. 57-member directorate. Leadership: Abdullah "Apo" Öcalan. [1,18(b)]

TDKP (Halkin Kurtulusu / Turkish Revolutionary Communist Party)

Started its publications in February 1976 but first came into being as a political formation in 1978 using the name TDKP/Insa Orgutu. In February 1980 it became an illegal party using only the name TDKP. Its aims centre around the belief in a National Democratic Revolution (MDD) and believes in armed activities to support or play a pioneering role in its mass organisation. [20]

TKP\ML (MLKP) (Turkish Communist Party-Marxist Leninist)

Founded in February 1972 as a faction of the Revolutionary Workers' Peasants Party of Turkey (TIKP). The party has suffered several divisions with each claiming to be "the real party". Its activities vary from rural attacks and clashes to urban assassinations. Based on pro-Maoist ideology, assuming that the rural areas of Turkey will be liberated first, leading to the creation of a peasants army. The working classes in the cities would then unite with the peasants and help overthrow the "capitalist order". Certain factions have moved away from the traditional revolutionary ideology. [20, 7(g)]

PSK / TKSP / SPTK (Socialist Party of Turkish Kurdistan / Turkish Kurdistan Socialist Party)

Founded in 1975. Marxist-Leninist group which aimed for the creation of an independent socialist state of Kurdistan. Leader: Kemal Burkay. [20, 7(h), 7(i)]

DEV GENÇ (Revolutionary Youth)

Radical student organisation which was established in the late 1960s. Reportedly became a clearinghouse for leftist revolutionaries of almost every persuasion. It was the founding base for the militant Turkish Peoples' Liberation Party and Front (**THKP-C**), which in time splintered to form numerous groups, including Dev Sol and Dev Yol. [20]

DHKP-C (Revolutionary People's Liberation Party-Front)

Appeared under the name Dev Sol (Devrimci Sol / Revolutionary Left) which was founded in 1978 from Dev Yol. Marxist underground group which seeks to use violence to overthrow the government and create a Marxist state. Alleged operational links with the PKK. Changed its

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name in 1994 to **DHKP-C** (Revolutionary People's Liberation Party-Front) [7(a), 12(d), 18(b), 20, 61]

DEV YOL (Devrimci Yol / Revolutionary Way or Path)

Established in 1977 from Dev Genç. Believed in an armed struggle against fascism to bring about a Marxist-Leninist state in Turkey, although its struggles appear largely limited to fighting with right wing militants. However, its activities were limited to marches, boycotts, workers strikes, writing slogans on the walls and occasionally clashing with right wing militants. [20]

TBKP (United Communist Party of Turkey)

Founded in 1988 through a merger of the **TKP** (Communist Party of Turkey) and the **TIP** (Workers' Party of Turkey). Its leadership included Nihat Sargin and Haydar Kutlu. Dissolved in 1991 by order of the Constitutional Court. [18(b)]

TIKKO (Turkish Workers' and Peasants' Liberation Army)

Illegal armed resistance movement. Reportedly the military wing of the TKP\ML (see above). [7(g)]

Annex D

ANNEX D: CHRONOLOGY

29 October 1923

Turkey was declared a Republic with Mustafa Kemal (surnamed Atatürk in 1934) as President. A single party - the Republican People's Party - was formed as the main instrument of the enforcement of Government policy.

1928

Islam was disestablished and the Constitution amended to make Turkey a secular state.

November 1938

The death of Atatürk led to the election of Ismet İnönü as President.

November 1945

Under pressure from public opinion, President İnönü announced the end of the single party system.

15 February 1950

New electoral law guaranteed free and fair elections.

April 1960

Student unrest led to the imposition of Martial Law.

27 May 1960

The President and Prime Minister were arrested and the government was replaced by a Committee of National Unity headed by General Cemal Gürsel.

January 1961

A new Assembly to act as a temporary parliament was convened - comprising the Committee of National Unity acting jointly with the 271 member House of Representatives, in which the People's Party predominated. Parties were again legalised and a number of new parties emerged. A special committee of the Assembly framed a new constitution in which there were significant changes from the 1924 version - including the 1946 change which replaced the one party system of government with a multi-party system and the recognition of unions. The new constitution established a 150 member Senate and a 450 member Grand National Assembly.

25 October 1961

Parliament opened, thus transferring power back to the civilian authorities.

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1970

Fighting between left and right political factions became serious with the use of firearms and petrol bombs. There were a number of political murders.

1971

Political and social unrest continued into 1971 with outbreaks of violence amongst students and trade unions, and by Kurdish separatists. Factional infighting prevented the Government from taking effective action.

12 March 1971

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

26 April 1971

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

26 September 1973

Martial Law came to an end.

15 May 1974

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

20 July 1974

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

1974 - 1977

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

December 1977

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

December 1978

By December 1978 over 800 people had been killed in political

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

26 December 1978

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

April 1979

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

August 1980

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

The 1980 Coup

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

18 September 1980

The leaders of the coup formed a 5-man National Security Council (NSC), with General Evren as Chairman and Head of State. Martial law was extended to the whole country and the Grand National Assembly dissolved.

21 September 1980

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

27 October 1980

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

October 1981

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

7 November 1982

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

24 April 1983

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

6 November 1983

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

1984

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

July 1987

All martial law decrees were repealed when martial law was replaced with a state of emergency in the provinces of Diyarbakir, Mardin, Siirt and Hakkâri - resulting in a total of 9 provinces under an official state of emergency.

6 September 1987

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

29 November 1987

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

7 January 1988

Turkey signed the Council of Europe Convention on the Prevention of

Torture, and later in the month announced that it would shortly sign the United Nations' Convention against torture.

November 1988

An 8 year state of emergency in Istanbul was lifted.

9 November 1989

Turgut Özal succeeded General Kenan Evren as President by securing a simple majority of the 450 Assembly deputies.

1990

Early 1990 saw a sharp increase in urban terrorism, committed by left and right-wing groups.

9 April 1990

The government introduced harsh measures to combat ethnic unrest - imposing restrictions on the media and increasing the powers of local officials to outlaw strikes and impose internal banishment. On 14 April the State of Emergency powers of the Regional Super Governor of SE Turkey were extended to cover 10 provinces of the region. However, the violence escalated and in April and May alone, clashes between rebel Kurds, security forces and civilians left 140 dead. The 10 provinces under the State of Emergency were Batman, Bingol, Diyarbakir, Elazig, Hakkâri, Mardin, Siirt, Sirnak, Tunceli and Van.

January 1991

National Assembly gave permission for Allied Forces to use Turkish air bases.

12 April 1991

Anti-Terror Law passed by National Assembly. The legislation provided for the abolition of articles 140, 141, 142 and 163 of the penal code which proscribed the formation of religious and communist parties, for the early release of many prisoners, for the commuting the death sentence for more than 250 prisoners and for the relaxation of the ban on the use of minority languages (though some restrictions remained). By mid-April it was reported that 5,000 political prisoners had already been released from prison. However, in July 1991, Turkey's Constitutional Court refused to give legal status to the United Turkish Communist Party (TBKP).

March 1992

Violent clashes during the Kurdish new year festival, Newroz. Official sources put the number of deaths at around 50 and claimed that many were PKK terrorists, not civilians. Human rights groups put the number of deaths at double the official statistics.

July 1992

Legislation introduced in May 1992 became law in July, lifting the ban on political parties closed down after the 1980 military coup.

2 December 1992

The Judicial Reform Package (CMUK) became law.

18 March 1993

The PKK declared a cease-fire for the period between 20 March and 15 April.

16 April 1993

PKK extended cease-fire indefinitely.

19 April 1993

President Turgut Özal died of a heart attack.

17 May 1993

Suleyman Demirel elected as President.

24 May 1993

PKK cease-fire effectively ended when they attacked a passenger bus, killing security force personnel and civilians.

2 July 1993

A hotel fire in Sivas started by Muslim fundamentalists killed 37 people, mostly writers, poets and singers who were in the city to attend a cultural festival.

16 October 1993

The PKK threatened to kill any journalists who continued to work in the south east. Six days later the PKK ordered the closure of all political offices in the south east, and warned that any politicians who defied the ban would become targets.

30 November 1993

The PKK ordered the closure of all educational institutions in the south east, warning that those who violated the ban would become targets.

15 March 1994

Prime Minister Çiller announced that she would declare Newroz a public holiday to be celebrated by every Turkish citizen. The government dismissed a call for a cease fire made by PKK leader Abdullah Öcalan.

26 December 1994

Ankara State Security Court passed sentence on 86 people convicted of involvement in the hotel fire in Sivas in July 1993.

February 1995

The European Parliament approved a resolution saying that Turkey's

human rights record was too poor to allow a customs union accord with the European Union at present, and added that it would make its approval of the deal contingent on progress on human rights.

12 March 1995

Gunmen fired on 4 coffee houses in the mainly Alevi district of Gaziosmanpasha in Istanbul, killing 2 and wounding 20 others. Residents came out onto the streets to protest and clashed with police. 15 demonstrators were killed and over 200 injured as the police used firearms to control the disturbance. Unrest spread to Ankara and during further clashes in Istanbul 4 more demonstrators died.

27 October 1995

The Turkish Parliament accepted changes to the Anti-Terror Law, allowing more freedom of intellectuals, lawyers and politicians convicted for publicly demanding greater rights for Kurds. The changes allowed for reduced jail terms or freedom for those already convicted under the law.

24 December 1995

Over 34 million Turks went to polling stations to elect an enlarged 550 member parliament. Refah received 21.4% of the vote, ANAP 19.7% and DYP 19.2%.

3 March 1996

ANAP and DYP sealed a minority government pact.

21 March 1996

Newroz passed off with no major incident recorded around the country.

24 May 1996

DYP chairwoman Çiller said that coalition alliance with ANAP was finished.

6 June 1996

PM Yilmaz, ANAP's leader, resigned

28 June 1996

The Refah (Welfare) Party leader Necmettin Erbakan became Turkey's first Islamist prime minister in a coalition with the DYP.

3 November 1996

Car containing government MP, police chief and crime boss crashed near Susurluk, sparking scandal over state-mafia links.

10 January 1997

Refah (Welfare) mayor called for Islamic law at Islamist protest in

Ankara's Sincan district.

28 February 1997

The military-dominated National Security Council demanded a government crackdown on religious extremism.

21 March 1997

Thousands of Kurds demonstrated to celebrate Newroz at a rally in Istanbul. The demonstration ended peacefully.

26 April 1997

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

21 May 1997

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

30 May 1997

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

18 June 1997

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

20 June 1997

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

29 June 1997

Demirel approved the government with Yilmaz as Prime Minister.

2 October 1997

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

December 1997

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

16 January 1998

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

5 March 1998

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

12 May 1998

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

17 September 1998

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

9 October 1998

Abdullah Öcalan left his long-term home in Syria.

20 October 1998

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

12 November 1998

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

16 January 1999

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

29 January 1999

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

15 February 1999

Abdullah Öcalan was forcibly returned to Turkey where he was detained.

18 April 1999

In the General Election the Democratic Left Party (DSP) won the largest number of seats, closely followed by the Nationalist Action Party (MHP).

May 1999

A three party coalition was formed by the DSP, the MHP and ANAP (Motherland Party). Headed by Bülent Ecevit, the new Government commanded 351 seats in the Grand National Assembly.

29 June 1999

Abdullah Öcalan was found guilty of treason, and held personally responsible for the deaths of thousands of people who were killed in the PKK's violent struggle against the Turkish state. He was sentenced to death.

2 August 1999

Öcalan called on the PKK to withdraw its troops from Turkey and cease military operations from 1 September. Two days later the PKK presidential council confirmed that PKK combatants would indeed cease operations against Turkey.

17 August 1999

A major earthquake (7.4 on the Richter scale) hit north-western Turkey. It was centred close to Izmit, in the centre of Turkey's industrial heartland. It was Turkey's worst earthquake since 1939. The official death toll was 17,840, but there were no reliable figures for the number of people missing or unaccounted for. An outpouring of material aid and sympathy from Greece promised a thaw in Turkish-Greek relations.

12 November 1999

An earthquake measuring 7.2 on the Richter scale hit north-west Turkey, devastating towns some 70 km. east of the epicentre of the August earthquake. At least 737 people died.

December 1999

After Greece dropped lingering objections, Turkey was finally made an official candidate for eventual EU membership.

12 January 2000

The Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal to the Court.

May 2000

The reformist judge Ahmet Necdet Sezer was elected President.

SOURCES:

Europa "The Europa World Year Book 2000"

Amnesty International Reports 1979 - 1999

Reuters News Service

Foreign and Commonwealth Office Briefs 1994, 1997

US Department of State Reports 1995 - 1999

Annex E

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ANNEX E: REMOVAL FIGURES FOR TURKISH NATIONALS

Removals of Turkish Nationals to Turkey

	Germany (2)	Switzerland (1)	Netherlands (1)	United Kingdom (1)	Denmark (1)	USA (2)	Canada (2)	Australia (2)	Sweden (1)	Total of both (1) and (2)	Total of (1)
1989		850								850	850
1990		786								786	786
1991		1171								1171	1171
1992	1860	883								2743	883
1993	1631	309								1940	309
1994	3426	147	69		10	33	55			3740	226
1995	2611	109	177	125	15	26	34			3097	426
1996	4647	60	199	190	26	18	25	43	105	5313	580
1997	4972	38	163	245	15	39	28	47	66	5613	527
1998	6692	46	224	185	16	53	30	39	44	7329	515
1999	4960	71			20	68*	16		52	5187	143
Totals										37769	6416

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

* In fiscal year 1.10.98 to 30.9.99

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Notes:

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

Numbers for 1999 are not complete

SOURCES

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

Denmark: Letter from Danish Immigration Service, 9/8/1999

Netherlands: Letter from Netherlands Ministry of Justice, 11/8/1999

Switzerland: Statistics from the Swiss Federal Office for Refugees

United Kingdom: Statistics from Research Development and Statistics Directorate Statistical Bulletin.